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

S. 2006 A. 3006

S E N A T E - A S S E M B L Y

January 21, 2015

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT to amend the education law, in relation to contracts for excellence, apportionment of school aid, the teachers of tomorrow teacher recruitment and retention program and waivers from certain duties; to amend the state finance law, in relation to moneys appropriated from the commercial gaming revenue fund; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 2015-2016 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to extending the effectiveness of such chapter; to amend chapter 169 of the laws of 1994 relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets; to amend chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government; to amend section 7 of chapter 472 of the laws of 1998 amending the education law relating to the lease of school buses by school districts; to amend chapter 147 of the laws of 2001 amending the education law relating to conditional appointment of school district, charter school or BOCES employees; to amend chapter 425 of the laws of 2002 amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend chapter 101 of the laws of 2003 amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to extending the expiration of certain provisions of such chapters; allocates school bus driver

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

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training grants to school districts and boards of cooperative education services; allows for eligible school districts to receive special apportionments for salary expenses; allows for eligible school districts to receive special apportionments for public pension accruals; allows any moneys appropriated to the state education department to be suballocated to other state departments or agencies and/or shall be made available for specific payment of aid; allows the city school district of the city of Rochester to purchase services as a non-component school district; specifies amounts of state funds set aside for each school district for the purpose of the development, maintenance or expansion of magnet schools or magnet school programs; prohibits moneys appropriated for the support of public libraries to be used for library construction (Part A); to amend the education law, in relation to streamlining higher education program approvals for SUNY and CUNY (Part B); to amend the education law, in relation to creating the New York state get on your feet loan forgiveness program (Part C); to amend the education law, in relation to eligibility requirements and conditions governing general awards, academic performance awards and student loans; eligibility requirements for assistance under the higher education opportunity programs and the collegiate science and technology entry program; the definition of "resident"; financial aid opportunities for students of the state university of New York, the city university of New York and community colleges; and the program requirements for the New York state college choice tuition savings program; and to repeal subdivision 3 of section 661 of such law relating thereto (Part D); to amend the education law and the tax law, in relation to enacting the "education tax credit act" (Part E); to amend the banking law, in relation to creating a standard financial aid award letter (Part F); to amend the education law, the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part G); to amend the education law, in relation to the implementation by all colleges and universities in the state of New York of sexual assault, dating violence, domestic violence, and stalking prevention and response policies and procedures (Part H); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part I); to amend the family court act, in relation to family court proceedings, jurisdiction of the court, the definition of juvenile delinquent, the definition of a designated felony act, the procedures regarding the adjustment of cases from criminal courts to family court, the age at which children may be tried as an adult for various felonies, and the manner in which courts handle juvenile delinquent cases; to amend the social services law, in relation to state reimbursement for expenditures made by social services districts for various services; to amend the social services law, in relation to the definitions of juvenile delinquent and persons in need of supervision; to amend the penal law, in relation to the definition of infancy and the authorized dispositions, sentences, and periods of post-release supervision for juvenile offenders; to amend the criminal procedure law, in relation to the definition of juvenile offender; to amend the criminal procedure law, in relation to the arrest of a juvenile offender without a warrant; in relation to conditional sealing of certain convictions for offenses committee by a defendant twenty years of age or younger; in relation to removal of certain proceedings to family court; in relation to joinder of offenses and consolidation of indict-

ments; in relation to appearances and hearings for and placements of certain juvenile offenders; in relation to raising the age for juvenile offender status; in relation to creating a youth part for certain proceedings involving juvenile offenders; to amend the correction law, in relation to requiring that no county jail be used for the confinement of persons under the age of eighteen; to amend the education law, in relation to certain contracts with the office of children and family services; to amend the education law, in relation to the possession of a gun on school grounds by a student; to amend the executive law, in relation to persons in need of supervision or youthful offenders; to amend part K of chapter 57 of the laws of 2012, amending the education law, relating to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services, in relation to making such provisions permanent; to repeal certain sections of the family court act relating to custody and detention of juvenile and youthful offenders; to repeal section 180.75 of the criminal procedure law relating to proceedings upon a felony complaint against a juvenile offender; and to repeal certain provisions of the correction law relating to the housing of prisoners and other persons in custody (Part J); to amend the social services law, in relation to state reimbursement and subsidies for the adoption of children (Part K); to amend the social services law, the family court act, the public health law and the executive law, in relation to implementing provisions required by the federal preventing sex trafficking and strengthening families act (Part L); to utilize reserves in the mortgage insurance fund for various housing purposes (Part M); to amend the labor law, in relation to the minimum wage (Part N); to amend the labor law, in relation to authorized absences by healthcare professionals who volunteer to fight the Ebola virus disease overseas; and providing for the repeal of such provisions upon expiration thereof (Part O); to amend the labor law, the workers' compensation law and chapter 784 of the laws of 1951, constituting the New York state defense emergency act, in relation to eliminating certain fees charged by the department of labor; and to repeal certain provisions of the labor law and the workers' compensation law relating thereto (Part P); and to amend the education law, in relation to requiring experiential learning as a requirement for graduation (Part Q)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2015-2016
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through Q. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

Section 1. Paragraph e of subdivision 1 of section 211-d of the education law, as amended by section 1 of part A of chapter 56 of the laws of 2014, is amended to read as follows:

e. Notwithstanding paragraphs a and b of this subdivision, a school district that submitted a contract for excellence for the two thousand eight--two thousand nine school year shall submit a contract for excellence for the two thousand nine--two thousand ten school year in conformity with the requirements of subparagraph (vi) of paragraph a of subdivision two of this section unless all schools in the district are identified as in good standing and provided further that, a school district that submitted a contract for excellence for the two thousand nine--two thousand ten school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eleven--two thousand twelve school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the product of the amount approved by the commissioner in the contract for excellence for the two thousand nine--two thousand ten school year, multiplied by the district's gap elimination adjustment percentage and provided further that, a school district that submitted a contract for excellence for the two thousand eleven--two thousand twelve school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twelve--two thousand thirteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand eleven--two thousand twelve school year and provided further that, a school district that submitted a contract for excellence for the two thousand twelve--two thousand thirteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand thirteen--two thousand fourteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand twelve--two thousand thirteen school year and provided further that, a school district that submitted a contract for excellence for the two thousand thirteen--two thousand fourteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fourteen--two thousand fifteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand thirteen--two thousand fourteen school year; AND PROVIDED FURTHER THAT, A SCHOOL DISTRICT THAT SUBMITTED A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR, UNLESS ALL SCHOOLS IN THE DISTRICT ARE IDENTIFIED AS IN GOOD STANDING, SHALL SUBMIT A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR WHICH SHALL, NOTWITHSTANDING THE REQUIREMENTS OF SUBPARAGRAPH (VI) OF PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION, PROVIDE FOR THE EXPENDITURE OF AN AMOUNT WHICH SHALL BE NOT LESS THAN THE AMOUNT APPROVED BY THE COMMISSIONER IN THE CONTRACT FOR EXCELLENCE FOR THE TWO

THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR. For purposes of this paragraph, the "gap elimination adjustment percentage" shall be calculated as the sum of one minus the quotient of the sum of the school district's net gap elimination adjustment for two thousand ten--two thousand eleven computed pursuant to chapter fifty-three of the laws of two thousand ten, making appropriations for the support of government, plus the school district's gap elimination adjustment for two thousand eleven--two thousand twelve as computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the support of the local assistance budget, including support for general support for public schools, divided by the total aid for adjustment computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the local assistance budget, including support for general support for public schools. Provided, further, that such amount shall be expended to support and maintain allowable programs and activities approved in the two thousand nine--two thousand ten school year or to support new or expanded allowable programs and activities in the current year.

S 2. The closing paragraph of subdivision 5-a of section 3602 of the education law, as amended by section 8 of part A of chapter 57 of the laws of 2013, is amended to read as follows:

For the two thousand eight--two thousand nine school year, each school district shall be entitled to an apportionment equal to the product of fifteen percent and the additional apportionment computed pursuant to this subdivision for the two thousand seven--two thousand eight school year. For the two thousand nine--two thousand ten through two thousand [fourteen] FIFTEEN--two thousand [fifteen] SIXTEEN school years, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910".

S 3. Subdivision 12 of section 3602 of the education law, as amended by section 10 of part A of chapter 57 of the laws of 2013, is amended to read as follows:

12. Academic enhancement aid. A school district that as of April first of the base year has been continuously identified as a district in need of improvement for at least five years shall, for the two thousand eight--two thousand nine school year, be entitled to an additional apportionment equal to the positive remainder, if any, of (a) the lesser of fifteen million dollars or the product of the total foundation aid base, as defined by paragraph j of subdivision one of this section, multiplied by ten percent (0.10), less (b) the positive remainder of (i) the sum of the total foundation aid apportioned pursuant to subdivision four of this section and the supplemental educational improvement grants apportioned pursuant to subdivision eight of section thirty-six hundred forty-one of this article, less (ii) the total foundation aid base.

For the two thousand nine--two thousand ten through two thousand fourteen--two thousand fifteen school years, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910", and such apportionment shall be deemed to satisfy the state obligation to provide an apportion-

ment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN YEAR, EACH SCHOOL DISTRICT SHALL BE ENTITLED TO AN APPORTIONMENT EQUAL TO THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "ACADEMIC ENHANCEMENT" UNDER THE HEADING "2014-15 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE BUDGET FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR AND ENTITLED "SA141-5", AND SUCH APPORTIONMENT SHALL BE DEEMED TO SATISFY THE STATE OBLIGATION TO PROVIDE AN APPORTIONMENT PURSUANT TO SUBDIVISION EIGHT OF SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THIS ARTICLE.

S 4. The opening paragraph of subdivision 16 of section 3602 of the education law, as amended by section 11 of part A of chapter 57 of the laws of 2013, is amended to read as follows:

Each school district shall be eligible to receive a high tax aid apportionment in the two thousand eight--two thousand nine school year, which shall equal the greater of (i) the sum of the tier 1 high tax aid apportionment, the tier 2 high tax aid apportionment and the tier 3 high tax aid apportionment or (ii) the product of the apportionment received by the school district pursuant to this subdivision in the two thousand seven--two thousand eight school year, multiplied by the due-minimum factor, which shall equal, for districts with an alternate pupil wealth ratio computed pursuant to paragraph b of subdivision three of this section that is less than two, seventy percent (0.70), and for all other districts, fifty percent (0.50). Each school district shall be eligible to receive a high tax aid apportionment in the two thousand nine--two thousand ten through two thousand twelve--two thousand thirteen school years in the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910". Each school district shall be eligible to receive a high tax aid apportionment in the two thousand thirteen--two thousand fourteen [school year and the two thousand fourteen--two thousand fifteen] THROUGH TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN school [year] YEARS equal to the greater of (1) the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910" or (2) the amount set forth for such school district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget for the 2013-14 fiscal year and entitled "BT131-4".

S 5. The opening paragraph of subdivision 10 of section 3602-e of the education law, as amended by section 21 of part A of chapter 56 of the laws of 2014, is amended to read as follows:

Notwithstanding any provision of law to the contrary, for aid payable in the two thousand eight--two thousand nine school year, the grant to each eligible school district for universal prekindergarten aid shall be computed pursuant to this subdivision, and for the two thousand nine--two thousand ten and two thousand ten--two thousand eleven school years, each school district shall be eligible for a maximum grant equal to the amount computed for such school district for the base year in the electronic data file produced by the commissioner in support of the two thousand nine--two thousand ten education, labor and family assistance budget, provided, however, that in the case of a district implementing

programs for the first time or implementing expansion programs in the two thousand eight--two thousand nine school year where such programs operate for a minimum of ninety days in any one school year as provided in section 151-1.4 of the regulations of the commissioner, for the two thousand nine--two thousand ten and two thousand ten--two thousand eleven school years, such school district shall be eligible for a maximum grant equal to the amount computed pursuant to paragraph a of subdivision nine of this section in the two thousand eight--two thousand nine school year, and for the two thousand eleven--two thousand twelve school year each school district shall be eligible for a maximum grant equal to the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2011-12 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the enacted budget for the 2011-12 school year and entitled "SA111-2", and for two thousand twelve--two thousand thirteen[, two thousand thirteen--two thousand fourteen and two thousand fourteen--two thousand fifteen] THROUGH TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN school years each school district shall be eligible for a maximum grant equal to the greater of (i) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the enacted budget for the 2011-12 school year and entitled "SA111-2", or (ii) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner on May fifteenth, two thousand eleven pursuant to paragraph b of subdivision twenty-one of section three hundred five of this chapter, and provided further that the maximum grant shall not exceed the total actual grant expenditures incurred by the school district in the current school year as approved by the commissioner.

S 6. The opening paragraph of section 3609-a of the education law, as amended by section 4 of part A of chapter 56 of the laws of 2014, is amended to read as follows:

For aid payable in the two thousand seven--two thousand eight school year through the [two thousand thirteen--two thousand fourteen] TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN school year, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivision six-a and subdivision fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from apportionment payable pursuant to this chapter for collection of a school district basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, LESS ANY GRANTS PROVIDED PURSUANT TO SUBDIVISION SIX OF SECTION NINETY-SEVEN-NNNN OF THE STATE FINANCE LAW, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the

payment is processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. The definitions of "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this part shall apply to this section. For aid payable in the two thousand fourteen--two thousand fifteen school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled "SA141-5".

S 7. The education law is amended by adding a new section 3609-h to read as follows:

S 3609-H. MONEYS APPORTIONED TO SCHOOL DISTRICTS FOR COMMERCIAL GAMING GRANTS PURSUANT TO SUBDIVISION SIX OF SECTION NINETY-SEVEN-NNNN OF THE STATE FINANCE LAW, WHEN AND HOW PAYABLE COMMENCING JULY FIRST, TWO THOUSAND FOURTEEN. NOTWITHSTANDING THE PROVISIONS OF SECTION THIRTY-SIX HUNDRED NINE-A OF THIS PART, APPORTIONMENTS PAYABLE PURSUANT TO SUBDIVISION SIX OF SECTION NINETY-SEVEN-NNNN OF THE STATE FINANCE LAW SHALL BE PAID PURSUANT TO THIS SECTION. THE DEFINITIONS OF "BASE YEAR" AND "CURRENT YEAR" AS SET FORTH IN SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART SHALL APPLY TO THIS SECTION.

1. THE MONEYS APPORTIONED BY THE COMMISSIONER TO SCHOOL DISTRICTS PURSUANT TO SUBDIVISION SIX OF SECTION NINETY-SEVEN-NNNN OF THE STATE FINANCE LAW FOR THE TWO THOUSAND FOURTEEN-TWO THOUSAND FIFTEEN SCHOOL YEAR AND THEREAFTER SHALL BE PAID AS A COMMERCIAL GAMING GRANT, AS COMPUTED PURSUANT TO SUCH SUBDIVISION, AS FOLLOWS:

A. FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR, ONE HUNDRED PERCENT OF SUCH GRANT SHALL BE PAID ON THE SAME DATE AS THE PAYMENT COMPUTED PURSUANT TO CLAUSE (V) OF SUBPARAGRAPH THREE OF PARAGRAPH B OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED NINE-A OF THIS ARTICLE.

B. FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THEREAFTER, SEVENTY PERCENT OF SUCH GRANT SHALL BE PAID ON THE SAME DATE AS THE PAYMENT COMPUTED PURSUANT TO CLAUSE (II) OF SUBPARAGRAPH THREE OF PARAGRAPH B OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED NINE-A OF THIS ARTICLE, AND THIRTY PERCENT OF SUCH GRANT SHALL BE PAID ON THE SAME DATE AS THE PAYMENT COMPUTED PURSUANT TO CLAUSE (V) OF SUBPARAGRAPH THREE OF PARAGRAPH B OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED NINE-A OF THIS ARTICLE.

2. ANY PAYMENT TO A SCHOOL DISTRICT PURSUANT TO THIS SECTION SHALL BE GENERAL RECEIPTS OF THE DISTRICT AND MAY BE USED FOR ANY LAWFUL PURPOSE OF THE DISTRICT.

S 8. Paragraph b of subdivision 2 of section 3612 of the education law, as amended by section 5 of part A of chapter 56 of the laws of 2014, is amended to read as follows:

b. Such grants shall be awarded to school districts, within the limits of funds appropriated therefor, through a competitive process that takes into consideration the magnitude of any shortage of teachers in the school district, the number of teachers employed in the school district who hold temporary licenses to teach in the public schools of the state, the number of provisionally certified teachers, the fiscal capacity and geographic sparsity of the district, the number of new teachers the

school district intends to hire in the coming school year and the number of summer in the city student internships proposed by an eligible school district, if applicable. Grants provided pursuant to this section shall be used only for the purposes enumerated in this section. Notwithstanding any other provision of law to the contrary, a city school district in a city having a population of one million or more inhabitants receiving a grant pursuant to this section may use no more than eighty percent of such grant funds for any recruitment, retention and certification costs associated with transitional certification of teacher candidates for the school years two thousand one--two thousand two through [two thousand fourteen--two thousand fifteen] TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN.

S 9. Subdivision 6 of section 4402 of the education law, as amended by section 9 of part A of chapter 56 of the laws of 2014, is amended to read as follows:

6. Notwithstanding any other law, rule or regulation to the contrary, the board of education of a city school district with a population of one hundred twenty-five thousand or more inhabitants shall be permitted to establish maximum class sizes for special classes for certain students with disabilities in accordance with the provisions of this subdivision. For the purpose of obtaining relief from any adverse fiscal impact from under-utilization of special education resources due to low student attendance in special education classes at the middle and secondary level as determined by the commissioner, such boards of education shall, during the school years nineteen hundred ninety-five--ninety-six through June thirtieth, two thousand [fifteen] SIXTEEN of the two thousand [fourteen] FIFTEEN--two thousand [fifteen] SIXTEEN school year, be authorized to increase class sizes in special classes containing students with disabilities whose age ranges are equivalent to those of students in middle and secondary schools as defined by the commissioner for purposes of this section by up to but not to exceed one and two tenths times the applicable maximum class size specified in regulations of the commissioner rounded up to the nearest whole number, provided that in a city school district having a population of one million or more, classes that have a maximum class size of fifteen may be increased by no more than one student and provided that the projected average class size shall not exceed the maximum specified in the applicable regulation, provided that such authorization shall terminate on June thirtieth, two thousand. Such authorization shall be granted upon filing of a notice by such a board of education with the commissioner stating the board's intention to increase such class sizes and a certification that the board will conduct a study of attendance problems at the secondary level and will implement a corrective action plan to increase the rate of attendance of students in such classes to at least the rate for students attending regular education classes in secondary schools of the district. Such corrective action plan shall be submitted for approval by the commissioner by a date during the school year in which such board increases class sizes as provided pursuant to this subdivision to be prescribed by the commissioner. Upon at least thirty days notice to the board of education, after conclusion of the school year in which such board increases class sizes as provided pursuant to this subdivision, the commissioner shall be authorized to terminate such authorization upon a finding that the board has failed to develop or implement an approved corrective action plan.

S 10. The education law is amended by adding a new section 4403-a to read as follows:

S 4403-A. WAIVERS FROM CERTAIN DUTIES. 1. A LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES MAY SUBMIT AN APPLICATION FOR A WAIVER FROM ANY REQUIREMENT IMPOSED ON SUCH DISTRICT, SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES PURSUANT TO SECTION FORTY-FOUR HUNDRED TWO OR SECTION FORTY-FOUR HUNDRED THREE OF THIS ARTICLE, AND REGULATIONS PROMULGATED THEREUNDER, FOR A SPECIFIC SCHOOL YEAR. SUCH APPLICATION SHALL BE SUBMITTED AT LEAST SIXTY DAYS IN ADVANCE OF THE PROPOSED DATE ON WHICH THE WAIVER WOULD BE EFFECTIVE AND SHALL BE IN A FORM PRESCRIBED BY THE COMMISSIONER.

2. BEFORE SUBMITTING AN APPLICATION FOR A WAIVER, THE LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL PROVIDE NOTICE OF THE PROPOSED WAIVER TO THE PARENTS OR PERSONS IN A PARENTAL RELATIONSHIP TO THE STUDENTS THAT WOULD BE IMPACTED BY THE WAIVER IF GRANTED. SUCH NOTICE SHALL BE IN A FORM AND MANNER THAT WOULD ENSURE THAT SUCH PARENTS OR PERSONS IN A PARENTAL RELATIONSHIP WOULD BE AWARE OF ALL RELEVANT CHANGES THAT WOULD OCCUR UNDER THE WAIVER, AND SHALL INCLUDE INFORMATION ON THE FORM, MANNER AND DATE BY WHICH PARENTS MAY SUBMIT WRITTEN COMMENTS ON THE PROPOSED WAIVER. THE LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL, OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL PROVIDE AT LEAST SIXTY DAYS FOR SUCH PARENTS OR PERSONS IN A PARENTAL RELATIONSHIP TO SUBMIT WRITTEN COMMENTS, AND SHALL INCLUDE IN THE WAIVER APPLICATION SUBMITTED TO THE COMMISSIONER PURSUANT TO SUBDIVISION ONE OF THIS SECTION ANY WRITTEN COMMENTS RECEIVED FROM SUCH PARENTS OR PERSONS IN A PARENTAL RELATION TO SUCH STUDENTS.

3. THE COMMISSIONER MAY GRANT A WAIVER FROM ANY REQUIREMENT IMPOSED ON A LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES PURSUANT TO SECTION FORTY-FOUR HUNDRED TWO OR SECTION FORTY-FOUR HUNDRED THREE OF THIS ARTICLE, UPON A FINDING THAT SUCH WAIVER WOULD ENABLE A LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO IMPLEMENT AN INNOVATIVE SPECIAL EDUCATION PROGRAM THAT IS CONSISTENT WITH APPLICABLE FEDERAL REQUIREMENTS, AND WOULD ENHANCE STUDENT ACHIEVEMENT AND/OR OPPORTUNITIES FOR PLACEMENT IN REGULAR CLASSES AND PROGRAMS. IN MAKING SUCH DETERMINATION, THE COMMISSIONER SHALL CONSIDER ANY COMMENTS RECEIVED BY THE LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES FROM PARENTS OR PERSONS IN A PARENTAL RELATION TO THE STUDENTS THAT WOULD BE DIRECTLY AFFECTED BY THE WAIVER IF GRANTED.

4. ANY LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES GRANTED A WAIVER SHALL SUBMIT AN ANNUAL REPORT TO THE COMMISSIONER REGARDING THE OPERATION AND EVALUATION OF THE PROGRAM NO LATER THAN THIRTY DAYS AFTER THE END OF EACH SCHOOL YEAR FOR WHICH A WAIVER IS GRANTED.

S 11. Subparagraph (i) of paragraph a of subdivision 10 of section 4410 of the education law is amended by adding a new clause (C) to read as follows:

(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THEREAFTER, TO BE PHASED-IN OVER NO MORE THAN FOUR YEARS STARTING IN THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR, THE COMMISSIONER, SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET, SHALL ESTABLISH REGIONAL TUITION RATES FOR SPECIAL EDUCATION ITINERANT SERVICES BASED ON AVERAGE ACTUAL COSTS IN ACCORDANCE WITH A METHODOLOGY ESTABLISHED PURSUANT TO SUBDIVISION FOUR OF SECTION FORTY-FOUR HUNDRED FIVE OF THIS ARTICLE.

S 12. Section 97-nnnn of the state finance law is amended by adding a new subdivision 6 to read as follows:

6. A. MONEYS APPROPRIATED FROM THE FUND FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN AND TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEARS, FOR THE PURPOSES OF PROVIDING AID PURSUANT TO PARAGRAPH A OF SUBDIVISION THREE OF THIS SECTION SHALL BE APPORTIONED AND PAID BY THE EDUCATION DEPARTMENT ON OR AFTER APRIL FIRST, TWO THOUSAND FIFTEEN.

B. EACH SCHOOL DISTRICT ELIGIBLE TO RECEIVE TOTAL FOUNDATION AID PURSUANT TO SECTION THIRTY-SIX HUNDRED TWO OF THE EDUCATION LAW SHALL RECEIVE A COMMERCIAL GAMING GRANT IN AN AMOUNT EQUAL TO THE PRODUCT OF THE AMOUNT OF THE APPROPRIATION OF SUCH COMMERCIAL GAMING GRANTS FOR THE CURRENT STATE FISCAL YEAR MULTIPLIED BY THE DISTRICT'S COMMERCIAL GAMING RATIO. THE "COMMERCIAL GAMING RATIO" SHALL BE EQUAL TO THE QUOTIENT OF THE MONEYS APPORTIONED FOR SUCH DISTRICT PURSUANT TO SECTION THIRTY-SIX HUNDRED NINE-A OF THE EDUCATION LAW AS SET FORTH IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED STATE BUDGET FOR THE CURRENT SCHOOL YEAR, DIVIDED BY THE SUM OF SUCH MONEYS APPORTIONED FOR ALL SCHOOL DISTRICTS AS SET FORTH IN SUCH SCHOOL AID COMPUTER LISTING IN SUPPORT OF THE ENACTED STATE BUDGET FOR THE CURRENT SCHOOL YEAR.

MONEYS TO BE APPROPRIATED FROM THE FUND IN ANY STATE FISCAL YEAR, COMMENCING ON AND AFTER APRIL FIRST, TWO THOUSAND FIFTEEN, FOR THE PURPOSES OF PROVIDING AID PURSUANT TO THIS SUBPARAGRAPH SHALL BE APPORTIONED AND PAID BY THE EDUCATION DEPARTMENT PURSUANT TO SECTION THIRTY-SIX HUNDRED NINE-H OF THE EDUCATION LAW.

S 13. Subdivision b of section 2 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 12 of part A of chapter 56 of the laws of 2014, is amended to read as follows:

b. Reimbursement for programs approved in accordance with subdivision a of this section [for the 2011--2012 school year shall not exceed 62.9 percent of the lesser of such approvable costs per contact hour or twelve dollars and fifteen cents per contact hour, reimbursement] for the 2012--2013 school year shall not exceed 63.3 percent of the lesser of such approvable costs per contact hour or twelve dollars and thirty-five cents per contact hour, reimbursement for the 2013--2014 school year shall not exceed 62.3 percent of the lesser of such approvable costs per contact hour or twelve dollars and sixty-five cents per contact hour, [and] reimbursement for the 2014--2015 school year shall not exceed 61.6 percent of the lesser of such approvable costs per contact hour or [eight] THIRTEEN dollars per contact hour, AND REIMBURSEMENT FOR THE 2015--2016 SCHOOL YEAR SHALL NOT EXCEED 60.7 PERCENT OF THE LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR THIRTEEN DOLLARS AND FORTY CENTS PER CONTACT HOUR where a contact hour represents sixty minutes of instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, [for the 2011--2012 school year such contact hours shall not exceed one million seven hundred one thousand five hundred seventy (1,701,570) hours; whereas] for the 2012--2013 school year such contact hours shall not exceed one million six hundred sixty-four thousand five hundred thirty-two (1,664,532) hours; whereas for the 2013--2014 school year such contact hours shall not exceed one million six hundred forty-nine thousand seven hundred forty-six (1,649,746) hours; whereas for the 2014--2015 school year such contact hours shall not exceed one million

[six hundred twenty-five thousand (1,625,000)] SIX HUNDRED EIGHTEEN THOUSAND NINE HUNDRED TWENTY-NINE (1,618,929) hours; WHEREAS FOR THE 2015--2016 SCHOOL YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION FOUR HUNDRED FOURTEEN THOUSAND FIVE HUNDRED FOURTEEN (1,414,514) HOURS. Notwithstanding any other provision of law to the contrary, the apportionment calculated for the city school district of the city of New York pursuant to subdivision 11 of section 3602 of the education law shall be computed as if such contact hours provided by the consortium for worker education, not to exceed the contact hours set forth herein, were eligible for aid in accordance with the provisions of such subdivision 11 of section 3602 of the education law.

S 14. Section 4 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, is amended by adding a new subdivision t to read as follows:

T. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE COMPLETION OF PAYMENTS FOR THE 2015--2016 SCHOOL YEAR. NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER OF EDUCATION SHALL WITHHOLD A PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE COSTS OF THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED TO THE ELEMENTARY AND SECONDARY EDUCATION FUND-LOCAL ASSISTANCE ACCOUNT AND SHALL NOT EXCEED ELEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS ($11,500,000).

S 15. Section 6 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 14 of part A of chapter 56 of the laws of 2014, is amended to read as follows:

S 6. This act shall take effect July 1, 1992, and shall be deemed repealed on June 30, [2015] 2016.

S 16. Subdivision 1 of section 167 of chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, as amended by section 15 of part A of chapter 56 of the laws of 2014, is amended to read as follows:

1. Sections one through seventy of this act shall be deemed to have been in full force and effect as of April 1, 1994 provided, however, that sections one, two, twenty-four, twenty-five and twenty-seven through seventy of this act shall expire and be deemed repealed on March 31, 2000; provided, however, that section twenty of this act shall apply only to hearings commenced prior to September 1, 1994, and provided further that section twenty-six of this act shall expire and be deemed repealed on March 31, 1997; and provided further that sections four through fourteen, sixteen, and eighteen, nineteen and twenty-one through twenty-one-a of this act shall expire and be deemed repealed on March 31, 1997; and provided further that sections three, fifteen, seventeen, twenty, twenty-two and twenty-three of this act shall expire and be deemed repealed on March 31, [2016] 2017.

S 17. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government, as amended by section 16 of part A of chapter 56 of the laws of 2014, are amended to read as follows:

(22) sections one hundred twelve, one hundred thirteen, one hundred fourteen, one hundred fifteen and one hundred sixteen of this act shall take effect on July 1, 1995; provided, however, that section one hundred

thirteen of this act shall remain in full force and effect until July 1, [2015] 2016 at which time it shall be deemed repealed;

(24) sections one hundred eighteen through one hundred thirty of this act shall be deemed to have been in full force and effect on and after July 1, 1995; provided further, however, that the amendments made pursuant to section one hundred twenty-four of this act shall be deemed to be repealed on and after July 1, [2015] 2016;

S 18. Section 7 of chapter 472 of the laws of 1998, amending the education law relating to the lease of school buses by school districts, as amended by section 26 of part A of chapter 57 of the laws of 2013, is amended to read as follows:

S 7. This act shall take effect September 1, 1998, and shall expire and be deemed repealed September 1, [2015] 2017.

S 19. Section 12 of chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, as amended by section 18 of part A of chapter 56 of the laws of 2014, is amended to read as follows:

S 12. This act shall take effect on the same date as chapter 180 of the laws of 2000 takes effect, and shall expire July 1, [2015] 2016 when upon such date the provisions of this act shall be deemed repealed.

S 20. Section 4 of chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, as amended by section 19 of part A of chapter 56 of the laws of 2014, is amended to read as follows:

S 4. This act shall take effect July 1, 2002 and shall expire and be deemed repealed June 30, [2015] 2016.

S 21. Section 5 of chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, as amended by section 20 of part A of chapter 56 of the laws of 2014, is amended to read as follows:

S 5. This act shall take effect immediately; provided that sections one, two and three of this act shall expire and be deemed repealed on June 30, [2015] 2016.

S 22. School bus driver training. In addition to apportionments otherwise provided by section 3602 of the education law, for aid payable in the 2015-2016 school year, the commissioner of education shall allocate school bus driver training grants to school districts and boards of cooperative educational services pursuant to sections 3650-a, 3650-b and 3650-c of the education law, or for contracts directly with not-for-profit educational organizations for the purposes of this section. Such payments shall not exceed four hundred thousand dollars ($400,000) per school year.

S 23. Special apportionment for salary expenses. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business week of June 2016 and not later than the last day of the third full business week of June 2016, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2016, for salary expenses incurred between April 1 and June 30, 2015 and such apportionment shall not exceed the sum of (i) the deficit reduction assessment of 1990--1991 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (ii)

186 percent of such amount for a city school district in a city with a population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of such amount for a city school district in a city with a population of more than 195,000 inhabitants and less than 219,000 inhabitants according to the latest federal census, plus (iv) the net gap elimination adjustment for 2010--2011, as determined by the commissioner of education pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimination adjustment for 2011--2012 as determined by the commissioner of education pursuant to subdivision 17 of section 3602 of the education law, and provided further that such apportionment shall not exceed such salary expenses. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

b. The claim for an apportionment to be paid to a school district pursuant to subdivision a of this section shall be submitted to the commissioner of education on a form prescribed for such purpose, and shall be payable upon determination by such commissioner that the form has been submitted as prescribed. Such approved amounts shall be payable on the same day in September of the school year following the year in which application was made as funds provided pursuant to subparagraph (4) of paragraph b of subdivision 4 of section 92-c of the state finance law, on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law from moneys in the state lottery fund and from the general fund to the extent that the amount paid to a school district pursuant to this section exceeds the amount, if any, due such school district pursuant to subparagraph (2) of paragraph a of subdivision 1 of section 3609-a of the education law in the school year following the year in which application was made.

c. Notwithstanding the provisions of section 3609-a of the education law, an amount equal to the amount paid to a school district pursuant to subdivisions a and b of this section shall first be deducted from the following payments due the school district during the school year following the year in which application was made pursuant to subparagraphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of section 3609-a of the education law in the following order: the lottery apportionment payable pursuant to subparagraph (2) of such paragraph followed by the fixed fall payments payable pursuant to subparagraph (4) of such paragraph and then followed by the district's payments to the teachers' retirement system pursuant to subparagraph (1) of such paragraph, and any remainder to be deducted from the individualized payments due the district pursuant to paragraph b of such subdivision shall be deducted on a chronological basis starting with the earliest payment due the district.

S 24. Special apportionment for public pension accruals. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2016, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2016 and such apportionment shall not exceed the additional accruals required to be made by school districts in the 2004--2005 and 2005--2006 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by

the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

b. The claim for an apportionment to be paid to a school district pursuant to subdivision a of this section shall be submitted to the commissioner of education on a form prescribed for such purpose, and shall be payable upon determination by such commissioner that the form has been submitted as prescribed. Such approved amounts shall be payable on the same day in September of the school year following the year in which application was made as funds provided pursuant to subparagraph (4) of paragraph b of subdivision 4 of section 92-c of the state finance law, on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law from moneys in the state lottery fund and from the general fund to the extent that the amount paid to a school district pursuant to this section exceeds the amount, if any, due such school district pursuant to subparagraph (2) of paragraph a of subdivision 1 of section 3609-a of the education law in the school year following the year in which application was made.

c. Notwithstanding the provisions of section 3609-a of the education law, an amount equal to the amount paid to a school district pursuant to subdivisions a and b of this section shall first be deducted from the following payments due the school district during the school year following the year in which application was made pursuant to subparagraphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of section 3609-a of the education law in the following order: the lottery apportionment payable pursuant to subparagraph (2) of such paragraph followed by the fixed fall payments payable pursuant to subparagraph (4) of such paragraph and then followed by the district's payments to the teachers' retirement system pursuant to subparagraph (1) of such paragraph, and any remainder to be deducted from the individualized payments due the district pursuant to paragraph b of such subdivision shall be deducted on a chronological basis starting with the earliest payment due the district.

S 25. a. Notwithstanding any other law, rule or regulation to the contrary, any moneys appropriated to the state education department may be suballocated to other state departments or agencies, as needed, to accomplish the intent of the specific appropriations contained therein.

b. Notwithstanding any other law, rule or regulation to the contrary, moneys appropriated to the state education department from the general fund/aid to localities, local assistance account-001, shall be for payment of financial assistance, as scheduled, net of disallowances, refunds, reimbursement and credits.

c. Notwithstanding any other law, rule or regulation to the contrary, all moneys appropriated to the state education department for aid to localities shall be available for payment of aid heretofore or hereafter to accrue and may be suballocated to other departments and agencies to accomplish the intent of the specific appropriations contained therein.

d. Notwithstanding any other law, rule or regulation to the contrary, moneys appropriated to the state education department for general support for public schools may be interchanged with any other item of appropriation for general support for public schools within the general

fund local assistance account office of prekindergarten through grade twelve education programs.

S 26. Notwithstanding the provision of any law, rule, or regulation to the contrary, the city school district of the city of Rochester, upon the consent of the board of cooperative educational services of the supervisory district serving its geographic region may purchase from such board for the 2015--2016 school year, as a non-component school district, services required by article 19 of the education law.

S 27. The amounts specified in this section shall be a set aside from the state funds which each such district is receiving from the total foundation aid: for the purpose of the development, maintenance or expansion of magnet schools or magnet school programs for the 2015--2016 school year. To the city school district of the city of New York there shall be paid forty-eight million one hundred seventy-five thousand dollars ($48,175,000) including five hundred thousand dollars ($500,000) for the Andrew Jackson High School; to the Buffalo city school district, twenty-one million twenty-five thousand dollars ($21,025,000); to the Rochester city school district, fifteen million dollars ($15,000,000); to the Syracuse city school district, thirteen million dollars ($13,000,000); to the Yonkers city school district, forty-nine million five hundred thousand dollars ($49,500,000); to the Newburgh city school district, four million six hundred forty-five thousand dollars ($4,645,000); to the Poughkeepsie city school district, two million four hundred seventy-five thousand dollars ($2,475,000); to the Mount Vernon city school district, two million dollars ($2,000,000); to the New Rochelle city school district, one million four hundred ten thousand dollars ($1,410,000); to the Schenectady city school district, one million eight hundred thousand dollars ($1,800,000); to the Port Chester city school district, one million one hundred fifty thousand dollars ($1,150,000); to the White Plains city school district, nine hundred thousand dollars ($900,000); to the Niagara Falls city school district, six hundred thousand dollars ($600,000); to the Albany city school district, three million five hundred fifty thousand dollars ($3,550,000); to the Utica city school district, two million dollars ($2,000,000); to the Beacon city school district, five hundred sixty-six thousand dollars ($566,000); to the Middletown city school district, four hundred thousand dollars ($400,000); to the Freeport union free school district, four hundred thousand dollars ($400,000); to the Greenburgh central school district, three hundred thousand dollars ($300,000); to the Amsterdam city school district, eight hundred thousand dollars ($800,000); to the Peekskill city school district, two hundred thousand dollars ($200,000); and to the Hudson city school district, four hundred thousand dollars ($400,000). Notwithstanding the provisions of this section, a school district receiving a grant pursuant to this section may use such grant funds for: (i) any instructional or instructional support costs associated with the operation of a magnet school; or (ii) any instructional or instructional support costs associated with implementation of an alternative approach to reduction of racial isolation and/or enhancement of the instructional program and raising of standards in elementary and secondary schools of school districts having substantial concentrations of minority students. The commissioner of education shall not be authorized to withhold magnet grant funds from a school district that used such funds in accordance with this paragraph, notwithstanding any inconsistency with a request for proposals issued by such commissioner. For the purpose of attendance improvement and dropout prevention for the 2015--2016 school year, for

any city school district in a city having a population of more than one million, the setaside for attendance improvement and dropout prevention shall equal the amount set aside in the base year. For the 2015--2016 school year, it is further provided that any city school district in a city having a population of more than one million shall allocate at least one-third of any increase from base year levels in funds set aside pursuant to the requirements of this subdivision to community-based organizations. Any increase required pursuant to this subdivision to community-based organizations must be in addition to allocations provided to community-based organizations in the base year. For the purpose of teacher support for the 2015--2016 school year: to the city school district of the city of New York, sixty-two million seven hundred seven thousand dollars ($62,707,000); to the Buffalo city school district, one million seven hundred forty-one thousand dollars ($1,741,000); to the Rochester city school district, one million seventy-six thousand dollars ($1,076,000); to the Yonkers city school district, one million one hundred forty-seven thousand dollars ($1,147,000); and to the Syracuse city school district, eight hundred nine thousand dollars ($809,000). All funds made available to a school district pursuant to this section shall be distributed among teachers including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance with this section and shall be in addition to salaries heretofore or hereafter negotiated or made available; provided, however, that all funds distributed pursuant to this section for the current year shall be deemed to incorporate all funds distributed pursuant to former subdivision 27 of section 3602 of the education law for prior years. In school districts where the teachers are represented by certified or recognized employee organizations, all salary increases funded pursuant to this section shall be determined by separate collective negotiations conducted pursuant to the provisions and procedures of article 14 of the civil service law, notwithstanding the existence of a negotiated agreement between a school district and a certified or recognized employee organization.

S 28. Support of public libraries. The moneys appropriated for the support of public libraries by a chapter of the laws of 2015 enacting the aid to localities budget shall be apportioned for the 2015-2016 state fiscal year in accordance with the provisions of sections 271, 272, 273, 282, 284, and 285 of the education law as amended by the provisions of this chapter and the provisions of this section, provided that library construction aid pursuant to section 273-a of the education law shall not be payable from the appropriations for the support of public libraries and provided further that no library, library system or program, as defined by the commissioner of education, shall receive less total system or program aid than it received for the year 2001-2002 except as a result of a reduction adjustment necessary to conform to the appropriations for support of public libraries.

Notwithstanding any other provision of law to the contrary the moneys appropriated for the support of public libraries for the year 2015-2016 by a chapter of the laws of 2015 enacting the education, labor and family assistance budget shall fulfill the state's obligation to provide such aid and, pursuant to a plan developed by the commissioner of education and approved by the director of the budget, the aid payable to libraries and library systems pursuant to such appropriations shall be reduced proportionately to assure that the total amount of aid payable does not exceed the total appropriations for such purpose.

S 29. Severability. The provisions of this act shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section or part of this act to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not necessarily affect, impair or invalidate the application of any such clause, sentence, paragraph, subdivision, section, part of this act or remainder thereof, as the case may be, to any other person or circumstance, 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.

S 30. This act shall take effect immediately, and shall be deemed to have been in full force and effect on and after April 1, 2015, provided, however, that:

1. Sections one, eight, nine, thirteen, fourteen, twenty-two, twenty-six and twenty-seven of this act shall take effect July 1, 2015.

2. Sections seven and twelve of this act shall take effect April 1, 2014.

3. Section six of this act shall take effect July 1, 2014.

4. Section eleven of this act shall take effect April 1, 2015 and shall first apply to reimbursement for services and programs provided pursuant to section 4410 of the education law in the 2015-16 school year.

5. The amendments to chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by a consortium for worker education in New York City, made by sections thirteen and fourteen of this act shall not affect the repeal of such chapter and shall be deemed repealed therewith.

6. Section seventeen of this act shall take effect immediately and shall be deemed to have been in full force and effect on and after the effective date of section 140 of chapter 82 of the laws of 1995.

PART B

Section 1. Section 355 of the education law is amended by adding a new subdivision 20 to read as follows:

20. NOTWITHSTANDING ANY LAW, RULE, OR REGULATION TO THE CONTRARY, ANY NEW CURRICULUM OR PROGRAM OF STUDY OFFERED BY A FOUR YEAR COLLEGE OR COMMUNITY COLLEGE THAT DOES NOT REQUIRE BOARD OF REGENTS APPROVAL OF A MASTER PLAN AMENDMENT AND THAT IS APPROVED BY THE BOARD OF TRUSTEES SHALL BE DEEMED REGISTERED WITH THE DEPARTMENT. THE BOARD OF TRUSTEES SHALL NOTIFY THE DEPARTMENT WITHIN THIRTY DAYS OF ANY SUCH APPROVALS. NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO LIMIT THE DEPARTMENT'S EXISTING AUTHORITY TO ACT ON COMPLAINTS CONCERNING THE INSTITUTION, INCLUDING THE AUTHORITY TO DE-REGISTER THE PROGRAM.

S 2. Section 6206 of the education law is amended by adding a new subdivision 18 to read as follows:

18. NOTWITHSTANDING ANY LAW, RULE, OR REGULATION TO THE CONTRARY, ANY NEW CURRICULUM OR PROGRAM OF STUDY OFFERED BY A FOUR YEAR COLLEGE OR COMMUNITY COLLEGE THAT DOES NOT REQUIRE BOARD OF REGENTS APPROVAL OF A MASTER PLAN AMENDMENT AND THAT IS APPROVED BY THE BOARD OF TRUSTEES SHALL BE DEEMED REGISTERED WITH THE DEPARTMENT. THE BOARD OF TRUSTEES SHALL NOTIFY THE DEPARTMENT WITHIN THIRTY DAYS OF ANY SUCH APPROVALS. NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO LIMIT THE DEPARTMENT'S EXISTING AUTHORITY TO ACT ON COMPLAINTS CONCERNING THE INSTITUTION, INCLUDING THE AUTHORITY TO DE-REGISTER THE PROGRAM.

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2015.

PART C

Section 1. The education law is amended by adding a new section 679-g to read as follows:

S 679-G. NEW YORK STATE GET ON YOUR FEET LOAN FORGIVENESS PROGRAM. 1. PURPOSE. THE PRESIDENT SHALL GRANT STUDENT LOAN FORGIVENESS AWARDS FOR THE PURPOSE OF ALLEVIATING THE BURDEN OF FEDERAL STUDENT LOAN DEBT FOR RECENT NEW YORK STATE COLLEGE GRADUATES.

2. ELIGIBILITY. TO BE ELIGIBLE FOR AN AWARD PURSUANT TO THIS SECTION, AN APPLICANT SHALL: (A) HAVE GRADUATED FROM A HIGH SCHOOL LOCATED IN NEW YORK STATE OR ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA AND RECEIVED SUCH HIGH SCHOOL EQUIVALENCY DIPLOMA; (B) HAVE GRADUATED AND OBTAINED AN UNDERGRADUATE DEGREE FROM A COLLEGE OR UNIVERSITY WITH ITS HEADQUARTERS LOCATED IN NEW YORK STATE IN OR AFTER THE TWO THOUSAND FOURTEEN--FIFTEEN ACADEMIC YEAR; (C) APPLY FOR THIS PROGRAM WITHIN TWO YEARS OF COLLEGE GRADUATION; (D) BE A PARTICIPANT IN A FEDERAL INCOME-DRIVEN REPAYMENT PLAN WHOSE PAYMENT AMOUNT IS GENERALLY TEN PERCENT OF DISCRETIONARY INCOME; (E) HAVE INCOME OF LESS THAN FIFTY THOUSAND DOLLARS; (F) BE A RESIDENT OF NEW YORK STATE; AND (G) WORK IN NEW YORK STATE, IF EMPLOYED. FOR PURPOSES OF THIS PROGRAM, "INCOME" SHALL BE THE TOTAL ADJUSTED GROSS INCOME OF THE APPLICANT, THE APPLICANT'S SPOUSE AND THE APPLICANT'S PARENTS AS REPORTED ON THE PRIOR YEAR'S FILED NEW YORK STATE INCOME TAX RETURN.

3. AWARDS. AN APPLICANT WHOSE ANNUAL INCOME IS LESS THAN FIFTY THOUSAND DOLLARS SHALL BE ELIGIBLE TO RECEIVE AN AWARD EQUAL TO ONE HUNDRED PERCENT OF HIS OR HER MONTHLY FEDERAL INCOME-DRIVEN REPAYMENT PLAN PAYMENTS FOR THE FIRST TWO YEARS OF REPAYMENT UNDER THE FEDERAL PROGRAM.

4. RULES AND REGULATIONS. THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS, AND MAY PROMULGATE EMERGENCY REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2015.

PART D

Section 1. This act shall be known and may be cited as the "New York state DREAM Act".

S 2. Subdivision 3 of section 661 of the education law is REPEALED.

S 3. Paragraph a of subdivision 5 of section 661 of the education law, as amended by chapter 466 of the laws of 1977, is amended to read as follows:

a. (I) Except as provided in subdivision two of section six hundred seventy-four OF THIS PART AND SUBPARAGRAPH (II) OF THIS PARAGRAPH, an applicant for an award at the undergraduate level of study must either [(i)] (A) have been a legal resident of the state for at least one year immediately preceding the beginning of the semester, quarter or term of attendance for which application for assistance is made, or [(ii)] (B) be a legal resident of the state and have been a legal resident during his OR HER last two semesters of high school either prior to graduation, or prior to admission to college. Provided further that persons shall be eligible to receive awards under section six hundred sixty-eight or section six hundred sixty-nine OF THIS PART who are currently legal residents of the state and are otherwise qualified.

(II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES CITIZEN, AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES, AN INDIVIDUAL OF A CLASS OF REFUGEES PAROLED BY THE ATTORNEY GENERAL OF THE UNITED STATES UNDER HIS OR HER PAROLE AUTHORITY PERTAINING TO THE ADMISSION OF ALIENS TO THE UNITED STATES, OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

(A) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE HIGH SCHOOL, APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, AND ATTENDED WITHIN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

(B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR A GENERAL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, SUBSEQUENTLY APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, EARNED ADMISSION BASED ON THAT GENERAL EQUIVALENCY DIPLOMA, AND ATTENDED THE INSTITUTION OF HIGHER EDUCATION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

(C) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIX THOUSAND TWO HUNDRED SIX OF THIS CHAPTER.

PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

S 4. Paragraph b of subdivision 5 of section 661 of the education law, as amended by chapter 466 of the laws of 1977, is amended to read as follows:

b. [An] (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN applicant for an award at the graduate level of study must either [(i)] (A) have been a legal resident of the state for at least one year immediately preceding the beginning of the semester, quarter or term of attendance for which application for assistance is made, or [(ii)] (B) be a legal resident of the state and have been a legal resident during his OR HER last academic year of undergraduate study and have continued to be a legal resident until matriculation in the graduate program.

(II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES CITIZEN, AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES, AN INDIVIDUAL OF A CLASS OF REFUGEES PAROLED BY THE ATTORNEY GENERAL OF THE UNITED STATES UNDER HIS OR HER PAROLE AUTHORITY PERTAINING TO THE ADMISSION OF ALIENS TO THE UNITED STATES, OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN AWARD AT THE GRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

(A) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE HIGH SCHOOL, APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, AND ATTENDED WITHIN TEN YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

(B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR A GENERAL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, SUBSEQUENTLY APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, AND ATTENDED THE INSTITUTION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

(C) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIX THOUSAND TWO HUNDRED SIX OF THIS CHAPTER.

PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

S 5. Paragraph d of subdivision 5 of section 661 of the education law, as amended by chapter 844 of the laws of 1975, is amended to read as follows:

d. If an applicant for an award allocated on a geographic basis has more than one residence in this state, his OR HER residence for the purpose of this article shall be his OR HER place of actual residence during the major part of the year while attending school, as determined by the commissioner; AND FURTHER PROVIDED THAT AN APPLICANT WHO DOES NOT HAVE A RESIDENCE IN THIS STATE AND IS ELIGIBLE FOR AN AWARD PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF THIS SUBDIVISION SHALL BE DEEMED TO RESIDE IN THE GEOGRAPHIC AREA OF THE INSTITUTION OF HIGHER EDUCATION IN WHICH HE OR SHE ATTENDS FOR PURPOSES OF AN AWARD ALLOCATED ON A GEOGRAPHIC BASIS.

S 6. Paragraph e of subdivision 5 of section 661 of the education law, as added by chapter 630 of the laws of 2005, is amended to read as follows:

e. Notwithstanding any other provision of this article to the contrary, the New York state [residency] eligibility [requirement] REQUIREMENTS for receipt of awards [is] SET FORTH IN PARAGRAPHS A AND B OF THIS SUBDIVISION ARE waived for a member, or the spouse or dependent of a member, of the armed forces of the United States on full-time active duty and stationed in this state.

S 7. Clauses (i) and (ii) of subparagraph 8 of paragraph h of subdivision 2 of section 355 of the education law, as added by chapter 327 of the laws of 2002, are amended to read as follows:

(i) attended an approved New York high school for two or more years, graduated from an approved New York high school, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK HIGH SCHOOL, and applied for attendance [at] AND ATTENDED an institution or educational

unit of the state university within five years of receiving a New York state high school diploma; or

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIVALENCY DIPLOMA EXAM PREPARATION, and SUBSEQUENTLY applied for attendance [at], EARNED ADMISSION BASED ON THAT GENERAL EQUIVALENCY DIPLOMA, AND ATTENDED an institution or educational unit of the state university within five years of receiving a general equivalency diploma issued within New York state; or

S 8. Subparagraphs (i) and (ii) of paragraph (a-1) of subdivision 7 of section 6206 of the education law, as amended by chapter 260 of the laws of 2011, are amended to read as follows:

(i) attended an approved New York high school for two or more years, graduated from an approved New York high school, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK HIGH SCHOOL, and applied for attendance [at] AND ATTENDED an institution or educational unit of the city university within five years of receiving a New York state high school diploma; or

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIVALENCY DIPLOMA EXAM PREPARATION, and SUBSEQUENTLY applied for attendance [at], EARNED ADMISSION BASED ON THAT GENERAL EQUIVALENCY DIPLOMA, AND ATTENDED an institution or educational unit of the city university within five years of receiving a general equivalency diploma issued within New York state; or

S 8-a. Paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by chapter 327 of the laws of 2002, the opening paragraph as amended by section 2 of part O of chapter 58 of the laws of 2006, is amended to read as follows:

(a) The board of trustees shall establish positions, departments, divisions and faculties; appoint and in accordance with the provisions of law fix salaries of instructional and non-instructional employees therein; establish and conduct courses and curricula; prescribe conditions of student admission, attendance and discharge; and shall have the power to determine in its discretion whether tuition shall be charged and to regulate tuition charges, and other instructional and non-instructional fees and other fees and charges at the educational units of the city university. The trustees shall review any proposed community college tuition increase and the justification for such increase. The justification provided by the community college for such increase shall include a detailed analysis of ongoing operating costs, capital, debt service expenditures, and all revenues. The trustees shall not impose a differential tuition charge based upon need or income. All students enrolled in programs leading to like degrees at the senior colleges shall be charged a uniform rate of tuition, except for differential tuition rates based on state residency. The trustees shall further provide that the payment of tuition and fees by any student who is not a resident of New York state, other than a non-immigrant alien within the meaning of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States Code, shall be paid at a rate or charge no greater than that imposed for students who are residents of the state if such student:

(i) attended an approved New York high school for two or more years, graduated from an approved New York high school, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK HIGH SCHOOL, and applied for attendance [at] AND ATTENDED an institution or educational unit of the city university within five years of receiving a New York state high school diploma; or

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIVALENCY DIPLOMA EXAM PREPARATION, and SUBSEQUENTLY applied for attendance [at], EARNED ADMISSION BASED ON THAT GENERAL EQUIVALENCY DIPLOMA, AND ATTENDED an institution or educational unit of the city university within five years of receiving a general equivalency diploma issued within New York state; or

(iii) was enrolled in an institution or educational unit of the city university in the fall semester or quarter of the two thousand one--two thousand two academic year and was authorized by such institution or educational unit to pay tuition at the rate or charge imposed for students who are residents of the state.

A student without lawful immigration status shall also be required to file an affidavit with such institution or educational unit stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so. The trustees shall not adopt changes in tuition charges prior to the enactment of the annual budget. The board of trustees may accept as partial reimbursement for the education of veterans of the armed forces of the United States who are otherwise qualified such sums as may be authorized by federal legislation to be paid for such education. The board of trustees may conduct on a fee basis extension courses and courses for adult education appropriate to the field of higher education. In all courses and courses of study it may, in its discretion, require students to pay library, laboratory, locker, breakage and other instructional and non-instructional fees and meet the cost of books and consumable supplies. In addition to the foregoing fees and charges, the board of trustees may impose and collect fees and charges for student government and other student activities and receive and expend them as agent or trustee.

S 9. Subdivision 5 of section 6301 of the education law, as amended by chapter 327 of the laws of 2002, is amended to read as follows:

5. "Resident." A person who has resided in the state for a period of at least one year and in the county, city, town, intermediate school district, school district or community college region, as the case may be, for a period of at least six months, both immediately preceding the date of such person's registration in a community college or, for the purposes of section sixty-three hundred five of this article, his or her application for a certificate of residence; provided, however, that this term shall include any student who is not a resident of New York state, other than a non-immigrant alien within the meaning of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States Code, if such student:

(i) attended an approved New York high school for two or more years, graduated from an approved New York high school, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK HIGH SCHOOL, and applied for attendance [at an institution or educational unit of the

state university] AND ATTENDED A COMMUNITY COLLEGE within five years of receiving a New York state high school diploma; or

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIVALENCY DIPLOMA EXAM PREPARATION, and SUBSEQUENTLY applied for attendance [at an institution or educational unit of the state university], EARNED ADMISSION BASED ON THAT GENERAL EQUIVALENCY DIPLOMA, AND ATTENDED A COMMUNITY COLLEGE within five years of receiving a general equivalency diploma issued within New York state; or

(iii) was enrolled in [an institution or educational unit of the state university] A COMMUNITY COLLEGE in the fall semester or quarter of the two thousand one--two thousand two academic year and was authorized by such [institution or educational unit] COMMUNITY COLLEGE to pay tuition at the rate or charge imposed for students who are residents of the state.

Provided, further, that a student without lawful immigration status shall also be required to file an affidavit with such [institution or educational unit] COMMUNITY COLLEGE stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so.

In the event that a person qualified as above for state residence, but has been a resident of two or more counties in the state during the six months immediately preceding his OR HER application for a certificate of residence pursuant to section sixty-three hundred five of this chapter, the charges to the counties of residence shall be allocated among the several counties proportional to the number of months, or major fraction thereof, of residence in each county.

S 10. Paragraph d of subdivision 3 of section 6451 of the education law, as amended by chapter 149 of the laws of 1972, is amended to read as follows:

d. Any necessary supplemental financial assistance, which may include the cost of books and necessary maintenance for such enrolled students, INCLUDING STUDENTS WITHOUT LAWFUL IMMIGRATION STATUS PROVIDED THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE; provided, however, that such supplemental financial assistance shall be furnished pursuant to criteria promulgated by the commissioner with the approval of the director of the budget.

S 11. Subparagraph (v) of paragraph a of subdivision 4 of section 6452 of the education law, as added by chapter 917 of the laws of 1970, is amended to read as follows:

(v) Any necessary supplemental financial assistance, which may include the cost of books and necessary maintenance for such students, INCLUDING STUDENTS WITHOUT LAWFUL IMMIGRATION STATUS PROVIDED THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE; provided, however, that such supplemental financial assistance shall be furnished pursuant to criteria promulgated by such universities and approved by the regents and the director of the budget.

S 12. Paragraph (a) of subdivision 2 of section 6455 of the education law, as added by chapter 285 of the laws of 1986, is amended to read as follows:

(a) (I) Undergraduate science and technology entry program moneys may be used for tutoring, counseling, remedial and special summer courses, supplemental financial assistance, program administration, and other activities which the commissioner may deem appropriate. To be eligible for undergraduate collegiate science and technology entry program support, a student must be a resident of New York [who is], OR MEET THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, AND MUST BE either economically disadvantaged or from a minority group historically under represented in the scientific, technical, health and health-related professions, and [who demonstrates] MUST DEMONSTRATE interest in and a potential for a professional career if provided special services. Eligible students must be in good academic standing, enrolled full time in an approved, undergraduate level program of study, as defined by the regents.

(II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES CITIZEN, AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES, AN INDIVIDUAL OF A CLASS OF REFUGEES PAROLED BY THE ATTORNEY GENERAL OF THE UNITED STATES UNDER HIS OR HER PAROLE AUTHORITY PERTAINING TO THE ADMISSION OF ALIENS TO THE UNITED STATES, OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

(A) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE HIGH SCHOOL, APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, AND ATTENDED WITHIN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

(B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR A GENERAL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, SUBSEQUENTLY APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, EARNED ADMISSION BASED ON THAT GENERAL EQUIVALENCY DIPLOMA, AND ATTENDED THE INSTITUTION OF HIGHER EDUCATION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

(C) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIX THOUSAND TWO HUNDRED SIX OF THIS CHAPTER.

PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

S 13. Paragraph (a) of subdivision 3 of section 6455 of the education law, as added by chapter 285 of the laws of 1986, is amended to read as follows:

(a) (I) Graduate science and technology entry program moneys may be used for recruitment, academic enrichment, career planning, supplemental financial assistance, review for licensing examinations, program admin-

istration, and other activities which the commissioner may deem appropriate. To be eligible for graduate collegiate science and technology entry program support, a student must be a resident of New York [who is], OR MEET THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, AND MUST BE either economically disadvantaged or from a minority group historically underrepresented in the scientific, technical and health-related professions. Eligible students must be in good academic standing, enrolled full time in an approved graduate level program, as defined by the regents.

(II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES CITIZEN, AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES, AN INDIVIDUAL OF A CLASS OF REFUGEES PAROLED BY THE ATTORNEY GENERAL OF THE UNITED STATES UNDER HIS OR HER PAROLE AUTHORITY PERTAINING TO THE ADMISSION OF ALIENS TO THE UNITED STATES, OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN AWARD AT THE GRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

(A) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE HIGH SCHOOL, APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, AND ATTENDED WITHIN TEN YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

(B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR A GENERAL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, SUBSEQUENTLY APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, AND ATTENDED THE INSTITUTION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

(C) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY COLLEGE AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIX THOUSAND TWO HUNDRED SIX OF THIS CHAPTER.

PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

S 14. Subparagraph (i) of paragraph a of subdivision 2 of section 695-e of the education law, as amended by chapter 593 of the laws of 2003, is amended to read as follows:

(i) the name, address and social security number [or], employer identification number, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the account owner UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN EFFECT PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION NUMBER SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT;

S 15. Subparagraph (iii) of paragraph a of subdivision 2 of section 695-e of the education law, as amended by chapter 593 of the laws of 2003, is amended to read as follows:

(iii) the name, address, and social security number, EMPLOYER IDENTIFICATION NUMBER, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the designated beneficiary, UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN EFFECT PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION NUMBER SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT; and

S 16. The president of the higher education services corporation shall establish an application form and procedures that shall allow a student applicant that meets the requirements set forth in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of subdivision 5 of section 661 of the education law to apply directly to the higher education services corporation for applicable awards without having to submit information to any other state or federal agency. All information contained with the applications filed with such corporation shall be deemed confidential, except that the corporation shall be entitled to release information to participating institutions as necessary for the administration of financial aid programs and to the extent required pursuant to article six of the public officers law or otherwise required by law.

S 17. The higher education services corporation is authorized to promulgate rules and regulations, and may promulgate emergency regulations, necessary for the implementation of the provisions of this act.

S 18. This act shall take effect on the ninetieth day after the issuance of regulations and the development of an application form by the president of the higher education services corporation or on the ninetieth day after it shall have become a law, whichever shall be later; provided however, notwithstanding the foregoing, this act shall not take effect unless the legislature enacts, by no later than March 31, 2015, a chapter of law identical to legislation submitted by the Governor pursuant to Article VII of the New York Constitution as Part E of legislative bill numbers S. 2006 and A. 3006 relating to an education tax credit program that would make available $100 million in tax credits annually to provide a tax credit incentive to encourage individual and business donations to support public schools' educational improvement programs as well as public and non-public school scholarships for elementary and secondary school students. Provided, that the amendments to paragraph (a) of subdivision 7 of section 6206 of the education law, made by section eight-a of this act, shall take effect upon the expiration and repeal of the amendments to such paragraph made by section 4 of chapter 260 of the laws of 2011 pursuant to section 16 of chapter 260 of the laws of 2011, as amended. Provided further, however, that the amendments to subparagraphs (i) and (ii) of paragraph (a-1) of subdivision 7 of section 6206 of the education law made by section eight of this act shall not affect the expiration of such paragraph and shall be deemed to expire therewith; provided that the president of the higher education services corporation shall notify the legislative bill drafting commission upon the occurrence of the issuance of regulations and the development of an application form provided for in this section in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART E

Section 1. Short title. This act shall be known and may be cited as the "education tax credit act".

S 2. The education law is amended by adding a new article 25 to read as follows:

ARTICLE 25

EDUCATION TAX CREDIT PROGRAM

SECTION 1209. SHORT TITLE.
1210. DEFINITIONS.
1211. APPROVAL TO ISSUE CERTIFICATES OF RECEIPT.
1212. APPLICATIONS FOR APPROVAL TO ISSUE CERTIFICATES OF RECEIPT.
1213. APPLICATION APPROVAL FOR CERTIFICATES OF RECEIPTS.
1214. REVOCATION OF APPROVAL TO ISSUE CERTIFICATES OF RECEIPT.
1215. REPORTING AND RECORDKEEPING.
1216. JOINT ANNUAL REPORT.
1217. COMMISSIONER; POWERS.

S 1209. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "EDUCATION TAX CREDIT PROGRAM".

S 1210. DEFINITIONS. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "AUTHORIZED CONTRIBUTION" MEANS THE CONTRIBUTION AMOUNT THAT IS LISTED ON THE CONTRIBUTION AUTHORIZATION CERTIFICATE ISSUED TO A TAXPAYER.

2. "CONTRIBUTION" MEANS A DONATION PAID BY CASH, CHECK, ELECTRONIC FUNDS TRANSFER, DEBIT CARD OR CREDIT CARD THAT IS MADE BY A TAXPAYER DURING THE TAXABLE YEAR.

3. "EDUCATIONAL PROGRAM" MEANS AN ACADEMIC OR SIMILAR PROGRAM OF A PUBLIC SCHOOL THAT ENHANCES THE CURRICULUM OR ACADEMIC PROGRAM OF THE PUBLIC SCHOOL, OR PROVIDES A PRE-KINDERGARTEN PROGRAM TO A PUBLIC SCHOOL. FOR PURPOSES OF THIS DEFINITION, THE INSTRUCTION, MATERIALS, PROGRAMS AND OTHER ACTIVITIES OFFERED BY OR THROUGH AN EDUCATIONAL PROGRAM MAY INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING FEATURES: (A) INSTRUCTION OR MATERIALS PROMOTING HEALTH, PHYSICAL EDUCATION, AND FAMILY AND CONSUMER SCIENCES; LITERARY, PERFORMING AND VISUAL ARTS; MATHEMATICS, SOCIAL STUDIES, TECHNOLOGY AND SCIENTIFIC ACHIEVEMENT; (B) INSTRUCTION OR PROGRAMMING TO MEET THE EDUCATION NEEDS OF AT-RISK STUDENTS OR STUDENTS WITH DISABILITIES, INCLUDING TUTORING OR COUNSELING; OR (C) THE USE OF SPECIALIZED INSTRUCTIONAL MATERIALS, INSTRUCTORS OR INSTRUCTION NOT PROVIDED BY A PUBLIC SCHOOL.

4. "EDUCATIONAL SCHOLARSHIP ORGANIZATION" MEANS AN ENTITY THAT: (A) IS EXEMPT FROM TAXATION UNDER PARAGRAPH THREE OF SUBSECTION (C) OF SECTION FIVE HUNDRED ONE OF THE INTERNAL REVENUE CODE; (B) USES AT LEAST NINETY PERCENT OF THE QUALIFIED CONTRIBUTIONS RECEIVED DURING THE CALENDAR YEAR AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS DURING SUCH YEAR FOR SCHOLARSHIPS; (C) PROVIDES MORE THAN FIFTY PERCENT OF ITS SCHOLARSHIPS DURING A CALENDAR YEAR TO ELIGIBLE PUPILS WHO RESIDE IN A HOUSEHOLD THAT HAS AN INCOME NOT TO EXCEED ONE HUNDRED FIFTY PERCENT OF THE INCOME QUALIFICATION REQUIRED FOR THE REDUCED PRICE SCHOOL LUNCHES UNDER THE NATIONAL SCHOOL LUNCH ACT, PROVIDED HOWEVER FOR THE PURPOSES OF AN EDUCATIONAL SCHOLARSHIP ORGANIZATION FULFILLING SUCH REQUIREMENT, AN EDUCATIONAL SCHOLARSHIP ORGANIZATION MAY ENTER INTO AN AGREEMENT WITH ANOTHER EDUCATIONAL SCHOLARSHIP ORGANIZATION OR ORGANIZATIONS TO JOINTLY REPORT THEIR SCHOLARSHIP INFORMATION TO MEET SUCH REQUIREMENT; (D) DEPOSITS AND HOLDS QUALIFIED CONTRIBUTIONS AND ANY INCOME DERIVED FROM

QUALIFIED CONTRIBUTIONS IN AN ACCOUNT THAT IS SEPARATE FROM THE ORGANIZATION'S OPERATING OR OTHER FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS OR INCOME ARE WITHDRAWN FOR USE; (E) PROVIDES SCHOLARSHIPS TO ELIGIBLE PUPILS FOR USE AT NOT FEWER THAN THREE QUALIFIED SCHOOLS; AND (F) IS APPROVED TO ISSUE CERTIFICATES OF RECEIPT PURSUANT TO THIS ARTICLE.

5. "ELIGIBLE PUPIL" MEANS A CHILD WHO IS: (A) A RESIDENT OF THIS STATE; (B) OF SCHOOL AGE IN ACCORDANCE WITH SUBDIVISION ONE OF SECTION THIRTY-TWO HUNDRED TWO OF THIS CHAPTER OR WHO IS FOUR YEARS OF AGE ON OR BEFORE DECEMBER FIRST OF THE YEAR IN WHICH SUCH CHILD IS ENROLLED IN A PRE-KINDERGARTEN PROGRAM; (C) ATTENDS OR IS ABOUT TO ATTEND A QUALIFIED SCHOOL; AND (D) RESIDES IN A HOUSEHOLD WHICH HAS A FEDERAL ADJUSTED GROSS INCOME OF TWO HUNDRED FIFTY THOUSAND DOLLARS OR LESS, PROVIDED HOWEVER, FOR HOUSEHOLDS WITH THREE OR MORE DEPENDENT CHILDREN, SUCH INCOME LEVEL SHALL BE INCREASED BY TEN THOUSAND DOLLARS PER DEPENDENT CHILD, NOT TO EXCEED THREE HUNDRED THOUSAND DOLLARS.

6. "LOCAL EDUCATION FUND" MEANS A NOT-FOR-PROFIT ENTITY WHICH: (A) IS EXEMPT FROM TAXATION UNDER PARAGRAPH THREE OF SUBSECTION (C) OF SECTION FIVE HUNDRED ONE OF THE INTERNAL REVENUE CODE; (B) IS ESTABLISHED FOR THE PURPOSE OF SUPPORTING AT LEAST ONE PUBLIC SCHOOL OR A PUBLIC SCHOOL DISTRICT LOCATED IN THIS STATE; (C) USES AT LEAST NINETY PERCENT OF THE QUALIFIED CONTRIBUTIONS RECEIVED DURING THE CALENDAR YEAR AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS DURING SUCH MONTHS TO SUPPORT THE PUBLIC SCHOOL OR SCHOOLS OR PUBLIC SCHOOL DISTRICT OR DISTRICTS THAT SUCH FUND HAS BEEN ESTABLISHED TO SUPPORT; (D) DEPOSITS AND HOLDS QUALIFIED CONTRIBUTIONS AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS IN AN ACCOUNT THAT IS SEPARATE FROM THE FUND'S OPERATING OR OTHER FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS OR INCOME ARE WITHDRAWN FOR USE; AND (E) IS APPROVED TO ISSUE CERTIFICATES OF RECEIPT PURSUANT TO THIS ARTICLE.

7. "NON-PUBLIC SCHOOL" MEANS ANY NOT-FOR-PROFIT PRE-KINDERGARTEN PROGRAM OR ELEMENTARY OR SECONDARY SECTARIAN OR NONSECTARIAN SCHOOL LOCATED IN THIS STATE, OTHER THAN A PUBLIC SCHOOL, THAT PROVIDES INSTRUCTION AT ONE OR MORE LOCATIONS TO AN ELIGIBLE PUPIL IN ACCORDANCE WITH SUBDIVISION TWO OF SECTION THIRTY-TWO HUNDRED FOUR OF THIS CHAPTER.

8. "PUBLIC EDUCATION ENTITY" MEANS A PUBLIC SCHOOL DISTRICT OR A PUBLIC SCHOOL IN THIS STATE, PROVIDED THAT SUCH PUBLIC SCHOOL DISTRICT OR PUBLIC SCHOOL: (A) DEPOSITS AND HOLDS QUALIFIED CONTRIBUTIONS AND ANY INCOME DERIVED FROM SUCH QUALIFIED CONTRIBUTIONS IN AN ACCOUNT THAT IS SEPARATE FROM THE PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT'S OPERATING OR OTHER FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS OR INCOME ARE WITHDRAWN FOR USE; AND (B) IS APPROVED TO RECEIVE AUTHORIZED CONTRIBUTIONS AND ISSUE CERTIFICATES OF RECEIPT PURSUANT TO THIS ARTICLE.

9. "PUBLIC SCHOOL" MEANS ANY FREE ELEMENTARY OR SECONDARY SCHOOL IN THIS STATE PURSUANT TO ARTICLE ELEVEN OF THE CONSTITUTION, BUT SHALL NOT INCLUDE A CHARTER SCHOOL AUTHORIZED BY ARTICLE FIFTY-SIX OF THIS CHAPTER.

10. "QUALIFIED CONTRIBUTION" MEANS THE AUTHORIZED CONTRIBUTION MADE BY A TAXPAYER TO A PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION LISTED IN THE CONTRIBUTION AUTHORIZATION CERTIFICATE ISSUED TO THE TAXPAYER FOR WHICH THE TAXPAYER HAS RECEIVED A CERTIFICATE OF RECEIPT FROM SUCH ENTITY, FUND OR ORGANIZATION. A CONTRIBUTION DOES NOT QUALIFY IF THE TAXPAYER DESIGNATES THE TAXPAYER'S CONTRIBUTION TO AN ENTITY OR ORGANIZATION FOR THE DIRECT BENEFIT OF ANY PARTICULAR OR SPECIFIED STUDENT.

11. "QUALIFIED SCHOOL" MEANS A PUBLIC SCHOOL OR NON-PUBLIC SCHOOL LOCATED IN THIS STATE.

12. "SCHOLARSHIP" MEANS AN EDUCATIONAL SCHOLARSHIP OR TUITION GRANT AWARDED TO AN ELIGIBLE PUPIL TO ATTEND A QUALIFIED SCHOOL IN AN AMOUNT NOT TO EXCEED THE TUITION CHARGED TO ATTEND SUCH SCHOOL LESS ANY OTHER EDUCATIONAL SCHOLARSHIP OR TUITION GRANT RECEIVED BY SUCH ELIGIBLE PUPIL OR HIS OR HER PARENT, PARENTS, LEGAL GUARDIAN, OR LEGAL GUARDIANS FOR SUCH ELIGIBLE PUPIL'S TUITION; PROVIDED, HOWEVER, IN THE CASE OF AN ELIGIBLE PUPIL ATTENDING A PUBLIC SCHOOL OF A DISTRICT OF WHICH SUCH PUPIL IS NOT A RESIDENT, THE AMOUNT OF THE EDUCATIONAL SCHOLARSHIP OR TUITION GRANT AWARDED MAY NOT EXCEED THE TUITION CHARGED BY THE PUBLIC SCHOOL PURSUANT TO PARAGRAPH D OF SUBDIVISION FOUR OF SECTION THIRTY-TWO HUNDRED TWO OF THIS CHAPTER, BUT ONLY IF THE SCHOOL DISTRICT OF WHICH SUCH PUPIL IS A RESIDENT IS NOT REQUIRED TO PAY FOR SUCH TUITION.

13. "SCHOOL IMPROVEMENT ORGANIZATION" MEANS A NOT-FOR-PROFIT ENTITY WHICH: (A) IS EXEMPT FROM TAXATION UNDER PARAGRAPH THREE OF SUBSECTION (C) OF SECTION FIVE HUNDRED ONE OF THE INTERNAL REVENUE CODE; (B) USES AT LEAST NINETY PERCENT OF THE QUALIFIED CONTRIBUTIONS RECEIVED DURING THE CALENDAR YEAR AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS DURING SUCH MONTHS TO ASSIST PUBLIC SCHOOLS OR PUBLIC SCHOOL DISTRICTS LOCATED IN THIS STATE IN THEIR PROVISION OF EDUCATIONAL PROGRAMS, EITHER BY MAKING CONTRIBUTIONS TO ONE OR MORE PUBLIC SCHOOLS OR PUBLIC SCHOOL DISTRICTS LOCATED IN THIS STATE OR PROVIDING EDUCATIONAL PROGRAMS TO, OR IN CONJUNCTION WITH, ONE OR MORE PUBLIC SCHOOLS OR PUBLIC SCHOOL DISTRICTS LOCATED IN THIS STATE; (C) DEPOSITS AND HOLDS QUALIFIED CONTRIBUTIONS AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS IN AN ACCOUNT THAT IS SEPARATE FROM THE ORGANIZATION'S OPERATING OR OTHER FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS OR INCOME ARE WITHDRAWN FOR USE; AND (D) IS APPROVED TO ISSUE CERTIFICATES OF RECEIPT PURSUANT TO THIS ARTICLE. SUCH TERM INCLUDES A PRE-KINDERGARTEN PROGRAM OR NOT-FOR-PROFIT ENTITY THAT ALLOWS THE TAXPAYER TO CHOOSE TO DONATE TO A PROGRAM, PROJECT OR INITIATIVE FOR USE IN A PUBLIC SCHOOL.

S 1211. APPROVAL TO ISSUE CERTIFICATES OF RECEIPT. 1. PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS. ALL PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS SHALL BE APPROVED TO ISSUE CERTIFICATES OF RECEIPT FOR QUALIFIED CONTRIBUTIONS IN ACCORDANCE WITH SECTION FORTY-TWO OF THE TAX LAW, PROVIDED, THAT SUCH PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT SHALL NOT BE APPROVED IF EITHER: (A) SUCH PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT FAILS TO DEPOSIT AND HOLD QUALIFIED CONTRIBUTIONS AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS IN AN ACCOUNT THAT IS SEPARATE FROM THE SCHOOL OR SCHOOL DISTRICT'S OPERATING OR OTHER FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS OR INCOME ARE WITHDRAWN FOR USE; OR (B) THE COMMISSIONER HAS REVOKED SUCH APPROVAL FOR SUCH PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT PURSUANT TO SECTION TWELVE HUNDRED FOURTEEN OF THIS ARTICLE.

2. SCHOOL IMPROVEMENT ORGANIZATIONS, EDUCATIONAL SCHOLARSHIP ORGANIZATIONS AND LOCAL EDUCATION FUNDS. NO SCHOOL IMPROVEMENT ORGANIZATION, EDUCATIONAL SCHOLARSHIP ORGANIZATION OR LOCAL EDUCATION FUND SHALL ISSUE ANY CERTIFICATES OF RECEIPT WITHOUT FILING AN APPLICATION PURSUANT TO SECTION TWELVE HUNDRED TWELVE OF THIS ARTICLE AND RECEIVING APPROVAL PURSUANT TO SECTION TWELVE HUNDRED THIRTEEN OF THIS ARTICLE.

S 1212. APPLICATIONS FOR APPROVAL TO ISSUE CERTIFICATES OF RECEIPT. EACH SCHOOL IMPROVEMENT ORGANIZATION, EDUCATIONAL SCHOLARSHIP ORGANIZATION AND LOCAL EDUCATION FUND SHALL SUBMIT AN APPLICATION TO THE COMMISSIONER FOR APPROVAL TO ISSUE CERTIFICATES OF RECEIPT IN THE FORM AND MANNER PRESCRIBED BY THE COMMISSIONER, PROVIDED THAT SUCH APPLICATION SHALL INCLUDE: (A) SUBMISSION OF DOCUMENTATION THAT SUCH SCHOOL IMPROVE-

MENT ORGANIZATION, LOCAL EDUCATION FUND OR EDUCATIONAL SCHOLARSHIP ORGANIZATION HAS BEEN GRANTED EXEMPTION FROM TAXATION UNDER PARAGRAPH THREE OF SUBSECTION (C) OF SECTION FIVE HUNDRED ONE OF THE INTERNAL REVENUE CODE; (B) A LIST OF NAMES AND ADDRESSES OF ALL MEMBERS OF THE GOVERNING BOARD OF THE SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND OR EDUCATIONAL SCHOLARSHIP ORGANIZATION; AND (C) AN EDUCATIONAL SCHOLARSHIP ORGANIZATION SHALL PROVIDE CRITERIA FOR THE AWARDING OF SCHOLARSHIPS TO ELIGIBLE STUDENTS.

S 1213. APPLICATION APPROVAL FOR CERTIFICATES OF RECEIPT. 1. IN GENERAL. THE COMMISSIONER SHALL REVIEW EACH APPLICATION TO ISSUE CERTIFICATES OF RECEIPT PURSUANT TO THIS ARTICLE. THE COMMISSIONER SHALL PUBLISH CRITERIA USED TO DETERMINE SELECTION AND ESTABLISH AN APPEALS PROCESS FOR APPLICATIONS THAT ARE NOT APPROVED.

2. NOTIFICATION. APPLICANTS SHALL BE NOTIFIED OF THE COMMISSIONER'S DETERMINATION WITHIN FIVE BUSINESS DAYS OF THE DETERMINATION.

S 1214. REVOCATION OF APPROVAL TO ISSUE CERTIFICATES OF RECEIPT. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF TAXATION AND FINANCE, MAY REVOKE THE APPROVAL OF A SCHOOL IMPROVEMENT ORGANIZATION, EDUCATIONAL SCHOLARSHIP ORGANIZATION, LOCAL EDUCATION FUND, PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT TO ISSUE CERTIFICATES OF RECEIPT UPON A FINDING THAT SUCH ORGANIZATION, FUND, SCHOOL OR SCHOOL DISTRICT HAS VIOLATED THIS ARTICLE OR SECTION FORTY-TWO OF THE TAX LAW. THESE VIOLATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, ANY OF THE FOLLOWING: (A) FAILURE TO MEET THE REQUIREMENTS OF THIS ARTICLE OR SECTION FORTY-TWO OF THE TAX LAW; (B) THE FAILURE TO MAINTAIN FULL AND ADEQUATE RECORDS WITH RESPECT TO THE RECEIPT OF QUALIFIED CONTRIBUTIONS; (C) THE FAILURE TO SUPPLY SUCH RECORDS TO THE COMMISSIONER, DEPARTMENT OF TAXATION AND FINANCE, OR THE DEPARTMENT WHEN REQUESTED; OR (D) THE FAILURE TO PROVIDE NOTICE TO THE DEPARTMENT OF TAXATION AND FINANCE OF THE ISSUANCE OR NON-ISSUANCE OF CERTIFICATES OF RECEIPT PURSUANT TO SECTION FORTY-TWO OF THE TAX LAW; PROVIDED, HOWEVER, THAT THE COMMISSIONER SHALL NOT REVOKE APPROVAL PURSUANT TO THIS SECTION BASED UPON A VIOLATION OF TAX LAW UNLESS THE COMMISSIONER OF TAXATION AND FINANCE AGREES THAT REVOCATION IS WARRANTED; AND PROVIDED FURTHER THAT THE COMMISSIONER SHALL NOT REVOKE APPROVAL PURSUANT TO THIS SECTION WHEN THE FAILURE TO COMPLY IS DUE TO CLERICAL ERROR AND NOT NEGLIGENCE OR INTENTIONAL DISREGARD FOR THE LAW. WITHIN FIVE DAYS OF THE DETERMINATION REVOKING APPROVAL, THE COMMISSIONER SHALL PROVIDE NOTICE OF SUCH REVOCATION TO THE EDUCATIONAL SCHOLARSHIP ORGANIZATION, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, PUBLIC SCHOOL, OR PUBLIC SCHOOL DISTRICT AND TO THE DEPARTMENT OF TAXATION AND FINANCE. THE COMMISSIONER SHALL ESTABLISH AN APPEALS PROCESS FOR DETERMINATIONS REVOKING APPROVALS.

S 1215. REPORTING AND RECORDKEEPING. 1. REPORTING. EACH EDUCATIONAL SCHOLARSHIP ORGANIZATION, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, PUBLIC SCHOOL AND PUBLIC SCHOOL DISTRICT THAT RECEIVES QUALIFIED CONTRIBUTIONS SHALL REPORT TO THE COMMISSIONER AND THE DEPARTMENT OF TAXATION AND FINANCE BY JANUARY THIRTY-FIRST OF EACH CALENDAR YEAR. SUCH REPORT SHALL BE IN THE FORM AND MANNER PRESCRIBED BY THE COMMISSIONER IN CONSULTATION WITH THE COMMISSIONER OF TAXATION AND FINANCE.

2. RECORDKEEPING. EACH EDUCATIONAL SCHOLARSHIP ORGANIZATION, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, PUBLIC SCHOOL AND PUBLIC SCHOOL DISTRICT THAT ISSUED AT LEAST ONE CERTIFICATE OF RECEIPT SHALL MAINTAIN RECORDS INCLUDING: (A) NOTIFICATIONS RECEIVED FROM THE DEPARTMENT OF TAXATION AND FINANCE; (B) NOTIFICATIONS MADE TO THE DEPARTMENT OF TAXATION AND FINANCE; (C) COPIES OF QUALIFIED CONTRIBUTIONS RECEIVED; (D) COPIES OF THE DEPOSIT OF SUCH QUALIFIED CONTRIBUTIONS; (E) COPIES OF

ISSUED CERTIFICATES OF RECEIPT; (F) ANNUAL FINANCIAL STATEMENTS; (G) IN THE CASE OF SCHOOL IMPROVEMENT ORGANIZATIONS, EDUCATIONAL SCHOLARSHIP ORGANIZATIONS AND LOCAL EDUCATION FUNDS, THE APPLICATION SUBMITTED PURSUANT TO SECTION TWELVE HUNDRED TWELVE OF THIS ARTICLE AND THE APPROVAL ISSUED BY THE COMMISSIONER; AND (H) ANY OTHER INFORMATION PRESCRIBED BY THE COMMISSIONER. SUCH RECORDS SHALL BE MAINTAINED BY THE ENTITY OR ORGANIZATION FOR FIVE YEARS.

S 1216. JOINT ANNUAL REPORT. ON OR BEFORE THE LAST DAY OF MAY FOR EACH CALENDAR YEAR, THE COMMISSIONER OF TAXATION AND FINANCE AND THE COMMISSIONER, JOINTLY, SHALL SUBMIT A WRITTEN REPORT AS PROVIDED IN SUBDIVISION (K) OF SECTION FORTY-TWO OF THE TAX LAW.

S 1217. COMMISSIONER; POWERS. THE COMMISSIONER SHALL PROMULGATE ON AN EMERGENCY BASIS REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION. THE COMMISSIONER SHALL MAKE ANY APPLICATION REQUIRED TO BE FILED PURSUANT TO THIS ARTICLE AVAILABLE TO APPLICANTS WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE.

S 3. The education law is amended by adding a new section 1503-a to read as follows:

S 1503-A. POWER TO ACCEPT AND SOLICIT GIFTS AND DONATIONS. 1. THE TRUSTEES OR BOARDS OF EDUCATION OF ALL SCHOOL DISTRICTS ORGANIZED BY SPECIAL LAWS OR PURSUANT TO THE PROVISIONS OF A GENERAL LAW ARE HEREBY AUTHORIZED AND EMPOWERED TO ACCEPT GIFTS, DONATIONS, AND CONTRIBUTIONS TO THE DISTRICT AND TO SOLICIT THE SAME.

2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER OR OF ANY OTHER GENERAL OR SPECIAL LAW TO THE CONTRARY, THE RECEIPT OF SUCH GIFTS, DONATIONS AND CONTRIBUTIONS MADE PURSUANT TO ARTICLE TWENTY-FIVE OF THIS CHAPTER, AND ANY INCOME DERIVED THEREFROM, SHALL BE DISREGARDED FOR THE PURPOSES OF ALL APPORTIONMENTS, COMPUTATIONS, AND DETERMINATIONS OF STATE AID.

S 4. The tax law is amended by adding a new section 42 to read as follows:

S 42. EDUCATION TAX CREDIT. (A) DEFINITIONS. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS HAVE THE SAME DEFINITION AS IN SECTION TWELVE HUNDRED TEN OF THE EDUCATION LAW: "AUTHORIZED CONTRIBUTION", "CONTRIBUTION", "EDUCATIONAL PROGRAM", "EDUCATIONAL SCHOLARSHIP ORGANIZATION", "ELIGIBLE PUPIL", "LOCAL EDUCATION FUND", "NON-PUBLIC SCHOOL", "PUBLIC EDUCATION ENTITY", "PUBLIC SCHOOL", "QUALIFIED CONTRIBUTION", "QUALIFIED SCHOOL", "SCHOLARSHIP", AND "SCHOOL IMPROVEMENT ORGANIZATION".

(B) ALLOWANCE OF CREDIT. A TAXPAYER SUBJECT TO TAX UNDER ARTICLE NINE-A OR TWENTY-TWO OF THIS CHAPTER SHALL BE ALLOWED AN EDUCATION TAX CREDIT AGAINST SUCH TAX, PURSUANT TO THE PROVISIONS REFERENCED IN SUBDIVISION (1) OF THIS SECTION, WITH RESPECT TO QUALIFIED CONTRIBUTIONS MADE DURING THE TAXABLE YEAR.

(C) AMOUNT OF CREDIT. THE AMOUNT OF THE CREDIT SHALL BE THE LESSER OF SEVENTY-FIVE PERCENT OF THE TAXPAYER'S TOTAL QUALIFIED CONTRIBUTIONS OR ONE MILLION DOLLARS. IF THE TAXPAYER IS A PARTNER IN A PARTNERSHIP OR SHAREHOLDER OF A NEW YORK S CORPORATION, THEN THE CAP IMPOSED BY THE PRECEDING SENTENCE SHALL BE APPLIED AT THE ENTITY LEVEL, SO THAT THE AGGREGATE CREDIT ALLOWED TO ALL THE PARTNERS OR SHAREHOLDERS OF EACH SUCH ENTITY IN THE TAXABLE YEAR DOES NOT EXCEED ONE MILLION DOLLARS.

(D) INFORMATION TO BE POSTED ON THE DEPARTMENT'S WEBSITE. BEGINNING ON THE SIXTEENTH DAY OF JANUARY OF EACH YEAR, THE COMMISSIONER SHALL MAINTAIN ON THE DEPARTMENT'S WEBSITE A RUNNING TOTAL OF THE AMOUNT OF AVAILABLE CREDIT FOR WHICH TAXPAYERS MAY APPLY PURSUANT TO THIS SECTION. ADDITIONALLY, THE COMMISSIONER SHALL MAINTAIN ON THE DEPARTMENT'S

WEBSITE A LIST OF THE SCHOOL IMPROVEMENT ORGANIZATIONS, LOCAL EDUCATION FUNDS AND EDUCATIONAL SCHOLARSHIP ORGANIZATIONS APPROVED TO ISSUE CERTIFICATES OF RECEIPT PURSUANT TO ARTICLE TWENTY-FIVE OF THE EDUCATION LAW. THE COMMISSIONER SHALL ALSO MAINTAIN ON THE DEPARTMENT'S WEBSITE A LIST OF PUBLIC EDUCATION ENTITIES, SCHOOL IMPROVEMENT ORGANIZATIONS, LOCAL EDUCATION FUNDS AND EDUCATIONAL SCHOLARSHIP ORGANIZATIONS WHOSE APPROVAL TO ISSUE CERTIFICATES OF RECEIPT HAS BEEN REVOKED ALONG WITH THE DATE OF SUCH REVOCATION.

(E) APPLICATIONS FOR CONTRIBUTION AUTHORIZATION CERTIFICATES. PRIOR TO MAKING A CONTRIBUTION TO A PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION, THE TAXPAYER SHALL APPLY TO THE DEPARTMENT FOR A CONTRIBUTION AUTHORIZATION CERTIFICATE FOR SUCH CONTRIBUTION. SUCH APPLICATION SHALL BE IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT. THE DEPARTMENT MAY ALLOW TAXPAYERS TO MAKE MULTIPLE APPLICATIONS ON THE SAME FORM, PROVIDED THAT EACH CONTRIBUTION LISTED ON SUCH APPLICATION SHALL BE TREATED AS A SEPARATE APPLICATION AND THAT THE DEPARTMENT SHALL ISSUE SEPARATE CONTRIBUTION AUTHORIZATION CERTIFICATES FOR EACH SUCH APPLICATION.

(F) CONTRIBUTION AUTHORIZATION CERTIFICATES. 1. ISSUANCE OF CERTIFICATES. THE COMMISSIONER SHALL ISSUE CONTRIBUTION AUTHORIZATION CERTIFICATES IN TWO PHASES. IN PHASE ONE, WHICH BEGINS ON THE FIRST DAY OF JANUARY AND ENDS ON THE FIFTEENTH DAY OF JANUARY, THE COMMISSIONER SHALL ACCEPT APPLICATIONS FOR CONTRIBUTION AUTHORIZATION CERTIFICATES BUT SHALL NOT ISSUE ANY SUCH CERTIFICATES. COMMENCING AFTER THE SIXTEENTH DAY OF JANUARY, THE COMMISSIONER SHALL ISSUE CONTRIBUTION AUTHORIZATION CERTIFICATES FOR APPLICATIONS RECEIVED DURING PHASE ONE, PROVIDED THAT IF THE AGGREGATE TOTAL OF THE CONTRIBUTIONS FOR WHICH APPLICATIONS HAVE BEEN RECEIVED DURING PHASE ONE EXCEEDS THE AMOUNT OF THE CREDIT CAP IN SUBDIVISION (H) OF THIS SECTION, THE AUTHORIZED CONTRIBUTION AMOUNT LISTED ON EACH CONTRIBUTION AUTHORIZATION CERTIFICATE SHALL EQUAL THE PRO-RATA SHARE OF THE CREDIT CAP. IF THE CREDIT CAP IS NOT EXCEEDED, PHASE TWO COMMENCES ON JANUARY SIXTEENTH AND ENDS ON NOVEMBER FIRST. THE COMMISSIONER SHALL ISSUE CONTRIBUTION AUTHORIZATION CERTIFICATES ON A FIRST-COME FIRST SERVE BASIS BASED UPON THE DATE THE DEPARTMENT RECEIVED THE TAXPAYER'S APPLICATION FOR SUCH CERTIFICATE; PROVIDED, HOWEVER, THAT IF ON ANY DAY THE DEPARTMENT RECEIVES APPLICATIONS REQUESTING CONTRIBUTION AUTHORIZATION CERTIFICATES FOR CONTRIBUTIONS THAT IN THE AGGREGATE EXCEED THE AMOUNT OF THE REMAINING AVAILABLE CREDIT ON SUCH DAY, THE AUTHORIZED CONTRIBUTION AMOUNT LISTED IN EACH CONTRIBUTION AUTHORIZATION CERTIFICATE SHALL BE THE TAXPAYER'S PRO-RATA SHARE OF THE REMAINING AVAILABLE CREDIT. FOR PURPOSES OF DETERMINING A TAXPAYER'S PRO-RATA SHARE OF REMAINING AVAILABLE CREDIT, THE COMMISSIONER SHALL MULTIPLY THE AMOUNT OF REMAINING AVAILABLE CREDIT BY A FRACTION, THE NUMERATOR OF WHICH EQUALS THE TOTAL CONTRIBUTION AMOUNT LISTED ON THE TAXPAYER'S APPLICATION AND THE DENOMINATOR OF WHICH EQUALS THE AGGREGATE AMOUNT OF CONTRIBUTIONS LISTED ON THE APPLICATIONS FOR CONTRIBUTION AUTHORIZATION CERTIFICATES RECEIVED ON SUCH DAY. CONTRIBUTION AUTHORIZATION CERTIFICATES FOR APPLICATIONS RECEIVED DURING PHASE ONE SHALL BE MAILED NO LATER THAN THE FIFTH DAY OF FEBRUARY. CONTRIBUTION AUTHORIZATION CERTIFICATES FOR APPLICATIONS RECEIVED DURING PHASE TWO SHALL BE MAILED WITHIN TWENTY DAYS OF RECEIPT OF SUCH APPLICATIONS. PROVIDED, HOWEVER, THAT NO CONTRIBUTION AUTHORIZATION CERTIFICATES FOR APPLICATIONS RECEIVED DURING PHASE TWO SHALL BE ISSUED UNTIL ALL OF THE CONTRIBUTION AUTHORIZATION CERTIFICATES FOR APPLICATIONS RECEIVED DURING PHASE ONE HAVE BEEN ISSUED.

2. CONTRIBUTION AUTHORIZATION CERTIFICATE CONTENTS. EACH CONTRIBUTION AUTHORIZATION CERTIFICATE SHALL STATE: (I) THE DATE SUCH CERTIFICATE WAS ISSUED; (II) THE DATE BY WHICH THE AUTHORIZED CONTRIBUTIONS LISTED IN THE CERTIFICATE MUST BE MADE, WHICH SHALL BE NO LATER THAN NOVEMBER THIRTIETH OF THE YEAR FOR WHICH THE CONTRIBUTION AUTHORIZATION CERTIFICATE WAS ISSUED; (III) THE TAXPAYER'S NAME AND ADDRESS; (IV) THE AMOUNT OF AUTHORIZED CONTRIBUTIONS; (V) THE CONTRIBUTION AUTHORIZATION CERTIFICATE'S CERTIFICATE NUMBER; (VI) THE NAME AND ADDRESS OF THE PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND OR EDUCATIONAL SCHOLARSHIP ORGANIZATION FOR WHICH THE TAXPAYER MAY MAKE THE AUTHORIZED CONTRIBUTION; AND (VII) ANY OTHER INFORMATION THAT THE COMMISSIONER DEEMS NECESSARY.

3. NOTIFICATION OF THE ISSUANCE OF A CONTRIBUTION AUTHORIZATION CERTIFICATE. UPON ISSUANCE OF A CONTRIBUTION AUTHORIZATION CERTIFICATE, THE COMMISSIONER SHALL NOTIFY THE EDUCATIONAL SCHOLARSHIP ORGANIZATION, PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION OR LOCAL EDUCATION FUND OF THE ISSUANCE OF THE CONTRIBUTION AUTHORIZATION CERTIFICATE TO A TAXPAYER. SUCH NOTIFICATION SHALL INCLUDE: (I) THE TAXPAYER'S NAME AND ADDRESS; (II) THE DATE SUCH CERTIFICATE WAS ISSUED; (III) THE DATE BY WHICH THE AUTHORIZED CONTRIBUTION LISTED IN THE NOTIFICATION MUST BE MADE BY THE TAXPAYER; (IV) THE AMOUNT OF THE AUTHORIZED CONTRIBUTION; (V) CONTRIBUTION AUTHORIZATION CERTIFICATE; AND (VI) ANY OTHER INFORMATION THAT THE COMMISSIONER DEEMS NECESSARY.

(G) CERTIFICATE OF RECEIPT. 1. IN GENERAL. NO PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION SHALL ISSUE A CERTIFICATE OF RECEIPT FOR ANY CONTRIBUTION MADE BY A TAXPAYER UNLESS SUCH PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION HAS BEEN APPROVED TO ISSUE CERTIFICATES OF RECEIPT PURSUANT TO ARTICLE TWENTY-FIVE OF THE EDUCATION LAW. NO PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION SHALL ISSUE A CERTIFICATE OF RECEIPT FOR A CONTRIBUTION MADE BY A TAXPAYER UNLESS SUCH PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION HAS RECEIVED NOTICE FROM THE DEPARTMENT THAT THE DEPARTMENT ISSUED A CREDIT AUTHORIZATION CERTIFICATE TO THE TAXPAYER FOR SUCH CONTRIBUTION.

2. TIMELY CONTRIBUTION. IF A TAXPAYER MAKES AN AUTHORIZED CONTRIBUTION TO THE PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION SET FORTH ON THE AUTHORIZATION CERTIFICATE ISSUED TO THE TAXPAYER NO LATER THAN THE DATE BY WHICH SUCH AUTHORIZED CONTRIBUTION IS REQUIRED TO BE MADE, SUCH PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION SHALL, WITHIN THIRTY DAYS OF RECEIPT OF THE AUTHORIZED CONTRIBUTION, ISSUE TO THE TAXPAYER A WRITTEN CERTIFICATE OF RECEIPT; PROVIDED, HOWEVER, THAT IF THE TAXPAYER CONTRIBUTES AN AMOUNT THAT IS LESS THAN THE AMOUNT LISTED ON THE TAXPAYER'S CONTRIBUTION AUTHORIZATION CERTIFICATE, THE TAXPAYER SHALL NOT BE ISSUED A CERTIFICATE OF RECEIPT FOR SUCH CONTRIBUTION.

3. CERTIFICATE OF RECEIPT CONTENTS. EACH CERTIFICATE OF RECEIPT SHALL STATE: (I) THE NAME AND ADDRESS OF THE ISSUING PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION; (II) THE TAXPAYER'S NAME AND ADDRESS; (III) THE DATE FOR EACH CONTRIBUTION; (IV) THE AMOUNT OF EACH CONTRIBUTION AND THE CORRESPONDING CONTRIBUTION AUTHORIZATION CERTIFICATE NUMBER; (V) THE

TOTAL AMOUNT OF CONTRIBUTIONS; AND (VI) ANY OTHER INFORMATION THAT THE COMMISSIONER DEEMS NECESSARY.

4. NOTIFICATION TO THE DEPARTMENT FOR THE ISSUANCE OF A CERTIFICATE OF RECEIPT. UPON THE ISSUANCE OF A CERTIFICATE OF RECEIPT, THE ISSUING PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION SHALL, WITHIN THIRTY DAYS OF ISSUING THE CERTIFICATE OF RECEIPT, PROVIDE THE DEPARTMENT WITH NOTIFICATION OF THE ISSUANCE OF SUCH CERTIFICATE IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT.

5. NOTIFICATION TO THE DEPARTMENT OF THE NON-ISSUANCE OF A CERTIFICATE OF RECEIPT. EACH PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION THAT RECEIVED NOTIFICATION FROM THE DEPARTMENT PURSUANT TO SUBDIVISION (D) OF THIS SECTION REGARDING THE ISSUANCE OF A CONTRIBUTION AUTHORIZATION CERTIFICATE TO A TAXPAYER SHALL, WITHIN THIRTY DAYS OF THE EXPIRATION DATE FOR SUCH AUTHORIZED CONTRIBUTION, PROVIDE NOTIFICATION TO THE DEPARTMENT FOR EACH TAXPAYER THAT FAILED TO MAKE THE AUTHORIZED CONTRIBUTION TO SUCH PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT.

6. FAILURE TO NOTIFY THE DEPARTMENT. WITHIN THIRTY DAYS OF DISCOVERY OF THE FAILURE OF ANY PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION TO COMPLY WITH THE NOTIFICATION REQUIREMENTS PRESCRIBED BY PARAGRAPHS FOUR AND FIVE OF THIS SUBDIVISION, THE COMMISSIONER SHALL ISSUE A NOTICE OF COMPLIANCE FAILURE TO SUCH ENTITY, PROGRAM FUND OR ORGANIZATION. SUCH ENTITY, PROGRAM FUND OR ORGANIZATION SHALL HAVE THIRTY DAYS FROM THE DATE OF SUCH NOTICE TO MAKE THE NOTIFICATIONS PRESCRIBED BY PARAGRAPHS FOUR AND FIVE OF THIS SUBDIVISION. SUCH PERIOD MAY BE EXTENDED FOR AN ADDITIONAL THIRTY DAYS UPON THE REQUEST OF THE ENTITY, PROGRAM FUND OR ORGANIZATION. UPON THE EXPIRATION OF THE PERIOD FOR COMPLIANCE SET FORTH IN THE NOTICE PRESCRIBED BY THIS PARAGRAPH, THE COMMISSIONER SHALL NOTIFY THE COMMISSIONER OF EDUCATION THAT SUCH ENTITY, PROGRAM FUND OR ORGANIZATION FAILED TO MAKE THE NOTIFICATIONS PRESCRIBED BY PARAGRAPHS FOUR AND FIVE OF THIS SUBDIVISION.

(H) CREDIT CAP. THE MAXIMUM PERMITTED CREDITS UNDER THIS SECTION AVAILABLE ANNUALLY TO ALL TAXPAYERS FOR QUALIFIED CONTRIBUTIONS FOR CALENDAR YEAR TWO THOUSAND SIXTEEN AND ALL FOLLOWING YEARS SHALL BE ONE HUNDRED MILLION DOLLARS. THE MAXIMUM PERMITTED CREDITS UNDER THIS SECTION FOR QUALIFIED CONTRIBUTIONS SHALL BE ALLOCATED FIFTY PERCENT TO PUBLIC EDUCATION ENTITIES, SCHOOL IMPROVEMENT ORGANIZATIONS, AND LOCAL EDUCATION FUNDS AND FIFTY PERCENT TO EDUCATIONAL SCHOLARSHIP ORGANIZATIONS.

(I) ADDITIONS TO THE CREDIT CAP. UNISSUED CERTIFICATES OF RECEIPT. ANY AMOUNTS FOR WHICH THE DEPARTMENT RECEIVES NOTIFICATION OF NON-ISSUANCE OF A CERTIFICATE OF RECEIPT SHALL BE ADDED TO THE CAP PRESCRIBED IN SUBDIVISION (H) OF THIS SECTION FOR THE IMMEDIATELY FOLLOWING YEAR.

(J) OTHER REQUIREMENTS; MISCELLANEOUS. 1. RECORD KEEPING. EACH TAXPAYER SHALL, FOR EACH TAXABLE YEAR FOR WHICH THE EDUCATION TAX CREDIT PROVIDED FOR UNDER THIS SECTION IS CLAIMED, MAINTAIN RECORDS OF THE FOLLOWING INFORMATION: (I) CONTRIBUTION AUTHORIZATION CERTIFICATES OBTAINED PURSUANT TO SUBDIVISION (F) OF THIS SECTION, AND (II) CERTIFICATES OF RECEIPT OBTAINED PURSUANT TO SUBDIVISION (G) OF THIS SECTION.

2. REGULATIONS. THE COMMISSIONER IS HEREBY AUTHORIZED TO PROMULGATE AND ADOPT ON AN EMERGENCY BASIS REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

(K) JOINT ANNUAL REPORT. ON OR BEFORE THE LAST DAY OF MAY FOR EACH CALENDAR YEAR, FOR THE IMMEDIATELY PRECEDING YEAR, THE COMMISSIONER AND THE COMMISSIONER OF EDUCATION SHALL JOINTLY SUBMIT A WRITTEN REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE AND THE CHAIRMAN OF THE ASSEMBLY WAYS AND MEANS COMMITTEE REGARDING THE CREDIT. SUCH REPORT SHALL CONTAIN INFORMATION FOR ARTICLES NINE-A AND TWENTY-TWO OF THIS CHAPTER, RESPECTIVELY, REGARDING: (I) THE NUMBER OF APPLICATIONS RECEIVED; (II) THE NUMBER OF AND AGGREGATE VALUE OF THE CONTRIBUTION AUTHORIZATION CERTIFICATES ISSUED FOR CONTRIBUTIONS TO PUBLIC EDUCATION ENTITIES, SCHOOL IMPROVEMENT ORGANIZATIONS, LOCAL EDUCATION FUNDS, AND EDUCATIONAL SCHOLARSHIP ORGANIZATIONS, RESPECTIVELY; (III) THE GEOGRAPHICAL DISTRIBUTION BY COUNTY, TO THE EXTENT FEASIBLE, OF (A) THE APPLICATIONS FOR CONTRIBUTION AUTHORIZATION CERTIFICATES, DISTRIBUTION BY THE COUNTY, TO THE EXTENT FEASIBLE, OF (B) THE PUBLIC EDUCATION ENTITIES, SCHOOL IMPROVEMENT ORGANIZATIONS, LOCAL EDUCATION FUNDS, AND EDUCATIONAL SCHOLARSHIP ORGANIZATIONS LISTED ON THE ISSUED CONTRIBUTION AUTHORIZATION CERTIFICATES; AND (IV) INFORMATION, INCLUDING GEOGRAPHICAL DISTRIBUTION BY COUNTY, TO THE EXTENT FEASIBLE, OF THE NUMBER OF ELIGIBLE PUPILS THAT RECEIVED SCHOLARSHIPS, THE NUMBER OF QUALIFIED SCHOOLS ATTENDED BY ELIGIBLE PUPILS THAT RECEIVED SUCH SCHOLARSHIPS, AND THE AVERAGE VALUE OF SCHOLARSHIPS RECEIVED BY SUCH ELIGIBLE PUPILS. THE COMMISSIONER AND DESIGNATED EMPLOYEES OF THE DEPARTMENT AND THE COMMISSIONER OF EDUCATION AND DESIGNATED EMPLOYEES OF THE DEPARTMENT OF EDUCATION SHALL BE ALLOWED AND ARE DIRECTED TO SHARE AND EXCHANGE INFORMATION REGARDING THE SCHOOL IMPROVEMENT ORGANIZATIONS, LOCAL EDUCATION FUNDS AND EDUCATIONAL SCHOLARSHIP ORGANIZATIONS THAT APPLIED FOR APPROVAL TO BE AUTHORIZED TO RECEIVE QUALIFIED CONTRIBUTIONS; AND THE PUBLIC EDUCATION ENTITIES, SCHOOL IMPROVEMENT ORGANIZATIONS, LOCAL EDUCATION FUNDS, AND EDUCATIONAL SCHOLARSHIP ORGANIZATIONS AUTHORIZED TO ISSUE CERTIFICATES OF RECEIPT, INCLUDING INFORMATION CONTAINED IN OR DERIVED FROM APPLICATION FORMS AND REPORTS SUBMITTED TO THE DEPARTMENT OF EDUCATION OR THE COMMISSIONER OF EDUCATION.

(L) CROSS REFERENCES. FOR APPLICATION OF THE CREDIT PROVIDED FOR IN THIS SECTION, SEE THE FOLLOWING PROVISIONS OF THIS CHAPTER:

(1) ARTICLE 9-A: SECTION 210-B; SUBDIVISION 50;

(2) ARTICLE 22: SECTION 606, SUBSECTION (CCC);

S 5. Paragraph (b) of subdivision 9 of section 208 of the tax law is amended by adding a new subparagraph 22 to read as follows:

(22) THE AMOUNT OF ANY FEDERAL DEDUCTION FOR CHARITABLE CONTRIBUTIONS ALLOWED UNDER SECTION ONE HUNDRED SEVENTY OF THE INTERNAL REVENUE CODE TO THE EXTENT SUCH CONTRIBUTIONS ARE USED AS THE BASIS OF THE CALCULATION OF THE EDUCATION TAX CREDIT ALLOWED UNDER SUBDIVISION FIFTY OF SECTION TWO HUNDRED TEN-B OF THIS ARTICLE.

S 6. Section 210-B of the tax law is amended by adding a new subdivision 50 to read as follows:

50. EDUCATION TAX CREDIT. (A) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN SECTION FORTY-TWO OF THIS CHAPTER, AGAINST THE TAX IMPOSED BY THIS ARTICLE.

(B) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR THAT YEAR TO LESS THAN THE AMOUNT PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION TWO HUNDRED TEN OF THIS ARTICLE. IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT OR IF THE TAXPAYER OTHERWISE PAYS TAX ON THE FIXED DOLLAR MINIMUM THE EXCESS ALLOWED FOR A TAXABLE YEAR MAY BE CARRIED OVER TO THE FOLLOW-

ING YEAR OR YEARS FOR UP TO FIVE YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

S 7. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (xli) to read as follows:

(XLI) EDUCATION TAX CREDIT UNDER SUBSECTION (CCC)	AMOUNT OF CREDIT UNDER SUBDIVISION FIFTY OF SECTION TWO HUNDRED TEN-B

S 8. Section 606 of the tax law is amended by adding a new subsection (ccc) to read as follows:

(CCC) EDUCATION TAX CREDIT. ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT TO BE COMPUTED AS PROVIDED IN SECTION FORTY-TWO OF THIS CHAPTER, AGAINST THE TAX IMPOSED BY THIS ARTICLE. IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS ALLOWED FOR A TAXABLE YEAR MAY BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS FOR UP TO FIVE YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

S 9. Subsection (g) of section 615 of the tax law is amended by adding a new paragraph 3 to read as follows:

(3) WITH RESPECT TO AN INDIVIDUAL WHO HAS CLAIMED THE EDUCATION TAX CREDIT FOR QUALIFIED CONTRIBUTIONS PURSUANT TO SUBDIVISION (CCC) OF SECTION SIX HUNDRED SIX OF THIS ARTICLE, THE TAXPAYER'S NEW YORK ITEMIZED DEDUCTION SHALL BE REDUCED BY ANY CHARITABLE CONTRIBUTION DEDUCTION ALLOWED UNDER SECTION ONE HUNDRED SEVENTY OF THE INTERNAL REVENUE CODE WITH RESPECT TO SUCH QUALIFIED CONTRIBUTIONS.

S 10. Severability. If any provision of this section or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

S 11. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2016; provided however, notwithstanding the foregoing, this act shall not take effect unless the legislature enacts, by no later than March 31, 2015, a chapter of law identical to legislation submitted by the Governor pursuant to Article VII of the New York Constitution as Part D of legislative bill numbers S.2006 and A.3006 relating to the establishment by the president of the higher education services corporation of an application form and procedures that shall allow a student applicant that meets the requirements set forth in subparagraph (ii) of paragraph (a) or subparagraph (ii) of paragraph b of subdivision 5 of section 661 of the education law to apply directly to the higher education services corporation for applicable awards without having to submit information to any other state or federal agency.

PART F

Section 1. The banking law is amended by adding a new section 9-w to read as follows:

S 9-W. STANDARD FINANCIAL AID AWARD LETTER. THE SUPERINTENDENT OF FINANCIAL SERVICES IN CONSULTATION WITH THE PRESIDENT OF THE HIGHER EDUCATION SERVICES CORPORATION SHALL DEVELOP A STANDARD FINANCIAL AID AWARD LETTER WHICH SHALL CLEARLY DELINEATE (A) THE ESTIMATED COST OF ATTENDANCE, (B) ALL FINANCIAL AID OFFERED, WITH AN EXPLANATION AS TO

WHICH COMPONENTS WILL REQUIRE REPAYMENT, (C) ANY EXPECTED STUDENT AND/OR FAMILY CONTRIBUTION, (D) CAMPUS-SPECIFIC GRADUATION, MEDIAN BORROWING, AND LOAN DEFAULT RATES, AND (E) ANY OTHER INFORMATION AS DETERMINED BY THE SUPERINTENDENT IN CONSULTATION WITH THE PRESIDENT. THE SUPERINTENDENT SHALL PUBLISH AND MAKE AVAILABLE SUCH STANDARD LETTER BY DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN AND THEREAFTER. EACH COLLEGE, VOCATIONAL INSTITUTION, AND ANY OTHER INSTITUTION THAT OFFERS AN APPROVED PROGRAM AS DEFINED IN SECTION SIX HUNDRED ONE OF THE EDUCATION LAW SHALL UTILIZE THE STANDARD LETTER ISSUED BY THE DEPARTMENT OF FINANCIAL SERVICES IN RESPONDING TO ALL FINANCIAL AID APPLICANTS FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN ACADEMIC YEAR AND THEREAFTER. THE SUPERINTENDENT SHALL PROMULGATE REGULATIONS IMPLEMENTING THIS SECTION.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2015.

PART G

Section 1. Section 7408 of the education law is amended by adding a new subdivision 6 to read as follows:

6. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY FIRM ESTABLISHED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY PURSUANT TO ARTICLE FIFTEEN OF THE BUSINESS CORPORATION LAW, ARTICLES ONE AND EIGHT-B OF THE PARTNERSHIP LAW, OR ARTICLES TWELVE AND THIRTEEN OF THE LIMITED LIABILITY COMPANY LAW SHALL BE DEEMED AUTHORIZED TO REGISTER PURSUANT TO THIS SECTION.

S 2. Section 1503 of the business corporation law is amended by adding a new paragraph (h) to read as follows:

(H) ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE ONE HUNDRED FORTY-NINE OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL SHAREHOLDERS OF A PROFESSIONAL SERVICE CORPORATION WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION SEVENTY-FOUR HUNDRED FOUR OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION SEVENTY-FOUR HUNDRED FIVE OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE PROVISIONS OF THIS PARAGRAPH, A FIRM INCORPORATED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS". EACH NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM. SUCH A FIRM SHALL HAVE ATTACHED TO ITS CERTIF-

ICATE OF INCORPORATION A CERTIFICATE OR CERTIFICATES DEMONSTRATING THE FIRM'S COMPLIANCE WITH THIS PARAGRAPH, IN LIEU OF THE CERTIFICATE OR CERTIFICATES REQUIRED BY SUBPARAGRAPH (II) OF PARAGRAPH (B) OF THIS SECTION.

S 3. Section 1507 of the business corporation law is amended by adding a new paragraph (c) to read as follows:

(C) ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE MAY ISSUE SHARES TO INDIVIDUALS WHO ARE AUTHORIZED BY LAW TO PRACTICE IN THIS STATE A PROFESSION WHICH SUCH CORPORATION IS AUTHORIZED TO PRACTICE AND WHO ARE OR HAVE BEEN ENGAGED IN THE PRACTICE OF SUCH PROFESSION IN SUCH CORPORATION OR A PREDECESSOR ENTITY, OR WHO WILL ENGAGE IN THE PRACTICE OF SUCH PROFESSION IN SUCH CORPORATION WITHIN THIRTY DAYS OF THE DATE SUCH SHARES ARE ISSUED AND MAY ALSO ISSUE SHARES TO EMPLOYEES OF THE CORPORATION NOT LICENSED AS CERTIFIED PUBLIC ACCOUNTANTS, PROVIDED THAT:

(I) AT LEAST FIFTY-ONE PERCENT OF THE OUTSTANDING SHARES OF STOCK OF THE CORPORATION ARE OWNED BY CERTIFIED PUBLIC ACCOUNTANTS,

(II) AT LEAST FIFTY-ONE PERCENT OF THE DIRECTORS ARE CERTIFIED PUBLIC ACCOUNTANTS,

(III) AT LEAST FIFTY-ONE PERCENT OF THE OFFICERS ARE CERTIFIED PUBLIC ACCOUNTANTS,

(IV) THE PRESIDENT, THE CHAIRPERSON OF THE BOARD OF DIRECTORS AND THE CHIEF EXECUTIVE OFFICER OR OFFICERS ARE CERTIFIED PUBLIC ACCOUNTANTS. NO SHAREHOLDER OF A FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE SHALL ENTER INTO A VOTING TRUST AGREEMENT, PROXY OR ANY OTHER TYPE OF AGREEMENT VESTING IN ANOTHER PERSON, OTHER THAN ANOTHER SHAREHOLDER OF THE SAME CORPORATION, THE AUTHORITY TO EXERCISE VOTING POWER OF ANY OR ALL OF HIS OR HER SHARES. ALL SHARES ISSUED, AGREEMENTS MADE OR PROXIES GRANTED IN VIOLATION OF THIS SECTION SHALL BE VOID.

S 4. Section 1508 of the business corporation law is amended by adding a new paragraph (c) to read as follows:

(C) THE DIRECTORS AND OFFICERS OF ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE MAY INCLUDE INDIVIDUALS WHO ARE NOT LICENSED TO PRACTICE PUBLIC ACCOUNTANCY, PROVIDED HOWEVER THAT AT LEAST FIFTY-ONE PERCENT OF THE DIRECTORS, AT LEAST FIFTY-ONE PERCENT OF THE OFFICERS AND THE PRESIDENT, THE CHAIRPERSON OF THE BOARD OF DIRECTORS AND THE CHIEF EXECUTIVE OFFICER OR OFFICERS ARE AUTHORIZED BY LAW TO PRACTICE IN THIS STATE A PROFESSION WHICH SUCH CORPORATION IS AUTHORIZED TO PRACTICE, AND ARE EITHER SHAREHOLDERS OF SUCH CORPORATION OR ENGAGED IN THE PRACTICE OF THEIR PROFESSIONS IN SUCH CORPORATION.

S 5. Section 1509 of the business corporation law, as amended by chapter 550 of the laws of 2011, is amended to read as follows:

S 1509. Disqualification of shareholders, directors, officers and employees.

If any shareholder, director, officer or employee of a professional service corporation, including a design professional service corporation, OR ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE, who has been rendering professional service to the public becomes legally disqualified to practice his profession within this state, he shall sever all employment

with, and financial interests (other than interests as a creditor) in, such corporation forthwith or as otherwise provided in section 1510 of this article. All provisions of law regulating the rendering of professional services by a person elected or appointed to a public office shall be applicable to a shareholder, director, officer and employee of such corporation in the same manner and to the same extent as if fully set forth herein. Such legal disqualification to practice his profession within this state shall be deemed to constitute an irrevocable offer by the disqualified shareholder to sell his shares to the corporation, pursuant to the provisions of section 1510 of this article or of the certificate of incorporation, by-laws or agreement among the corporation and all shareholders, whichever is applicable. Compliance with the terms of such offer shall be specifically enforceable in the courts of this state. A professional service corporation's failure to enforce compliance with this provision shall constitute a ground for forfeiture of its certificate of incorporation and its dissolution.

S 6. Paragraph (a) of section 1511 of the business corporation law, as amended by chapter 550 of the laws of 2011, is amended and new paragraph (c) is added to read as follows:

(a) No shareholder of a professional service corporation [or], INCLUDING a design professional service corporation, OR ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE, may sell or transfer his shares in such corporation except to another individual who is eligible to have shares issued to him by such corporation or except in trust to another individual who would be eligible to receive shares if he were employed by the corporation. Nothing herein contained shall be construed to prohibit the transfer of shares by operation of law or by court decree. No transferee of shares by operation of law or court decree may vote the shares for any purpose whatsoever except with respect to corporate action under sections 909 and 1001 of this chapter. The restriction in the preceding sentence shall not apply, however, where such transferee would be eligible to have shares issued to him if he were an employee of the corporation and, if there are other shareholders, a majority of such other shareholders shall fail to redeem the shares so transferred, pursuant to section 1510 of this article, within sixty days of receiving written notice of such transfer. Any sale or transfer, except by operation of law or court decree or except for a corporation having only one shareholder, may be made only after the same shall have been approved by the board of directors, or at a shareholders' meeting specially called for such purpose by such proportion, not less than a majority, of the outstanding shares as may be provided in the certificate of incorporation or in the by-laws of such professional service corporation. At such shareholders' meeting the shares held by the shareholder proposing to sell or transfer his shares may not be voted or counted for any purpose, unless all shareholders consent that such shares be voted or counted. The certificate of incorporation or the by-laws of the professional service corporation, or the professional service corporation and the shareholders by private agreement, may provide, in lieu of or in addition to the foregoing provisions, for the alienation of shares and may require the redemption or purchase of such shares by such corporation at prices and in a manner specifically set forth therein. The existence of the restrictions on the sale or transfer of shares, as contained in this article and, if applicable, in the certificate of incorporation, by-laws, stock purchase or stock redemption agreement,

shall be noted conspicuously on the face or back of every certificate for shares issued by a professional service corporation. Any sale or transfer in violation of such restrictions shall be void.

(C) A FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE, SHALL PURCHASE OR REDEEM THE SHARES OF A NON-LICENSED PROFESSIONAL SHAREHOLDER IN THE CASE OF HIS OR HER TERMINATION OF EMPLOYMENT WITHIN THIRTY DAYS AFTER SUCH TERMINATION. A FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE, SHALL NOT BE REQUIRED TO PURCHASE OR REDEEM THE SHARES OF A TERMINATED NON-LICENSED PROFESSIONAL SHAREHOLDER IF SUCH SHARES, WITHIN THIRTY DAYS AFTER SUCH TERMINATION, ARE SOLD OR TRANSFERRED TO ANOTHER EMPLOYEE OF THE CORPORATION PURSUANT TO THIS ARTICLE.

S 7. Paragraph (a) of section 1512 of the business corporation law, as amended by chapter 550 of the laws of 2011, is amended to read as follows:

(a) Notwithstanding any other provision of law, the name of a professional service corporation, including a design professional service corporation AND ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE, may contain any word which, at the time of incorporation, could be used in the name of a partnership practicing a profession which the corporation is authorized to practice, and may not contain any word which could not be used by such a partnership. Provided, however, the name of a professional service corporation may not contain the name of a deceased person unless

(1) such person's name was part of the corporate name at the time of such person's death; or

(2) such person's name was part of the name of an existing partnership and at least two-thirds of such partnership's partners become shareholders of the corporation.

S 8. Section 1514 of the business corporation law is amended by adding a new paragraph (c) to read as follows:

(C) EACH FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE SHALL, AT LEAST ONCE EVERY THREE YEARS ON OR BEFORE THE DATE PRESCRIBED BY THE LICENSING AUTHORITY, FURNISH A STATEMENT TO THE LICENSING AUTHORITY LISTING THE NAMES AND RESIDENCE ADDRESSES OF EACH SHAREHOLDER, DIRECTOR AND OFFICER OF SUCH CORPORATION AND CERTIFY AS THE DATE OF CERTIFICATION AND AT ALL TIMES OVER THE ENTIRE THREE YEAR PERIOD THAT:

(I) AT LEAST FIFTY-ONE PERCENT OF THE OUTSTANDING SHARES OF STOCK OF THE CORPORATION ARE AND WERE OWNED BY CERTIFIED PUBLIC ACCOUNTANTS,

(II) AT LEAST FIFTY-ONE PERCENT OF THE DIRECTORS ARE AND WERE CERTIFIED PUBLIC ACCOUNTANTS,

(III) AT LEAST FIFTY-ONE PERCENT OF THE OFFICERS ARE AND WERE CERTIFIED PUBLIC ACCOUNTANTS,

(IV) THE PRESIDENT, THE CHAIRPERSON OF THE BOARD OF DIRECTORS AND THE CHIEF EXECUTIVE OFFICER OR OFFICERS ARE AND WERE CERTIFIED PUBLIC ACCOUNTANTS.

THE STATEMENT SHALL BE SIGNED BY THE PRESIDENT OR ANY CERTIFIED PUBLIC ACCOUNTANT VICE-PRESIDENT AND ATTESTED TO BY THE SECRETARY OR ANY ASSISTANT SECRETARY OF THE CORPORATION.

S 9. Paragraph (d) of section 1525 of the business corporation law, as added by chapter 505 of the laws of 1983, is amended to read as follows:

(d) "Foreign professional service corporation" means a professional service corporation, whether or not denominated as such, organized under the laws of a jurisdiction other than this state, all of the shareholders, directors and officers of which are authorized and licensed to practice the profession for which such corporation is licensed to do business; except that all shareholders, directors and officers of a foreign professional service corporation which provides health services in this state shall be licensed in this state. NOTWITHSTANDING ANY OTHER PROVISION OF LAW A FOREIGN PROFESSIONAL SERVICE CORPORATION FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE ONE HUNDRED FORTY-NINE OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL SHAREHOLDERS OF A FOREIGN PROFESSIONAL SERVICE CORPORATION WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION SEVENTY-FOUR HUNDRED FOUR OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION SEVENTY-FOUR HUNDRED FIVE OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 10. The fourteenth undesignated paragraph of section 2 of the partnership law, as added by chapter 576 of the laws of 1994, is amended to read as follows:

"Professional partnership" means (1) a partnership without limited partners each of whose partners is a professional authorized by law to render a professional service within this state, (2) a partnership without limited partners each of whose partners is a professional, at least one of whom is authorized by law to render a professional service within this state or (3) a partnership without limited partners authorized by, or holding a license, certificate, registration or permit issued by the licensing authority pursuant to the education law to render a professional service within this state; except that all partners of a professional partnership that provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and all partners of a professional partnership that provides dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state; [and further] except that all partners of a professional partnership

that provides professional engineering, land surveying, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state; AND FURTHER EXCEPT THAT ALL PARTNERS OF A PROFESSIONAL PARTNERSHIP THAT PROVIDES PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDE PUBLIC ACCOUNTANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFESSIONAL PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL SHAREHOLDERS OF A PROFESSIONAL PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 10-a. The fourteenth undesignated paragraph of section 2 of the partnership law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

"Professional partnership" means (1) a partnership without limited partners each of whose partners is a professional authorized by law to render a professional service within this state, (2) a partnership without limited partners each of whose partners is a professional, at least one of whom is authorized by law to render a professional service within this state or (3) a partnership without limited partners authorized by, or holding a license, certificate, registration or permit issued by the licensing authority pursuant to the education law to render a professional service within this state; except that all partners of a professional partnership that provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and all partners of a professional partnership that provides dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state; [and further] except that all partners of a professional partnership that provides professional engineering, land surveying, geologic, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the

education law to practice one or more of such professions in this state; AND FURTHER EXCEPT THAT ALL PARTNERS OF A PROFESSIONAL PARTNERSHIP THAT PROVIDES PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDE PUBLIC ACCOUNTANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFESSIONAL PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL SHAREHOLDERS OF A PROFESSIONAL PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 11. Subdivision (q) of section 121-1500 of the partnership law, as amended by chapter 554 of the laws of 2013, is amended to read as follows:

(q) Each partner of a registered limited liability partnership formed to provide medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and each partner of a registered limited liability partnership formed to provide dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a registered limited liability partnership formed to provide veterinary services in this state must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. Each partner of a registered limited liability partnership formed to provide professional engineering, land surveying, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. Each partner of a registered limited liability partnership formed to provide licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice clin-

ical social work in this state. Each partner of a registered limited liability partnership formed to provide creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a registered limited liability partnership formed to provide marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a registered limited liability partnership formed to provide mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a registered limited liability partnership formed to provide psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a registered limited liability partnership formed to provide applied behavior analysis service in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A LIMITED LIABILITY PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL PARTNERS OF A LIMITED LIABILITY PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 11-a. Subdivision (q) of section 121-1500 of the partnership law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(q) Each partner of a registered limited liability partnership formed to provide medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and each partner of a registered limited liability partnership formed to provide dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a registered limited liability partnership formed to provide veterinary services in this state must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state.

EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. Each partner of a registered limited liability partnership formed to provide professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. Each partner of a registered limited liability partnership formed to provide licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice clinical social work in this state. Each partner of a registered limited liability partnership formed to provide creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a registered limited liability partnership formed to provide marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a registered limited liability partnership formed to provide mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a registered limited liability partnership formed to provide psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a registered limited liability partnership formed to provide applied behavior analysis service in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A LIMITED LIABILITY PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL PARTNERS OF A LIMITED LIABILITY PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS

OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 12. Subdivision (q) of section 121-1502 of the partnership law, as amended by chapter 554 of the laws of 2013, is amended to read as follows:

(q) Each partner of a foreign limited liability partnership which provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in the state and each partner of a foreign limited liability partnership which provides dental services in the state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a foreign limited liability partnership which provides veterinary service in the state shall be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a foreign limited liability partnership which provides professional engineering, land surveying, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions. EACH PARTNER OF A FOREIGN REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. Each partner of a foreign limited liability partnership which provides licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. Each partner of a foreign limited liability partnership which provides creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a foreign limited liability partnership which provides marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a foreign limited liability partnership which provides mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a foreign limited liability partnership which provides psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a foreign limited liability partnership which provides applied behavior analysis services in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A FOREIGN LIMITED LIABILITY PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL PARTNERS OF A FOREIGN LIMITED LIABILITY PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS

MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 12-a. Subdivision (q) of section 121-1502 of the partnership law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(q) Each partner of a foreign limited liability partnership which provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in the state and each partner of a foreign limited liability partnership which provides dental services in the state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a foreign limited liability partnership which provides veterinary service in the state shall be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a foreign limited liability partnership which provides professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions. EACH PARTNER OF A FOREIGN REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. Each partner of a foreign limited liability partnership which provides licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. Each partner of a foreign limited liability partnership which provides creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a foreign limited liability partnership which provides marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a foreign limited liability partnership which provides mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a foreign limited liability partnership which provides psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a foreign limited liability partnership which provides applied behavior analysis services in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A FOREIGN

LIMITED LIABILITY PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL PARTNERS OF A FOREIGN LIMITED LIABILITY PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 13. Subdivision (h) of section 121-101 of the partnership law, as added by chapter 950 of the laws of 1990, is amended to read as follows:

(h) "Limited partnership" and "domestic limited partnership" mean, unless the context otherwise requires, a partnership (i) formed by two or more persons pursuant to this article or which complies with subdivision (a) of section 121-1202 of this article and (ii) having one or more general partners and one or more limited partners. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A LIMITED PARTNERSHIP OR DOMESTIC LIMITED PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL PARTNERS OF A LIMITED PARTNERSHIP OR DOMESTIC LIMITED PARTNERSHIP, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN

THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 14. Subdivision (b) of section 1207 of the limited liability company law, as amended by chapter 554 of the laws of 2013, is amended to read as follows:

(b) With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide veterinary services as such services are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural and/or landscape architectural services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited liability company shall be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. With respect to a professional service limited liability company formed to provide creative arts therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a professional service limited liability company formed to provide marriage and family therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a professional service limited liability company formed to provide mental health counseling services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a professional service limited liability company formed to provide psychoanalysis services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed

pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a professional service limited liability company formed to provide applied behavior analysis services as such services are defined in article 167 of the education law, each member of such limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A LIMITED PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF ARTICLE 149 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF ARTICLE 149 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 14-a. Subdivision (b) of section 1207 of the limited liability company law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(b) With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide veterinary services as such services are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural, landscape architectural and/or geological services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to article 145, article 147 and/or

article 148 of the education law to practice one or more of such professions in this state. WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited liability company shall be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. With respect to a professional service limited liability company formed to provide creative arts therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a professional service limited liability company formed to provide marriage and family therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a professional service limited liability company formed to provide mental health counseling services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a professional service limited liability company formed to provide psychoanalysis services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a professional service limited liability company formed to provide applied behavior analysis services as such services are defined in article 167 of the education law, each member of such limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A LIMITED PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF ARTICLE 149 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF ARTICLE 149 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM

THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 15. Subdivisions (a) and (f) of section 1301 of the limited liability company law, subdivision (a) as amended by chapter 554 of the laws of 2013 and subdivision (f) as amended by chapter 170 of the laws of 1996, are amended to read as follows:

(a) "Foreign professional service limited liability company" means a professional service limited liability company, whether or not denominated as such, organized under the laws of a jurisdiction other than this state, (i) each of whose members and managers, if any, is a professional authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or each of whose members and managers, if any, is a professional at least one of such members is authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or (ii) authorized by, or holding a license, certificate, registration or permit issued by the licensing authority pursuant to, the education law to render a professional service within this state; except that all members and managers, if any, of a foreign professional service limited liability company that provides health services in this state shall be licensed in this state. With respect to a foreign professional service limited liability company which provides veterinary services as such services are defined in article 135 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 135 of the education law to practice veterinary medicine. With respect to a foreign professional service limited liability company which provides medical services as such services are defined in article 131 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a foreign professional service limited liability company which provides dental services as such services are defined in article 133 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a foreign professional service limited liability company which provides professional engineering, land surveying, architectural and/or landscape architectural services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education

law to practice one or more of such professions in this state. WITH RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW, EACH MEMBER OF SUCH FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, SHALL BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a foreign professional service limited liability company which provides licensed clinical social work services as such services are defined in article 154 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 154 of the education law to practice clinical social work in this state. With respect to a foreign professional service limited liability company which provides creative arts therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a foreign professional service limited liability company which provides marriage and family therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a foreign professional service limited liability company which provides mental health counseling services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a foreign professional service limited liability company which provides psychoanalysis services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a foreign professional service limited liability company which provides applied behavior analysis services as such services are defined in article 167 of the education law, each member of such foreign professional service limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A FOREIGN LIMITED PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE

FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

(f) "Professional partnership" means (1) a partnership without limited partners each of whose partners is a professional authorized by law to render a professional service within this state, (2) a partnership without limited partners each of whose partners is a professional, at least one of whom is authorized by law to render a professional service within this state or (3) a partnership without limited partners authorized by, or holding a license, certificate, registration or permit issued by the licensing authority pursuant to the education law to render a professional service within this state; except that all partners of a professional partnership that provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and all partners of a professional partnership that provides dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state; except that all partners of a professional partnership that provides veterinary services in this state must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state; and further except that all partners of a professional partnership that provides professional engineering, land surveying, architectural, and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions. WITH RESPECT TO A PROFESSIONAL PARTNERSHIP WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW, EACH MEMBER OF SUCH PROFESSIONAL PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, SHALL BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFESSIONAL PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A LIMITED PROFESSIONAL PARTNERSHIP, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT

IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 15-a. Subdivisions (a) and (f) of section 1301 of the limited liability company law, as amended by chapter 475 of the laws of 2014, are amended to read as follows:

(a) "Foreign professional service limited liability company" means a professional service limited liability company, whether or not denominated as such, organized under the laws of a jurisdiction other than this state, (i) each of whose members and managers, if any, is a professional authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or each of whose members and managers, if any, is a professional at least one of such members is authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or (ii) authorized by, or holding a license, certificate, registration or permit issued by the licensing authority pursuant to, the education law to render a professional service within this state; except that all members and managers, if any, of a foreign professional service limited liability company that provides health services in this state shall be licensed in this state. With respect to a foreign professional service limited liability company which provides veterinary services as such services are defined in article 135 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 135 of the education law to practice veterinary medicine. With respect to a foreign professional service limited liability company which provides medical services as such services are defined in article 131 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a foreign professional service limited liability company which provides dental services as such services are defined in article 133 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a foreign professional service limited liability company which provides professional engineering, land surveying, geologic, architectural and/or landscape architectural services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state.

WITH RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW, EACH MEMBER OF SUCH FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, SHALL BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a foreign professional service limited liability company which provides licensed clinical social work services as such services are defined in article 154 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 154 of the education law to practice clinical social work in this state. With respect to a foreign professional service limited liability company which provides creative arts therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a foreign professional service limited liability company which provides marriage and family therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a foreign professional service limited liability company which provides mental health counseling services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a foreign professional service limited liability company which provides psychoanalysis services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a foreign professional service limited liability company which provides applied behavior analysis services as such services are defined in article 167 of the education law, each member of such foreign professional service limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A FOREIGN LIMITED PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTI-

FIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

(f) "Professional partnership" means (1) a partnership without limited partners each of whose partners is a professional authorized by law to render a professional service within this state, (2) a partnership without limited partners each of whose partners is a professional, at least one of whom is authorized by law to render a professional service within this state or (3) a partnership without limited partners authorized by, or holding a license, certificate, registration or permit issued by the licensing authority pursuant to the education law to render a professional service within this state; except that all partners of a professional partnership that provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and all partners of a professional partnership that provides dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state; except that all partners of a professional partnership that provides veterinary services in this state must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state; and further except that all partners of a professional partnership that provides professional engineering, land surveying, geologic, architectural, and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions. WITH RESPECT TO A PROFESSIONAL PARTNERSHIP WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW, EACH MEMBER OF SUCH PROFESSIONAL PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, SHALL BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFESSIONAL PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A LIMITED PROFESSIONAL PARTNERSHIP, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO

ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 16. This act shall take effect immediately; provided, however, that sections ten-a, eleven-a, twelve-a, fourteen-a and fifteen-a of this act shall take effect on the same date as sections 25, 26, 27, 22, and 23, respectively, of chapter 475 of the laws of 2014 take effect.

PART H

Section 1. The education law is amended by adding a new article 129-B to read as follows:

ARTICLE 129-B
IMPLEMENTATION BY COLLEGES AND UNIVERSITIES OF SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING PREVENTION AND RESPONSE POLICIES AND PROCEDURES

SECTION 6439. GENERAL PROVISIONS.
6440. DEFINITION OF AFFIRMATIVE CONSENT TO SEXUAL ACTIVITY.
6441. POLICY FOR ALCOHOL AND/OR DRUG USE AMNESTY IN SEXUAL VIOLENCE CASES.
6442. VICTIM AND SURVIVOR BILL OF RIGHTS.
6443 RESPONSE TO REPORTS.
6444. CAMPUS CLIMATE ASSESSMENTS.
6445. OPTIONS FOR CONFIDENTIAL DISCLOSURE.
6446. STUDENT ONBOARDING AND ONGOING EDUCATION.
6447. PRIVACY IN LEGAL CHALLENGES TO CONDUCT FINDINGS.

S 6439. GENERAL PROVISIONS. 1. THE TRUSTEES OR OTHER GOVERNING BOARD OF EACH COLLEGE AND UNIVERSITY CHARTERED BY THE REGENTS OR INCORPORATED BY SPECIAL ACT OF THE LEGISLATURE AND WHICH MAINTAINS A CAMPUS, UNLESS OTHERWISE PROVIDED, SHALL ADOPT WRITTEN RULES FOR IMPLEMENTING ALL POLICIES REQUIRED PURSUANT TO THIS ARTICLE AND FOR THE MAINTENANCE OF PUBLIC ORDER ON COLLEGE CAMPUSES AND OTHER COLLEGE PROPERTY USED FOR EDUCATIONAL PURPOSES AND PROVIDE A PROGRAM FOR THE ENFORCEMENT THEREOF. SUCH POLICIES SHALL ALSO APPLY TO CONDUCT THAT HAS A NEXUS TO A COLLEGE OR UNIVERSITY PROGRAM AND/OR TAKES PLACE OUTSIDE OF A COLLEGE OR UNIVERSITY PROPERTY BUT IS IN VIOLATION OF FEDERAL, STATE OR LOCAL LAW.

2. SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING AFFECT THOUSANDS OF COLLEGE AND UNIVERSITY STUDENTS IN NEW YORK STATE AND ACROSS THE NATION. IN ADDITION TO THE TRAUMA CAUSED BY SUCH VIOLENCE, MANY VICTIMS AND SURVIVORS DROP OUT OF SCHOOL, EXPERIENCE DIFFICULTY WORKING, AND SEE PROMISING OPPORTUNITIES CUT SHORT. WHILE IT IS NOT JUST COLLEGE OR UNIVERSITY STUDENTS THAT EXPERIENCE THESE CRIMES, THESE INSTITUTIONS HAVE UNIQUE OPPORTUNITIES TO EDUCATE MEMBERS OF THE COLLEGE COMMUNITY ABOUT THESE CRIMES AND INCIDENTS SO THAT WE CAN BETTER SAFEGUARD STUDENTS. THEREFORE, EACH COLLEGE AND UNIVERSITY MUST DEVELOP AND IMPLEMENT THE POLICIES REQUIRED PURSUANT TO THIS ARTICLE.

3. EACH COLLEGE AND UNIVERSITY SHALL ANNUALLY FILE WITH THE DEPARTMENT ON OR BEFORE THE FIRST DAY OF JULY A CERTIFICATE OF COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE.

4. IF A COLLEGE OR UNIVERSITY FAILS TO FILE A CERTIFICATE OF COMPLIANCE PURSUANT TO SUBDIVISION THREE OF THIS SECTION WITHIN SIXTY DAYS OF THE TIME REQUIRED, SUCH COLLEGE OR UNIVERSITY SHALL NOT BE ELIGIBLE TO RECEIVE ANY STATE AID OR ASSISTANCE UNTIL SUCH CERTIFICATE OF COMPLIANCE IS DULY FILED.

5. EACH COLLEGE AND UNIVERSITY SHALL FILE A COPY OF ALL WRITTEN RULES AND POLICIES ADOPTED AS REQUIRED IN THIS ARTICLE WITH THE DEPARTMENT ON OR BEFORE THE FIRST DAY OF JULY, TWO THOUSAND SIXTEEN, AND ONCE EVERY TEN YEARS THEREAFTER, EXCEPT THAT THE SECOND FILING SHALL COINCIDE WITH THE REQUIRED FILING UNDER ARTICLE ONE HUNDRED TWENTY-NINE-A OF THIS CHAPTER, AND CONTINUE ON THE SAME CYCLE THEREAFTER.

6. A COPY OF SUCH RULES AND POLICIES SHALL BE GIVEN BY EACH COLLEGE AND UNIVERSITY TO ALL STUDENTS ENROLLED IN SAID COLLEGE OR UNIVERSITY. EACH COLLEGE AND UNIVERSITY SHALL ALSO POST SUCH RULES AND POLICIES ON ITS WEBSITE IN AN EASILY ACCESSIBLE MANNER TO THE PUBLIC.

7. COLLEGES AND UNIVERSITIES SHALL REFER TO APPLICABLE STATE AND FEDERAL LAW, REGULATIONS AND POLICY GUIDANCE IN DEVELOPING AND IMPLEMENTING THE POLICIES REQUIRED PURSUANT TO THIS ARTICLE, INCLUDING REFERENCE TO STATE AND FEDERAL DEFINITIONS OF TERMS NOT SPECIFICALLY DEFINED HEREIN.

S 6440. DEFINITION OF AFFIRMATIVE CONSENT TO SEXUAL ACTIVITY. EACH COLLEGE AND UNIVERSITY SHALL ADOPT A UNIFORM DEFINITION OF AFFIRMATIVE CONSENT IN THEIR CODE OF STUDENT CONDUCT OR SIMILAR DOCUMENT GOVERNING STUDENT BEHAVIOR. THIS DEFINITION SHALL STATE THAT "AFFIRMATIVE CONSENT IS A CLEAR, UNAMBIGUOUS, KNOWING, INFORMED, AND VOLUNTARY AGREEMENT BETWEEN ALL PARTICIPANTS TO ENGAGE IN SEXUAL ACTIVITY. CONSENT IS ACTIVE, NOT PASSIVE. SILENCE OR LACK OF RESISTANCE CANNOT BE INTERPRETED AS CONSENT. SEEKING AND HAVING CONSENT ACCEPTED IS THE RESPONSIBILITY OF THE PERSON(S) INITIATING EACH SPECIFIC SEXUAL ACT REGARDLESS OF WHETHER THE PERSON INITIATING THE ACT IS UNDER THE INFLUENCE OF DRUGS AND/OR ALCOHOL. CONSENT TO ANY SEXUAL ACT OR PRIOR CONSENSUAL SEXUAL ACTIVITY BETWEEN OR WITH ANY PARTY DOES NOT CONSTITUTE CONSENT TO ANY OTHER SEXUAL ACT. THE DEFINITION OF CONSENT DOES NOT VARY BASED UPON A PARTICIPANT'S SEX, SEXUAL ORIENTATION, GENDER IDENTITY OR GENDER EXPRESSION. CONSENT MAY BE INITIALLY GIVEN BUT WITHDRAWN AT ANY TIME. WHEN CONSENT IS WITHDRAWN OR CANNOT BE GIVEN, SEXUAL ACTIVITY MUST STOP. CONSENT CANNOT BE GIVEN WHEN A PERSON IS INCAPACITATED. INCAPACITATION OCCURS WHEN AN INDIVIDUAL LACKS THE ABILITY TO FULLY AND KNOWINGLY CHOOSE TO PARTICIPATE IN SEXUAL ACTIVITY. INCAPACITATION INCLUDES IMPAIRMENT DUE TO DRUGS OR ALCOHOL (WHETHER SUCH USE IS VOLUNTARY OR INVOLUNTARY), THE LACK OF CONSCIOUSNESS OR BEING ASLEEP, BEING INVOLUNTARILY RESTRAINED, IF ANY OF THE PARTIES ARE UNDER THE AGE OF 17, OR IF AN INDIVIDUAL OTHERWISE CANNOT CONSENT. CONSENT CANNOT BE GIVEN WHEN IT IS THE RESULT OF ANY COERCION, INTIMIDATION, FORCE, OR THREAT OF HARM."

S 6441. POLICY FOR ALCOHOL AND/OR DRUG USE AMNESTY IN SEXUAL VIOLENCE CASES. 1. A BYSTANDER WHO REPORTS IN GOOD FAITH OR A VICTIM REPORTING SEXUAL VIOLENCE TO COLLEGE OR UNIVERSITY OFFICIALS OR LAW ENFORCEMENT SHALL NOT BE SUBJECT TO CAMPUS CONDUCT ACTION FOR VIOLATIONS OF ALCOHOL AND DRUG USE POLICIES OCCURRING AT OR NEAR THE TIME OF THE INCIDENT. EACH COLLEGE AND UNIVERSITY SHALL ADOPT AND IMPLEMENT THE FOLLOWING POLICY: "THE HEALTH AND SAFETY OF EVERY STUDENT AT THE (COLLEGE/UNIVERSITY) IS OF UTMOST IMPORTANCE. (COLLEGE/UNIVERSITY) RECOGNIZES THAT STUDENTS WHO HAVE BEEN DRINKING AND/OR USING DRUGS (WHETHER SUCH USE IS VOLUNTARY OR INVOLUNTARY) AT THE TIME A SEXUAL VIOLENCE INCIDENT OCCURS MAY BE HESITANT TO REPORT SUCH INCIDENTS DUE TO FEAR OF POTENTIAL CONSEQUENCES FOR THEIR OWN CONDUCT.

(COLLEGE/UNIVERSITY) STRONGLY ENCOURAGES STUDENTS TO REPORT INCIDENTS OF SEXUAL VIOLENCE TO CAMPUS OFFICIALS. A BYSTANDER REPORTING IN GOOD FAITH OR A VICTIM/SURVIVOR REPORTING A SEXUAL VIOLENCE INCIDENT TO (COLLEGE/UNIVERSITY) OFFICIALS OR LAW ENFORCEMENT WILL NOT BE SUBJECT TO CAMPUS CONDUCT ACTION FOR VIOLATIONS OF ALCOHOL AND/OR DRUG USE POLICIES OCCURRING AT OR NEAR THE TIME OF THE SEXUAL VIOLENCE INCIDENT."

2. FOR PURPOSES OF THIS ARTICLE, THE TERM "SEXUAL VIOLENCE" SHALL MEAN PHYSICAL SEXUAL ACTS PERPETRATED AGAINST A PERSON'S WILL OR PERPETRATED WHERE A PERSON IS INCAPABLE OF GIVING CONSENT INCLUDING, BUT NOT LIMITED TO, RAPE, SEXUAL ASSAULT, SEXUAL BATTERY, SEXUAL ABUSE, AND SEXUAL COERCION. THE TERM "BYSTANDER" SHALL MEAN A PERSON WHO OBSERVES A CRIME, IMPENDING CRIME, CONFLICT, UNACCEPTABLE BEHAVIOR, OR CONDUCT THAT IS IN VIOLATION OF RULES OR POLICIES OF A COLLEGE OR UNIVERSITY.

S 6442. VICTIM AND SURVIVOR BILL OF RIGHTS. 1. EACH COLLEGE AND UNIVERSITY SHALL ADOPT A VICTIM AND SURVIVOR BILL OF RIGHTS. THIS BILL OF RIGHTS SHALL STATE THE FOLLOWING: "ALL VICTIMS AND SURVIVORS HAVE THE RIGHT TO: (A) MAKE A REPORT TO LOCAL LAW ENFORCEMENT AND/OR STATE POLICE; (B) HAVE DISCLOSURES OF SEXUAL VIOLENCE TREATED SERIOUSLY; (C) MAKE A DECISION ABOUT WHETHER OR NOT TO DISCLOSE A CRIME OR INCIDENT AND PARTICIPATE IN THE CONDUCT OR CRIMINAL JUSTICE PROCESS FREE FROM OUTSIDE PRESSURES FROM COLLEGE/UNIVERSITY OFFICIALS; (D) BE TREATED WITH DIGNITY AND TO RECEIVE FROM COLLEGE/UNIVERSITY OFFICIALS COURTEOUS, FAIR, AND RESPECTFUL HEALTH CARE AND COUNSELING SERVICES; (E) BE FREE FROM ANY SUGGESTION THAT THE VICTIM/SURVIVOR IS AT FAULT WHEN THESE CRIMES AND VIOLATIONS ARE COMMITTED, OR SHOULD HAVE ACTED IN A DIFFERENT MANNER TO AVOID SUCH A CRIME; (F) DESCRIBE THE INCIDENT TO AS FEW INDIVIDUALS AS PRACTICABLE AND NOT TO BE REQUIRED TO UNNECESSARILY REPEAT A DESCRIPTION OF THE INCIDENT; (G) BE FREE FROM RETALIATION BY THE COLLEGE/UNIVERSITY, THE ACCUSED, AND/OR THEIR FRIENDS, FAMILY AND ACQUAINTANCES; AND (H) EXERCISE CIVIL RIGHTS AND PRACTICE OF RELIGION WITHOUT INTERFERENCE BY THE INVESTIGATIVE, CRIMINAL JUSTICE, OR CONDUCT PROCESS OF THE COLLEGE/UNIVERSITY."

2. IN ACCORDANCE WITH PROVISIONS OF THIS SECTION, EACH COLLEGE AND UNIVERSITY SHALL LIST THE FOLLOWING OPTIONS IN BRIEF: VICTIMS AND SURVIVORS HAVE MANY OPTIONS THAT CAN BE PURSUED SIMULTANEOUSLY, INCLUDING ONE OR MORE OF THE FOLLOWING: (A) RECEIVE RESOURCES, SUCH AS COUNSELING AND MEDICAL ATTENTION; (B) CONFIDENTIALLY OR ANONYMOUSLY DISCLOSE A CRIME OR VIOLATION; (C) MAKE A REPORT TO AN EMPLOYEE WITH THE AUTHORITY TO ADDRESS COMPLAINTS, INCLUDING THE TITLE IX COORDINATOR, A STUDENT CONDUCT EMPLOYEE, A HUMAN RESOURCES EMPLOYEE, UNIVERSITY POLICE OR CAMPUS SECURITY, OR FAMILY COURT OR CIVIL COURT; AND (D) MAKE A REPORT TO LOCAL LAW ENFORCEMENT AND/OR STATE POLICE.

3. THIS BILL OF RIGHTS SHALL BE DISTRIBUTED ANNUALLY TO STUDENTS, MADE AVAILABLE ON EACH COLLEGE AND UNIVERSITY WEBSITE, AND POSTED IN EACH CAMPUS RESIDENCE HALL, DINING HALL, AND STUDENT UNION OR CAMPUS CENTER AND SHALL INCLUDE LINKS OR INFORMATION TO FILE A REPORT AND SEEK A RESPONSE, PURSUANT TO SECTION SIXTY-FOUR HUNDRED FORTY-THREE OF THIS ARTICLE, AND THE OPTIONS FOR CONFIDENTIAL DISCLOSURE PURSUANT TO SECTION SIXTY-FOUR HUNDRED FORTY-FOUR OF THIS ARTICLE.

S 6443. RESPONSE TO REPORTS. 1. IN ACCORDANCE WITH THE VICTIM/SURVIVOR BILL OF RIGHTS SET FORTH IN SECTION SIXTY-FOUR HUNDRED FORTY-TWO OF THIS ARTICLE AND THE RIGHT OF VICTIMS AND SURVIVORS TO MAKE A REPORT TO LOCAL LAW ENFORCEMENT AND/OR STATE POLICE, EACH COLLEGE AND UNIVERSITY SHALL ENSURE THAT VICTIMS AND SURVIVORS ARE PROVIDED WITH THE FOLLOWING INFORMATION:

A. THE RIGHT TO NOTIFY LOCAL LAW ENFORCEMENT AND/OR STATE POLICE;

B. THE RIGHT TO REPORT CONFIDENTIALLY THE INCIDENT TO COLLEGE OR UNIVERSITY OFFICIALS, WHO MAY MAINTAIN CONFIDENTIALITY PURSUANT TO APPLICABLE LAWS, AND CAN ASSIST IN OBTAINING SERVICES FOR THE VICTIMS AND SURVIVORS;

C. THE RIGHT TO DISCLOSE CONFIDENTIALLY THE INCIDENT AND OBTAIN SERVICES FROM NEW YORK STATE, NEW YORK CITY, OR COUNTY SERVICES;

D. THE RIGHT TO REPORT THE INCIDENT TO COLLEGE OR UNIVERSITY OFFICIALS WHO CAN OFFER PRIVACY AND CAN ASSIST IN OBTAINING RESOURCES;

E. THE RIGHT TO FILE A CRIMINAL COMPLAINT WITH UNIVERSITY POLICE AND/OR CAMPUS SECURITY;

F. THE RIGHT TO FILE A REPORT OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND/OR STALKING, AND THE RIGHT TO CONSULT THE TITLE IX COORDINATOR FOR INFORMATION AND ASSISTANCE. REPORTS SHALL BE INVESTIGATED IN ACCORDANCE WITH COLLEGE OR UNIVERSITY POLICY AND A VICTIM/SURVIVOR'S IDENTITY SHALL REMAIN PRIVATE AT ALL TIMES IF SAID VICTIM/SURVIVOR WISHES TO MAINTAIN CONFIDENTIALITY;

G. WHEN THE ACCUSED IS AN EMPLOYEE, THE RIGHT TO REPORT THE INCIDENT TO THE COLLEGE OR UNIVERSITY HUMAN RESOURCES AUTHORITY OR THE RIGHT TO REQUEST THAT A CONFIDENTIAL OR PRIVATE EMPLOYEE ASSIST IN REPORTING TO THE APPROPRIATE HUMAN RESOURCES AUTHORITY. DISCIPLINARY PROCEEDINGS WILL BE CONDUCTED IN ACCORDANCE WITH APPLICABLE COLLECTIVE BARGAINING AGREEMENTS. WHEN THE ACCUSED IS AN EMPLOYEE OF AN AFFILIATED ENTITY OR VENDOR OF THE COLLEGE, COLLEGE OR UNIVERSITY OFFICIALS WILL, AT THE REQUEST OF THE VICTIM/SURVIVOR, ASSIST IN REPORTING TO THE APPROPRIATE OFFICE OF THE VENDOR OR AFFILIATED ENTITY AND, IF THE RESPONSE OF THE VENDOR OR AFFILIATED ENTITY IS NOT DEEMED SUFFICIENT BY THE COLLEGE OR UNIVERSITY OFFICIALS, ASSIST IN OBTAINING A PERSONA NON GRATA LETTER, SUBJECT TO LEGAL REQUIREMENTS AND COLLEGE POLICY;

H. THE RIGHT TO WITHDRAW A COMPLAINT OR INVOLVEMENT FROM THE COLLEGE OR UNIVERSITY PROCESS AT ANY TIME.

2. EACH COLLEGE AND UNIVERSITY SHALL ENSURE THAT VICTIMS AND SURVIVORS HAVE INFORMATION ABOUT RESOURCES, INCLUDING INTERVENTION, MENTAL HEALTH COUNSELING, AND MEDICAL. THE POLICY SHALL ALSO PROVIDE INFORMATION ON SEXUALLY TRANSMITTED INFECTIONS, SEXUAL ASSAULT FORENSIC EXAMINATIONS, AND RESOURCES AVAILABLE THROUGH THE OFFICE OF VICTIM SERVICES, ESTABLISHED PURSUANT TO SECTION SIX HUNDRED TWENTY-TWO OF THE EXECUTIVE LAW.

3. EACH COLLEGE AND UNIVERSITY SHALL ENSURE THAT VICTIMS AND SURVIVORS HAVE THE FOLLOWING PROTECTIONS AND ACCOMMODATIONS:

A. WHEN THE ACCUSED IS A STUDENT, TO HAVE THE COLLEGE ISSUE A "NO CONTACT ORDER," WHEREBY CONTINUED CONTACT WITH THE PROTECTED INDIVIDUAL WOULD BE A VIOLATION OF COLLEGE OR UNIVERSITY POLICY SUBJECT TO ADDITIONAL CONDUCT CHARGES; IF THE ACCUSED AND A PROTECTED PERSON OBSERVE EACH OTHER IN A PUBLIC PLACE, IT IS THE RESPONSIBILITY OF THE ACCUSED TO LEAVE THE AREA IMMEDIATELY AND WITHOUT DIRECTLY CONTACTING THE PROTECTED PERSON;

B. TO HAVE ASSISTANCE FROM UNIVERSITY POLICE OR CAMPUS SECURITY OR OTHER COLLEGE OR UNIVERSITY OFFICIALS IN OBTAINING AN ORDER OF PROTECTION OR, IF OUTSIDE OF NEW YORK STATE, AN EQUIVALENT PROTECTIVE OR RESTRAINING ORDER;

C. TO RECEIVE A COPY OF THE ORDER OF PROTECTION OR EQUIVALENT AND HAVE AN OPPORTUNITY TO MEET OR SPEAK WITH A COLLEGE OR UNIVERSITY OFFICIAL WHO CAN EXPLAIN THE ORDER AND ANSWER QUESTIONS ABOUT IT, INCLUDING INFORMATION FROM THE ORDER ABOUT THE ACCUSED'S RESPONSIBILITY TO STAY AWAY FROM THE PROTECTED PERSON OR PERSONS; THAT BURDEN DOES NOT REST ON THE PROTECTED PERSON OR PERSONS;

D. A RIGHT TO AN EXPLANATION OF THE CONSEQUENCES FOR VIOLATING THESE ORDERS, INCLUDING BUT NOT LIMITED TO ARREST, ADDITIONAL CONDUCT CHARGES, AND INTERIM SUSPENSION;

E. TO RECEIVE ASSISTANCE FROM UNIVERSITY POLICE OR CAMPUS SECURITY IN EFFECTING AN ARREST WHEN AN INDIVIDUAL VIOLATES AN ORDER OF PROTECTION OR, IF UNIVERSITY POLICE OR CAMPUS SECURITY DOES NOT POSSESS ARRESTING POWERS, THEN TO CALL ON AND ASSIST LOCAL LAW ENFORCEMENT IN EFFECTING AN ARREST FOR VIOLATING SUCH AN ORDER;

F. WHEN THE ACCUSED IS A STUDENT AND PRESENTS A CONTINUING THREAT TO THE HEALTH AND SAFETY OF THE COMMUNITY, TO SUBJECT THE ACCUSED TO INTERIM SUSPENSION PENDING THE OUTCOME OF A CONDUCT PROCESS;

G. WHEN THE ACCUSED IS NOT A STUDENT BUT IS A MEMBER OF THE COLLEGE COMMUNITY AND PRESENTS A CONTINUING THREAT TO THE HEALTH AND SAFETY OF THE COMMUNITY, TO SUBJECT THE ACCUSED TO INTERIM MEASURES IN ACCORDANCE WITH APPLICABLE COLLECTIVE BARGAINING AGREEMENTS, EMPLOYEE HANDBOOKS, AND RULES AND POLICIES OF THE COLLEGE OR UNIVERSITY;

H. WHEN THE ACCUSED IS NOT A MEMBER OF THE COLLEGE COMMUNITY, TO HAVE ASSISTANCE FROM UNIVERSITY POLICE OR CAMPUS SECURITY OR OTHER COLLEGE OR UNIVERSITY OFFICIALS IN OBTAINING A PERSONA NON GRATA LETTER, SUBJECT TO APPLICABLE LEGAL REQUIREMENTS AND POLICIES; AND

I. TO OBTAIN REASONABLE AND AVAILABLE INTERIM MEASURES AND ACCOMMODATIONS THAT EFFECT A CHANGE IN ACADEMIC, HOUSING, EMPLOYMENT, TRANSPORTATION, OR OTHER APPLICABLE ARRANGEMENTS IN ORDER TO ENSURE SAFETY, PREVENT RETALIATION, AND AVOID AN ONGOING HOSTILE ENVIRONMENT.

4. EACH COLLEGE AND UNIVERSITY SHALL ENSURE THAT STUDENTS PARTICIPATING IN THE STUDENT CONDUCT OR JUDICIAL PROCESS BE AFFORDED THE FOLLOWING RIGHTS AND RESPONSIBILITIES:

A. THE RIGHT TO FILE STUDENT CONDUCT CHARGES AGAINST THE ACCUSED. CONDUCT PROCEEDINGS ARE GOVERNED BY THE PROCEDURES SET FORTH IN COLLEGE OR UNIVERSITY RULES AS WELL AS FEDERAL AND NEW YORK STATE LAW, INCLUDING, WHERE APPLICABLE, THE DUE PROCESS PROVISIONS OF THE UNITED STATES CONSTITUTION AND NEW YORK STATE CONSTITUTION.

B. THROUGHOUT CONDUCT PROCEEDINGS, THE ACCUSED AND THE VICTIM/SURVIVOR SHALL BE PROVIDED:

(1) THE SAME OPPORTUNITY TO HAVE ACCESS TO AN ADVISOR OF THEIR CHOICE, WHERE PARTICIPATION OF THE ADVISOR IN ANY PROCEEDING SHALL BE IN COMPLIANCE WITH APPLICABLE FEDERAL LAWS AND THE STUDENT CODE OF CONDUCT.

(2) THE RIGHT TO A PROMPT RESPONSE TO ANY COMPLAINT AND TO HAVE THE COMPLAINT INVESTIGATED AND ADJUDICATED IN AN IMPARTIAL, TIMELY, AND THOROUGH MANNER BY INDIVIDUALS WHO RECEIVE ANNUAL TRAINING IN CONDUCTING INVESTIGATIONS OF SEXUAL VIOLENCE, THE EFFECTS OF TRAUMA, AND OTHER ISSUES RELATED TO SEXUAL VIOLENCE INCLUDING BUT NOT LIMITED TO SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING.

(3) THE RIGHT TO AN INVESTIGATION AND PROCESS THAT IS FAIR, IMPARTIAL, AND PROVIDES A MEANINGFUL OPPORTUNITY TO BE HEARD.

(4) THE RIGHT TO RECEIVE WRITTEN OR ELECTRONIC NOTICE OF ANY MEETING OR HEARING THEY ARE REQUIRED TO OR ARE ELIGIBLE TO ATTEND.

(5) THE RIGHT TO HAVE A CONDUCT PROCESS RUN CONCURRENTLY WITH A CRIMINAL JUSTICE INVESTIGATION AND PROCEEDING, EXCEPT FOR TEMPORARY DELAYS AS REQUESTED BY EXTERNAL MUNICIPAL ENTITIES WHILE LAW ENFORCEMENT GATHERS EVIDENCE. TO COMPLY WITH FEDERAL LAW, TEMPORARY DELAYS SHOULD NOT LAST MORE THAN TEN DAYS EXCEPT WHEN LAW ENFORCEMENT SPECIFICALLY REQUESTS AND JUSTIFIES A LONGER DELAY.

(6) THE RIGHT TO REVIEW AVAILABLE EVIDENCE IN THE CASE FILE.

(7) THE RIGHT TO A RANGE OF OPTIONS FOR PROVIDING TESTIMONY VIA ALTERNATIVE ARRANGEMENTS, INCLUDING TELEPHONE/VIDEOCONFERENCING OR TESTIFYING WITH A ROOM PARTITION.

(8) THE RIGHT TO EXCLUDE PRIOR SEXUAL HISTORY OR PAST MENTAL HEALTH HISTORY FROM ADMITTANCE IN THE COLLEGE DISCIPLINARY STAGE THAT DETERMINES RESPONSIBILITY. PAST SEXUAL VIOLENCE FINDINGS MAY BE ADMISSIBLE IN THE DISCIPLINARY STAGE THAT DETERMINES SANCTION.

(9) THE RIGHT TO ASK QUESTIONS OF THE DECISION MAKER AND VIA THE DECISION MAKER INDIRECTLY REQUEST RESPONSES FROM OTHER PARTIES AND ANY OTHER WITNESSES PRESENT.

(10) THE RIGHT TO MAKE AN IMPACT STATEMENT DURING THE POINT OF THE PROCEEDING WHERE THE DECISION MAKER IS DELIBERATING ON APPROPRIATE SANCTIONS.

(11) THE RIGHT TO SIMULTANEOUS (AMONG THE PARTIES) WRITTEN OR ELECTRONIC NOTIFICATION OF THE OUTCOME OF A CONDUCT PROCEEDING, INCLUDING THE SANCTION OR SANCTIONS.

(12) THE RIGHT TO KNOW THE SANCTION OR SANCTIONS THAT MAY BE IMPOSED ON THE ACCUSED BASED UPON THE OUTCOME OF THE CONDUCT PROCEEDING AND THE REASON FOR THE ACTUAL SANCTION IMPOSED. FOR STUDENTS FOUND RESPONSIBLE FOR COMMITTING SEXUAL ASSAULT, THE AVAILABLE SANCTIONS SHALL BE EITHER IMMEDIATE SUSPENSION WITH ADDITIONAL REQUIREMENTS OR EXPULSION.

C. THE RIGHT TO CHOOSE WHETHER TO DISCLOSE OR DISCUSS THE OUTCOME OF A CONDUCT HEARING.

S 6444. CAMPUS CLIMATE ASSESSMENTS. 1. EACH COLLEGE AND UNIVERSITY SHALL CONDUCT A CAMPUS CLIMATE ASSESSMENT AIMED AT ASCERTAINING GENERAL AWARENESS AND KNOWLEDGE OF PROVISIONS OF THIS ARTICLE, DEVELOPED USING STANDARD AND COMMONLY RECOGNIZED RESEARCH METHODS, AND SHALL CONDUCT SUCH ASSESSMENT NO LESS THAN EVERY OTHER YEAR.

2. THE ASSESSMENT SHALL INCLUDE QUESTIONS COVERING AT LEAST THE FOLLOWING TOPICS REGARDING STUDENT AND EMPLOYEE KNOWLEDGE ABOUT (A) THE TITLE IX COORDINATOR'S ROLE; (B) CAMPUS POLICIES AND PROCEDURES ADDRESSING SEXUAL ASSAULT; (C) HOW AND WHERE TO REPORT SEXUAL VIOLENCE AS A VICTIM, SURVIVOR OR WITNESS; (D) THE AVAILABILITY OF RESOURCES ON AND OFF CAMPUS, SUCH AS COUNSELING, HEALTH, AND ACADEMIC ASSISTANCE; (E) THE PREVALENCE OF VICTIMIZATION AND PERPETRATION OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING ON AND OFF CAMPUS DURING A SET TIME PERIOD; (F) BYSTANDER ATTITUDES AND BEHAVIOR; AND (G) WHETHER VICTIMS AND SURVIVORS REPORTED TO THE COLLEGE OR UNIVERSITY AND/OR POLICE, AND REASONS WHY THEY DID OR DID NOT REPORT.

3. EACH COLLEGE AND UNIVERSITY SHALL TAKE STEPS TO ENSURE THAT ANSWERS TO SUCH ASSESSMENTS REMAIN ANONYMOUS AND NO INDIVIDUAL RESPONDENT IS IDENTIFIED.

4. EACH COLLEGE AND UNIVERSITY SHALL PUBLISH DETAILED RESULTS OF SUCH SURVEYS ON THEIR INTERNET WEBSITE PROVIDED THAT NO PERSONALLY IDENTIFIABLE INFORMATION OR INFORMATION WHICH CAN REASONABLY LEAD A READER TO IDENTIFY AN INDIVIDUAL RESPONDENT SHALL BE SHARED.

5. NOTHING IN THIS SECTION SHALL BE SUBJECT TO DISCOVERY OR ADMITTED INTO EVIDENCE IN A FEDERAL OR STATE COURT PROCEEDING OR CONSIDERED FOR OTHER PURPOSES IN ANY ACTION FOR DAMAGES BROUGHT BY A PRIVATE PARTY AGAINST A COLLEGE OR UNIVERSITY.

S 6445. OPTIONS FOR CONFIDENTIAL DISCLOSURE. IN ACCORDANCE WITH THE VICTIM/SURVIVOR BILL OF RIGHTS SET FORTH IN SECTION SIXTY-FOUR HUNDRED FORTY-TWO OF THIS ARTICLE, EACH COLLEGE AND UNIVERSITY SHALL ENSURE THAT VICTIMS AND SURVIVORS HAVE THE FOLLOWING INFORMATION: (A) INFORMATION REGARDING PRIVILEGED AND CONFIDENTIAL RESOURCES THEY MAY CONTACT REGARDING VIOLENCE; (B) INFORMATION ABOUT NON-PROFESSIONAL COUNSELORS AND

ADVOCATES THEY MAY CONTACT REGARDING VIOLENCE; (C) A PLAIN LANGUAGE EXPLANATION OF THE DIFFERENCES BETWEEN PRIVACY AND CONFIDENTIALITY; (D) INFORMATION ABOUT HOW THE COLLEGE OR UNIVERSITY WILL WEIGH A REQUEST FOR CONFIDENTIALITY AND RESPOND TO SUCH A REQUEST. SUCH INFORMATION SHALL AT MINIMUM INCLUDE THAT IF A VICTIM/SURVIVOR DISCLOSES AN INCIDENT TO A COLLEGE OR UNIVERSITY EMPLOYEE WHO IS RESPONSIBLE FOR RESPONDING TO OR REPORTING SEXUAL VIOLENCE OR SEXUAL HARASSMENT, BUT WISHES TO MAINTAIN CONFIDENTIALITY OR DOES NOT CONSENT TO THE INSTITUTION'S REQUEST TO INITIATE AN INVESTIGATION, THE TITLE IX COORDINATOR MUST WEIGH THE REQUEST AGAINST THE COLLEGE OR UNIVERSITY'S OBLIGATION TO PROVIDE A SAFE, NON-DISCRIMINATORY ENVIRONMENT FOR ALL MEMBERS OF ITS COMMUNITY. THE COLLEGE OR UNIVERSITY WILL ASSIST WITH ACADEMIC, HOUSING, TRANSPORTATION, EMPLOYMENT, AND OTHER REASONABLE AND AVAILABLE ACCOMMODATIONS REGARDLESS OF REPORTING CHOICES. THE COLLEGE OR UNIVERSITY MAY TAKE PROACTIVE STEPS, SUCH AS TRAINING OR AWARENESS EFFORTS, TO COMBAT SEXUAL VIOLENCE IN A GENERAL WAY THAT DOES NOT IDENTIFY THOSE WHO DISCLOSE OR THE INFORMATION DISCLOSED. THE COLLEGE OR UNIVERSITY MAY SEEK CONSENT FROM THOSE WHO DISCLOSE PRIOR TO CONDUCTING AN INVESTIGATION. DECLINING TO CONSENT TO AN INVESTIGATION WILL BE HONORED UNLESS THE COLLEGE OR UNIVERSITY DETERMINES IN GOOD FAITH THAT FAILURE TO INVESTIGATE DOES NOT ADEQUATELY MITIGATE A POTENTIAL RISK OF HARM TO THE DISCLOSING PERSON OR OTHER MEMBERS OF THE COMMUNITY. HONORING SUCH A REQUEST MAY LIMIT THE COLLEGE OR UNIVERSITY'S ABILITY TO MEANINGFULLY INVESTIGATE AND PURSUE CONDUCT ACTION AGAINST AN ACCUSED INDIVIDUAL. IF THE COLLEGE OR UNIVERSITY DETERMINES THAT AN INVESTIGATION IS REQUIRED, IT WILL NOTIFY THE DISCLOSING PERSON AND TAKE IMMEDIATE ACTION AS NECESSARY TO PROTECT AND ASSIST THEM. FACTORS USED TO DETERMINE WHETHER TO HONOR A CONFIDENTIALITY REQUEST INCLUDE, BUT ARE NOT LIMITED TO: (1) WHETHER THE ACCUSED HAS A HISTORY OF VIOLENT BEHAVIOR OR IS A REPEAT OFFENDER; (2) WHETHER THE INCIDENT REPRESENTS ESCALATION IN UNLAWFUL CONDUCT ON BEHALF OF THE ACCUSED FROM PREVIOUSLY NOTED BEHAVIOR; (3) THE INCREASED RISK THAT THE ACCUSED WILL COMMIT ADDITIONAL ACTS OF VIOLENCE; (4) WHETHER THE ACCUSED USED A WEAPON OR FORCE; (5) WHETHER THE VICTIM/SURVIVOR IS A MINOR; AND (6) WHETHER THE COLLEGE OR UNIVERSITY POSSESSES OTHER MEANS TO OBTAIN EVIDENCE SUCH AS SECURITY FOOTAGE, AND WHETHER AVAILABLE INFORMATION REVEALS A PATTERN OF PERPETRATION AT A GIVEN LOCATION OR BY A PARTICULAR GROUP; (E) INFORMATION ABOUT PUBLIC AWARENESS AND ADVOCACY EVENTS, INCLUDING GUARANTEES THAT IF AN INDIVIDUAL DISCLOSES INFORMATION THROUGH A PUBLIC AWARENESS EVENT SUCH AS CANDLELIGHT VIGILS, PROTESTS, OR OTHER PUBLIC EVENT, THE COLLEGE OR UNIVERSITY IS NOT OBLIGATED TO BEGIN AN INVESTIGATION BASED ON SUCH INFORMATION. THE COLLEGE OR UNIVERSITY MAY USE THE INFORMATION PROVIDED AT SUCH AN EVENT TO INFORM ITS EFFORTS FOR ADDITIONAL EDUCATION AND PREVENTION EFFORTS; (F) INFORMATION ABOUT METHODS TO ANONYMOUSLY DISCLOSE INCLUDING BUT NOT LIMITED TO INFORMATION ON RELEVANT CONFIDENTIAL HOTLINES PROVIDED BY NEW YORK STATE AGENCIES AND NOT-FOR-PROFIT ENTITIES; (G) INFORMATION REGARDING INSTITUTIONAL CRIME REPORTING INCLUDING BUT NOT LIMITED TO: REPORTS OF CERTAIN CRIMES OCCURRING IN SPECIFIC GEOGRAPHIC LOCATIONS THAT SHALL BE INCLUDED IN THE COLLEGE OR UNIVERSITY ANNUAL SECURITY REPORT PURSUANT TO THE CLERY ACT, 20 U.S.C. 1092(F), IN AN ANONYMIZED MANNER THAT NEITHER IDENTIFIES THE SPECIFICS OF THE CRIME OR THE IDENTITY OF THE VICTIM/SURVIVOR; THAT THE COLLEGE OR UNIVERSITY IS OBLIGATED TO ISSUE TIMELY WARNINGS OF CRIMES ENUMERATED IN THE CLERY ACT OCCURRING WITHIN RELEVANT GEOGRAPHY THAT REPRESENT A SERIOUS OR CONTINUING THREAT TO STUDENTS AND EMPLOYEES, EXCEPT IN THOSE CIRCUMSTANCES WHERE ISSUING SUCH A WARNING MAY COMPROMISE CURRENT LAW ENFORCEMENT EFFORTS OR WHEN THE WARNING ITSELF COULD

POTENTIALLY IDENTIFY THE VICTIM/SURVIVOR; THAT A VICTIM OR SURVIVOR SHALL NOT BE IDENTIFIED IN A TIMELY WARNING; THAT THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT, 20 U.S.C. 1232(G), ALLOWS INSTITUTIONS TO SHARE INFORMATION WITH PARENTS WHEN (1) THERE IS A HEALTH OR SAFETY EMERGENCY, OR (2) WHEN THE STUDENT IS A DEPENDENT ON EITHER PARENT'S PRIOR YEAR FEDERAL INCOME TAX RETURN, AND THAT GENERALLY, THE COLLEGE OR UNIVERSITY SHALL NOT SHARE INFORMATION ABOUT A REPORT OF SEXUAL VIOLENCE WITH PARENTS WITHOUT THE PERMISSION OF THE VICTIM/SURVIVOR.

S 6446. STUDENT ONBOARDING AND ONGOING EDUCATION. 1. EACH COLLEGE AND UNIVERSITY SHALL ADOPT A COMPREHENSIVE STUDENT ONBOARDING AND ONGOING EDUCATION CAMPAIGN TO EDUCATE MEMBERS OF THE COLLEGE OR UNIVERSITY COMMUNITY ABOUT SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING, IN COMPLIANCE WITH APPLICABLE FEDERAL LAWS, INCLUDING THE CLERY ACT AS AMENDED BY THE VIOLENCE AGAINST WOMEN ACT REAUTHORIZATION OF 2013, 20 U.S.C. 1092(F).

2. INCLUDED IN THIS CAMPAIGN IT SHALL BE A REQUIREMENT THAT ALL NEW FIRST-YEAR AND TRANSFER STUDENTS SHALL, DURING THE COURSE OF THEIR ONBOARDING TO THEIR COLLEGE OR UNIVERSITY, RECEIVE TRAINING ON THE FOLLOWING TOPICS, USING A METHOD AND MANNER APPROPRIATE TO THE INSTITUTIONAL CULTURE OF EACH COLLEGE OR UNIVERSITY: (A) THE COLLEGE OR UNIVERSITY PROHIBITS SEXUAL HARASSMENT, INCLUDING SEXUAL VIOLENCE, OTHER VIOLENCE OR THREATS OF VIOLENCE, AND WILL OFFER RESOURCES TO ANY VICTIMS AND SURVIVORS OF SUCH VIOLENCE WHILE TAKING ADMINISTRATIVE AND CONDUCT ACTION REGARDING ANY ACCUSED INDIVIDUAL WITHIN THE JURISDICTION OF THE COLLEGE OR UNIVERSITY; (B) RELEVANT DEFINITIONS INCLUDING, BUT NOT LIMITED TO, THE DEFINITIONS OF SEXUAL VIOLENCE AND CONSENT; (C) POLICIES APPLY EQUALLY TO ALL STUDENTS REGARDLESS OF SEXUAL ORIENTATION, GENDER IDENTITY, OR GENDER EXPRESSION; (D) THE ROLE OF THE TITLE IX COORDINATOR, UNIVERSITY POLICE OR CAMPUS SECURITY, AND OTHER RELEVANT OFFICES THAT ADDRESS SEXUAL VIOLENCE PREVENTION AND RESPONSE; (E) AWARENESS OF VIOLENCE, ITS IMPACT ON VICTIMS AND SURVIVORS AND THEIR FRIENDS AND FAMILY, AND ITS LONG-TERM IMPACT; (F) THE POLICIES REQUIRED BY SECTIONS SIXTY-FOUR HUNDRED FORTY-THREE AND SIXTY-FOUR HUNDRED FORTY-FOUR OF THIS ARTICLE, INCLUDING: (1) HOW TO REPORT SEXUAL VIOLENCE AND OTHER CRIMES CONFIDENTIALLY TO COLLEGE OR UNIVERSITY OFFICIALS, CAMPUS LAW ENFORCEMENT AND SECURITY, AND LOCAL LAW ENFORCEMENT; AND (2) HOW TO OBTAIN SERVICES AND SUPPORT; (G) BYSTANDER INTERVENTION AND THE IMPORTANCE OF TAKING ACTION, WHEN ONE CAN SAFELY DO SO, TO PREVENT VIOLENCE; (H) THE PROTECTIONS OF THE POLICY FOR ALCOHOL AND/OR DRUG USE AMNESTY IN SEXUAL VIOLENCE CASES AS OUTLINED IN SECTION SIXTY-FOUR HUNDRED FORTY-ONE OF THIS ARTICLE; (I) RISK ASSESSMENT AND REDUCTION INCLUDING, BUT NOT LIMITED TO, STEPS THAT POTENTIAL VICTIMS AND SURVIVORS AND BYSTANDERS CAN TAKE TO LOWER THE INCIDENCE OF SEXUAL VIOLENCE; AND (J) CONSEQUENCES AND SANCTIONS FOR INDIVIDUALS WHO COMMIT THESE CRIMES.

3. EACH COLLEGE AND UNIVERSITY SHALL CONDUCT THESE TRAININGS FOR ALL NEW STUDENTS, WHETHER FIRST-YEAR OR TRANSFER, UNDERGRADUATE, GRADUATE, OR PROFESSIONAL.

4. EACH COLLEGE AND UNIVERSITY SHALL USE MULTIPLE METHODS TO EDUCATE STUDENTS ABOUT VIOLENCE PREVENTION AND WILL ALSO SHARE INFORMATION ON SEXUAL VIOLENCE PREVENTION WITH PARENTS OF ENROLLING STUDENTS.

5. EACH COLLEGE AND UNIVERSITY SHALL OFFER TO ALL STUDENTS GENERAL AND SPECIALIZED TRAINING IN SEXUAL VIOLENCE PREVENTION. EACH COLLEGE AND UNIVERSITY SHALL CONDUCT A CAMPAIGN, COMPLIANT WITH THE REQUIREMENTS OF THE VIOLENCE AGAINST WOMEN ACT, 20 U.S.C. 1092(F), TO EDUCATE THE STUDENT POPULATION. FURTHER, EACH COLLEGE AND UNIVERSITY SHALL, AS APPROPRIATE, PROVIDE OR EXPAND SPECIFIC TRAINING TO INCLUDE GROUPS SUCH

AS INTERNATIONAL STUDENTS, STUDENTS THAT ARE ALSO EMPLOYEES, LEADERS AND OFFICERS OF REGISTERED OR RECOGNIZED STUDENT ORGANIZATIONS, AND ONLINE AND DISTANCE EDUCATION STUDENTS. EACH COLLEGE AND UNIVERSITY SHALL ALSO PROVIDE SPECIFIC TRAINING TO MEMBERS OF GROUPS IDENTIFIED AS LIKELY TO ENGAGE IN HIGH-RISK BEHAVIOR.

6. EACH COLLEGE AND UNIVERSITY SHALL REQUIRE THAT STUDENT LEADERS AND OFFICERS OF STUDENT ORGANIZATIONS RECOGNIZED BY OR REGISTERED WITH THE COLLEGE OR UNIVERSITY, AS WELL AS THOSE SEEKING RECOGNITION BY THE COLLEGE OR UNIVERSITY, COMPLETE TRAINING ON SEXUAL VIOLENCE PREVENTION AS PART OF THE APPROVAL PROCESS, AND EACH COLLEGE AND UNIVERSITY SHALL REQUIRE THAT STUDENT-ATHLETES COMPLETE TRAINING ON SEXUAL VIOLENCE PREVENTION PRIOR TO PARTICIPATING IN INTERCOLLEGIATE ATHLETIC COMPETITION.

7. METHODS OF TRAINING AND EDUCATING STUDENTS MAY INCLUDE, BUT ARE NOT LIMITED TO: (A) PRESIDENT'S WELCOME MESSAGING; (B) PEER THEATER AND PEER EDUCATIONAL PROGRAMS; (C) ONLINE TRAINING; (D) SOCIAL MEDIA OUTREACH; (E) FIRST-YEAR SEMINARS AND TRANSITIONAL COURSES; (F) COURSE SYLLABI; (G) FACULTY TEACH-INS; (H) INSTITUTION-WIDE READING PROGRAMS; (I) POSTERS, BULLETIN BOARDS, AND OTHER TARGETED PRINT AND EMAIL MATERIALS; (J) PROGRAMMING SURROUNDING LARGE RECURRING CAMPUS EVENTS; (K) PARTNERING WITH NEIGHBORING COLLEGES AND UNIVERSITIES TO OFFER TRAINING AND EDUCATION; (L) PARTNERING WITH STATE AND LOCAL COMMUNITY ORGANIZATIONS THAT PROVIDE OUTREACH, SUPPORT, CRISIS INTERVENTION, COUNSELING AND OTHER RESOURCES TO VICTIMS AND SURVIVORS OF CRIMES TO OFFER TRAINING AND EDUCATION; AND (M) OUTREACH AND PARTNERING WITH LOCAL BUSINESSES THAT ATTRACT STUDENTS TO ADVERTISE AND EDUCATE ABOUT THESE POLICIES.

8. EACH COLLEGE AND UNIVERSITY MUST ENGAGE IN AN OCCASIONAL ASSESSMENT OF ITS PROGRAM AND POLICIES ESTABLISHED PURSUANT TO PROVISIONS OF THIS ARTICLE, IN ORDER TO DETERMINE EFFECTIVENESS AND RELEVANCE FOR STUDENTS, BY EITHER ASSESSING ITS OWN PROGRAMMING OR BY CONDUCTING A REVIEW OF POLICIES OF OTHER COLLEGES AND UNIVERSITIES AND PUBLISHED STUDIES.

S 6447. PRIVACY IN LEGAL CHALLENGES TO CONDUCT FINDINGS. IN ANY PROCEEDING BROUGHT AGAINST A COLLEGE OR UNIVERSITY CHARTERED BY THE REGENTS OR INCORPORATED BY SPECIAL ACT OF THE LEGISLATURE AND WHICH MAINTAINS A CAMPUS, CHALLENGING A FINDING THAT A STUDENT WAS RESPONSIBLE FOR A VIOLATION OF THE COLLEGE OR UNIVERSITY RULES, THE PLEADINGS AND OTHER PAPERS OF SUCH A PROCEEDING SHALL NOT NAME OR PROVIDE IDENTIFYING INFORMATION ABOUT TESTIFYING WITNESSES (INCLUDING A VICTIM OR SURVIVOR OF A CRIME) WITH THE EXCEPTION OF THE PETITIONER, INDIVIDUALS TESTIFYING IN THEIR PROFESSIONAL OR EXPERT CAPACITY, AND WITNESSES WHO WAIVE THIS RIGHT TO PRIVACY IN A NOTARIZED INSTRUMENT PRESENTED TO THE COURT. WITNESSES SHALL BE IDENTIFIED ONLY AS NUMBERED WITNESSES.

S 2. This act shall take effect immediately; provided, however, that sections sixty-four hundred thirty-nine, sixty-four hundred forty, sixty-four hundred forty-two, sixty-four hundred forty-four and sixty-four hundred forty-five of article 29-B of the education law, as added by section one of this act, shall take effect on the one hundred eightieth day after it shall have become a law; sections sixty-four hundred forty-one and sixty-four hundred forty-six of article 29-B of the education law, as added by section one of this act, shall take effect on the sixtieth day after it shall have become a law, and section sixty-four hundred forty-three of article 29-B of the education law, as added by section one of this act, shall take effect on the four hundred twenty-fifth day after it shall have become a law.

Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 131-o of the social services law, as amended by section 1 of part E of chapter 58 of the laws of 2014, are amended to read as follows:

(a) in the case of each individual receiving family care, an amount equal to at least [$139.00] $141.00 for each month beginning on or after January first, two thousand [fourteen] FIFTEEN.

(b) in the case of each individual receiving residential care, an amount equal to at least [$160.00] $163.00 for each month beginning on or after January first, two thousand [fourteen] FIFTEEN.

(c) in the case of each individual receiving enhanced residential care, an amount equal to at least [$190.00] $193.00 for each month beginning on or after January first, two thousand [fourteen] FIFTEEN.

(d) for the period commencing January first, two thousand [fifteen] SIXTEEN, the monthly personal needs allowance shall be an amount equal to the sum of the amounts set forth in subparagraphs one and two of this paragraph:

(1) the amounts specified in paragraphs (a), (b) and (c) of this subdivision; and

(2) the amount in subparagraph one of this paragraph, multiplied by the percentage of any federal supplemental security income cost of living adjustment which becomes effective on or after January first, two thousand [fifteen] SIXTEEN, but prior to June thirtieth, two thousand [fifteen] SIXTEEN, rounded to the nearest whole dollar.

S 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of section 209 of the social services law, as amended by section 2 of part E of chapter 58 of the laws of 2014, are amended to read as follows:

(a) On and after January first, two thousand [fourteen] FIFTEEN, for an eligible individual living alone, [$808.00] $820.00; and for an eligible couple living alone, [$1186.00] $1204.00.

(b) On and after January first, two thousand [fourteen] FIFTEEN, for an eligible individual living with others with or without in-kind income, [$744.00] $756.00; and for an eligible couple living with others with or without in-kind income, [$1128.00] $1146.00.

(c) On and after January first, two thousand [fourteen] FIFTEEN, (i) for an eligible individual receiving family care, [$987.48] $999.48 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [$949.48] $961.48; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(d) On and after January first, two thousand [fourteen] FIFTEEN, (i) for an eligible individual receiving residential care, [$1156.00] $1168.00 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving residential care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [$1126.00] $1138.00; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(e) (i) On and after January first, two thousand [fourteen] FIFTEEN, for an eligible individual receiving enhanced residential care, [$1415.00] $1427.00; and (ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

(f) The amounts set forth in paragraphs (a) through (e) of this subdivision shall be increased to reflect any increases in federal supplemental security income benefits for individuals or couples which become effective on or after January first, two thousand [fifteen] SIXTEEN but prior to June thirtieth, two thousand [fifteen] SIXTEEN.

S 3. This act shall take effect December 31, 2015.

PART J

Section 1. Paragraph (vi) of subdivision (a) of section 115 of the family court act, as amended by chapter 222 of the laws of 1994, is amended to read as follows:

(vi) proceedings concerning juvenile delinquency as set forth in article three THAT ARE COMMENCED IN FAMILY COURT.

S 2. Subdivision (e) of section 115 of the family court act, as added by chapter 222 of the laws of 1994, is amended to read as follows:

(e) The family court has concurrent jurisdiction with the criminal court over all family offenses as defined in article eight of this act AND HAS CONCURRENT JURISDICTION WITH THE YOUTH PART OF A SUPERIOR COURT OVER ANY JUVENILE DELINQUENCY PROCEEDING RESULTING FROM THE REMOVAL OF THE CASE TO THE FAMILY COURT PURSUANT TO ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THE CRIMINAL PROCEDURE LAW.

S 3. Subdivision (b) of section 117 of the family court act, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

(b) For every juvenile delinquency proceeding under article three OF THIS ACT involving an allegation of an act committed by a person which, if done by an adult, would [be a crime (i) defined in sections 125.27 (murder in the first degree); 125.25 (murder in the second degree); 135.25 (kidnapping in the first degree); or 150.20 (arson in the first degree) of the penal law committed by a person thirteen, fourteen or fifteen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (ii) defined in sections 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); 130.35 (rape in the first degree); 130.50 (criminal sexual act in the first degree); 135.20 (kidnapping in the second degree), but only where the abduction involved the use or threat of use of deadly physical force; 150.15 (arson in the second degree); or 160.15 (robbery in the first degree) of the penal law committed by a person thirteen, fourteen or fifteen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (iii) defined in the penal law as an attempt to commit murder in the first or second degree or kidnapping in the first degree committed by a person thirteen, fourteen or fifteen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (iv) defined in section 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law committed by

a person fourteen or fifteen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (v) defined in section 120.05 (assault in the second degree) or 160.10 (robbery in the second degree) of the penal law committed by a person fourteen or fifteen years of age but only where there has been a prior finding by a court that such person has previously committed an act which, if committed by an adult, would be the crime of assault in the second degree, robbery in the second degree or any designated felony act specified in clause (i), (ii) or (iii) of this subdivision regardless of the age of such person at the time of the commission of the prior act; or (vi) other than a misdemeanor, committed by a person at least seven but less than sixteen years of age, but only where there has been two prior findings by the court that such person has committed a prior act which, if committed by an adult would be a felony] CONSTITUTE A DESIGNATED FELONY ACT AS DEFINED IN SUBDIVISION EIGHT OF SECTION 301.2 OF SUCH ARTICLE:

(i) There is hereby established in the family court in the city of New York at least one "designated felony act part." Such part or parts shall be held separate from all other proceedings of the court, and shall have jurisdiction over all proceedings involving such an allegation THAT ARE NOT REFERRED TO THE YOUTH PART OF A SUPERIOR COURT. All such proceedings shall be originated in or be transferred to this part from other parts as they are made known to the court.

(ii) Outside the city of New York, all proceedings involving such an allegation shall have a hearing preference over every other proceeding in the court, except proceedings under article ten.

S 4. Subdivision 1 of section 301.2 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

1. "Juvenile delinquent" means a person [over seven and less than sixteen years of age, who, having committed an act that would constitute a crime if committed by an adult, (a) is not criminally responsible for such conduct by reason of infancy, or (b) is the defendant in an action ordered removed from a criminal court to the family court pursuant to article seven hundred twenty-five of the criminal procedure law]:

(A) WHO IS:

(I) TEN OR ELEVEN YEARS OF AGE WHO COMMITTED AN ACT THAT WOULD CONSTITUTE A CRIME AS DEFINED IN SECTION 125.27 (MURDER IN THE FIRST DEGREE) OR 125.25 (MURDER IN THE SECOND DEGREE) OF THE PENAL LAW IF COMMITTED BY AN ADULT; OR

(II) AT LEAST TWELVE YEARS OF AGE AND LESS THAN SIXTEEN YEARS OF AGE WHO COMMITTED AN ACT THAT WOULD CONSTITUTE A CRIME IF COMMITTED BY AN ADULT; OR

(III) SIXTEEN YEARS OF AGE OR COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, SIXTEEN OR SEVENTEEN YEARS OF AGE WHO COMMITTED AN ACT THAT WOULD CONSTITUTE A CRIME, OR DISORDERLY CONDUCT AS DEFINED IN SECTION 240.20 OF THE PENAL LAW, OR HARASSMENT IN THE SECOND DEGREE AS DEFINED IN SECTION 240.26 OF THE PENAL LAW IF COMMITTED BY AN ADULT; AND

(B) WHO IS EITHER:

(I) NOT CRIMINALLY RESPONSIBLE FOR SUCH CONDUCT BY REASON OF INFANCY; OR

(II) THE DEFENDANT IN AN ACTION BASED ON SUCH ACT THAT HAS BEEN ORDERED TO THE FAMILY COURT PURSUANT TO ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THE CRIMINAL PROCEDURE LAW.

S 5. Subdivisions 8 and 9 of section 301.2 of the family court act, subdivision 8 as amended by chapter 7 of the laws of 2007 and subdivi-

sion 9 as added by chapter 920 of the laws of 1982, are amended to read as follows:

8. "Designated felony act" means an act which, if done by an adult, would be a crime: (i) defined in sections 125.27 (murder in the first degree); 125.25 (murder in the second degree); 135.25 (kidnapping in the first degree); or 150.20 (arson in the first degree) of the penal law committed by a person thirteen, fourteen or fifteen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (ii) defined in sections 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); 130.35 (rape in the first degree); 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 135.20 (kidnapping in the second degree) but only where the abduction involved the use or threat of use of deadly physical force; 150.15 (arson in the second degree) or 160.15 (robbery in the first degree) of the penal law committed by a person thirteen, fourteen or fifteen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (iii) defined in the penal law as an attempt to commit murder in the first or second degree or kidnapping in the first degree committed by a person thirteen, fourteen or fifteen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (iv) defined in section 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law committed by a person fourteen or fifteen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (v) defined in section 120.05 (assault in the second degree) or 160.10 (robbery in the second degree) of the penal law committed by a person fourteen or fifteen years of age but only where there has been a prior finding by a court that such person has previously committed an act which, if committed by an adult, would be the crime of assault in the second degree, robbery in the second degree or any designated felony act specified in paragraph (i), (ii), or (iii) of this subdivision regardless of the age of such person at the time of the commission of the prior act; [or] (vi) other than a misdemeanor committed by a person at least [seven] TWELVE but less than [sixteen] SEVENTEEN years of age, OR COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN A PERSON AT LEAST TWELVE BUT LESS THAN EIGHTEEN YEARS OF AGE, but only where there has been two prior findings by the court that such person has committed a prior felony; OR (VII) THAT CONSTITUTES A CLASS A FELONY; A VIOLENT FELONY OFFENSE AS DEFINED IN SUBDIVISION ONE OF SECTION 70.02 OF THE PENAL LAW; A FELONY OFFENSE DEFINED IN ARTICLE ONE HUNDRED TWENTY-FIVE OR FOUR HUNDRED NINETY OF THE PENAL LAW; VEHICULAR ASSAULT IN THE SECOND DEGREE AS DEFINED IN SECTION 120.03 OF THE PENAL LAW; VEHICULAR ASSAULT IN THE FIRST DEGREE AS DEFINED IN SECTION 120.04 OF THE PENAL LAW; AGGRAVATED VEHICULAR ASSAULT AS DEFINED IN SECTION 120.04-A OF THE PENAL LAW; MURDER IN THE SECOND DEGREE AS DEFINED IN SUBDIVISIONS ONE AND TWO OF SECTION 125.25 OF THE PENAL LAW AND IN SUBDIVISION THREE OF SUCH SECTION PROVIDED THAT THE UNDERLYING CRIME FOR THE MURDER CHARGE IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; A SPECIFIED OFFENSE DEFINED IN SUBDIVISION TWO OF SECTION 130.90 OF THE PENAL LAW WHEN COMMITTED AS

A SEXUALLY MOTIVATED FELONY; TAMPERING WITH A WITNESS IN THE THIRD DEGREE AS DEFINED BY SECTION 215.11, TAMPERING WITH A WITNESS IN THE SECOND DEGREE AS DEFINED BY SECTION 215.12, OR TAMPERING WITH A WITNESS IN THE FIRST DEGREE AS DEFINED BY SECTION 215.13 OF THE PENAL LAW, PROVIDED SUCH OFFENSE IS COMMITTED IN RELATION TO A CRIMINAL PROCEEDING FOR AN OFFENSE OR AN ATTEMPT OR CONSPIRACY TO COMMIT AN OFFENSE SPECIFIED IN THIS SUBDIVISION; AGGRAVATED CRIMINAL CONTEMPT AS DEFINED IN SECTION 215.52 OF THE PENAL LAW; OR AN ATTEMPT OR CONSPIRACY TO COMMIT ANY OFFENSE SPECIFIED IN THIS SUBDIVISION, PROVIDED SUCH ATTEMPT OR CONSPIRACY IS A FELONY COMMITTED BY A PERSON SIXTEEN YEARS OLD OR, COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN A PERSON SIXTEEN OR SEVENTEEN YEARS OLD.

9. "Designated class A felony act" means a designated felony act [defined in paragraph (i) of subdivision eight] THAT WOULD CONSTITUTE A CLASS A FELONY IF COMMITTED BY AN ADULT.

S 6. Subdivision 1 of section 302.1 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

1. The family court has exclusive original jurisdiction over any proceeding to determine whether a person is a juvenile delinquent COMMENCED IN FAMILY COURT AND CONCURRENT JURISDICTION WITH THE YOUTH PART OF A SUPERIOR COURT OVER ANY SUCH PROCEEDING REMOVED TO THE FAMILY COURT PURSUANT TO ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THE CRIMINAL PROCEDURE LAW.

S 7. Section 304.1 of the family court act, as added by chapter 920 of the laws of 1982, subdivision 2 as amended by chapter 419 of the laws of 1987, is amended to read as follows:

S 304.1. Detention. 1. A facility certified by the state [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES as a juvenile DETENTION facility must be operated in conformity with the regulations of the state [division for youth and shall be subject to the visitation and inspection of the state board of social welfare] OFFICE OF CHILDREN AND FAMILY SERVICES.

2. No child to whom the provisions of this article may apply shall be detained in any prison, jail, lockup, or other place used for adults convicted of crime or under arrest and charged with crime without the approval of the state [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES in the case of each child and the statement of its reasons therefor. The state [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES shall promulgate and publish the rules which it shall apply in determining whether approval should be granted pursuant to this subdivision.

3. [The detention of a child under ten years of age in a secure detention facility shall not be directed under any of the provisions of this article.

4.] A detention facility which receives a child under subdivision four of section 305.2 shall immediately notify the child's parent or other person legally responsible for his care or, if such legally responsible person is unavailable the person with whom the child resides, that he has been placed in detention.

S 8. Subdivision 1 of section 304.2 of the family court act, as added by chapter 683 of the laws of 1984, is amended to read as follows:

(1) Upon application by the presentment agency, OR UPON APPLICATION BY THE PROBATION SERVICE AS PART OF THE ADJUSTMENT OF A CASE, the court may issue a temporary order of protection against a respondent for good cause shown, ex parte or upon notice, at any time after a juvenile is taken into custody, pursuant to section 305.1 or 305.2 or upon the issu-

ance of an appearance ticket pursuant to section 307.1 or upon the filing of a petition pursuant to section 310.1.

S 9. Subdivision 1 of section 305.1 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

1. A private person may take a child [under the age of sixteen] WHO MAY BE SUBJECT TO THE PROVISIONS OF THIS ARTICLE FOR COMMITTING AN ACT THAT WOULD BE A CRIME IF COMMITTED BY AN ADULT into custody in cases in which [he] SUCH PRIVATE PERSON may arrest an adult for a crime under section 140.30 of the criminal procedure law.

S 10. Subdivision 2 of section 305.2 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

2. An officer may take a child [under the age of sixteen] WHO MAY BE SUBJECT TO THE PROVISIONS OF THIS ARTICLE FOR COMMITTING AN ACT THAT WOULD BE A CRIME IF COMMITTED BY AN ADULT into custody without a warrant in cases in which [he] THE OFFICER may arrest a person for a crime under article one hundred forty of the criminal procedure law.

S 11. Paragraph (b) of subdivision 4 of section 305.2 of the family court act, as amended by chapter 492 of the laws of 1987, is amended to read as follows:

(b) forthwith and with all reasonable speed take the child directly, and without his first being taken to the police station house, to the family court located in the county in which the act occasioning the taking into custody allegedly was committed, OR, WHEN THE FAMILY COURT IS NOT IN SESSION, TO THE MOST ACCESSIBLE MAGISTRATE, IF ANY, DESIGNATED BY THE APPELLATE DIVISION OF THE SUPREME COURT IN THE APPLICABLE DEPARTMENT TO CONDUCT A HEARING UNDER SECTION 307.4 OF THIS PART, unless the officer determines that it is necessary to question the child, in which case he may take the child to a facility designated by the chief administrator of the courts as a suitable place for the questioning of children or, upon the consent of a parent or other person legally responsible for the care of the child, to the child's residence and there question him for a reasonable period of time; or

S 12. Subdivision 1 of section 306.1 of the family court act, as amended by chapter 645 of the laws of 1996, is amended to read as follows:

1. Following the arrest of a child alleged to be a juvenile delinquent, or the filing of a delinquency petition involving a child who has not been arrested, the arresting officer or other appropriate police officer or agency shall take or cause to be taken fingerprints of such child if:

(a) the child is eleven years of age or older and the crime which is the subject of the arrest or which is charged in the petition constitutes a class [A or B] A-1 felony; [or]

(b) THE CHILD IS TWELVE YEARS OF AGE OR OLDER AND THE CRIME WHICH IS THE SUBJECT OF THE ARREST OR WHICH IS CHARGED IN THE PETITION CONSTITUTES A CLASS A OR B FELONY; OR

(C) the child is thirteen years of age or older and the crime which is the subject of the arrest or which is charged in the petition constitutes a class C, D or E felony.

S 13. Section 307.3 of the family court act, as added by chapter 920 of the laws of 1982, subdivisions 1 and 2 as amended by chapter 419 of the laws of 1987, is amended to read as follows:

S 307.3. Rules of court authorizing release before filing of petition. 1. The agency responsible for operating a detention facility pursuant to section two hundred eighteen-a of the county law, five hundred [ten-a] THREE of the executive law or other applicable provisions of law, shall

release a child in custody before the filing of a petition to the custody of his parents or other person legally responsible for his care, or if such legally responsible person is unavailable, to a person with whom he resides, when the events occasioning the taking into custody do not appear to involve allegations that the child committed a delinquent act.

2. When practicable such agency may release a child before the filing of a petition to the custody of his parents or other person legally responsible for his care, or if such legally responsible person is unavailable, to a person with whom he resides, when the events occasioning the taking into custody appear to involve allegations that the child committed a delinquent act; PROVIDED, HOWEVER, THAT SUCH AGENCY MUST RELEASE THE CHILD IF:

(A) SUCH EVENTS APPEAR TO INVOLVE ONLY ALLEGATIONS THAT THE CHILD COMMITTED ACTS THAT WOULD CONSTITUTE NO MORE THAN A VIOLATION IF COMMITTED BY AN ADULT; OR

(B) SUCH EVENTS APPEAR TO INVOLVE ONLY ALLEGATIONS THAT THE CHILD COMMITTED ACTS THAT WOULD CONSTITUTE MORE THAN A VIOLATION BUT NO MORE THAN A MISDEMEANOR IF COMMITTED BY AN ADULT IF:

(I) THE ALLEGED ACTS DID NOT RESULT IN ANY PHYSICAL HARM TO ANOTHER PERSON;

(II) THE CHILD DOES NOT HAVE ANY PRIOR ADJUDICATIONS FOR AN ACT THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT;

(III) THE CHILD HAS NO MORE THAN ONE PRIOR ADJUDICATION FOR AN ACT THAT WOULD CONSTITUTE A MISDEMEANOR IF COMMITTED BY AN ADULT AND THAT ACT ALSO DID NOT RESULT IN ANY PHYSICAL HARM TO ANOTHER PERSON; AND

(IV) THE CHILD WAS ASSESSED AT A LOW RISK ON THE APPLICABLE DETENTION RISK ASSESSMENT INSTRUMENT APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES UNLESS THE AGENCY DETERMINES THAT DETENTION IS NECESSARY BECAUSE THE RESPONDENT OTHERWISE POSES AN IMMINENT RISK TO PUBLIC SAFETY AND STATES THE REASONS FOR SUCH DETERMINATION IN THE CHILD'S RECORD.

3. If a child is released under this section, the child and the person legally responsible for his care shall be issued a family court appearance ticket in accordance with section 307.1.

4. If the agency for any reason does not release a child under this section, such child shall be brought before the appropriate family court, OR WHEN SUCH FAMILY COURT IS NOT IN SESSION, TO THE MOST ACCESSIBLE MAGISTRATE, IF ANY, DESIGNATED BY THE APPELLATE DIVISION OF THE SUPREME COURT IN THE APPLICABLE DEPARTMENT; PROVIDED, HOWEVER, THAT IF SUCH FAMILY COURT IS NOT IN SESSION AND IF A MAGISTRATE IS NOT AVAILABLE, SUCH YOUTH SHALL BE BROUGHT BEFORE SUCH FAMILY COURT within seventy-two hours or the next day the court is in session, whichever is sooner. Such agency shall thereupon file an application for an order pursuant to section 307.4 and shall forthwith serve a copy of the application upon the appropriate presentment agency. Nothing in this subdivision shall preclude the adjustment of suitable cases pursuant to section 308.1.

S 14. Paragraph (c) of subdivision 4 of section 307.4 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

(c) the events occasioning the taking into custody appear to involve acts which constitute juvenile delinquency, unless the court finds and states facts and reasons which would support a detention order pursuant to section 320.5, OR, IN THE CASE OF A JUVENILE WHO IS CHARGED WITH AN ACT ALLEGEDLY COMMITTED WHEN HE OR SHE WAS SIXTEEN YEARS OF AGE OR OLDER THAT WOULD CONSTITUTE A CRIME IF COMMITTED BY AN ADULT, AN ORDER FOR BAIL PURSUANT TO SECTION 320.5 OF THIS ARTICLE.

S 15. Section 308.1 of the family court act, as added by chapter 920 of the laws of 1982, subdivision 2 as amended by section 3 of part V of chapter 55 of the laws of 2012, subdivision 4 as amended by chapter 264 of the laws of 2003, subdivisions 5 and 8 as amended by chapter 398 of the laws of 1983, and subdivision 6 as amended by chapter 663 of the laws of 1985, is amended to read as follows:

S 308.1. [Rules of court for preliminary] PRELIMINARY procedure; ADJUSTMENT OF CASES. 1. [Rules of court shall authorize and determine the circumstances under which the] THE probation service may confer with any person seeking to have a juvenile delinquency petition filed, the potential respondent and other interested persons concerning the advisability of requesting that a petition be filed IN ACCORDANCE WITH THIS SECTION.

2. (A) Except as provided in subdivisions three [and], four, AND THIRTEEN of this section, the probation service may[, in accordance with rules of court,] ATTEMPT TO adjust [suitable cases] A CASE before a petition is filed IF THE PROBATION SERVICE DETERMINES THAT THE CASE IS SUITABLE FOR ADJUSTMENT BASED ON THE ASSESSED LEVEL OF RISK THAT THE YOUTH WILL COMMIT ANOTHER ACT THAT WOULD CONSTITUTE A CRIME AS DETERMINED BY A VALIDATED RISK ASSESSMENT INSTRUMENT AND THE EXTENT OF ANY PHYSICAL INJURY TO THE VICTIM.

(B) IF A CHILD IS ASSESSED AT A LOW LEVEL OF RISK AND THE EVENTS IN THE CASE APPEAR TO INVOLVE ONLY ALLEGATIONS THAT THE CHILD COMMITTED ACTS THAT WOULD CONSTITUTE A VIOLATION OR A MISDEMEANOR IF COMMITTED BY AN ADULT, THE PROBATION SERVICE MUST DILIGENTLY ATTEMPT TO ADJUST THE CASE. SUCH ATTEMPTS MAY INCLUDE THE USE OF A JUVENILE REVIEW BOARD COMPRISED OF APPROPRIATE COMMUNITY MEMBERS TO WORK WITH THE CHILD AND HIS OR HER FAMILY ON DEVELOPING RECOMMENDED ADJUSTMENT ACTIVITIES. THE PROBATION SERVICE MAY STOP ATTEMPTING TO ADJUST SUCH A CASE IF IT DETERMINES THAT THERE IS NO SUBSTANTIAL LIKELIHOOD THAT THE YOUTH WILL BENEFIT FROM ATTEMPTS AT ADJUSTMENT IN THE TIME REMAINING FOR ADJUSTMENT OR THE TIME FOR ADJUSTMENT HAS EXPIRED.

(C) The inability of the respondent or his or her family to make restitution shall not be a factor in a decision to adjust a case or in a recommendation to the presentment agency pursuant to subdivision six of this section.

(D) THE PROBATION SERVICE MAY MAKE AN APPLICATION TO THE COURT FOR A TEMPORARY ORDER OF PROTECTION AS PART OF THE ADJUSTMENT OF A CASE IN ACCORDANCE WITH SECTION 304.2 OF THIS ARTICLE.

(E) Nothing in this section shall prohibit the probation service or the court from directing a respondent to obtain employment and to make restitution from the earnings from such employment. Nothing in this section shall prohibit the probation service or the court from directing an eligible person to complete an education reform program in accordance with section four hundred fifty-eight-l of the social services law.

3. The probation service shall not ATTEMPT TO adjust a case THAT COMMENCED IN FAMILY COURT in which the child has allegedly committed a designated felony act THAT INVOLVES ALLEGATIONS THAT THE CHILD CAUSED PHYSICAL INJURY TO A PERSON unless [it] THE PROBATION SERVICE has received the written approval of the court.

4. The probation service shall not ATTEMPT TO adjust a case in which the child has allegedly committed a delinquent act which would be a crime defined in section 120.25, (reckless endangerment in the first degree), subdivision one of section 125.15, (manslaughter in the second degree), subdivision one of section 130.25, (rape in the third degree), subdivision one of section 130.40, (criminal sexual act in the third

degree), subdivision one or two of section 130.65, (sexual abuse in the first degree), section 135.65, (coercion in the first degree), section 140.20, (burglary in the third degree), section 150.10, (arson in the third degree), section 160.05, (robbery in the third degree), subdivision two, three or four of section 265.02, (criminal possession of a weapon in the third degree), section 265.03, (criminal possession of a weapon in the second degree), or section 265.04, (criminal possession of a [dangerous] weapon in the first degree) of the penal law where the child has previously had one or more adjustments of a case in which such child allegedly committed an act which would be a crime specified in this subdivision unless it has received written approval from the court and the appropriate presentment agency.

5. The fact that a child is detained prior to the filing of a petition shall not preclude the probation service from adjusting a case; upon adjusting such a case the probation service shall notify the detention facility to release the child.

6. The probation service shall not transmit or otherwise communicate to the presentment agency any statement made by the child to a probation officer. However, the probation service may make a recommendation regarding adjustment of the case to the presentment agency and provide such information, including any report made by the arresting officer and record of previous adjustments and arrests, as it shall deem relevant.

7. No statement made to the probation service prior to the filing of a petition may be admitted into evidence at a fact-finding hearing or, if the proceeding is transferred to a criminal court, at any time prior to a conviction.

8. The probation service may not prevent any person who wishes to request that a petition be filed from having access to the appropriate presentment agency for that purpose.

9. Efforts at adjustment [pursuant to rules of court] under this section may not extend for a period of more than two months [without], OR, FOR A PERIOD OF MORE THAN FOUR MONTHS IF THE PROBATION SERVICE DETERMINES THAT ADJUSTMENT BEYOND THE FIRST TWO MONTHS IS WARRANTED BECAUSE DOCUMENTED BARRIERS TO ADJUSTMENT EXIST OR CHANGES NEED TO BE MADE TO THE CHILD'S SERVICES PLAN, EXCEPT UPON leave of the court, which may extend the ADJUSTMENT period for an additional two months.

10. If a case is not adjusted by the probation service, such service shall notify the appropriate presentment agency of that fact within forty-eight hours or the next court day, whichever occurs later.

11. The probation service may not be authorized under this section to compel any person to appear at any conference, produce any papers, or visit any place.

12. The probation service shall certify to the division of criminal justice services and to the appropriate police department or law enforcement agency whenever it adjusts a case in which the potential respondent's fingerprints were taken pursuant to section 306.1 in any manner other than the filing of a petition for juvenile delinquency for an act which, if committed by an adult, would constitute a felony, provided, however, in the case of a child [eleven or] twelve years of age, such certification shall be made only if the act would constitute a class A or B felony, OR, IN THE CASE OF A CHILD ELEVEN YEARS OF AGE, SUCH CERTIFICATION SHALL BE MADE ONLY IF THE ACT WOULD CONSTITUTE A CLASS A-1 FELONY.

13. The [provisions of this section] PROBATION SERVICE shall not [apply] ATTEMPT TO ADJUST A CASE where the petition is an order of removal to the family court pursuant to article seven hundred twenty-

five of the criminal procedure law UNLESS IT HAS RECEIVED THE WRITTEN APPROVAL OF THE COURT.

S 16. Paragraph (c) of subdivision 3 of section 311.1 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

(c) the fact that the respondent is a person [under sixteen years of] OF THE NECESSARY age TO BE A JUVENILE DELINQUENT at the time of the alleged act or acts;

S 17. Subdivision 1 of section 320.5 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

1. At the initial appearance, the court in its discretion may (A) release the respondent [or], (B) direct his detention, OR, (C) IN THE CASE OF A RESPONDENT WHO IS CHARGED WITH AN ACT ALLEGEDLY COMMITTED WHEN HE OR SHE WAS SIXTEEN YEARS OF AGE OR OLDER THAT WOULD BE A CRIME IF COMMITTED BY AN ADULT, OR IN THE CASE OF SUCH A RESPONDENT WHOSE CASE HAS BEEN REMOVED TO THE FAMILY COURT PURSUANT TO ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THE CRIMINAL PROCEDURE LAW, FIX BAIL PURSUANT TO PARAGRAPH (E) OF SUBDIVISION THREE OF THIS SECTION.

S 18. Subdivision 3 of section 320.5 of the family court act is amended by adding two new paragraphs (a-1) and (e) to read as follows:

(A-1) NOTWITHSTANDING PARAGRAPH (A) OF THIS SUBDIVISION, THE COURT SHALL NOT DIRECT DETENTION IF:

(I) THE EVENTS UNDERLYING THE INITIAL APPEARANCE APPEAR TO INVOLVE ONLY ALLEGATIONS THAT THE CHILD COMMITTED ACTS THAT WOULD CONSTITUTE NO MORE THAN A VIOLATION IF COMMITTED BY AN ADULT; OR

(II) SUCH EVENTS APPEAR TO INVOLVE ONLY ALLEGATIONS THAT THE CHILD COMMITTED ACTS THAT WOULD CONSTITUTE MORE THAN A VIOLATION BUT NO MORE THAN A MISDEMEANOR IF COMMITTED BY AN ADULT IF:

(1) THE ALLEGED ACTS DID NOT RESULT IN ANY PHYSICAL HARM TO ANOTHER PERSON;

(2) THE RESPONDENT DOES NOT HAVE ANY PRIOR ADJUDICATIONS FOR AN ACT THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT;

(3) THE RESPONDENT HAS NO MORE THAN ONE PRIOR ADJUDICATION FOR AN ACT THAT WOULD CONSTITUTE A MISDEMEANOR IF COMMITTED BY AN ADULT AND THAT ACT DID NOT RESULT IN ANY PHYSICAL HARM TO ANOTHER PERSON; AND

(4) THE RESPONDENT WAS ASSESSED AT A LOW RISK ON THE APPLICABLE DETENTION RISK ASSESSMENT INSTRUMENT APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES UNLESS THE COURT DETERMINES THAT DETENTION IS NECESSARY BECAUSE THE RESPONDENT OTHERWISE POSES AN IMMINENT RISK TO PUBLIC SAFETY AND STATES THE REASONS FOR SUCH DETERMINATION IN THE COURT ORDER.

(E) IN THE CASE OF A RESPONDENT WHO IS CHARGED WITH AN ACT ALLEGEDLY COMMITTED WHEN HE OR SHE WAS SIXTEEN YEARS OF AGE OR OLDER THAT WOULD BE A CRIME IF COMMITTED BY AN ADULT OR IN THE CASE OF A RESPONDENT WHOSE CASE HAS BEEN REMOVED TO THE FAMILY COURT PURSUANT TO ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THE CRIMINAL PROCEDURE LAW, IF THE COURT FINDS THAT THE RESPONDENT OTHERWISE MEETS THE CRITERIA FOR PLACEMENT IN DETENTION AS SET FORTH IN PARAGRAPH (A) OF THIS SECTION AND THAT AVAILABLE ALTERNATIVES TO DETENTION, INCLUDING CONDITIONAL RELEASE, WOULD NOT PREVENT SUCH RISK, THE COURT MAY CONSIDER THE RESPONDENT TO BE A PRINCIPAL UNDER SUBDIVISION ONE OF SECTION 500.10 OF THE CRIMINAL PROCEDURE LAW; FIX BAIL IN ACCORDANCE WITH SECTION 510.30 OF THE CRIMINAL PROCEDURE LAW, AND ORDER BAIL IN ACCORDANCE WITH SECTION 530.10 OF THE CRIMINAL PROCEDURE LAW AND THE RESPONDENT MAY POST BAIL IN ACCORDANCE WITH, AND OTHERWISE BE SUBJECT TO THE APPLICABLE PROVISIONS OF, TITLE P OF SUCH LAW.

S 19. Subdivision 5 of section 322.2 of the family court act, as added by chapter 920 of the laws of 1982, paragraphs (a) and (d) as amended by chapter 41 of the laws of 2010, is amended to read as follows:

5. (a) If the court finds that there is probable cause to believe that the respondent committed a felony, it shall order the respondent committed to the custody of the commissioner of mental health or the commissioner of [mental retardation and] developmental disabilities for an initial period not to exceed one year from the date of such order. Such period may be extended annually upon further application to the court by the commissioner having custody or his or her designee. Such application must be made not more than sixty days prior to the expiration of such period on forms that have been prescribed by the chief administrator of the courts. At that time, the commissioner must give written notice of the application to the respondent, the counsel representing the respondent and the mental hygiene legal service if the respondent is at a residential facility. Upon receipt of such application, the court must conduct a hearing to determine the issue of capacity. If, at the conclusion of a hearing conducted pursuant to this subdivision, the court finds that the respondent is no longer incapacitated, he or she shall be returned to the family court for further proceedings pursuant to this article. If the court is satisfied that the respondent continues to be incapacitated, the court shall authorize continued custody of the respondent by the commissioner for a period not to exceed one year. Such extensions shall not continue beyond a reasonable period of time necessary to determine whether the respondent will attain the capacity to proceed to a fact finding hearing in the foreseeable future but in no event shall continue beyond the respondent's eighteenth birthday OR, IF THE RESPONDENT WAS AT LEAST SIXTEEN YEARS OF AGE WHEN THE ACT WAS COMMITTED, BEYOND THE RESPONDENT'S TWENTY-FIRST BIRTHDAY.

(b) If a respondent is in the custody of the commissioner upon the respondent's eighteenth birthday, OR IF THE RESPONDENT WAS AT LEAST SIXTEEN YEARS OF AGE WHEN THE ACT RESULTING IN THE RESPONDENT'S PLACEMENT WAS COMMITTED, BEYOND THE RESPONDENT'S TWENTY-FIRST BIRTHDAY, the commissioner shall notify the clerk of the court that the respondent was in his custody on such date and the court shall dismiss the petition.

(c) If the court finds that there is probable cause to believe that the respondent has committed a designated felony act, the court shall require that treatment be provided in a residential facility within the appropriate office of the department of mental hygiene.

(d) The commissioner shall review the condition of the respondent within forty-five days after the respondent is committed to the custody of the commissioner. He or she shall make a second review within ninety days after the respondent is committed to his or her custody. Thereafter, he or she shall review the condition of the respondent every ninety days. The respondent and the counsel for the respondent, shall be notified of any such review and afforded an opportunity to be heard. The commissioner having custody shall apply to the court for an order dismissing the petition whenever he or she determines that there is a substantial probability that the respondent will continue to be incapacitated for the foreseeable future. At the time of such application the commissioner must give written notice of the application to the respondent, the presentment agency and the mental hygiene legal service if the respondent is at a residential facility. Upon receipt of such application, the court may on its own motion conduct a hearing to determine whether there is substantial probability that the respondent will continue to be incapacitated for the foreseeable future, and it must

conduct such hearing if a demand therefor is made by the respondent or the mental hygiene legal service within ten days from the date that notice of the application was given to them. The respondent may apply to the court for an order of dismissal on the same ground.

S 20. Subdivisions 1 and 5 of section 325.1 of the family court act, subdivision 1 as amended by chapter 398 of the laws of 1983, subdivision 5 as added by chapter 920 of the laws of 1982, is amended to read as follows:

1. At the initial appearance, if the respondent denies a charge contained in the petition and the court determines IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 320.5 OF THIS PART that [he] THE RESPONDENT shall be detained for more than three days pending a fact-finding hearing, the court shall schedule a probable-cause hearing to determine the issues specified in section 325.3 OF THIS PART.

5. Where the petition consists of an order of removal pursuant to article seven hundred twenty-five of the criminal procedure law, unless the removal was pursuant to subdivision three of section 725.05 of such law and the respondent was not afforded a probable cause hearing pursuant to subdivision [three] TWO of section [180.75] 722.20 of such law [for a reason other than his waiver thereof pursuant to subdivision two of section 180.75 of such law], the petition shall be deemed to be based upon a determination that probable cause exists to believe the respondent is a juvenile delinquent and the respondent shall not be entitled to any further inquiry on the subject of whether probable cause exists. After the filing of any such petition the court must, however, exercise independent, de novo discretion with respect to release or detention as set forth in section 320.5.

S 21. Subdivisions 1 and 2 of section 340.2 of the family court act, as added by chapter 920 of the laws of 1982, are amended to read as follows:

1. [The] EXCEPT WHEN AUTHORIZED IN ACCORDANCE WITH SECTION 346.1 OF THIS PART INVOLVING A CASE REMOVED TO FAMILY COURT PURSUANT TO ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THE CRIMINAL PROCEDURE LAW, THE judge who presides at the commencement of the fact-finding hearing shall continue to preside until such hearing is concluded and an order entered pursuant to section 345.1 OF THIS PART unless a mistrial is declared.

2. The judge who presides at the fact-finding hearing or accepts an admission pursuant to section 321.3 OF THIS ARTICLE shall preside at any other subsequent hearing in the proceeding, including but not limited to the dispositional hearing EXCEPT WHERE THE CASE IS REMOVED TO FAMILY COURT PURSUANT TO ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THE CRIMINAL PROCEDURE LAW AFTER A FACT-FINDING HEARING HAS OCCURRED.

S 22. Paragraph (a) of subdivision 2 of section 352.2 of the family court act, as amended by chapter 880 of the laws of 1985, is amended to read as follows:

(a) In determining an appropriate order the court shall consider the needs and best interests of the respondent as well as the need for protection of the community. If the respondent has committed a designated felony act the court shall determine the appropriate disposition in accord with section 353.5. In all other cases the court shall order the least restrictive available alternative enumerated in subdivision one OF THIS SECTION which is consistent with the needs and best interests of the respondent and the need for protection of the community; PROVIDED, HOWEVER, THAT THE COURT SHALL NOT DIRECT THE PLACEMENT OF A RESPONDENT WITH A COMMISSIONER OF SOCIAL SERVICES OR THE OFFICE OF CHILDREN AND FAMILY SERVICES IF:

(I) THE RESPONDENT ONLY COMMITTED ACTS THAT WOULD CONSTITUTE NO MORE THAN A VIOLATION IF COMMITTED BY AN ADULT; OR

(II) THE RESPONDENT ONLY COMMITTED ACTS THAT WOULD CONSTITUTE MORE THAN A VIOLATION BUT NO MORE THAN A MISDEMEANOR IF COMMITTED BY AN ADULT IF:

(1) THE ACTS DID NOT RESULT IN ANY PHYSICAL HARM TO ANOTHER PERSON;

(2) THE RESPONDENT DOES NOT HAVE ANY PRIOR ADJUDICATIONS FOR AN ACT THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT;

(3) THE RESPONDENT HAS NO MORE THAN ONE PRIOR ADJUDICATION FOR AN ACT THAT WOULD CONSTITUTE A MISDEMEANOR IF COMMITTED BY AN ADULT AND THAT ACT DID NOT RESULT IN ANY PHYSICAL HARM TO ANOTHER PERSON; AND

(4) THE RESPONDENT WAS ASSESSED AT A LOW RISK ON THE APPLICABLE PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES UNLESS THE COURT DETERMINES THAT SUCH A PLACEMENT IS NECESSARY BECAUSE THE RESPONDENT OTHERWISE POSES AN IMMINENT RISK TO PUBLIC SAFETY AND STATES THE REASONS FOR SUCH DETERMINATION IN THE COURT ORDER.

S 23. Paragraph (a) of subdivision 1 and paragraphs (f) and (h) of subdivision 2 of section 353.2 of the family court act, paragraph (a) of subdivision 1 as added by chapter 920 of the laws of 1982, paragraphs (f) and (h) of subdivision 2 as amended by chapter 124 of the laws of 1993, are amended to read as follows:

(a) placement of respondent is not or may not be necessary OR ALLOWABLE;

(f) make restitution or perform services for the public good pursuant to section 353.6, provided the respondent is over [ten] TWELVE years of age;

(h) comply with such other reasonable conditions as the court shall determine to be necessary or appropriate to ameliorate the conduct which gave rise to the filing of the petition or to prevent placement with the commissioner of social services or the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES.

S 23-a. Subdivision 3 of section 353.2 of the family court act, as added by chapter 920 of the laws of 1982, paragraph (f) as amended by chapter 465 of the laws of 1992, is amended to read as follows:

3. When ordering a period of probation, the court may, as a condition of such order, further require that the respondent:

(a) meet with a probation officer when directed to do so by that officer and permit the officer to visit the respondent at home or elsewhere;

(b) permit the probation officer to obtain information from any person or agency from whom respondent is receiving or was directed to receive diagnosis, treatment or counseling;

(c) permit the probation officer to obtain information from the respondent's school;

(d) co-operate with the probation officer in seeking to obtain and in accepting employment, and supply records and reports of earnings to the officer when requested to do so; AND

(e) obtain permission from the probation officer for any absence from respondent's residence in excess of two weeks[; and

(f) with the consent of the division for youth, spend a specified portion of the probation period, not exceeding one year, in a non-secure facility provided by the division for youth pursuant to article nineteen-G of the executive law].

S 24. Subparagraph (iii) of paragraph (a) and paragraph (d) of subdivision 4 of section 353.5 of the family court act, as amended by section

6 of subpart A of part G of chapter 57 of the laws of 2012, is amended to read as follows:

(iii) after the period set under subparagraph (ii) of this paragraph, the respondent shall be placed in a residential facility for a period of twelve months; provided, however, that if the respondent has been placed from a family court in a social services district operating an approved juvenile justice services close to home initiative pursuant to section four hundred four of the social services law FOR AN ACT COMMITTED WHEN THE RESPONDENT WAS UNDER SIXTEEN YEARS OF AGE, once the time frames in subparagraph (ii) of this paragraph are met:

(d) Upon the expiration of the initial period of placement, or any extension thereof, the placement may be extended in accordance with section 355.3 on a petition of any party or the office of children and family services, or, if applicable, a social services district operating an approved juvenile justice services close to home initiative pursuant to section four hundred four of the social services law, after a dispositional hearing, for an additional period not to exceed twelve months, but no initial placement or extension of placement under this section may continue beyond the respondent's twenty-first birthday, OR, FOR AN ACT THAT WAS COMMITTED WHEN THE RESPONDENT WAS SIXTEEN YEARS OF AGE OR OLDER, THE RESPONDENT'S TWENTY-THIRD BIRTHDAY.

S 25. Paragraph (d) of subdivision 4 of section 353.5 of the family court act, as amended by chapter 398 of the laws of 1983, is amended to read as follows:

(d) Upon the expiration of the initial period of placement, or any extension thereof, the placement may be extended in accordance with section 355.3 on a petition of any party or the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES after a dispositional hearing, for an additional period not to exceed twelve months, but no initial placement or extension of placement under this section may continue beyond the respondent's twenty-first birthday, OR, FOR AN ACT THAT WAS COMMITTED WHEN THE RESPONDENT WAS SIXTEEN YEARS OF AGE OR OLDER, THE RESPONDENT'S TWENTY-THIRD BIRTHDAY.

S 26. The opening paragraph of subdivision 1 of section 353.6 of the family court act, as amended by chapter 877 of the laws of 1983, is amended to read as follows:

At the conclusion of the dispositional hearing in cases involving respondents over [ten] TWELVE years of age the court may:

S 27. Section 354.1 of the family court act, as added by chapter 920 of the laws of 1982, subdivisions 2, 6, and 7 as amended by chapter 645 of the laws of 1996, subdivisions 4 and 5 as amended by chapter 398 of the laws of 1983, is amended to read as follows:

S 354.1. Retention and destruction of fingerprints of persons alleged to be juvenile delinquents. 1. If a person whose fingerprints, palmprints or photographs were taken pursuant to section 306.1 or was initially fingerprinted as a juvenile offender and the action is subsequently removed to a family court pursuant to article seven hundred twenty-five of the criminal procedure law is adjudicated to be a juvenile delinquent for a felony, the family court shall forward or cause to be forwarded to the division of criminal justice services notification of such adjudication and such related information as may be required by such division, provided, however, in the case of a person eleven [or twelve] years of age such notification shall be provided only if the act upon which the adjudication is based would constitute a class [A or B] A-1 felony OR, IN THE CASE OF A PERSON TWELVE YEARS OF AGE, SUCH NOTIFI-

CATION SHALL BE PROVIDED ONLY IF THE ACT UPON WHICH THE ADJUDICATION IS BASED WOULD CONSTITUTE A CLASS A OR B FELONY.

2. If a person whose fingerprints, palmprints or photographs were taken pursuant to section 306.1 or was initially fingerprinted as a juvenile offender and the action is subsequently removed to family court pursuant to article seven hundred twenty-five of the criminal procedure law has had all petitions disposed of by the family court in any manner other than an adjudication of juvenile delinquency for a felony, but in the case of acts committed when such person was eleven [or twelve] years of age which would constitute a class [A or B] A-1 felony only, OR, IN THE CASE OF ACTS COMMITTED WHEN SUCH PERSON WAS TWELVE YEARS OF AGE WHICH WOULD CONSTITUTE A CLASS A OR B FELONY ONLY, all such fingerprints, palmprints, photographs, and copies thereof, and all information relating to such allegations obtained by the division of criminal justice services pursuant to section 306.1 shall be destroyed forthwith. The clerk of the court shall notify the commissioner of the division of criminal justice services and the heads of all police departments and law enforcement agencies having copies of such records, who shall destroy such records without unnecessary delay.

3. If the appropriate presentment agency does not originate a proceeding under section 310.1 for a case in which the potential respondent's fingerprints were taken pursuant to section 306.1, the presentment agency shall serve a certification of such action upon the division of criminal justice services, and upon the appropriate police department or law enforcement agency.

4. If, following the taking into custody of a person alleged to be a juvenile delinquent and the taking and forwarding to the division of criminal justice services of such person's fingerprints but prior to referral to the probation department or to the family court, an officer or agency, elects not to proceed further, such officer or agency shall serve a certification of such election upon the division of criminal justice services.

5. Upon certification pursuant to subdivision twelve of section 308.1 or subdivision three or four of this section, the department or agency shall destroy forthwith all fingerprints, palmprints, photographs, and copies thereof, and all other information obtained in the case pursuant to section 306.1. Upon receipt of such certification, the division of criminal justice services and all police departments and law enforcement agencies having copies of such records shall destroy them.

6. If a person fingerprinted pursuant to section 306.1 and subsequently adjudicated a juvenile delinquent for a felony, but in the case of acts committed when such a person was eleven [or twelve] years of age which would constitute a class [A or B] A-1 felony only, OR, IN THE CASE OF ACTS COMMITTED WHEN SUCH A PERSON WAS TWELVE YEARS OF AGE WHICH WOULD CONSTITUTE A CLASS A OR B FELONY ONLY, is subsequently convicted of a crime, all fingerprints and related information obtained by the division of criminal justice services pursuant to such section and not destroyed pursuant to subdivisions two, five and seven or subdivision twelve of section 308.1 shall become part of such division's permanent adult criminal record for that person, notwithstanding section 381.2 or 381.3.

7. When a person fingerprinted pursuant to section 306.1 and subsequently adjudicated a juvenile delinquent for a felony, but in the case of acts committed when such person was eleven [or twelve] years of age which would constitute a class [A or B] A-1 felony only, OR, IN THE CASE OF ACTS COMMITTED WHEN SUCH A PERSON WAS TWELVE YEARS OF AGE WHICH WOULD CONSTITUTE A CLASS A OR B FELONY, reaches the age of twenty-one, or has

been discharged from placement under this act for at least three years, whichever occurs later, and has no criminal convictions or pending criminal actions which ultimately terminate in a criminal conviction, all fingerprints, palmprints, photographs, and related information and copies thereof obtained pursuant to section 306.1 in the possession of the division of criminal justice services, any police department, law enforcement agency or any other agency shall be destroyed forthwith. The division of criminal justice services shall notify the agency or agencies which forwarded fingerprints to such division pursuant to section 306.1 of their obligation to destroy those records in their possession. In the case of a pending criminal action which does not terminate in a criminal conviction, such records shall be destroyed forthwith upon such determination.

S 28. Subdivisions 1 and 6 of section 355.3 of the family court act, subdivision 1 as amended by chapter 398 of the laws of 1983, subdivision 6 as amended by chapter 663 of the laws of 1985, are amended to read as follows:

1. In any case in which the respondent has been placed pursuant to section 353.3 the respondent, the person with whom the respondent has been placed, the commissioner of social services, or the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES may petition the court to extend such placement. Such petition shall be filed at least sixty days prior to the expiration of the period of placement, except for good cause shown but in no event shall such petition be filed after the original expiration date.

6. Successive extensions of placement under this section may be granted, but no placement may be made or continued beyond the respondent's eighteenth birthday without the child's consent and in no event past the child's twenty-first birthday EXCEPT AS PROVIDED FOR IN PARAGRAPH (D) OF SUBDIVISION TWO OF SECTION 353.5.

S 29. Subdivision 5 of section 355.4 of the family court act, as added by chapter 479 of the laws of 1992, is amended to read as follows:

5. Nothing in this section shall: REQUIRE THAT CONSENT BE OBTAINED FROM THE YOUTH'S PARENT OR LEGAL GUARDIAN TO ANY MEDICAL, DENTAL, OR MENTAL HEALTH SERVICE AND TREATMENT WHEN NO CONSENT IS NECESSARY OR THE YOUTH IS AUTHORIZED BY LAW TO CONSENT ON HIS OR HER OWN BEHALF; preclude a youth from consenting on his or her own behalf to any medical, dental or mental health service and treatment where otherwise authorized by law to do so[, or the division for youth]; OR PRECLUDE THE OFFICER OF CHILDREN AND FAMILY SERVICES OR A SOCIAL SERVICES DISTRICT from petitioning the court pursuant to section two hundred thirty-three of this act, as appropriate.

S 30. Paragraph (b) of subdivision 3 of section 355.5 of the family court act, as amended by chapter 145 of the laws of 2000, is amended to read as follows:

(b) subsequent permanency hearings shall be held no later than every twelve months following the respondent's initial twelve months in placement BUT IN NO EVENT PAST THE RESPONDENT'S TWENTY-FIRST BIRTHDAY; provided, however, that they shall be held in conjunction with an extension of placement hearing held pursuant to section 355.3 of this [article] PART.

S 31. Subdivisions 2 and 6 of section 360.3 of the family court act, as added by chapter 920 of the laws of 1982, are amended to read as follows:

2. At the time of his first appearance following the filing of a petition of violation the court must: (a) advise the respondent of the

contents of the petition and furnish him with a copy thereof; (b) determine whether the respondent should be released or detained pursuant to section 320.5, PROVIDED, HOWEVER, THAT NOTHING HEREIN SHALL AUTHORIZE A RESPONDENT TO BE DETAINED FOR A VIOLATION OF A CONDITION THAT WOULD NOT CONSTITUTE A CRIME IF COMMITTED BY AN ADULT UNLESS THE COURT DETERMINES (I) THAT THE RESPONDENT POSES A SPECIFIC IMMINENT THREAT TO PUBLIC SAFETY AND STATES THE REASONS FOR THE FINDING ON THE RECORD OR (II) THE RESPONDENT IS ON PROBATION FOR AN ACT THAT WOULD CONSTITUTE A VIOLENT FELONY AS DEFINED IN SECTION 70.02 OF THE PENAL LAW IF COMMITTED BY AN ADULT AND THE USE OF GRADUATED SANCTIONS HAVE BEEN EXHAUSTED WITHOUT SUCCESS; and (c) ask the respondent whether he wishes to make any statement with respect to the violation. If the respondent makes a statement, the court may accept it and base its decision thereon; the provisions of subdivision two of section 321.3 shall apply in determining whether a statement should be accepted. If the court does not accept such statement or if the respondent does not make a statement, the court shall proceed with the hearing. Upon request, the court shall grant a reasonable adjournment to the respondent to enable him to prepare for the hearing.

6. At the conclusion of the hearing the court may revoke, continue or modify the order of probation or conditional discharge. If the court revokes the order, it shall order a different disposition pursuant to section 352.2, PROVIDED, HOWEVER, THAT NOTHING HEREIN SHALL AUTHORIZE THE PLACEMENT OF A RESPONDENT FOR A VIOLATION OF A CONDITION THAT WOULD NOT CONSTITUTE A CRIME IF COMMITTED BY AN ADULT UNLESS THE COURT DETERMINES (I) THAT THE RESPONDENT POSES A SPECIFIC IMMINENT THREAT TO PUBLIC SAFETY AND STATES THE REASONS FOR THE FINDING ON THE RECORD OR (II) THE RESPONDENT IS ON PROBATION FOR AN ACT THAT WOULD CONSTITUTE A VIOLENT FELONY AS DEFINED IN SECTION 70.02 OF THE PENAL LAW IF COMMITTED BY AN ADULT AND THE USE OF GRADUATED SANCTIONS HAVE BEEN EXHAUSTED WITHOUT SUCCESS. If the court continues the order of probation or conditional discharge, it shall dismiss the petition of violation.

S 32. Section 712 of the family court act, as amended by chapter 920 of the laws of 1982, subdivision (a) as amended by section 7 of part G of chapter 58 of the laws of 2010, subdivision (b) as amended by chapter 465 of the laws of 1992, subdivision (g) as amended by section 2 of part B of chapter 3 of the laws of 2005, subdivision (h) as added by chapter 7 of the laws of 1999, subdivision (i) as amended and subdivisions (j), (k), (l) and (m) as added by chapter 38 of the laws of 2014, is amended to read as follows:

S 712. Definitions. As used in this article, the following terms shall have the following meanings:

(a) "Person in need of supervision". A person less than eighteen years of age who does not attend school in accordance with the provisions of part one of article sixty-five of the education law or who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of a parent or other person legally responsible for such child's care, or other lawful authority, or who violates the provisions of section 221.05 or 230.00 of the penal law, or who appears to be a sexually exploited child as defined in paragraph (a), (c) or (d) of subdivision one of section four hundred forty-seven-a of the social services law, but only if the child consents to the filing of a petition under this article.

(b) ["Detention". The temporary care and maintenance of children away from their own homes as defined in section five hundred two of the executive law.

(c) "Secure detention facility". A facility characterized by physically restricting construction, hardware and procedures.

(d) "Non-secure detention facility". A facility characterized by the absence of physically restricting construction, hardware and procedures.

(e)] "Fact-finding hearing". A hearing to determine whether the respondent did the acts alleged to show that he violated a law or is incorrigible, ungovernable or habitually disobedient and beyond the control of his parents, guardian or legal custodian.

[(f)] (C) "Dispositional hearing". A hearing to determine whether the respondent requires supervision or treatment.

[(g)] (D) "Aggravated circumstances". Aggravated circumstances shall have the same meaning as the definition of such term in subdivision (j) of section one thousand twelve of this act.

[(h)] (E) "Permanency hearing". A hearing held in accordance with paragraph (b) of subdivision two of section seven hundred fifty-four or section seven hundred fifty-six-a of this article for the purpose of reviewing the foster care status of the respondent and the appropriateness of the permanency plan developed by the social services official on behalf of such respondent.

[(i)] (F) "Diversion services". Services provided to children and families pursuant to section seven hundred thirty-five of this article for the purpose of avoiding the need to file a petition [or direct the detention of the child]. Diversion services shall include: efforts to adjust cases pursuant to this article before a petition is filed, or by order of the court, after the petition is filed but before fact-finding is commenced; and preventive services provided in accordance with section four hundred nine-a of the social services law to avert the placement of the child [into foster care], including crisis intervention and respite services. Diversion services may also include, in cases where any person is seeking to file a petition that alleges that the child has a substance use disorder or is in need of immediate detoxification or substance use disorder services, an assessment for substance use disorder; provided, however, that notwithstanding any other provision of law to the contrary, the designated lead agency shall not be required to pay for all or any portion of the costs of such assessment or substance use disorder or detoxification services, except in cases where medical assistance for needy persons may be used to pay for all or any portion of the costs of such assessment or services.

[(j)] (G) "Substance use disorder". The misuse of, dependence on, or addiction to alcohol and/or legal or illegal drugs leading to effects that are detrimental to the person's physical and mental health or the welfare of others.

[(k)] (H) "Assessment for substance use disorder". Assessment by a provider that has been certified by the office of alcoholism and substance abuse services of a person less than eighteen years of age where it is alleged that the youth is suffering from a substance use disorder which could make a youth a danger to himself or herself or others.

[(l)] (I) "A substance use disorder which could make a youth a danger to himself or herself or others". A substance use disorder that is accompanied by the dependence on, or the repeated use or abuse of, drugs or alcohol to the point of intoxication such that the person is in need of immediate detoxification or other substance use disorder services.

[(m)] (J) "Substance use disorder services". Substance use disorder services shall have the same meaning as provided for in section 1.03 of the mental hygiene law.

S 33. The part heading of part 2 of article 7 of the family court act is amended to read as follows:

CUSTODY [AND DETENTION]

S 34. Section 720 of the family court act, as amended by chapter 419 of the laws of 1987, subdivision 3 as amended by section 9 of subpart B of part Q of chapter 58 of the laws of 2011, subdivision 5 as amended by section 3 of part E of chapter 57 of the laws of 2005, and paragraph (c) of subdivision 5 as added by section 8 of part G of chapter 58 of the laws of 2010, is added to read as follows:

S 720. Detention PRECLUDED. [1.] THE DETENTION OF A CHILD SHALL NOT BE DIRECTED UNDER ANY OF THE PROVISIONS OF THIS ARTICLE, EXCEPT AS OTHERWISE AUTHORIZED BY THE INTERSTATE COMPACT ON JUVENILES. No child to whom the provisions of this article may apply, shall be detained in any prison, jail, lockup, or other place used for adults convicted of crime or under arrest and charged with a crime.

[2. The detention of a child in a secure detention facility shall not be directed under any of the provisions of this article.

3. Detention of a person alleged to be or adjudicated as a person in need of supervision shall, except as provided in subdivision four of this section, be authorized only in a foster care program certified by the office of children and family services, or a certified or approved family boarding home, or a non-secure detention facility certified by the office and in accordance with section seven hundred thirty-nine of this article. The setting of the detention shall take into account (a) the proximity to the community in which the person alleged to be or adjudicated as a person in need of supervision lives with such person's parents or to which such person will be discharged, and (b) the existing educational setting of such person and the proximity of such setting to the location of the detention setting.

4. Whenever detention is authorized and ordered pursuant to this article, for a person alleged to be or adjudicated as a person in need of supervision, a family court in a city having a population of one million or more shall, notwithstanding any other provision of law, direct detention in a foster care facility established and maintained pursuant to the social services law. In all other respects, the detention of such a person in a foster care facility shall be subject to the identical terms and conditions for detention as are set forth in this article and in section two hundred thirty-five of this act.

5. (a) The court shall not order or direct detention under this article, unless the court determines that there is no substantial likelihood that the youth and his or her family will continue to benefit from diversion services and that all available alternatives to detention have been exhausted; and

(b) Where the youth is sixteen years of age or older, the court shall not order or direct detention under this article, unless the court determines and states in its order that special circumstances exist to warrant such detention.

(c) If the respondent may be a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of the social services law, the court may direct the respondent to an available short-term safe house as defined in subdivision two of section four hundred forty-seven-a of the social services law as an alternative to detention.]

S 35. Section 727 of the family court act is REPEALED.

S 36. Section 728 of the family court act, subdivision (a) as amended by chapter 41 of the laws of 2010, subdivision (b) as amended by chapter

419 of the laws of 1987, subdivision (d) as added by chapter 145 of the laws of 2000, paragraph (i) as added and paragraph (ii) of subdivision (d) as renumbered by section 5 of part E of chapter 57 of the laws of 2005, and paragraph (iii) as amended and paragraph (iv) of subdivision (d) as added by section 10 of subpart B of part Q of chapter 58 of the laws of 2011, is amended to read as follows:

S 728. Discharge[,] OR release [or detention] by judge after hearing and before filing of petition in custody cases. (a) If a child in custody is brought before a judge of the family court before a petition is filed, the judge shall hold a hearing for the purpose of making a preliminary determination of whether the court appears to have jurisdiction over the child. At the commencement of the hearing, the judge shall advise the child of his or her right to remain silent, his or her right to be represented by counsel of his or her own choosing, and of the right to have an attorney assigned in accord with part four of article two of this act. The judge must also allow the child a reasonable time to send for his or her parents or other person or persons legally responsible for his or her care, and for counsel, and adjourn the hearing for that purpose.

(b) After hearing, the judge shall order the release of the child to the custody of his parent or other person legally responsible for his care if the court does not appear to have jurisdiction.

(c) An order of release under this section may, but need not, be conditioned upon the giving of a recognizance in accord with [sections] SECTION seven hundred twenty-four (b) (i).

[(d) Upon a finding of facts and reasons which support a detention order pursuant to this section, the court shall also determine and state in any order directing detention:

(i) that there is no substantial likelihood that the youth and his or her family will continue to benefit from diversion services and that all available alternatives to detention have been exhausted; and

(ii) whether continuation of the child in the child's home would be contrary to the best interests of the child based upon, and limited to, the facts and circumstances available to the court at the time of the hearing held in accordance with this section; and

(iii) where appropriate, whether reasonable efforts were made prior to the date of the court hearing that resulted in the detention order, to prevent or eliminate the need for removal of the child from his or her home or, if the child had been removed from his or her home prior to the court appearance pursuant to this section, where appropriate, whether reasonable efforts were made to make it possible for the child to safely return home; and

(iv) whether the setting of the detention takes into account the proximity to the community in which the person alleged to be or adjudicated as a person in need of supervision lives with such person's parents or to which such person will be discharged, and the existing educational setting of such person and the proximity of such setting to the location of the detention setting.]

S 37. Section 729 of the family court act is REPEALED.

S 38. Section 735 of the family court act, as added by section 7 of part E of chapter 57 of the laws of 2005, subdivision (b) as amended by chapter 38 of the laws of 2014, and paragraph (i) of subdivision (d) as amended by chapter 535 of the laws of 2011, is amended to read as follows:

S 735. Preliminary procedure; diversion services. (a) Each county and any city having a population of one million or more shall offer diver-

sion services as defined in section seven hundred twelve of this article to youth who are at risk of being the subject of a person in need of supervision petition. Such services shall be designed to provide an immediate response to families in crisis[, to identify and utilize appropriate alternatives to detention] and to divert youth from being the subject of a petition in family court. Each county and such city shall designate either the local social services district or the probation department as lead agency for the purposes of providing diversion services.

(b) The designated lead agency shall:

(i) confer with any person seeking to file a petition, the youth who may be a potential respondent, his or her family, and other interested persons, concerning the provision of diversion services before any petition may be filed; and

(ii) diligently attempt to prevent the filing of a petition under this article or, after the petition is filed, to prevent the placement of the youth [into foster care] IN ACCORDANCE WITH SECTION SEVEN HUNDRED FIFTY-SIX OF THIS ARTICLE; and

(iii) assess whether the youth would benefit from residential respite services; and

(iv) ASSESS WHETHER THE YOUTH IS A SEXUALLY EXPLOITED CHILD AS DEFINED IN SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW AND, IF SO, WHETHER SUCH YOUTH SHOULD BE REFERRED TO A SAFE HOUSE; AND

(V) determine whether [alternatives to detention are appropriate to avoid remand of the youth to detention] THE YOUTH AND HIS OR HER FAMILY SHOULD BE REFERRED TO AN AVAILABLE FAMILY SUPPORT CENTER; and

[(v)] (VI) determine whether an assessment of the youth for substance use disorder by an office of alcoholism and substance abuse services certified provider is necessary when a person seeking to file a petition alleges in such petition that the youth is suffering from a substance use disorder which could make the youth a danger to himself or herself or others. Provided, however, that notwithstanding any other provision of law to the contrary, the designated lead agency shall not be required to pay for all or any portion of the costs of such assessment or for any substance use disorder or detoxification services, except in cases where medical assistance for needy persons may be used to pay for all or any portion of the costs of such assessment or services. The office of alcoholism and substance abuse services shall make a list of its certified providers available to the designated lead agency.

(c) Any person or agency seeking to file a petition pursuant to this article which does not have attached thereto the documentation required by subdivision (g) of this section shall be referred by the clerk of the court to the designated lead agency which shall schedule and hold, on reasonable notice to the potential petitioner, the youth and his or her parent or other person legally responsible for his or her care, at least one conference in order to determine the factual circumstances and determine whether the youth and his or her family should receive diversion services pursuant to this section. Diversion services shall include clearly documented diligent attempts to provide appropriate services to the youth and his or her family unless it is determined that there is no substantial likelihood that the youth and his or her family will benefit from further diversion attempts. Notwithstanding the provisions of section two hundred sixteen-c of this act, the clerk shall not accept for filing under this part any petition that does not have attached thereto the documentation required by subdivision (g) of this section.

(d) Diversion services shall include documented diligent attempts to engage the youth and his or her family in appropriately targeted community-based services, but shall not be limited to:

(i) providing, at the first contact, information on the availability of or a referral to services in the geographic area where the youth and his or her family are located that may be of benefit in avoiding the need to file a petition under this article; including the availability, for up to twenty-one days, of a residential respite program, if the youth and his or her parent or other person legally responsible for his or her care agree, and the availability of other non-residential crisis intervention programs such as A FAMILY SUPPORT CENTER, family crisis counseling or alternative dispute resolution programs or an educational program as defined in section four hundred fifty-eight-l of the social services law.

(ii) scheduling and holding at least one conference with the youth and his or her family and the person or representatives of the entity seeking to file a petition under this article concerning alternatives to filing a petition and services that are available. Diversion services shall include clearly documented diligent attempts to provide appropriate services to the youth and his or her family before it may be determined that there is no substantial likelihood that the youth and his or her family will benefit from further attempts.

(iii) where the entity seeking to file a petition is a school district or local educational agency, the designated lead agency shall review the steps taken by the school district or local educational agency to improve the youth's attendance and/or conduct in school and attempt to engage the school district or local educational agency in further diversion attempts, if it appears from review that such attempts will be beneficial to the youth.

(e) The designated lead agency shall maintain a written record with respect to each youth and his or her family for whom it considers providing or provides diversion services pursuant to this section. The record shall be made available to the court at or prior to the initial appearance of the youth in any proceeding initiated pursuant to this article.

(f) Efforts to prevent the filing of a petition pursuant to this section may extend until the designated lead agency determines that there is no substantial likelihood that the youth and his or her family will benefit from further attempts. Efforts at diversion pursuant to this section may continue after the filing of a petition where the designated lead agency determines that the youth and his or her family will benefit from further attempts to prevent PLACEMENT OF the youth [from entering foster care] IN ACCORDANCE WITH SECTION SEVEN HUNDRED FIFTY-SIX OF THIS ARTICLE.

(g) (i) The designated lead agency shall promptly give written notice to the potential petitioner whenever attempts to prevent the filing of a petition have terminated, and shall indicate in such notice whether efforts were successful. The notice shall also detail the diligent attempts made to divert the case if a determination has been made that there is no substantial likelihood that the youth will benefit from further attempts. No persons in need of supervision petition may be filed pursuant to this article during the period the designated lead agency is providing diversion services. A finding by the designated lead agency that the case has been successfully diverted shall constitute presumptive evidence that the underlying allegations have been successfully resolved in any petition based upon the same factual allegations.

No petition may be filed pursuant to this article by the parent or other person legally responsible for the youth where diversion services have been terminated because of the failure of the parent or other person legally responsible for the youth to consent to or actively participate.

(ii) The clerk of the court shall accept a petition for filing only if it has attached thereto the following:

(A) if the potential petitioner is the parent or other person legally responsible for the youth, a notice from the designated lead agency indicating there is no bar to the filing of the petition as the potential petitioner consented to and actively participated in diversion services; and

(B) a notice from the designated lead agency stating that it has terminated diversion services because it has determined that there is no substantial likelihood that the youth and his or her family will benefit from further attempts, and that the case has not been successfully diverted.

(h) No statement made to the designated lead agency or to any agency or organization to which the potential respondent, prior to the filing of the petition, or if the petition has been filed, prior to the time the respondent has been notified that attempts at diversion will not be made or have been terminated, or prior to the commencement of a fact-finding hearing if attempts at diversion have not terminated previously, may be admitted into evidence at a fact-finding hearing or, if the proceeding is transferred to a criminal court, at any time prior to a conviction.

S 39. Section 739 of the family court act, as amended by chapter 920 of the laws of 1982, subdivision (a) as amended by section 10 of part G of chapter 58 of the laws of 2010, subdivision (c) as added by chapter 145 of the laws of 2000, is amended to read as follows:

S 739. Release or [detention] REFERRAL after filing of petition and prior to order of disposition. [(a)] After the filing of a petition under section seven hundred thirty-two of this part, the court in its discretion may release the respondent [or direct his or her detention]. If the respondent may be a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of the social services law, the court may direct the respondent to an available short-term safe house [as an alternative to detention. However, the court shall not direct detention unless it finds and states the facts and reasons for so finding that unless the respondent is detained there is a substantial probability that the respondent will not appear in court on the return date and all available alternatives to detention have been exhausted.

(b) Unless the respondent waives a determination that probable cause exists to believe that he is a person in need of supervision, no detention under this section may last more than three days (i) unless the court finds, pursuant to the evidentiary standards applicable to a hearing on a felony complaint in a criminal court, that such probable cause exists, or (ii) unless special circumstances exist, in which cases such detention may be extended not more than an additional three days exclusive of Saturdays, Sundays and public holidays.

(c) Upon a finding of facts and reasons which support a detention order pursuant to subdivision (a) of this section, the court shall also determine and state in any order directing detention:

(i) whether continuation of the respondent in the respondent's home would be contrary to the best interests of the respondent based upon, and limited to, the facts and circumstance available to the court at the time of the court's determination in accordance with this section; and

(ii) where appropriate, whether reasonable efforts were made prior to the date of the court order directing detention in accordance with this section, to prevent or eliminate the need for removal of the respondent from his or her home or, if the respondent had been removed from his or her home prior to the court appearance pursuant to this section, where appropriate, whether reasonable efforts were made to make it possible for the respondent to safely return home].

S 40. Section 741-a of the family court act, as amended by section 3 of part B of chapter 327 of the laws of 2007, is amended to read as follows:

S 741-a. Notice and right to be heard. The foster parent caring for [the child] A SEXUALLY EXPLOITED CHILD PLACED IN ACCORDANCE WITH SECTION SEVEN HUNDRED FIFTY-SIX OF THIS ARTICLE or any pre-adoptive parent or relative providing care for the respondent shall be provided with notice of any permanency hearing held pursuant to this article by the social services official. Such foster parent, pre-adoptive parent or relative shall have the right to be heard at any such hearing; provided, however, no such foster parent, pre-adoptive parent or relative shall be construed to be a party to the hearing solely on the basis of such notice and right to be heard. The failure of the foster parent, pre-adoptive parent, or relative caring for the child to appear at a permanency hearing shall constitute a waiver of the right to be heard and such failure to appear shall not cause a delay of the permanency hearing nor shall such failure to appear be a ground for the invalidation of any order issued by the court pursuant to this section.

S 41. Section 747 of the family court act is REPEALED.

S 42. Section 748 of the family court act is REPEALED.

S 43. Subdivision (b) of section 749 of the family court act, as amended by chapter 806 of the laws of 1973, is amended to read as follows:

(b) On its own motion, the court may adjourn the proceedings on conclusion of a fact-finding hearing or during a dispositional hearing to enable it to make inquiry into the surroundings, conditions and capacities of the respondent. An [adjournment on the court's motion may not be for a period of more than ten days if the respondent is detained, in which case not more than a total of two such adjournments may be granted in the absence of special circumstances. If the respondent is not detained, an] adjournment may be for a reasonable time, but the total number of adjourned days may not exceed two months.

S 44. Paragraph (a) of subdivision 2 of section 754 of the family court act, as amended by chapter 7 of the laws of 1999, is amended to read as follows:

(a) The order shall state the court's reasons for the particular disposition. If the court places the child in accordance with section seven hundred fifty-six of this part, the court in its order shall determine: (i) whether continuation in the child's home would be contrary to the best interest of the child and where appropriate, that reasonable efforts were made prior to the date of the dispositional hearing held pursuant to this article to prevent or eliminate the need for removal of the child from his or her home and, if the child was removed from his or her home prior to the date of such hearing, that such removal was in the child's best interest and, where appropriate, reasonable efforts were made to make it possible for the child to return safely home. If the court determines that reasonable efforts to prevent or eliminate the need for removal of the child from the home were not made but that the lack of such efforts was appropriate under the circum-

stances, the court order shall include such a finding; and (ii) in the case of a child who has attained the age of sixteen, the services needed, if any, to assist the child to make the transition from foster care to independent living. [Nothing in this subdivision shall be construed to modify the standards for directing detention set forth in section seven hundred thirty-nine of this article.]

S 45. Section 756 of the family court act, as amended by chapter 920 of the laws of 1982, paragraph (i) of subdivision (a) as amended by chapter 309 of the laws of 1996, the opening paragraph of paragraph (ii) of subdivision (a) as amended by section 11 of part G of chapter 58 of the laws of 2010, subdivision (b) as amended by chapter 7 of the laws of 1999, and subdivision (c) as amended by section 10 of part E of chapter 57 of the laws of 2005, is amended to read as follows:

S 756. Placement. (a) (i) For purposes of section seven hundred fifty-four, the court may place the child in its own home or in the custody of a suitable relative or other suitable private person [or a commissioner of social services], subject to the orders of the court.

(ii) [Where the child is placed] IF THE COURT FINDS THAT THE RESPONDENT IS A SEXUALLY EXPLOITED CHILD AS DEFINED IN SUBDIVISION ONE OF SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW, THE COURT MAY PLACE THE CHILD with the commissioner of the local social services district[, the court] AND may direct the commissioner to place the child with an authorized agency or class of authorized agencies, including[, if the court finds that the respondent is a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of the social services law,] an available long-term safe house. Unless the dispositional order provides otherwise, the court so directing shall include one of the following alternatives to apply in the event that the commissioner is unable to so place the child:

(1) the commissioner shall apply to the court for an order to stay, modify, set aside, or vacate such directive pursuant to the provisions of section seven hundred sixty-two or seven hundred sixty-three; or

(2) the commissioner shall return the child to the family court for a new dispositional hearing and order.

(b) Placements under this section may be for an initial period of twelve months. The court may extend a placement pursuant to section seven hundred fifty-six-a. In its discretion, the court may recommend restitution or require services for public good pursuant to section seven hundred fifty-eight-a in conjunction with an order of placement. For the purposes of calculating the initial period of placement, such placement shall be deemed to have commenced sixty days after the date the child was removed from his or her home in accordance with the provisions of this article. [If the respondent has been in detention pending disposition, the initial period of placement ordered under this section shall be credited with and diminished by the amount of time spent by the respondent in detention prior to the commencement of the placement unless the court finds that all or part of such credit would not serve the best interests of the respondent.

(c) A placement pursuant to this section with the commissioner of social services shall not be directed in any detention facility, but the court may direct detention pending transfer to a placement authorized and ordered under this section for no more than than fifteen days after such order of placement is made. Such direction shall be subject to extension pursuant to subdivision three of section three hundred ninety-eight of the social services law, upon written documentation to the office of children and family services that the youth is in need of

specialized treatment or placement and the diligent efforts by the commissioner of social services to locate an appropriate placement.]

S 46. Section 758-a of the family court act, as amended by chapter 73 of the laws of 1979, subdivision 1 as amended by chapter 4 of the laws of 1987, paragraph (b) of subdivision 1 as amended by chapter 575 of the laws of 2007, subdivision 2 as amended by chapter 309 of the laws of 1996, and subdivision 3 as separately amended by chapter 568 of the laws of 1979, is amended to amended to read as follows:

S 758-a. Restitution. 1. In cases involving acts of [infants] CHILDREN over [ten] TWELVE and less than [sixteen] EIGHTEEN years of age, the court may

(a) recommend as a condition of placement, or order as a condition of probation or suspended judgment, restitution in an amount representing a fair and reasonable cost to replace the property or repair the damage caused by the [infant] CHILD, not, however, to exceed one thousand dollars. [In the case of a placement, the court may recommend that the infant pay out of his or her own funds or earnings the amount of replacement or damage, either in a lump sum or in periodic payments in amounts set by the agency with which he is placed, and in the case of probation or suspended judgment, the] THE court may require that the [infant] CHILD pay out of his or her own funds or earnings the amount of replacement or damage, either in a lump sum or in periodic payments in amounts set by the court; and/or

(b) order as a condition of placement, probation, or suspended judgment, services for the public good including in the case of a crime involving willful, malicious, or unlawful damage or destruction to real or personal property maintained as a cemetery plot, grave, burial place, or other place of interment of human remains, services for the maintenance and repair thereof, taking into consideration the age and physical condition of the [infant] CHILD.

2. [If the court recommends restitution or requires services for the public good in conjunction with an order of placement pursuant to section seven hundred fifty-six, the placement shall be made only to an authorized agency which has adopted rules and regulations for the supervision of such a program, which rules and regulations shall be subject to the approval of the state department of social services. Such rules and regulations shall include, but not be limited to provisions (i) assuring that the conditions of work, including wages, meet the standards therefor prescribed pursuant to the labor law; (ii) affording coverage to the child under the workers' compensation law as an employee of such agency, department or institution; (iii) assuring that the entity receiving such services shall not utilize the same to replace its regular employees; and (iv) providing for reports to the court not less frequently than every six months, unless the order provides otherwise.

3.] If the court requires restitution or services for the public good [as a condition of probation or suspended judgment], it shall provide that an agency or person supervise the restitution or services and that such agency or person report to the court not less frequently than every six months, unless the order provides otherwise. Upon the written notice sent by a school district to the court and the appropriate probation department or agency which submits probation recommendations or reports to the court, the court may provide that such school district shall supervise the performance of services for the public good.

[4.] 3. The court, upon receipt of the reports provided for in subdivision two [or three] of this section may, on its own motion or the

motion of any party or the agency, hold a hearing to determine whether the [placement] CONDITION should be altered or modified.

S 47. Section 774 of the family court act is amended to read as follows:

S 774. Action on petition for transfer. On receiving a petition under section seven hundred seventy-three, the court may proceed under sections seven hundred thirty-seven, seven hundred thirty-eight or seven hundred thirty-nine with respect to the issuance of a summons or warrant [and sections seven hundred twenty-seven and seven hundred twenty-nine govern questions of detention and failure to comply with a promise to appear]. Due notice of the petition and a copy of the petition shall also be served personally or by mail upon the office of the locality chargeable for the support of the person involved and upon the person involved and his parents and other persons.

S 48. Section 153-k of the social services law is amended by adding a new subdivision 2-a to read as follows:

2-A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, COMMENCING JANUARY FIRST, TWO THOUSAND SEVENTEEN, STATE REIMBURSEMENT SHALL BE MADE AVAILABLE FOR ONE HUNDRED PERCENT OF EXPENDITURES MADE BY SOCIAL SERVICES DISTRICTS, EXCLUSIVE OF ANY FEDERAL FUNDS MADE AVAILABLE FOR SUCH PURPOSES, FOR PREVENTIVE SERVICES, AFTERCARE SERVICES, INDEPENDENT LIVING SERVICES AND FOSTER CARE SERVICES PROVIDED TO YOUTH AGE SIXTEEN YEARS OF AGE OR OLDER WHEN SUCH SERVICES WOULD NOT OTHERWISE HAVE BEEN PROVIDED TO SUCH YOUTH ABSENT THE PROVISIONS IN A CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT INCREASED THE AGE OF JUVENILE JURISDICTION ABOVE FIFTEEN YEARS OF AGE.

S 49. Subdivisions 5 and 6 of section 371 of the social services law, subdivision 5 as added by chapter 690 of the laws of 1962, and subdivision 6 as amended by chapter 596 of the laws of 2000, are amended to read as follows:

5. "Juvenile delinquent" means a person [over seven and less than sixteen years of age who does any act which, if done by an adult, would constitute a crime] AS DEFINED IN SECTION 301.2 OF THE FAMILY COURT ACT.

6. "Person in need of supervision" means a person [less than eighteen years of age who is habitually truant or who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of a parent or other person legally responsible for such child's care, or other lawful authority] AS DEFINED IN SECTION SEVEN HUNDRED TWELVE OF THE FAMILY COURT ACT.

S 50. Article 6 of the social services law is amended by adding a new title 12 to read as follows:

TITLE 12

FAMILY SUPPORT CENTERS

SECTION 458-M. FAMILY SUPPORT CENTERS.

458-N. FUNDING FOR FAMILY SUPPORT CENTERS.

S 458-M. FAMILY SUPPORT CENTERS. 1. AS USED IN THIS TITLE, THE TERM "FAMILY SUPPORT CENTER" SHALL MEAN A PROGRAM ESTABLISHED PURSUANT TO THIS TITLE TO PROVIDE COMMUNITY-BASED SUPPORTIVE SERVICES TO CHILDREN AND FAMILIES WITH THE GOAL OF PREVENTING A CHILD FROM BEING ADJUDICATED A PERSON IN NEED OF SUPERVISION UNDER ARTICLE SEVEN OF THE FAMILY COURT ACT.

2. FAMILY SUPPORT CENTERS SHALL PROVIDE COMPREHENSIVE SERVICES TO SUCH CHILDREN AND THEIR FAMILIES, EITHER DIRECTLY OR THROUGH REFERRALS WITH PARTNER AGENCIES, INCLUDING, BUT NOT LIMITED TO:

(A) RAPID FAMILY ASSESSMENTS AND SCREENINGS;

(B) CRISIS INTERVENTION;

(C) FAMILY MEDIATION AND SKILLS BUILDING;
(D) MENTAL AND BEHAVIORAL HEALTH SERVICES INCLUDING COGNITIVE INTERVENTIONS;
(E) CASE MANAGEMENT;
(F) RESPITE SERVICES; AND
(G) OTHER FAMILY SUPPORT SERVICES.
3. TO THE EXTENT PRACTICABLE, THE SERVICES THAT ARE PROVIDED SHALL BE TRAUMA SENSITIVE, FAMILY FOCUSED, GENDER-RESPONSIVE, WHERE APPROPRIATE, AND EVIDENCE AND/OR STRENGTH BASED AND SHALL BE TAILORED TO THE INDIVIDUALIZED NEEDS OF THE CHILD AND FAMILY BASED ON THE ASSESSMENTS AND SCREENINGS CONDUCTED BY SUCH FAMILY SUPPORT CENTER.
4. FAMILY SUPPORT CENTERS SHALL HAVE THE CAPACITY TO SERVE FAMILIES OUTSIDE OF REGULAR BUSINESS HOURS INCLUDING EVENINGS OR WEEKENDS.
S 458-N. FUNDING FOR FAMILY SUPPORT CENTERS. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, TO THE EXTENT THAT FUNDS ARE AVAILABLE FOR SUCH PURPOSE, THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL DISTRIBUTE FUNDING TO THE HIGHEST NEED SOCIAL SERVICES DISTRICTS TO CONTRACT WITH NOT-FOR-PROFIT CORPORATIONS TO OPERATE FAMILY SUPPORT CENTERS IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE AND THE SPECIFIC PROGRAM MODEL REQUIREMENTS ISSUED BY THE OFFICE.
2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, WHEN DETERMINING THE HIGHEST NEED SOCIAL SERVICES DISTRICTS PURSUANT TO THIS SUBDIVISION, THE OFFICE MAY CONSIDER FACTORS THAT MAY INCLUDE, BUT ARE NOT NECESSARILY LIMITED TO:
(A) THE TOTAL AMOUNT OF AVAILABLE FUNDING AND THE AMOUNT OF FUNDING REQUIRED FOR FAMILY SUPPORT CENTERS TO MEET THE OBJECTIVES OUTLINED IN SECTION 458-M OF THIS TITLE;
(B) RELEVANT, AVAILABLE STATISTICS REGARDING EACH DISTRICT, WHICH MAY INCLUDE, BUT NOT NECESSARILY BE LIMITED TO:
(I) THE AVAILABILITY OF SERVICES WITHIN SUCH DISTRICT TO PREVENT OR REDUCE DETENTION OR RESIDENTIAL PLACEMENT OF YOUTH PURSUANT TO ARTICLE SEVEN OF THE FAMILY COURT ACT;
(II) RELATIVE TO THE YOUTH POPULATION OF SUCH SOCIAL SERVICES DISTRICT:
(1) THE NUMBER OF PETITIONS FILED PURSUANT TO ARTICLE SEVEN OF THE FAMILY COURT ACT; OR
(2) THE NUMBER OF PLACEMENTS OF YOUTH INTO RESIDENTIAL CARE OR DETENTION PURSUANT TO ARTICLE SEVEN OF THE FAMILY COURT ACT;
(C) ANY REPORTED PERFORMANCE OUTCOMES REPORTED TO THE OFFICE PURSUANT TO SUBDIVISION THREE OF THIS SECTION FOR PROGRAMS THAT PREVIOUSLY RECEIVED FUNDING PURSUANT TO THIS TITLE; OR
(D) OTHER APPROPRIATE FACTORS AS DETERMINED BY THE OFFICE.
3. SOCIAL SERVICES DISTRICTS RECEIVING FUNDING UNDER THIS TITLE SHALL REPORT TO THE OFFICE OF CHILDREN AND FAMILY SERVICES, IN THE FORM AND MANNER AND AT SUCH TIMES AS DETERMINED BY THE OFFICE, ON THE PERFORMANCE OUTCOMES OF ANY FAMILY SUPPORT CENTER LOCATED WITHIN SUCH DISTRICT THAT RECEIVES FUNDING UNDER THIS TITLE.
S 51. Subdivisions 3, 3-a, 11 and 12 of section 398 of the social services law, subdivision 3 as amended by chapter 419 of the laws of 1987, paragraph (c) of subdivision 3 as amended by section 19 of part E of chapter 57 of the laws of 2005, subdivision 3-a as added by section 1 of subpart B of part G of chapter 57 of the laws of 2012, subdivision 11 as added by chapter 514 of the laws of 1976 and subdivision 12 as amended by section 12 of subpart B of part Q of chapter 58 of the laws of 2011, are amended to read as follows:
3. As to delinquent children [and persons in need of supervision]:

(a) Investigate complaints as to alleged delinquency of a child.

(b) Bring such case of alleged delinquency when necessary before the family court.

(c) Receive within fifteen days from the order of placement as a public charge any delinquent child committed or placed [or person in need of supervision placed] in his or her care by the family court provided, however, that the commissioner of the social services district with whom the child is placed may apply to the state commissioner or his or her designee for approval of an additional fifteen days, upon written documentation to the office of children and family services that the youth is in need of specialized treatment or placement and the diligent efforts by the commissioner of social services to locate an appropriate placement.

[3-a. As to delinquent children:

(a)] (D) (1) Conditionally release any juvenile delinquent placed with the district to aftercare whenever the district determines conditional release to be consistent with the needs and best interests of such juvenile delinquent, that suitable care and supervision can be provided, and that there is a reasonable probability that such juvenile delinquent can be conditionally released without endangering public safety; provided, however, that such conditional release shall be made in accordance with the regulations of the office of children and family services, and provided further that no juvenile delinquent while absent from a facility or program without the consent of the director of such facility or program shall be conditionally released by the district solely by reason of the absence.

(2) It shall be a condition of such release that a juvenile delinquent so released shall continue to be the responsibility of the social services district for the period provided in the order of placement.

(3) The social services district may provide clothing, services and other necessities for any conditionally released juvenile delinquent, as may be required, including medical care and services not provided to such juvenile delinquent as medical assistance for needy persons pursuant to title eleven of article five of this chapter.

(4) The social services district, pursuant to the regulations of the office of children and family services, may cause a juvenile delinquent to be returned to a facility operated and maintained by the district, or an authorized agency under contract with the district, at any time within the period of placement, where there is a violation of the conditions of release or a change of circumstances.

(5) Juvenile delinquents conditionally released by a social services district may be provided for as follows:

(i) If, in the opinion of the social services district, there is no suitable parent, relative or guardian to whom a juvenile delinquent can be conditionally released, and suitable care cannot otherwise be secured, the district may conditionally release such juvenile delinquent to the care of any other suitable person; provided that where such suitable person has no legal relationship with the juvenile, the district shall advise such person of the procedures for obtaining custody or guardianship of the juvenile.

(ii) If a conditionally released juvenile delinquent is subject to article sixty-five of the education law or elects to participate in an educational program leading to a high school diploma, he or she shall be enrolled in a school or educational program leading to a high school diploma following release, or, if such release occurs during the summer recess, upon the commencement of the next school term. If a condi-

tionally released juvenile delinquent is not subject to article sixty-five of the education law, and does not elect to participate in an educational program leading to a high school diploma, steps shall be taken, to the extent possible, to facilitate his or her gainful employment or enrollment in a vocational program following release.

[(b)] (E) When a juvenile delinquent placed with the social services district is absent from placement without consent, such absence shall interrupt the calculation of time for his or her placement. Such interruption shall continue until such juvenile delinquent returns to the facility or authorized agency in which he or she was placed. Provided, however, that any time spent by a juvenile delinquent in custody from the date of absence to the date placement resumes shall be credited against the time of such placement provided that such custody:

(1) was due to an arrest or surrender based upon the absence; or

(2) arose from an arrest or surrender on another charge which did not culminate in a conviction, adjudication or adjustment.

[(c)] (F) In addition to the other requirements of this section, no juvenile delinquent placed with a social services district operating an approved juvenile justice services close to home initiative pursuant to section four hundred four of this chapter pursuant to a restrictive placement under the family court act shall be released except pursuant to section 353.5 of the family court act.

11. In the case of [a child who is adjudicated a person in need of supervision or] a juvenile delinquent and is placed by the family court with the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES and who is placed by [the division for youth] SUCH OFFICE with an authorized agency pursuant to court order, the social services official shall make expenditures in accordance with the regulations of the department for the care and maintenance of such child during the term of such placement subject to state reimbursement pursuant to SECTION ONE HUNDRED FIFTY-THREE-K OF this title[, or article nineteen-G of the executive law in applicable cases].

12. A social services official shall be permitted to place persons adjudicated [in need of supervision or] delinquent[, and alleged persons to be in need of supervision] in detention pending transfer to a placement, in the same foster care facilities as are providing care to destitute, neglected, abused or abandoned children. Such foster care facilities shall not provide care to a youth in the care of a social services official as a convicted juvenile offender.

S 52. Subdivision 8 of section 404 of the social services law, as added by section 1 of subpart A of part G of chapter 57 of the laws of 2012, is amended to read as follows:

8. (a) Notwithstanding any other provision of law to the contrary[,] EXCEPT AS PROVIDED FOR IN PARAGRAPH (A-1) OF THIS SUBDIVISION, eligible expenditures during the applicable time periods made by a social services district for an approved juvenile justice services close to home initiative shall, if approved by the department of family assistance, be subject to reimbursement with state funds only up to the extent of an annual appropriation made specifically therefor, after first deducting therefrom any federal funds properly received or to be received on account thereof; provided, however, that when such funds have been exhausted, a social services district may receive state reimbursement from other available state appropriations for that state fiscal year for eligible expenditures for services that otherwise would be reimbursable under such funding streams. Any claims submitted by a social services district for reimbursement for a particular state fiscal

year for which the social services district does not receive state reimbursement from the annual appropriation for the approved close to home initiative may not be claimed against that district's appropriation for the initiative for the next or any subsequent state fiscal year.

(i) State funding for reimbursement shall be, subject to appropriation, in the following amounts: for state fiscal year 2013-14, $35,200,000 adjusted by any changes in such amount required by subparagraphs (ii) and (iii) of this paragraph; for state fiscal year 2014-15, $41,400,000 adjusted to include the amount of any changes made to the state fiscal year 2013-14 appropriation under subparagraphs (ii) and (iii) of this paragraph plus any additional changes required by such subparagraphs; and, such reimbursement shall be, subject to appropriation, for all subsequent state fiscal years in the amount of the prior year's actual appropriation adjusted by any changes required by subparagraphs (ii) and (iii) of this paragraph.

(ii) The reimbursement amounts set forth in subparagraph (i) of this paragraph shall be increased or decreased by the percentage that the average of the most recently approved maximum state aid rates for group residential foster care programs is higher or lower than the average of the approved maximum state aid rates for group residential foster care programs in existence immediately prior to the most recently approved rates.

(iii) The reimbursement amounts set forth in subparagraph (i) of this paragraph shall be increased if either the population of alleged juvenile delinquents who receive a probation intake or the total population of adjudicated juvenile delinquents placed on probation combined with the population of adjudicated juvenile delinquents placed out of their homes in a setting other than a secure facility pursuant to section 352.2 of the family court act, increases by at least ten percent over the respective population in the annual baseline year. The baseline year shall be the period from July first, two thousand ten through June thirtieth, two thousand eleven or the most recent twelve month period for which there is complete data, whichever is later. In each successive year, the population of the previous July first through June thirtieth period shall be compared to the baseline year for determining any adjustments to a state fiscal year appropriation. When either population increases by ten percent or more, the reimbursement will be adjusted by a percentage equal to the larger of the percentage increase in either the number of probation intakes for alleged juvenile delinquents or the total population of adjudicated juvenile delinquents placed on probation combined with the population of adjudicated juvenile delinquents placed out of their homes in a setting other than a secure facility pursuant to section 352.2 of the family court act.

(iv) The social services district and/or the New York city department of probation shall provide an annual report including the data required to calculate the population adjustment to the New York city office of management and budget, the division of criminal justice services and the state division of the budget no later than the first day of September following the close of the previous July first through June thirtieth period.

(A-1) COMMENCING JANUARY FIRST, TWO THOUSAND SEVENTEEN, STATE REIMBURSEMENT SHALL BE MADE AVAILABLE FOR ONE HUNDRED PERCENT OF ELIGIBLE EXPENDITURES MADE BY A SOCIAL SERVICES DISTRICT, EXCLUSIVE OF ANY FEDERAL FUNDS MADE AVAILABLE FOR SUCH PURPOSES, FOR APPROVED JUVENILE JUSTICE SERVICES UNDER AN APPROVED CLOSE TO HOME INITIATIVE PROVIDED TO YOUTH AGE SIXTEEN YEARS OF AGE OR OLDER WHEN SUCH SERVICES WOULD NOT

OTHERWISE HAVE BEEN PROVIDED TO SUCH YOUTH ABSENT THE PROVISIONS IN A CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT INCREASED THE AGE OF JUVENILE JURISDICTION ABOVE FIFTEEN YEARS OF AGE.

(b) The department of family assistance is authorized, in its discretion, to make advances to a social services district in anticipation of the state reimbursement provided for in this section.

(c) A social services district shall conduct eligibility determinations for federal and state funding and submit claims for reimbursement in such form and manner and at such times and for such periods as the department of family assistance shall determine.

(d) Notwithstanding any inconsistent provision of law or regulation of the department of family assistance, state reimbursement shall not be made for any expenditure made for the duplication of any grant or allowance for any period.

(e) Claims submitted by a social services district for reimbursement shall be paid after deducting any expenditures defrayed by fees, third party reimbursement, and any non-tax levy funds including any donated funds.

(f) The office of children and family services shall not reimburse any claims for expenditures for residential services that are submitted more than twenty-two months after the calendar quarter in which the expenditures were made.

(g) Notwithstanding any other provision of law, the state shall not be responsible for reimbursing a social services district and a district shall not seek state reimbursement for any portion of any state disallowance or sanction taken against the social services district, or any federal disallowance attributable to final federal agency decisions or to settlements made, when such disallowance or sanction results from the failure of the social services district to comply with federal or state requirements, including, but not limited to, failure to document eligibility for the federal or state funds in the case record. To the extent that the social services district has sufficient claims other than those that are subject to disallowance or sanction to draw down the full annual appropriation, such disallowance or sanction shall not result in a reduction in payment of state funds to the district unless the district requests that the department use a portion of the appropriation toward meeting the district's responsibility to repay the federal government for the disallowance or sanction and any related interest payments.

(h) Rates for residential services. (i) The office shall establish the rates, in accordance with section three hundred ninety-eight-a of this chapter, for any non-secure facilities established under an approved juvenile justice services close to home initiative. For any such non-secure facility that will be used primarily by the social services district with an approved close to home initiative, final authority for establishment of such rates and any adjustments thereto shall reside with the office, but such rates and any adjustments thereto shall be established only upon the request of, and in consultation with, such social services district.

(ii) A social services district with an approved juvenile justice services close to home initiative for juvenile delinquents placed in limited secure settings shall have the authority to establish and adjust, on an annual or regular basis, maintenance rates for limited secure facilities providing residential services under such initiative. Such rates shall not be subject to the provisions of section three hundred ninety-eight-a of this chapter but shall be subject to maximum cost limits established by the office of children and family services.

S 53. Paragraph (a) of subdivision 1 of section 409-a of the social services law, as amended by chapter 87 of the laws of 1993, subparagraph (i) as amended by chapter 342 of the laws of 2010, and subparagraph (ii) as amended by section 22 of part C of chapter 83 of the laws of 2002, is amended to read as follows:

(a) A social services official shall provide preventive services to a child and his or her family, in accordance with the family's service plan as required by section four hundred nine-e of this chapter and the social services district's child welfare services plan submitted and approved pursuant to section four hundred nine-d of this chapter, upon a finding by such official that [(i)] the child will be placed, returned to or continued in foster care unless such services are provided and that it is reasonable to believe that by providing such services the child will be able to remain with or be returned to his or her family, and for a former foster care youth under the age of twenty-one who was previously placed in the care and custody or custody and guardianship of the local commissioner of social services or other officer, board or department authorized to receive children as public charges where it is reasonable to believe that by providing such services the former foster care youth will avoid a return to foster care [or (ii) the child is the subject of a petition under article seven of the family court act, or has been determined by the assessment service established pursuant to section two hundred forty-three-a of the executive law, or by the probation service where no such assessment service has been designated, to be at risk of being the subject of such a petition, and the social services official determines that the child is at risk of placement into foster care]. Such finding shall be entered in the child's uniform case record established and maintained pursuant to section four hundred nine-f of this chapter. The commissioner shall promulgate regulations to assist social services officials in making determinations of eligibility for mandated preventive services pursuant to this [subparagraph] PARAGRAPH.

S 54. Section 30.00 of the penal law, as amended by chapter 481 of the laws of 1978, subdivision 2 as amended by chapter 7 of the laws of 2007, is amended to read as follows:

S 30.00 Infancy.

1. Except as provided in [subdivision] SUBDIVISIONS two AND THREE of this section, a person less than [sixteen] SEVENTEEN years old, OR, COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, A PERSON LESS THAN EIGHTEEN YEARS OLD is not criminally responsible for conduct.

2. A person thirteen, fourteen [or], fifteen, OR SIXTEEN YEARS OF AGE OR, COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, A PERSON SEVENTEEN years of age is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible or for such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; and a person fourteen [or], fifteen, OR SIXTEEN YEARS OF AGE OR, COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, SEVENTEEN years of age is criminally responsible for acts constituting the crimes defined in section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree);

130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of this chapter; or section 265.03 of this chapter, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of this chapter; or defined in this chapter as an attempt to commit murder in the second degree or kidnapping in the first degree, or for such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law.

3. A PERSON SIXTEEN OR, COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, SEVENTEEN YEARS OF AGE IS CRIMINALLY RESPONSIBLE FOR ACTS CONSTITUTING A VIOLENT FELONY DEFINED IN SECTION 70.02 OF THIS CHAPTER; ACTS CONSTITUTING ANY CRIME IN THIS CHAPTER THAT IS CLASSIFIED AS A CLASS A FELONY EXCEPTING THOSE CLASS A FELONIES WHICH REQUIRE, AS AN ELEMENT OF THE OFFENSE, THAT THE DEFENDANT BE EIGHTEEN YEARS OF AGE OR OLDER; ACTS CONSTITUTING THE CRIMES DEFINED IN SECTION 120.03 (VEHICULAR ASSAULT IN THE SECOND DEGREE); 120.04 (VEHICULAR ASSAULT IN THE FIRST DEGREE); 120.04-A (AGGRAVATED VEHICULAR ASSAULT); 125.10 (CRIMINALLY NEGLIGENT HOMICIDE); 125.11 (AGGRAVATED CRIMINALLY NEGLIGENT HOMICIDE); 125.12 (VEHICULAR MANSLAUGHTER IN THE SECOND DEGREE); 125.13 (VEHICULAR MANSLAUGHTER IN THE FIRST DEGREE); 125.14 (AGGRAVATED VEHICULAR HOMICIDE); 125.15 (MANSLAUGHTER IN THE SECOND DEGREE); 125.20 (MANSLAUGHTER IN THE FIRST DEGREE); 125.21 (AGGRAVATED MANSLAUGHTER IN THE SECOND DEGREE); 125.22 (AGGRAVATED MANSLAUGHTER IN THE FIRST DEGREE); 215.11 (TAMPERING WITH A WITNESS IN THE THIRD DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.12 (TAMPERING WITH A WITNESS IN THE SECOND DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.13 (TAMPERING WITH A WITNESS IN THE FIRST DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.52 (AGGRAVATED CRIMINAL CONTEMPT); ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION TWO OF SECTION 130.91 OF THIS CHAPTER WHEN COMMITTED AS A SEXUALLY MOTIVATED FELONY; ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION THREE OF SECTION 490.05 OF THIS CHAPTER WHEN COMMITTED AS AN ACT OF TERRORISM; ACTS CONSTITUTING A FELONY DEFINED IN ARTICLE 490 OF THIS CHAPTER; AND ACTS CONSTITUTING A CRIME SET FORTH IN SUBDIVISION ONE OF SECTION 105.10 AND SECTION 105.15 PROVIDED THAT THE UNDERLYING CRIME FOR THE CONSPIRACY CHARGE IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE. PROVIDED HOWEVER, A PERSON SIXTEEN OR SEVENTEEN YEARS OF AGE IS CRIMINALLY RESPONSIBLE FOR ACTS CONSTITUTING AN OFFENSE SET FORTH IN THE VEHICLE AND TRAFFIC LAW AND SHALL BE CONSIDERED A PERSON OVER THE AGE OF EIGHTEEN FOR THE PROSECUTION OF ACTS CONSTITUTING AN OFFENSE SET FORTH IN THE VEHICLE AND TRAFFIC LAW.

4. In any prosecution for an offense, lack of criminal responsibility by reason of infancy, as defined in this section, is a defense.

S 55. Subdivision 2 of section 60.02 of the penal law, as amended by chapter 471 of the laws of 1980, is amended to read as follows:

(2) If the sentence is to be imposed upon a youthful offender finding which has been substituted for a conviction for any felony, AND THE PERSON IS EIGHTEEN YEARS OF AGE OR YOUNGER, the court must impose a sentence authorized to be imposed upon a person convicted of a class E felony provided, however, that (A) the court must not impose a sentence

of [conditional discharge or] unconditional discharge if the youthful offender finding was substituted for a conviction of a felony defined in article two hundred twenty of this chapter; AND (B) NOTWITHSTANDING PARAGRAPH (E) OF SUBDIVISION TWO OF SECTION 70.00 OF THIS TITLE, IF A TERM OF IMPRISONMENT IS IMPOSED, SUCH TERM SHALL BE A DEFINITE SENTENCE OF ONE YEAR OR LESS, OR A DETERMINATE SENTENCE, THE TERM OF WHICH MUST BE AT LEAST ONE YEAR AND MUST NOT EXCEED THREE YEARS, AND MUST INCLUDE, AS A PART THEREOF, A PERIOD OF POST-RELEASE SUPERVISION IN ACCORDANCE WITH SUBDIVISION TWO-B OF SECTION 70.45 OF THIS CHAPTER. IN ANY CASE, WHERE A COURT IMPOSES A SENTENCE OF IMPRISONMENT IN CONJUNCTION WITH A SENTENCE OF PROBATION OR CONDITIONAL DISCHARGE, SUCH IMPRISONMENT TERM SHALL NOT BE IN EXCESS OF SIX MONTHS, OR IN THE CASE OF AN INTERMITTENT TERM, NOT IN EXCESS OF FOUR MONTHS IN ACCORDANCE WITH PARAGRAPH (D) OF SUBDIVISION TWO OF SECTION 60.01 OF THIS ARTICLE.

S 56. Section 60.10 of the penal law, as amended by chapter 411 of the laws of 1979, is amended to read as follows:

S 60.10 Authorized disposition; juvenile offender.

1. WHEN A JUVENILE OFFENDER IS CONVICTED OF A CLASS A FELONY, OTHER THAN MURDER IN THE SECOND DEGREE AS DEFINED BY SECTION 125.25, ARSON IN THE FIRST DEGREE AS DEFINED BY SECTION 150.20 OR KIDNAPPING IN THE FIRST DEGREE AS DEFINED BY SECTION 135.25 OF THIS CHAPTER, THE COURT SHALL SENTENCE THE DEFENDANT TO IMPRISONMENT PURSUANT TO THE PROVISIONS OF SECTION 70.00, 70.06, 70.07, 70.08, OR 70.71 OF THIS CHAPTER, AS APPLICABLE. When a juvenile offender is convicted of [a] ANY OTHER crime, the court shall sentence the defendant to imprisonment in accordance with section 70.05 or sentence [him] THE DEFENDANT upon a youthful offender finding in accordance with section 60.02 of this chapter.

2. Subdivision one of this section shall apply when sentencing a juvenile offender notwithstanding the provisions of any other law that deals with the authorized sentence for persons who are not juvenile offenders. Provided, however, that the limitation prescribed by this section shall not be deemed or construed to bar use of a conviction of a juvenile offender, other than a juvenile offender who has been adjudicated a youthful offender pursuant to section 720.20 of the criminal procedure law, EXCEPT AS PROVIDED IN SUBDIVISION THREE OF THIS SECTION as a previous or predicate felony offender under section 70.04, 70.06, 70.07, 70.08 [or], 70.10, 70.70, 70.71, 70.80, OR 485.10 OF THIS CHAPTER, when sentencing a person who commits a felony after [he] SUCH PERSON has reached the age of [sixteen] SEVENTEEN AS OF JANUARY FIRST, TWO THOUSAND SEVENTEEN, AND EIGHTEEN AS OF JANUARY FIRST, TWO THOUSAND EIGHTEEN.

3. THE LIMITATION PRESCRIBED BY THIS SECTION SHALL NOT BE DEEMED OR CONSTRUED TO BAR USE OF A CONVICTION OF A JUVENILE OFFENDER WHO HAS BEEN ADJUDICATED A YOUTHFUL OFFENDER PURSUANT TO SECTION 720.20 OF THE CRIMINAL PROCEDURE LAW FOR AN OFFENSE COMMITTED WHEN SUCH PERSON WAS SIXTEEN OR SEVENTEEN YEARS OLD AS A PREVIOUS OR PREDICATE FELONY OFFENDER UNDER SECTION 70.04, 70.06, 70.07, 70.08, 70.10, 70.70, 70.71, 70.80 OR 485.10 OF THIS CHAPTER, WHEN SENTENCING A PERSON WHO COMMITS A VIOLENT FELONY AS DEFINED BY SUBDIVISION ONE OF SECTION 70.02 OF THIS TITLE AFTER SUCH PERSON HAS REACHED THE AGE OF SEVENTEEN AS OF JANUARY FIRST, TWO THOUSAND SEVENTEEN AND EIGHTEEN AS OF JANUARY FIRST, TWO THOUSAND EIGHTEEN.

S 57. Section 70.05 of the penal law, as added by chapter 481 of the laws of 1978, subdivision 1 as amended by chapter 615 of the laws of 1984, paragraph (e) of subdivision 2 as added and paragraph (c) of subdivision 3 as amended by chapter 435 of the laws of 1998, paragraph (a) of subdivision 3 as amended by chapter 174 of the laws of 2003, is amended to read as follows:

S 70.05 Sentence of imprisonment for juvenile offender.

1. [Indeterminate sentence] SENTENCE. A sentence of imprisonment for a JUVENILE OFFENDER CONVICTED OF A CLASS A felony OTHER THAN MURDER IN THE SECOND DEGREE AS DEFINED BY SECTION 125.25, ARSON IN THE FIRST DEGREE AS DEFINED BY SECTION 150.20 OR KIDNAPPING IN THE FIRST DEGREE AS DEFINED BY SECTION 135.25 OF THIS CHAPTER, SHALL BE IMPOSED BY THE COURT PURSUANT TO THE PROVISIONS OF SECTION 70.00, 70.06, 70.07, 70.08, OR 70.71 OF THIS CHAPTER, AS APPLICABLE. A SENTENCE OF IMPRISONMENT FOR THE CLASS A-1 FELONY OF MURDER IN THE SECOND DEGREE committed by a juvenile offender shall be an indeterminate sentence. When such a sentence is imposed, the court shall impose [a] THE MINIMUM PERIOD OF IMPRISONMENT AND maximum term in accordance with the provisions of subdivision two of this section [and the minimum period of imprisonment shall be as provided in subdivision three of this section]. EXCEPT AS PROVIDED HEREIN, A SENTENCE OF IMPRISONMENT FOR ANY OTHER FELONY COMMITTED BY A JUVENILE OFFENDER SHALL BE A DETERMINATE SENTENCE. WHEN SUCH A SENTENCE IS IMPOSED, THE COURT SHALL IMPOSE A TERM OF IMPRISONMENT IN WHOLE OR HALF YEARS IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION THREE OF THIS SECTION AND A PERIOD OF POST-RELEASE SUPERVISION IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION TWO-B OF SECTION 70.45 OF THIS ARTICLE. The court shall further provide that where a juvenile offender is under placement pursuant to article three of the family court act, any sentence imposed pursuant to this section which is to be served consecutively with such placement shall be served in a facility designated pursuant to subdivision four of section 70.20 of this article prior to service of the placement in any previously designated facility.

2. [Maximum term of] INDETERMINATE sentence. [The maximum term of an indeterminate sentence for a juvenile offender shall be at least three years and the term shall be fixed as follows:

(a)] For the class A felony of murder in the second degree, the MAXIMUM term shall be life imprisonment; AND THE MINIMUM PERIOD OF IMPRISONMENT SHALL BE SPECIFIED IN THE SENTENCE AS FOLLOWS:

(A) WHERE THE DEFENDANT WAS THIRTEEN YEARS OLD AT THE TIME OF SUCH OFFENSE, THE MINIMUM PERIOD OF IMPRISONMENT SHALL BE AT LEAST FIVE YEARS BUT SHALL NOT EXCEED NINE YEARS;

(B) WHERE THE DEFENDANT WAS FOURTEEN YEARS OLD AT THE TIME OF SUCH OFFENSE, THE MINIMUM PERIOD OF IMPRISONMENT SHALL BE AT LEAST SEVEN AND ONE-HALF YEARS BUT SHALL NOT EXCEED FIFTEEN YEARS; AND

(C) WHERE THE DEFENDANT WAS SIXTEEN OR SEVENTEEN YEARS OLD AT THE TIME OF SUCH OFFENSE, THE MINIMUM PERIOD OF IMPRISONMENT SHALL BE AT LEAST TEN YEARS BUT SHALL NOT EXCEED FIFTEEN YEARS.

[(b)] 3. DETERMINATE SENTENCE. (A) For the class A felony of arson in the first degree, or for the class A felony of kidnapping in the first degree WHERE: (I) THE DEFENDANT WAS FOURTEEN OR FIFTEEN YEARS OLD AT THE TIME OF SUCH OFFENSE the DETERMINATE term shall be fixed by the court, and shall be at least [twelve] FOUR years but shall not exceed fifteen years; AND (II) THE DEFENDANT WAS SIXTEEN OR SEVENTEEN YEARS OLD AT THE TIME OF SUCH OFFENSE, THE DETERMINATE TERM SHALL BE FIXED BY THE COURT, AND SHALL BE AT LEAST FOUR YEARS BUT SHALL NOT EXCEED TEN YEARS;

[(c)] (B) For a class B felony, WHERE: (I) THE DEFENDANT WAS FOURTEEN OR FIFTEEN YEARS OLD AT THE TIME OF SUCH OFFENSE, the DETERMINATE term shall be fixed by the court, and shall BE AT LEAST ONE YEAR BUT SHALL not exceed [ten] SEVEN years; AND (II) THE DEFENDANT WAS SIXTEEN OR SEVENTEEN YEARS OLD AT THE TIME OF SUCH OFFENSE, THE DETERMINATE TERM SHALL BE FIXED BY THE COURT, AND SHALL BE AT LEAST ONE YEAR BUT SHALL NOT EXCEED SEVEN YEARS; PROVIDED, HOWEVER, THAT WHERE THE DEFENDANT IS

CONVICTED OF A CLASS B VIOLENT FELONY AND THE COURT FINDS AGGRAVATING CIRCUMSTANCES THAT BEAR DIRECTLY UPON THE MANNER IN WHICH THE CRIME WAS COMMITTED, INCLUDING THE SEVERITY OF INJURY TO THE VICTIM AND THE GRAVITY OF RISK TO PUBLIC SAFETY, THE COURT SHALL SENTENCE THE DEFENDANT PURSUANT TO PARAGRAPH (A) OF SUBDIVISION THREE OF SECTION 70.02 OF THIS ARTICLE;

[(d)] (C) For a class C felony, WHERE: (I) THE DEFENDANT WAS FOURTEEN OR FIFTEEN YEARS OLD AT THE TIME OF SUCH OFFENSE, the DETERMINATE term shall be fixed by the court, and shall BE AT LEAST ONE YEAR BUT SHALL not exceed [seven] FIVE years; and (II) THE DEFENDANT WAS SIXTEEN OR SEVENTEEN YEARS OLD AT THE TIME OF SUCH OFFENSE, THE DETERMINATE TERM SHALL BE FIXED BY THE COURT, AND SHALL BE AT LEAST ONE YEAR BUT SHALL NOT EXCEED FIVE YEARS;

[(e)] (D) For a class D felony, WHERE: (I) THE DEFENDANT WAS FOURTEEN OR FIFTEEN YEARS OLD AT THE TIME OF SUCH OFFENSE, the DETERMINATE term shall be fixed by the court, and shall BE AT LEAST ONE YEAR BUT SHALL not exceed [four] THREE years; AND (II) THE DEFENDANT WAS SIXTEEN OR SEVENTEEN YEARS OLD AT THE TIME OF SUCH OFFENSE, THE DETERMINATE TERM SHALL BE FIXED BY THE COURT, AND SHALL BE AT LEAST ONE YEAR BUT SHALL NOT EXCEED THREE YEARS; AND

(E) FOR A CLASS E FELONY, WHERE THE DEFENDANT WAS SIXTEEN OR SEVENTEEN YEARS OLD AT THE TIME OF SUCH OFFENSE, THE DETERMINATE TERM SHALL BE FIXED BY THE COURT, AND SHALL BE AT LEAST ONE YEAR BUT SHALL NOT EXCEED TWO YEARS.

[3. Minimum period of imprisonment. The minimum period of imprisonment under an indeterminate sentence for a juvenile offender shall be specified in the sentence as follows:

(a) For the class A felony of murder in the second degree, the minimum period of imprisonment shall be fixed by the court and shall be not less than five years but shall not exceed nine years provided, however, that where the sentence is for an offense specified in subdivision one or two of section 125.25 of this chapter and the defendant was fourteen or fifteen years old at the time of such offense, the minimum period of imprisonment shall be not less than seven and one-half years but shall not exceed fifteen years;

(b) For the class A felony of arson in the first degree, or for the class A felony of kidnapping in the first degree, the minimum period of imprisonment shall be fixed by the court and shall be not less than four years but shall not exceed six years; and

(c) For a class B, C or D felony, the minimum period of imprisonment shall be fixed by the court at one-third of the maximum term imposed.]

S 58. Subdivision 1 of section 70.20 of the penal law, as amended by section 124 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

1. [(a)] Indeterminate or determinate sentence. Except as provided in subdivision four of this section, when an indeterminate or determinate sentence of imprisonment is imposed, the court shall commit the defendant to the custody of the state department of corrections and community supervision for the term of his or her sentence and until released in accordance with the law; provided, however, that a defendant sentenced pursuant to subdivision seven of section 70.06 shall be committed to the custody of the state department of corrections and community supervision for immediate delivery to a reception center operated by the department.

[(b) The court in committing a defendant who is not yet eighteen years of age to the department of corrections and community supervision shall inquire as to whether the parents or legal guardian of the defendant, if

present, will grant to the minor the capacity to consent to routine medical, dental and mental health services and treatment.

(c) Notwithstanding paragraph (b) of this subdivision, where the court commits a defendant who is not yet eighteen years of age to the custody of the department of corrections and community supervision in accordance with this section and no medical consent has been obtained prior to said commitment, the commitment order shall be deemed to grant the capacity to consent to routine medical, dental and mental health services and treatment to the person so committed.

(d) Nothing in this subdivision shall preclude a parent or legal guardian of an inmate who is not yet eighteen years of age from making a motion on notice to the department of corrections and community supervision pursuant to article twenty-two of the civil practice law and rules and section one hundred forty of the correction law, objecting to routine medical, dental or mental health services and treatment being provided to such inmate under the provisions of paragraph (b) of this subdivision.

(e) Nothing in this section shall require that consent be obtained from the parent or legal guardian, where no consent is necessary or where the defendant is authorized by law to consent on his or her own behalf to any medical, dental, and mental health service or treatment.]

S 59. Subdivision 2 of section 70.20 of the penal law, as amended by chapter 437 of the laws of 2013, is amended to read as follows:

2. [(a)] Definite sentence. Except as provided in subdivision four of this section, when a definite sentence of imprisonment is imposed, the court shall commit the defendant to the county or regional correctional institution for the term of his sentence and until released in accordance with the law.

[(b) The court in committing a defendant who is not yet eighteen years of age to the local correctional facility shall inquire as to whether the parents or legal guardian of the defendant, if present, will grant to the minor the capacity to consent to routine medical, dental and mental health services and treatment.

(c) Nothing in this subdivision shall preclude a parent or legal guardian of an inmate who is not yet eighteen years of age from making a motion on notice to the local correction facility pursuant to article twenty-two of the civil practice law and rules and section one hundred forty of the correction law, objecting to routine medical, dental or mental health services and treatment being provided to such inmate under the provisions of paragraph (b) of this subdivision.]

S 60. Subdivision 4 of section 70.20 of the penal law, as amended by section 124 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

4. (a) Notwithstanding any other provision of law to the contrary, a juvenile offender[,] or a juvenile offender who is adjudicated a youthful offender [and], WHO IS given an indeterminate or a definite sentence, AND WHO IS UNDER THE AGE OF TWENTY-ONE AT THE TIME OF SENTENCING, shall be committed to the custody of the commissioner of the office of children and family services who shall arrange for the confinement of such offender in [secure] facilities of the office. The release or transfer of such offenders from the office of children and family services shall be governed by section five hundred eight of the executive law. IF THE JUVENILE OFFENDER OR JUVENILE OFFENDER WHO IS ADJUDICATED A YOUTHFUL OFFENDER IS CONVICTED AND IS TWENTY-ONE YEARS OF AGE OR OLDER AT THE TIME OF SENTENCING, HE OR SHE SHALL BE DELIVERED TO THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION.

(A-1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A PERSON WHO IS CONVICTED AS AN ADULT FOR COMMITTING A CRIME, OTHER THAN A VEHICLE AND TRAFFIC OFFENSE, WHEN HE OR SHE WAS SIXTEEN OR SEVENTEEN YEARS OF AGE WHO IS SENTENCED ON OR AFTER DECEMBER FIRST, TWO THOUSAND FIFTEEN TO A TERM OF AT LEAST ONE YEAR OF IMPRISONMENT AND WHO IS UNDER THE AGE OF EIGHTEEN AT THE TIME HE OR SHE IS SENTENCED SHALL BE COMMITTED TO THE CUSTODY OF THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES WHO SHALL ARRANGE FOR THE CONFINEMENT OF SUCH OFFENDER IN FACILITIES OF THE OFFICE. THE RELEASE OR TRANSFER OF SUCH OFFENDERS FROM THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL BE GOVERNED BY SECTION FIVE HUNDRED EIGHT OF THE EXECUTIVE LAW.

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

(c) Notwithstanding paragraph (b) of this subdivision, where the court commits an offender to the custody of the office of children and family services in accordance with this section and no medical consent has been obtained prior to said commitment, the commitment order shall be deemed to grant consent for the office of children and family services to provide for routine medical, dental and mental health services and treatment to the offender so committed.

(d) Nothing in this subdivision shall preclude a parent or legal guardian of an offender who is not yet eighteen years of age from making a motion on notice to the office of children and family services pursuant to article twenty-two of the civil practice law and rules objecting to routine medical, dental or mental health services and treatment being provided to such offender under the provisions of paragraph (b) of this subdivision.

(e) Nothing in this section shall require that consent be obtained from the parent or legal guardian, where no consent is necessary or where the offender is authorized by law to consent on his or her own behalf to any medical, dental and mental health service or treatment.

S 60-a. Paragraph (f) of subdivision 1 of section 70.30 of the penal law, as added by chapter 481 of the laws of 1978 and relettered by chapter 3 of the laws of 1995, is amended to read as follows:

(f) [The aggregate maximum term of consecutive sentences imposed upon a juvenile offender for two or more crimes, not including a class A felony, committed before he has reached the age of sixteen, shall, if it exceeds ten years, be deemed to be ten years. If consecutive indeterminate sentences imposed upon a juvenile offender include a sentence for the class A felony of arson in the first degree or for the class A felony of kidnapping in the first degree, then the aggregate maximum term of such sentences shall, if it exceeds fifteen years, be deemed to be fifteen years. Where the aggregate maximum term of two or more consecutive sentences is reduced by a calculation made pursuant to this paragraph, the aggregate minimum period of imprisonment, if it exceeds one-half of the aggregate maximum term as so reduced, shall be deemed to be one-half of the aggregate maximum term as so reduced.] (I) THE AGGREGATE TERM OR MAXIMUM TERM OF CONSECUTIVE SENTENCES IMPOSED UPON A JUVENILE OFFENDER FOR TWO OR MORE CRIMES, OTHER THAN TWO OR MORE SENTENCES THAT INCLUDE A SENTENCE FOR A CLASS A FELONY, OR A SENTENCE FOR A CLASS B VIOLENT FELONY IMPOSED PURSUANT TO PARAGRAPH (A) OF SUBDIVISION THREE OF SECTION 70.02 OF THIS ARTICLE, COMMITTED PRIOR TO THE TIME THE PERSON

WAS IMPRISONED UNDER ANY OF SUCH SENTENCES SHALL, IF IT EXCEEDS TEN YEARS, BE DEEMED TO BE TEN YEARS, PROVIDED:

(A) WHERE ALL OF SUCH CONSECUTIVE SENTENCES ARE DETERMINATE AND THE AGGREGATE TERM EXCEEDS TEN YEARS, THE JUVENILE OFFENDER SHALL BE DEEMED TO BE SERVING A DETERMINATE TERM OF TEN YEARS; AND

(B) WHERE ALL OF SUCH CONSECUTIVE SENTENCES ARE INDETERMINATE AND THE AGGREGATE MAXIMUM TERM EXCEEDS TEN YEARS, THE JUVENILE OFFENDER SHALL BE DEEMED TO BE SERVING AN INDETERMINATE SENTENCE, THE MAXIMUM TERM OF WHICH SHALL BE DEEMED TO BE TEN YEARS AND THE AGGREGATE MINIMUM PERIOD OF WHICH, IF IT EXCEEDS FIVE YEARS, SHALL BE DEEMED TO BE FIVE YEARS; AND

(C) WHERE ONE OR MORE OF SUCH CONSECUTIVE SENTENCES IS A DETERMINATE SENTENCE AND ONE OR MORE OF WHICH IS AN INDETERMINATE SENTENCE:

(1) IF THE AGGREGATE TERM OF THE DETERMINATE SENTENCES IS EQUAL TO OR EXCEEDS TEN YEARS, THE JUVENILE OFFENDER SHALL BE DEEMED TO BE SERVING A DETERMINATE TERM OF TEN YEARS; AND

(2) IF THE TERM OR AGGREGATE TERM OF THE DETERMINATE SENTENCE OR SENTENCES IS LESS THAN TEN YEARS, THE JUVENILE OFFENDER SHALL BE DEEMED TO BE SERVING AN INDETERMINATE SENTENCE, THE MAXIMUM TERM OF WHICH SHALL BE DEEMED TO BE TEN YEARS, AND THE MINIMUM PERIOD OF WHICH SHALL BE DEEMED TO BE FIVE YEARS OR SIX-SEVENTHS OF THE TERM OR AGGREGATE TERM OF THE DETERMINATE SENTENCE OR SENTENCES, WHICHEVER IS GREATER.

(II) THE AGGREGATE MAXIMUM TERM OF CONSECUTIVE SENTENCES IMPOSED UPON A JUVENILE OFFENDER FOR TWO OR MORE CRIMES, AT LEAST ONE OF WHICH IS THE CLASS A FELONY OF ARSON IN THE FIRST DEGREE AS DEFINED BY SECTION 150.20 OR KIDNAPPING IN THE FIRST DEGREE AS DEFINED BY SECTION 135.25 OF THIS CHAPTER BUT NO OTHER CLASS A FELONY, AND DOES NOT INCLUDE A SENTENCE IMPOSED FOR A CLASS B VIOLENT FELONY IMPOSED PURSUANT TO PARAGRAPH (A) OF SUBDIVISION THREE OF SECTION 70.02 OF THIS ARTICLE, COMMITTED PRIOR TO THE TIME THE PERSON WAS IMPRISONED UNDER ANY OF SUCH SENTENCES SHALL, IF IT EXCEEDS FIFTEEN YEARS, BE DEEMED TO BE FIFTEEN YEARS, PROVIDED:

(A) WHERE ALL OF SUCH CONSECUTIVE SENTENCES ARE DETERMINATE AND THE AGGREGATE TERM EXCEEDS FIFTEEN YEARS, THE JUVENILE OFFENDER SHALL BE DEEMED TO BE SERVING A DETERMINATE TERM OF FIFTEEN YEARS; AND

(B) WHERE ALL OF SUCH CONSECUTIVE SENTENCES ARE INDETERMINATE AND THE AGGREGATE MAXIMUM TERM EXCEEDS FIFTEEN YEARS, THE JUVENILE OFFENDER SHALL BE DEEMED TO BE SERVING AN INDETERMINATE SENTENCE, THE MAXIMUM TERM OF WHICH SHALL BE DEEMED TO BE FIFTEEN YEARS AND THE AGGREGATE MINIMUM PERIOD OF WHICH, IF IT EXCEEDS SEVEN AND ONE-HALF YEARS, SHALL BE DEEMED TO BE SEVEN AND ONE-HALF YEARS; AND

(C) WHERE ONE OR MORE OF SUCH CONSECUTIVE SENTENCES IS A DETERMINATE SENTENCE AND ONE OR MORE OF WHICH IS AN INDETERMINATE SENTENCE:

(1) IF THE AGGREGATE TERM OF THE DETERMINATE SENTENCES IS EQUAL TO OR EXCEEDS FIFTEEN YEARS, THE JUVENILE OFFENDER SHALL BE DEEMED TO BE SERVING A DETERMINATE TERM OF FIFTEEN YEARS; AND

(2) IF THE TERM OR AGGREGATE TERM OF THE DETERMINATE SENTENCE OR SENTENCES IS LESS THAN FIFTEEN YEARS, THE JUVENILE OFFENDER SHALL BE DEEMED TO BE SERVING AN INDETERMINATE SENTENCE, THE MAXIMUM TERM OF WHICH SHALL BE DEEMED TO BE FIFTEEN YEARS, AND THE MINIMUM PERIOD OF WHICH SHALL BE DEEMED TO BE SEVEN AND ONE-HALF YEARS OR SIX-SEVENTHS OF THE TERM OR AGGREGATE TERM OF THE DETERMINATE SENTENCE OR SENTENCES, WHICHEVER IS GREATER.

S 61. Section 70.45 of the penal law is amended by adding a new subdivision 2-b to read as follows:

2-B. PERIODS OF POST-RELEASE SUPERVISION FOR JUVENILE OFFENDERS AND YOUTHFUL OFFENDERS. (A) THE PERIOD OF POST-RELEASE SUPERVISION FOR A

DETERMINATE SENTENCE IMPOSED UPON A YOUTHFUL OFFENDER OR A JUVENILE OFFENDER ADJUDICATED A YOUTHFUL OFFENDER MUST BE FIXED BY THE COURT AT ONE YEAR.

(B) THE PERIOD OF POST-RELEASE SUPERVISION FOR A DETERMINATE SENTENCE IMPOSED UPON A JUVENILE OFFENDER NOT ADJUDICATED A YOUTHFUL OFFENDER MUST BE FIXED BY THE COURT IN WHOLE OR HALF YEARS AS FOLLOWS:

(I) SUCH PERIOD SHALL BE ONE YEAR WHENEVER A DETERMINATE SENTENCE OF IMPRISONMENT IS IMPOSED UPON A CONVICTION OF A CLASS D OR CLASS E FELONY OFFENSE;

(II) SUCH PERIOD SHALL BE NOT LESS THAN ONE YEAR NOR MORE THAN TWO YEARS WHENEVER A DETERMINATE SENTENCE OF IMPRISONMENT IS IMPOSED UPON A CONVICTION OF A CLASS C FELONY OFFENSE;

(III) SUCH PERIOD SHALL BE NOT LESS THAN ONE YEAR NOR MORE THAN THREE YEARS WHENEVER A DETERMINATE SENTENCE OF IMPRISONMENT IS IMPOSED UPON A CONVICTION OF A CLASS B FELONY OFFENSE; PROVIDED, HOWEVER, THAT SUCH PERIOD SHALL BE IMPOSED PURSUANT TO SUBDIVISION TWO OR TWO-A OF THIS SECTION, AS APPLICABLE, WHENEVER A DETERMINATE SENTENCE IS IMPOSED UPON A CONVICTION OF A CLASS B VIOLENT FELONY OFFENSE PURSUANT TO PARAGRAPH (A) OF SUBDIVISION THREE OF SECTION 70.02 OF THIS ARTICLE; AND

(IV) SUCH PERIOD SHALL BE NOT LESS THAN ONE YEAR NOR MORE THAN FIVE YEARS WHENEVER A DETERMINATE SENTENCE OF IMPRISONMENT IS IMPOSED UPON A CONVICTION OF THE CLASS A FELONY OFFENSE OF ARSON IN THE FIRST DEGREE AS DEFINED BY SECTION 150.20 OR KIDNAPPING IN THE FIRST DEGREE AS DEFINED BY SECTION 135.25 OF THIS CHAPTER, AND A FIVE-YEAR PERIOD SHALL BE IMPOSED PURSUANT TO SUBDIVISION TWO OF THIS SECTION WHENEVER A DETERMINATE SENTENCE IMPOSED UPON A JUVENILE OFFENDER FOR ANY OTHER CLASS A FELONY.

S 62. Subdivision 18 of section 10.00 of the penal law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

18. "Juvenile offender" means (1) a person thirteen years old who is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 of this chapter or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of [the penal law; and] THIS CHAPTER;

(2) a person fourteen [or], fifteen OR SIXTEEN YEARS OLD OR COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, SEVENTEEN years old who is criminally responsible for acts constituting the crimes defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of this chapter; or section 265.03 of this chapter, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of this chapter; or defined in this chapter as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of [the penal law] THIS CHAPTER; AND

(3) A PERSON SIXTEEN, OR COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, A PERSON SIXTEEN OR SEVENTEEN YEARS OLD WHO IS CRIMINALLY RESPONSIBLE FOR ACTS CONSTITUTING A VIOLENT FELONY DEFINED IN SECTION 70.02 OF THIS CHAPTER; ACTS CONSTITUTING ANY CRIME IN THIS CHAPTER THAT IS CLASSIFIED AS A CLASS A FELONY EXCEPTING THOSE CLASS A FELONIES WHICH REQUIRE, AS AN ELEMENT OF THE OFFENSE, THAT THE DEFENDANT BE EIGHTEEN YEARS OF AGE OR OLDER; ACTS CONSTITUTING THE CRIMES DEFINED IN SECTION 120.03 (VEHICULAR ASSAULT IN THE SECOND DEGREE); 120.04 (VEHICULAR ASSAULT IN THE FIRST DEGREE); 120.04-A (AGGRAVATED VEHICULAR ASSAULT); 125.10 (CRIMINALLY NEGLIGENT HOMICIDE); 125.11 (AGGRAVATED CRIMINALLY NEGLIGENT HOMICIDE); 125.12 (VEHICULAR MANSLAUGHTER IN THE SECOND DEGREE); 125.13 (VEHICULAR MANSLAUGHTER IN THE FIRST DEGREE); 125.14 (AGGRAVATED VEHICULAR HOMICIDE); 125.15 (MANSLAUGHTER IN THE SECOND DEGREE); 125.20 (MANSLAUGHTER IN THE FIRST DEGREE); 125.21 (AGGRAVATED MANSLAUGHTER IN THE SECOND DEGREE); 125.22 (AGGRAVATED MANSLAUGHTER IN THE FIRST DEGREE); 215.11 (TAMPERING WITH A WITNESS IN THE THIRD DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.12 (TAMPERING WITH A WITNESS IN THE SECOND DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.13 (TAMPERING WITH A WITNESS IN THE FIRST DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.52 (AGGRAVATED CRIMINAL CONTEMPT); ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION TWO OF SECTION 130.91 OF THIS CHAPTER WHEN COMMITTED AS A SEXUALLY MOTIVATED FELONY; ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION THREE OF SECTION 490.05 OF THIS CHAPTER WHEN COMMITTED AS AN ACT OF TERRORISM; ACTS CONSTITUTING A FELONY DEFINED IN ARTICLE FOUR HUNDRED NINETY OF THIS CHAPTER; AND ACTS CONSTITUTING A CRIME SET FORTH IN SUBDIVISION ONE OF SECTION 105.10 AND SECTION 105.15 OF THIS CHAPTER PROVIDED THAT THE UNDERLYING CRIME FOR THE CONSPIRACY CHARGE IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE.

S 63. Subdivision 42 of section 1.20 of the criminal procedure law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

42. "Juvenile offender" means (1) a person, thirteen years old who is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 of the penal law, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; [and] (2) a person fourteen [or], fifteen OR SIXTEEN YEARS OLD, OR COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, SEVENTEEN years old who is criminally responsible for acts constituting the crimes defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; or section 265.03 of the penal law, where such

machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law; or defined in the penal law as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; AND (3) A PERSON SIXTEEN OR, COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, A PERSON SIXTEEN OR SEVENTEEN YEARS OLD WHO IS CRIMINALLY RESPONSIBLE FOR ACTS CONSTITUTING A VIOLENT FELONY DEFINED IN SECTION 70.02 OF THE PENAL LAW; ACTS CONSTITUTING ANY CRIME IN THE PENAL LAW THAT IS CLASSIFIED AS A CLASS A FELONY EXCEPTING THOSE CLASS A FELONIES WHICH REQUIRE, AS AN ELEMENT OF THE OFFENSE, THAT THE DEFENDANT BE EIGHTEEN YEARS OF AGE OR OLDER; ACTS CONSTITUTING THE CRIMES DEFINED IN SECTION 120.03 (VEHICULAR ASSAULT IN THE SECOND DEGREE); 120.04 (VEHICULAR ASSAULT IN THE FIRST DEGREE); 120.04-A (AGGRAVATED VEHICULAR ASSAULT); 125.10 (CRIMINALLY NEGLIGENT HOMICIDE); 125.11 (AGGRAVATED CRIMINALLY NEGLIGENT HOMICIDE); 125.12 (VEHICULAR MANSLAUGHTER IN THE SECOND DEGREE); 125.13 (VEHICULAR MANSLAUGHTER IN THE FIRST DEGREE); 125.14 (AGGRAVATED VEHICULAR HOMICIDE); 125.15 (MANSLAUGHTER IN THE SECOND DEGREE); 125.20 (MANSLAUGHTER IN THE FIRST DEGREE); 125.21 (AGGRAVATED MANSLAUGHTER IN THE SECOND DEGREE); 125.22 (AGGRAVATED MANSLAUGHTER IN THE FIRST DEGREE); 215.11 (TAMPERING WITH A WITNESS IN THE THIRD DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.12 (TAMPERING WITH A WITNESS IN THE SECOND DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.13 (TAMPERING WITH A WITNESS IN THE FIRST DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.52 (AGGRAVATED CRIMINAL CONTEMPT); ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION TWO OF SECTION 130.91 OF THE PENAL LAW WHEN COMMITTED AS A SEXUALLY MOTIVATED FELONY; ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION THREE OF SECTION 490.05 OF THE PENAL LAW WHEN COMMITTED AS AN ACT OF TERRORISM; ACTS CONSTITUTING A FELONY DEFINED IN ARTICLE FOUR HUNDRED NINETY OF THE PENAL LAW; AND ACTS CONSTITUTING A CRIME SET FORTH IN SUBDIVISION ONE OF SECTION 105.10 AND SECTION 105.15 OF THE PENAL LAW PROVIDED THAT THE UNDERLYING CRIME FOR THE CONSPIRACY CHARGE IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE.

S 64. Subdivision 6 of section 140.20 of the criminal procedure law, as added by chapter 411 of the laws of 1979, is amended to read as follows:

6. Upon arresting a juvenile offender without a warrant, the police officer shall immediately notify the parent or other person legally responsible for his OR HER care or the person with whom he OR SHE is domiciled, that the juvenile offender has been arrested, and the location of the facility where he OR SHE is being detained. IF THE OFFICER DETERMINES THAT IT IS NECESSARY TO QUESTION A JUVENILE OFFENDER OR A CHILD UNDER EIGHTEEN YEARS OF AGE WHO FITS WITHIN THE DEFINITION OF A JUVENILE OFFENDER AS DEFINED IN SECTION 30.00 OF THE PENAL LAW, THE OFFICER MUST TAKE THE JUVENILE TO A FACILITY DESIGNATED BY THE CHIEF ADMINISTRATOR OF THE COURTS AS A SUITABLE PLACE FOR THE QUESTIONING OF CHILDREN OR, UPON THE CONSENT OF A PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR THE CARE OF THE JUVENILE, TO THE JUVENILE'S RESIDENCE AND THERE QUESTION HIM OR HER FOR A REASONABLE PERIOD OF TIME. A JUVENILE OFFENDER SHALL NOT BE QUESTIONED PURSUANT TO THIS SECTION UNLESS

THE JUVENILE AND A PERSON REQUIRED TO BE NOTIFIED PURSUANT TO THIS SUBDIVISION, IF PRESENT, HAVE BEEN ADVISED:

(A) OF THE JUVENILE'S RIGHT TO REMAIN SILENT;

(B) THAT THE STATEMENTS MADE BY THE JUVENILE MAY BE USED IN A COURT OF LAW;

(C) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PRESENT AT SUCH QUESTIONING; AND

(D) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PROVIDED FOR HIM OR HER WITHOUT CHARGE IF HE OR SHE IS INDIGENT.

IN DETERMINING THE SUITABILITY OF QUESTIONING AND DETERMINING THE REASONABLE PERIOD OF TIME FOR QUESTIONING SUCH A JUVENILE OFFENDER, THE JUVENILE'S AGE, THE PRESENCE OR ABSENCE OF HIS OR HER PARENTS OR OTHER PERSONS LEGALLY RESPONSIBLE FOR HIS OR HER CARE AND NOTIFICATION PURSUANT TO THIS SUBDIVISION SHALL BE INCLUDED AMONG RELEVANT CONSIDERATIONS.

S 65. Subdivision 5 of section 140.27 of the criminal procedure law, as added by chapter 411 of the laws of 1979, is amended to read as follows:

5. Upon arresting a juvenile offender without a warrant, the peace officer shall immediately notify the parent or other person legally responsible for his care or the person with whom he OR SHE is domiciled, that the juvenile offender has been arrested, and the location of the facility where he OR SHE is being detained. IF THE OFFICER DETERMINES THAT IT IS NECESSARY TO QUESTION A JUVENILE OFFENDER OR A CHILD UNDER EIGHTEEN YEARS OF AGE WHO FITS WITHIN THE DEFINITION OF A JUVENILE OFFENDER AS DEFINED IN SECTION 30.00 OF THE PENAL LAW THE OFFICER MUST TAKE THE JUVENILE TO A FACILITY DESIGNATED BY THE CHIEF ADMINISTRATOR OF THE COURTS AS A SUITABLE PLACE FOR THE QUESTIONING OF CHILDREN OR, UPON THE CONSENT OF A PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR THE CARE OF THE JUVENILE, TO THE JUVENILE'S RESIDENCE AND THERE QUESTION HIM OR HER FOR A REASONABLE PERIOD OF TIME. A JUVENILE OFFENDER SHALL NOT BE QUESTIONED PURSUANT TO THIS SECTION UNLESS THE JUVENILE AND A PERSON REQUIRED TO BE NOTIFIED PURSUANT TO THIS SUBDIVISION, IF PRESENT, HAVE BEEN ADVISED:

(A) OF THE JUVENILE'S RIGHT TO REMAIN SILENT;

(B) THAT THE STATEMENTS MADE BY THE JUVENILE MAY BE USED IN A COURT OF LAW;

(C) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PRESENT AT SUCH QUESTIONING; AND

(D) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PROVIDED FOR HIM OR HER WITHOUT CHARGE IF HE OR SHE IS INDIGENT.

IN DETERMINING THE SUITABILITY OF QUESTIONING AND DETERMINING THE REASONABLE PERIOD OF TIME FOR QUESTIONING SUCH A JUVENILE OFFENDER, THE JUVENILE'S AGE, THE PRESENCE OR ABSENCE OF HIS OR HER PARENTS OR OTHER PERSONS LEGALLY RESPONSIBLE FOR HIS OR HER CARE AND NOTIFICATION PURSUANT TO THIS SUBDIVISION SHALL BE INCLUDED AMONG RELEVANT CONSIDERATIONS.

S 66. Subdivision 5 of section 140.40 of the criminal procedure law, as added by chapter 411 of the laws of 1979, is amended to read as follows:

5. If a police officer takes an arrested juvenile offender into custody, the police officer shall immediately notify the parent or other person legally responsible for his OR HER care or the person with whom he OR SHE is domiciled, that the juvenile offender has been arrested, and the location of the facility where he OR SHE is being detained. IF THE OFFICER DETERMINES THAT IT IS NECESSARY TO QUESTION A JUVENILE OFFENDER OR A CHILD UNDER EIGHTEEN YEARS OF AGE WHO FITS WITHIN THE DEFINITION OF A JUVENILE OFFENDER AS DEFINED IN SECTION 30.00 OF THE

PENAL LAW THE OFFICER MUST TAKE THE JUVENILE TO A FACILITY DESIGNATED BY THE CHIEF ADMINISTRATOR OF THE COURTS AS A SUITABLE PLACE FOR THE QUESTIONING OF CHILDREN OR, UPON THE CONSENT OF A PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR THE CARE OF THE JUVENILE, TO THE JUVENILE'S RESIDENCE AND THERE QUESTION HIM OR HER FOR A REASONABLE PERIOD OF TIME. A JUVENILE OFFENDER SHALL NOT BE QUESTIONED PURSUANT TO THIS SECTION UNLESS THE JUVENILE AND A PERSON REQUIRED TO BE NOTIFIED PURSUANT TO THIS SUBDIVISION, IF PRESENT, HAVE BEEN ADVISED:

(A) OF THE JUVENILE'S RIGHT TO REMAIN SILENT;

(B) THAT THE STATEMENTS MADE BY THE JUVENILE MAY BE USED IN A COURT OF LAW;

(C) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PRESENT AT SUCH QUESTIONING; AND

(D) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PROVIDED FOR HIM OR HER WITHOUT CHARGE IF HE OR SHE IS INDIGENT.

IN DETERMINING THE SUITABILITY OF QUESTIONING AND DETERMINING THE REASONABLE PERIOD OF TIME FOR QUESTIONING SUCH A JUVENILE OFFENDER, THE JUVENILE'S AGE, THE PRESENCE OR ABSENCE OF HIS OR HER PARENTS OR OTHER PERSONS LEGALLY RESPONSIBLE FOR HIS OR HER CARE AND NOTIFICATION PURSUANT TO THIS SUBDIVISION SHALL BE INCLUDED AMONG RELEVANT CONSIDERATIONS.

S 67. The criminal procedure law is amended by adding a new section 160.56 to read as follows:

S 160.56 CONDITIONAL SEALING OF CERTAIN CONVICTIONS FOR OFFENSES COMMITTED BY A DEFENDANT TWENTY YEARS OF AGE OR YOUNGER OR BY A DEFENDANT CONVICTED AS A JUVENILE OFFENDER.

1. WHEN A DEFENDANT IS CONVICTED FOR ONLY ONE ELIGIBLE OFFENSE, ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, WHICH WAS COMMITTED WHEN HE OR SHE WAS TWENTY YEARS OF AGE OR YOUNGER AND THE DEFENDANT HAS NO PRIOR CRIMINAL CONVICTIONS, THE COURT SHALL CERTIFY UPON CONVICTION THAT THE DEFENDANT IS APPARENTLY ELIGIBLE FOR CONDITIONAL SEALING AND SHALL SCHEDULE THE DEFENDANT'S CASE FOR REVIEW AT THE EXPIRATION OF THE TIME PERIOD SET FORTH IN SUBDIVISION TWO OF THIS SECTION. SUCH REVIEW SHALL NOT REQUIRE A MOTION OR APPEARANCE BY A DEFENDANT. UPON THE EXPIRATION OF THE TIME PERIOD SET FORTH IN SUBDIVISION TWO OF THIS SECTION, THE COURT SHALL NOTIFY THE DISTRICT ATTORNEY THAT THE CASE IS UNDER REVIEW. IF THE DISTRICT ATTORNEY DOES NOT PROVIDE NOTICE OF OPPOSITION TO SEALING WITHIN FORTY-FIVE DAYS OF RECEIPT OF THE NOTIFICATION AND THE COURT DETERMINES THAT THE DEFENDANT MEETS THE CRITERIA FOR SEALING AS SET FORTH IN THIS SECTION, THE COURT SHALL ORDER THAT THE RECORD BE CONDITIONALLY SEALED. IF THE DISTRICT ATTORNEY OPPOSES SEALING, HE OR SHE SHALL NOTIFY THE COURT OF THE REASONS FOR OPPOSITION. IF THE COURT HAS DETERMINED, SUA SPONTE, OR THE DISTRICT ATTORNEY HAS NOTIFIED THE COURT, THAT THE DEFENDANT DOES NOT MEET THE CRITERIA FOR CONDITIONAL SEALING, THE COURT MUST PROVIDE THE DEFENDANT, ON NOTICE TO THE DISTRICT ATTORNEY, WITH NOTICE AND AN OPPORTUNITY TO DISPUTE SUCH FINDING.

WHENEVER THE COURT DETERMINES BY A PREPONDERANCE OF THE EVIDENCE THAT ALL CRITERIA FOR SEALING HAVE BEEN SATISFIED AND ORDERS A RECORD CONDITIONALLY SEALED, THE CLERK OF THE COURT SHALL IMMEDIATELY NOTIFY THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES THAT THE CONVICTION SHALL BE CONDITIONALLY SEALED. FOR PURPOSES OF THIS SECTION, AN ELIGIBLE OFFENSE IS ANY MISDEMEANOR OR FELONY OTHER THAN A FELONY OFFENSE DEFINED IN ARTICLE ONE HUNDRED TWENTY-FIVE OF THE PENAL LAW, A VIOLENT FELONY OFFENSE DEFINED IN SECTION 70.02 OF THE PENAL LAW, A CLASS A FELONY OFFENSE DEFINED IN THE PENAL LAW, OR AN OFFENSE FOR WHICH REGISTRATION AS A SEX OFFENDER IS REQUIRED PURSUANT TO ARTICLE SIX-C OF THE CORRECTION LAW.

2. AN ELIGIBLE OFFENSE MAY BE CONDITIONALLY SEALED ONLY:

(A) AFTER THE FOLLOWING TIME PERIODS HAVE ELAPSED:

(I) FOR A MISDEMEANOR, AT LEAST TWO YEARS HAVE PASSED SINCE: THE ENTRY OF THE JUDGMENT OR, IF THE DEFENDANT WAS SENTENCED TO A CONDITIONAL DISCHARGE OR A PERIOD OF PROBATION, INCLUDING A PERIOD OF INCARCERATION IMPOSED IN CONJUNCTION WITH A SENTENCE OF PROBATION OR CONDITIONAL DISCHARGE, THE COMPLETION OF THE DEFENDANT'S TERM OF PROBATION OR CONDITIONAL DISCHARGE, OR IF THE DEFENDANT WAS SENTENCED TO INCARCERATION, THE DEFENDANT'S RELEASE FROM INCARCERATION, WHICHEVER IS THE LONGEST; OR

(II) FOR AN ELIGIBLE FELONY, OTHER THAN A FELONY CONVICTION AS A JUVENILE OFFENDER AS DEFINED IN SUBDIVISION FORTY-TWO OF SECTION 1.20 OF THIS CHAPTER, AT LEAST FIVE YEARS HAVE PASSED SINCE: THE ENTRY OF THE JUDGMENT OR, IF THE DEFENDANT WAS SENTENCED TO A CONDITIONAL DISCHARGE OR A PERIOD OF PROBATION, INCLUDING A PERIOD OF INCARCERATION IMPOSED IN CONJUNCTION WITH A SENTENCE OF PROBATION OR CONDITIONAL DISCHARGE, THE COMPLETION OF THE DEFENDANT'S TERM OF PROBATION OR CONDITIONAL DISCHARGE, OR IF THE DEFENDANT WAS SENTENCED TO INCARCERATION, THE DEFENDANT'S RELEASE FROM INCARCERATION, WHICHEVER IS THE LONGEST; OR

(III) FOR A CONVICTION AS A JUVENILE OFFENDER, AS DEFINED IN SUBDIVISION FORTY-TWO OF SECTION 1.20 OF THIS CHAPTER, AT LEAST TEN YEARS HAVE PASSED SINCE: THE ENTRY OF THE JUDGMENT OR, IF THE DEFENDANT WAS SENTENCED TO A CONDITIONAL DISCHARGE OR A PERIOD OF PROBATION, INCLUDING A PERIOD OF INCARCERATION IMPOSED IN CONJUNCTION WITH A SENTENCE OF PROBATION OR CONDITIONAL DISCHARGE, THE COMPLETION OF THE DEFENDANT'S TERM OF PROBATION OR CONDITIONAL DISCHARGE, OR IF THE DEFENDANT WAS SENTENCED TO INCARCERATION, THE DEFENDANT'S RELEASE FROM INCARCERATION, WHICHEVER IS THE LONGEST; AND

(B) IF THE DEFENDANT HAS NOT BEEN CONVICTED OF ANY OTHER CRIME.

2-A. NO RECORD SHALL BE SEALED PURSUANT TO THIS SECTION WHILE CHARGES ARE PENDING FOR ANY OFFENSE.

2-B. NO RECORD SHALL BE SEALED PURSUANT TO THIS SECTION WHILE THE DEFENDANT IS SUBJECT TO SUPERVISION BY THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION. UPON THE SUCCESSFUL COMPLETION OF SUCH SUPERVISION, IF THE TIME PERIODS SET FORTH IN PARAGRAPH (A) OF SUBDIVISION TWO OF THIS SECTION HAVE ELAPSED FROM THE DATE OF DEFENDANT'S RELEASE FROM INCARCERATION, THE COURT MAY ORDER THE RECORD CONDITIONALLY SEALED PURSUANT TO THE PROVISIONS OF THIS SECTION.

3. WHEN A CONVICTION IS SEALED PURSUANT TO THIS SECTION, ALL OFFICIAL RECORDS AND PAPERS RELATING TO THE ARREST, PROSECUTION, AND CONVICTION, INCLUDING ALL DUPLICATES AND COPIES THEREOF, ON FILE WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES OR ANY COURT SHALL BE SEALED AND NOT MADE AVAILABLE TO ANY PERSON OR PUBLIC OR PRIVATE AGENCY; PROVIDED, HOWEVER, THE DIVISION SHALL RETAIN ANY FINGERPRINTS, PALMPRINTS AND PHOTOGRAPHS, OR DIGITAL IMAGES OF THE SAME.

4. RECORDS SEALED PURSUANT TO THIS SECTION SHALL BE MADE AVAILABLE TO:

(A) THE DEFENDANT OR THE DEFENDANT'S DESIGNATED AGENT;

(B) QUALIFIED AGENCIES, AS DEFINED IN SUBDIVISION NINE OF SECTION EIGHT HUNDRED THIRTY-FIVE OF THE EXECUTIVE LAW, AND FEDERAL AND STATE LAW ENFORCEMENT AGENCIES, WHEN ACTING WITHIN THE SCOPE OF THEIR LAW ENFORCEMENT DUTIES;

(C) ANY STATE OR LOCAL OFFICER OR AGENCY WITH RESPONSIBILITY FOR THE ISSUANCE OF LICENSES TO POSSESS GUNS, WHEN THE PERSON HAS MADE APPLICATION FOR SUCH A LICENSE; OR

(D) ANY PROSPECTIVE EMPLOYER OF A POLICE OFFICER OR PEACE OFFICER AS THOSE TERMS ARE DEFINED IN SUBDIVISIONS THIRTY-THREE AND THIRTY-FOUR OF SECTION 1.20 OF THIS CHAPTER, IN RELATION TO AN APPLICATION FOR EMPLOY-

MENT AS A POLICE OFFICER OR PEACE OFFICER; PROVIDED, HOWEVER, THAT EVERY PERSON WHO IS AN APPLICANT FOR THE POSITION OF POLICE OFFICER OR PEACE OFFICER SHALL BE FURNISHED WITH A COPY OF ALL RECORDS OBTAINED UNDER THIS PARAGRAPH AND AFFORDED AN OPPORTUNITY TO MAKE AN EXPLANATION THERETO.

5. IF, SUBSEQUENT TO THE SEALING OF RECORDS PURSUANT TO THIS SECTION, THE PERSON WHO IS THE SUBJECT OF SUCH RECORDS IS ARRESTED FOR OR CHARGED WITH ANY MISDEMEANOR OR FELONY OFFENSE, SUCH RECORDS SHALL BE UNSEALED IMMEDIATELY AND REMAIN UNSEALED; PROVIDED, HOWEVER, THAT IF SUCH NEW MISDEMEANOR OR FELONY ARREST RESULTS IN A TERMINATION IN FAVOR OF THE ACCUSED AS DEFINED IN SUBDIVISION THREE OF SECTION 160.50 OF THIS ARTICLE OR BY CONVICTION FOR A NON-CRIMINAL OFFENSE AS DESCRIBED IN SECTION 160.55 OF THIS ARTICLE, SUCH UNSEALED RECORDS SHALL BE CONDITIONALLY SEALED PURSUANT TO THIS SECTION.

6. A DEFENDANT WHO WAS CONVICTED OF ONLY ONE ELIGIBLE OFFENSE PRIOR TO THE EFFECTIVE DATE OF THIS SECTION MAY APPLY TO THE COURT OF CONVICTION, ON AN APPLICATION PROMULGATED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES, FOR THE CONDITIONAL SEALING OF SUCH CONVICTION IF:

(A) THE OFFENSE WAS COMMITTED WHEN THE DEFENDANT WAS TWENTY-ONE YEARS OF AGE OR YOUNGER; AND

(B) THE APPLICABLE TIME PERIODS SPECIFIED IN SUBDIVISION TWO OF THIS SECTION HAVE ELAPSED; AND

(C) THE DEFENDANT HAS NOT BEEN CONVICTED OF ANY OTHER CRIME; AND

(D) NO CHARGES ARE PENDING FOR ANY CRIME.

THERE SHALL BE NO FEE ASSOCIATED WITH THIS APPLICATION AND NO PERSONAL APPEARANCE BY THE DEFENDANT IS REQUIRED.

7. WHEN AN APPLICATION IS MADE FOR SEALING PURSUANT TO SUBDIVISION SIX OF THIS SECTION, THE COURT SHALL NOTIFY THE DISTRICT ATTORNEY. IF THE DISTRICT ATTORNEY DOES NOT PROVIDE NOTICE OF OPPOSITION TO SEALING WITHIN FORTY-FIVE DAYS OF RECEIPT OF THE APPLICATION AND THE COURT DETERMINES THAT THE DEFENDANT MEETS THE CRITERIA FOR SEALING SET FORTH IN THIS SECTION AND THAT SEALING IS IN THE INTEREST OF JUSTICE, THE COURT MAY ORDER THAT THE RECORD BE CONDITIONALLY SEALED IN THE MANNER SET FORTH IN THIS SECTION AND NOTIFY THE DIVISION OF CRIMINAL JUSTICE SERVICES OF THE SAME. IF THE DISTRICT ATTORNEY OPPOSES THE APPLICATION, THE COURT SHALL SCHEDULE A HEARING UPON NOTICE TO ALL PARTIES. IF THE COURT, AT THE CONCLUSION OF THE HEARING DETERMINES BY A PREPONDERANCE OF THE EVIDENCE THAT SUCH CONVICTION SHOULD BE SEALED IN THE INTEREST OF JUSTICE, THE COURT SHALL ORDER THAT THE CONVICTION BE SEALED AND NOTIFY THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES OF THE SAME.

S 68. Section 180.75 of the criminal procedure law is REPEALED.

S 69. Subdivisions (a) and (b) of section 190.71 of the criminal procedure law, subdivision (a) as amended by chapter 7 of the laws of 2007, subdivision (b) as added by chapter 481 of the laws of 1978, are amended to read as follows:

(a) Except as provided in subdivision six of section 200.20 of this chapter, a grand jury may not indict (i) a person thirteen years of age for any conduct or crime other than conduct constituting a crime defined in subdivisions one and two of section 125.25 (murder in the second degree) or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (ii) a person fourteen [or], fifteen, SIXTEEN OR COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, SEVENTEEN years of age for any conduct or crime other than conduct constituting a crime defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such

section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; subdivision four of section 265.02 of the penal law, where such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law; or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law; or defined in the penal law as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (III) A PERSON SIXTEEN OR COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, SEVENTEEN YEARS OF AGE FOR ANY CONDUCT OR CRIME OTHER THAN CONDUCT CONSTITUTING A VIOLENT FELONY DEFINED IN SECTION 70.02 OF THE PENAL LAW; A CRIME THAT IS CLASSIFIED AS A CLASS A FELONY EXCEPTING THOSE CLASS A FELONIES WHICH REQUIRE, AS AN ELEMENT OF THE OFFENSE, THAT THE DEFENDANT BE EIGHTEEN YEARS OF AGE OR OLDER; A CRIME DEFINED IN THE FOLLOWING SECTIONS OF THE PENAL LAW: SECTION 120.03 (VEHICULAR ASSAULT IN THE SECOND DEGREE); 120.04 (VEHICULAR ASSAULT IN THE FIRST DEGREE); 120.04-A (AGGRAVATED VEHICULAR ASSAULT); 125.10 (CRIMINALLY NEGLIGENT HOMICIDE); 125.11 (AGGRAVATED CRIMINALLY NEGLIGENT HOMICIDE); 125.12 (VEHICULAR MANSLAUGHTER IN THE SECOND DEGREE); 125.13 (VEHICULAR MANSLAUGHTER IN THE FIRST DEGREE); 125.14 (AGGRAVATED VEHICULAR HOMICIDE); 125.15 (MANSLAUGHTER IN THE SECOND DEGREE); 125.20 (MANSLAUGHTER IN THE FIRST DEGREE); 125.21 (AGGRAVATED MANSLAUGHTER IN THE SECOND DEGREE); 125.22 (AGGRAVATED MANSLAUGHTER IN THE FIRST DEGREE); 215.11 (TAMPERING WITH A WITNESS IN THE THIRD DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.12 (TAMPERING WITH A WITNESS IN THE SECOND DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.13 (TAMPERING WITH A WITNESS IN THE FIRST DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.52 (AGGRAVATED CRIMINAL CONTEMPT); ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION TWO OF SECTION 130.91 OF THE PENAL LAW WHEN COMMITTED AS A SEXUALLY MOTIVATED FELONY; ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION THREE OF SECTION 490.05 OF THE PENAL LAW WHEN COMMITTED AS AN ACT OF TERRORISM; ACTS CONSTITUTING A FELONY DEFINED IN ARTICLE FOUR HUNDRED NINETY OF THE PENAL LAW; AND ACTS CONSTITUTING A CRIME SET FORTH IN SUBDIVISION ONE OF SECTION 105.10 AND SECTION 105.15 OF THE PENAL LAW PROVIDED THAT THE UNDERLYING CRIME FOR THE CONSPIRACY CHARGE IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE.

(b) A grand jury may vote to file a request to remove a charge to the family court if it finds that a person [thirteen, fourteen or fifteen] SIXTEEN, OR COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, SEVENTEEN years of age OR YOUNGER did an act which, if done by a person over the

age of sixteen, OR COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, SEVENTEEN, would constitute a crime provided (1) such act is one for which it may not indict; (2) it does not indict such person for a crime; and (3) the evidence before it is legally sufficient to establish that such person did such act and competent and admissible evidence before it provides reasonable cause to believe that such person did such act.

S 70. Subdivision 6 of section 200.20 of the criminal procedure law, as added by chapter 136 of the laws of 1980, is amended to read as follows:

6. Where an indictment charges at least one offense against a defendant who was under the age of [sixteen] SEVENTEEN, OR COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, EIGHTEEN at the time of the commission of the crime and who did not lack criminal responsibility for such crime by reason of infancy, the indictment may, in addition, charge in separate counts one or more other offenses for which such person would not have been criminally responsible by reason of infancy, if:

(a) the offense for which the defendant is criminally responsible and the one or more other offenses for which he would not have been criminally responsible by reason of infancy are based upon the same act or upon the same criminal transaction, as that term is defined in subdivision two of section 40.10 of this chapter; or

(b) the offenses are of such nature that either proof of the first offense would be material and admissible as evidence in chief upon a trial of the second, or proof of the second would be material and admissible as evidence in chief upon a trial of the first.

S 71. The opening paragraph of subdivision 1 and subdivision 5 of section 210.43 of the criminal procedure law; as added by chapter 411 of the laws of 1979, are amended to read as follows:

After [a motion by a juvenile offender, pursuant to subdivision five of section 180.75 of this chapter, or after] arraignment of a juvenile offender upon an indictment, the superior court may, on motion of any party or on its own motion:

[5. a. If the court orders removal of the action to family court, it shall state on the record the factor or factors upon which its determination is based, and, the court shall give its reasons for removal in detail and not in conclusory terms.

b. The district attorney shall state upon the record the reasons for his consent to removal of the action to the family court. The reasons shall be stated in detail and not in conclusory terms.]

S 72. Paragraph (g) of subdivision 5 of section 220.10 of the criminal procedure law, as amended by chapter 410 of the laws of 1979, subparagraph (iii) as amended by chapter 264 of the laws of 2003, the second undesignated paragraph as amended by chapter 920 of the laws of the laws of 1982 and the closing paragraph as amended by chapter 411 of the laws of 1979, is amended to read as follows:

(g) Where the defendant is a juvenile offender, the provisions of paragraphs (a), (b), (c) and (d) of this subdivision shall not apply and any plea entered pursuant to subdivision three or four of this section, must be as follows:

(i) If the indictment charges a person fourteen [or], fifteen OR SIXTEEN, OR COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, SEVENTEEN years old with the crime of murder in the second degree any plea of guilty entered pursuant to subdivision three or four must be a plea of guilty of a crime for which the defendant is criminally responsible;

(ii) If the indictment does not charge a crime specified in subparagraph (i) of this paragraph, then any plea of guilty entered pursuant to

subdivision three or four of this section must be a plea of guilty of a crime for which the defendant is criminally responsible unless a plea of guilty is accepted pursuant to subparagraph (iii) of this paragraph;

(iii) Where the indictment does not charge a crime specified in subparagraph (i) of this paragraph, the district attorney may recommend removal of the action to the family court. Upon making such recommendation the district attorney shall submit a subscribed memorandum setting forth: (1) a recommendation that the interests of justice would best be served by removal of the action to the family court; and (2) if the indictment charges a thirteen year old with the crime of murder in the second degree, or a fourteen [or], fifteen OR SIXTEEN YEAR OLD, OR COMMENCING JANUARY FIRST TWO THOUSAND EIGHTEEN, SEVENTEEN year old with the crimes of rape in the first degree as defined in subdivision one of section 130.35 of the penal law, or criminal sexual act in the first degree as defined in subdivision one of section 130.50 of the penal law, or an armed felony as defined in paragraph (a) of subdivision forty-one of section 1.20 of this chapter specific factors, one or more of which reasonably supports the recommendation, showing, (i) mitigating circumstances that bear directly upon the manner in which the crime was committed, or (ii) where the defendant was not the sole participant in the crime, that the defendant's participation was relatively minor although not so minor as to constitute a defense to the prosecution, or (iii) possible deficiencies in proof of the crime, or (iv) where the juvenile offender has no previous adjudications of having committed a designated felony act, as defined in subdivision eight of section 301.2 of the family court act, regardless of the age of the offender at the time of commission of the act, that the criminal act was not part of a pattern of criminal behavior and, in view of the history of the offender, is not likely to be repeated.

If the court is of the opinion based on specific factors set forth in the district attorney's memorandum that the interests of justice would best be served by removal of the action to the family court, a plea of guilty of a crime or act for which the defendant is not criminally responsible may be entered pursuant to subdivision three or four of this section, except that a thirteen year old charged with the crime of murder in the second degree may only plead to a designated felony act, as defined in subdivision eight of section 301.2 of the family court act.

Upon accepting any such plea, the court must specify upon the record the portion or portions of the district attorney's statement the court is relying upon as the basis of its opinion and that it believes the interests of justice would best be served by removal of the proceeding to the family court. Such plea shall then be deemed to be a juvenile delinquency fact determination and the court upon entry thereof must direct that the action be removed to the family court in accordance with the provisions of article seven hundred twenty-five of this chapter.

S 73. Section 410.60 of the criminal procedure law, as amended by chapter 652 of the laws of 2008, is amended to read as follows:

S 410.60 Appearance before court.

(A) A person who has been taken into custody pursuant to section 410.40 or section 410.50 of this article for violation of a condition of a sentence of probation or a sentence of conditional discharge must forthwith be brought before the court that imposed the sentence. Where a violation of probation petition and report has been filed and the person has not been taken into custody nor has a warrant been issued, an initial court appearance shall occur within ten business days of the

court's issuance of a notice to appear. If the court has reasonable cause to believe that such person has violated a condition of the sentence, it may commit him OR HER to the custody of the sheriff or fix bail or release such person on his OR HER own recognizance for future appearance at a hearing to be held in accordance with section 410.70 of this article. If the court does not have reasonable cause to believe that such person has violated a condition of the sentence, it must direct that he OR SHE be released.

(B) A JUVENILE OFFENDER WHO HAS BEEN TAKEN INTO CUSTODY PURSUANT TO SECTION 410.40 OR SECTION 410.50 OF THIS ARTICLE FOR VIOLATION OF A CONDITION OF A SENTENCE OF PROBATION OR A SENTENCE OF CONDITIONAL DISCHARGE MUST FORTHWITH BE BROUGHT BEFORE THE COURT THAT IMPOSED THE SENTENCE. WHERE A VIOLATION OF PROBATION PETITION AND REPORT HAS BEEN FILED AND THE PERSON HAS NOT BEEN TAKEN INTO CUSTODY NOR HAS A WARRANT BEEN ISSUED, AN INITIAL COURT APPEARANCE SHALL OCCUR WITHIN TEN BUSINESS DAYS OF THE COURT'S ISSUANCE OF A NOTICE TO APPEAR. IF THE COURT HAS REASONABLE CAUSE TO BELIEVE THAT SUCH PERSON HAS VIOLATED A CONDITION OF THE SENTENCE, IT MAY COMMIT HIM OR HER TO THE CUSTODY OF THE SHERIFF OR FIX BAIL OR RELEASE SUCH PERSON ON HIS OR HER OWN RECOGNIZANCE FOR FUTURE APPEARANCE AT A HEARING TO BE HELD IN ACCORDANCE WITH SECTION 410.70 OF THIS ARTICLE. PROVIDED, HOWEVER, NOTHING HEREIN SHALL AUTHORIZE A JUVENILE TO BE DETAINED FOR A VIOLATION OF A CONDITION THAT WOULD NOT CONSTITUTE A CRIME IF COMMITTED BY AN ADULT UNLESS THE COURT DETERMINES (I) THAT THE JUVENILE POSES A SPECIFIC IMMINENT THREAT TO PUBLIC SAFETY AND STATES THE REASONS FOR THE FINDING ON THE RECORD OR (II) THE JUVENILE IS ON PROBATION FOR AN ACT THAT WOULD CONSTITUTE A VIOLENT FELONY AS DEFINED IN SECTION 70.02 OF THE PENAL LAW IF COMMITTED BY AN ADULT AND THE USE OF GRADUATED SANCTIONS HAS BEEN EXHAUSTED WITHOUT SUCCESS. IF THE COURT DOES NOT HAVE REASONABLE CAUSE TO BELIEVE THAT SUCH PERSON HAS VIOLATED A CONDITION OF THE SENTENCE, IT MUST DIRECT THAT THE JUVENILE BE RELEASED.

S 74. Subdivision 5 of section 410.70 of the penal law, as amended by chapter 17 of the laws of 2014, is amended to read as follows:

5. Revocation; modification; continuation. (A) At the conclusion of the hearing the court may revoke, continue or modify the sentence of probation or conditional discharge. Where the court revokes the sentence, it must impose sentence as specified in subdivisions three and four of section 60.01 of the penal law. Where the court continues or modifies the sentence, it must vacate the declaration of delinquency and direct that the defendant be released. If the alleged violation is sustained and the court continues or modifies the sentence, it may extend the sentence up to the period of interruption specified in subdivision two of section 65.15 of the penal law, but any time spent in custody in any correctional institution pursuant to section 410.60 of this article shall be credited against the term of the sentence. Provided further, where the alleged violation is sustained and the court continues or modifies the sentence, the court may also extend the remaining period of probation up to the maximum term authorized by section 65.00 of the penal law. Provided, however, a defendant shall receive credit for the time during which he or she was supervised under the original probation sentence prior to any declaration of delinquency and for any time spent in custody pursuant to this article for an alleged violation of probation.

(B) NOTWITHSTANDING PARAGRAPH (A) OF THIS SUBDIVISION, NOTHING HEREIN SHALL AUTHORIZE THE PLACEMENT OF A JUVENILE FOR A VIOLATION OF A CONDITION THAT WOULD NOT CONSTITUTE A CRIME IF COMMITTED BY AN ADULT UNLESS

THE COURT DETERMINES (I) THAT THE JUVENILE POSES A SPECIFIC IMMINENT THREAT TO PUBLIC SAFETY AND STATES THE REASONS FOR THE FINDING ON THE RECORD OR (II) THE JUVENILE IS ON PROBATION FOR AN ACT THAT WOULD CONSTITUTE A VIOLENT FELONY AS DEFINED IN SECTION 70.02 OF THE PENAL LAW IF COMMITTED BY AN ADULT AND THE USE OF GRADUATED SANCTIONS HAS BEEN EXHAUSTED WITHOUT SUCCESS.

S 75. The criminal procedure law is amended by adding a new section 410.90-a to read as follows:

S 410.90-A SUPERIOR COURT; YOUTH PART.

NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ARTICLE, ALL PROCEEDINGS RELATING TO A JUVENILE OFFENDER SHALL BE HEARD IN THE YOUTH PART OF THE SUPERIOR COURT HAVING JURISDICTION AND ANY INTRASTATE TRANSFERS UNDER THIS ARTICLE SHALL BE BETWEEN COURTS DESIGNATED AS A YOUTH PART PURSUANT TO ARTICLE SEVEN HUNDRED TWENTY-TWO OF THIS CHAPTER.

S 76. Section 510.15 of the criminal procedure law, as amended by chapter 411 of the laws of 1979, subdivision 1 as designated and subdivision 2 as added by chapter 359 of the laws of 1980, is amended to read as follows:

S 510.15 Commitment of principal under [sixteen] SEVENTEEN OR EIGHTEEN.

1. When a principal who is under the age of [sixteen] SEVENTEEN, OR COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN UNDER THE AGE OF EIGHTEEN, is committed to the custody of the sheriff the court must direct that the principal be taken to and lodged in a place certified by the state [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES as a juvenile detention facility for the reception of children. Where such a direction is made the sheriff shall deliver the principal in accordance therewith and such person shall although lodged and cared for in a juvenile detention facility continue to be deemed to be in the custody of the sheriff. No principal [under the age of sixteen] to whom the provisions of this section may apply shall be detained in any prison, jail, lockup, or other place used for adults convicted of a crime or under arrest and charged with the commission of a crime [without the approval of the state division for youth in the case of each principal and the statement of its reasons therefor]. The sheriff shall not be liable for any acts done to or by such principal resulting from negligence in the detention of and care for such principal, when the principal is not in the actual custody of the sheriff.

2. Except upon consent of the defendant or for good cause shown, in any case in which a new securing order is issued for a principal previously committed to the custody of the sheriff pursuant to this section, such order shall further direct the sheriff to deliver the principal from a juvenile detention facility to the person or place specified in the order.

S 77. Subdivision 1 of section 720.10 of the criminal procedure law, as amended by chapter 411 of the laws of 1979, is amended to read as follows:

1. "Youth" means a person charged with a crime alleged to have been committed when he was at least sixteen years old and less than [nineteen] TWENTY-ONE years old or a person charged with being a juvenile offender as defined in subdivision forty-two of section 1.20 of this chapter.

S 78. Subdivision 3 of section 720.15 of the criminal procedure law, as amended by chapter 774 of the laws of 1985, is amended to read as follows:

3. The provisions of subdivisions one and two of this section requiring or authorizing the accusatory instrument filed against a youth to be

sealed, and the arraignment and all proceedings in the action to be conducted in private shall not apply in connection with a pending charge of committing any [felony] SEX offense as defined in the penal law. [The provisions of subdivision one requiring the accusatory instrument filed against a youth to be sealed shall not apply where such youth has previously been adjudicated a youthful offender or convicted of a crime.]

S 79. Subdivision 1 of section 720.20 of the criminal procedure law, as amended by chapter 652 of the laws of 1974, is amended to read as follows:

1. Upon conviction of an eligible youth, the court must order a presentence investigation of the defendant. After receipt of a written report of the investigation and at the time of pronouncing sentence the court must determine whether or not the eligible youth is a youthful offender. Such determination shall be in accordance with the following criteria:

(a) If in the opinion of the court the interest of justice would be served by relieving the eligible youth from the onus of a criminal record and by not imposing an indeterminate term of imprisonment of more than four years, the court may, in its discretion, find the eligible youth is a youthful offender; [and]

(b) Where the conviction is had in a local criminal court and the eligible youth had not prior to commencement of trial or entry of a plea of guilty been convicted of a crime or found a youthful offender, the court must find he is a youthful offender[.]; AND

(C) THERE SHALL BE A PRESUMPTION TO GRANT YOUTHFUL OFFENDER STATUS TO AN ELIGIBLE YOUTH WHO HAS NOT PREVIOUSLY BEEN CONVICTED AND SENTENCED OR ADJUDICATED FOR A FELONY, UNLESS THE DISTRICT ATTORNEY UPON MOTION WITH NOT LESS THAN SEVEN DAYS NOTICE TO SUCH PERSON OR HIS OR HER ATTORNEY DEMONSTRATES TO THE SATISFACTION OF THE COURT THAT THE INTERESTS OF JUSTICE REQUIRE OTHERWISE.

S 79-a. Subdivision 1 of section 720.35 of the criminal procedure law, as amended by chapter 402 of the laws of 2014, is amended to read as follows:

1. [A] EXCEPT AS PROVIDED IN SUBDIVISION THREE OF SECTION 60.10 OF THE PENAL LAW, A youthful offender adjudication is not a judgment of conviction for a crime or any other offense, and does not operate as a disqualification of any person so adjudged to hold public office or public employment or to receive any license granted by public authority but shall be deemed a conviction only for the purposes of transfer of supervision and custody pursuant to section two hundred fifty-nine-m of the executive law. A defendant for whom a youthful offender adjudication was substituted, who was originally 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 provided that the person does not stand charged with loitering for the purpose of patronizing a prostitute, for an offense allegedly committed when he or she was sixteen or seventeen years of age, shall be deemed a "sexually exploited child" as defined in subdivision one of section four hundred forty-seven-a of the social services law and therefore shall not be considered an adult for purposes related to the charges in the youthful offender proceeding or a proceeding under section 170.80 of this chapter.

S 80. The criminal procedure law is amended by adding a new article 722 to read as follows:

ARTICLE 722
PROCEEDINGS AGAINST JUVENILE OFFENDERS; ESTABLISHMENT OF YOUTH PART AND RELATED PROCEDURES

SECTION 722.00 PROBATION CASE PLANNING AND SERVICES.
722.10 YOUTH PART OF THE SUPERIOR COURT ESTABLISHED.
722.20 PROCEEDINGS UPON A COMPLAINT.

S 722.00 PROBATION CASE PLANNING AND SERVICES.

1. EVERY PROBATION DEPARTMENT SHALL CONDUCT A RISK AND NEEDS ASSESSMENT WITH RESPECT TO ANY JUVENILE RELEASED ON RECOGNIZANCE, RELEASED UNDER SUPERVISION, OR POSTING BAIL AT OR FOLLOWING ARRAIGNMENT BY A YOUTH PART WITHIN ITS JURISDICTION. THE COURT SHALL ORDER ANY SUCH JUVENILE TO REPORT WITHIN SEVEN CALENDAR DAYS TO THE PROBATION DEPARTMENT FOR PURPOSES OF ASSESSMENT. BASED UPON THE ASSESSMENT FINDINGS, THE PROBATION DEPARTMENT SHALL REFER THE JUVENILE TO AVAILABLE SPECIALIZED AND EVIDENCE-BASED SERVICES TO MITIGATE ANY RISKS IDENTIFIED AND TO ADDRESS INDIVIDUAL NEEDS.

2. ANY JUVENILE UNDERGOING SERVICES SHALL EXECUTE APPROPRIATE AND NECESSARY CONSENT FORMS, WHERE APPLICABLE, TO ENSURE THAT THE PROBATION DEPARTMENT MAY COMMUNICATE WITH ANY SERVICE PROVIDER AND RECEIVE PROGRESS REPORTS WITH RESPECT TO SERVICES OFFERED AND/OR DELIVERED INCLUDING, BUT NOT LIMITED TO, DIAGNOSIS, TREATMENT, PROGNOSIS, TEST RESULTS, JUVENILE ATTENDANCE AND INFORMATION REGARDING JUVENILE COMPLIANCE OR NONCOMPLIANCE WITH PROGRAM SERVICE REQUIREMENTS, IF ANY.

3. NOTHING SHALL PRECLUDE THE PROBATION DEPARTMENT AND JUVENILE FROM ENTERING INTO A VOLUNTARY WRITTEN/FORMAL CASE PLAN AS TO TERMS AND CONDITIONS TO BE MET, INCLUDING, BUT NOT LIMITED TO, REPORTING TO THE PROBATION DEPARTMENT AND OTHER PROBATION DEPARTMENT CONTACTS, UNDERGOING ALCOHOL, SUBSTANCE ABUSE, OR MENTAL HEALTH TESTING, PARTICIPATING IN SPECIFIC SERVICES, ADHERING TO SERVICE PROGRAM REQUIREMENTS, AND SCHOOL ATTENDANCE, WHERE APPLICABLE.

4. WHEN PREPARING A PRE-SENTENCE INVESTIGATION REPORT OF ANY SUCH YOUTH, THE PROBATION DEPARTMENT SHALL INCORPORATE A SUMMARY OF THE ASSESSMENT FINDINGS, ANY REFERRALS AND PROGRESS WITH RESPECT TO MITIGATING RISK AND ADDRESSING ANY IDENTIFIED JUVENILE NEEDS.

S 722.10 YOUTH PART OF THE SUPERIOR COURT ESTABLISHED.

THE CHIEF ADMINISTRATOR OF THE COURTS IS HEREBY DIRECTED TO ESTABLISH, IN A SUPERIOR COURT IN EACH COUNTY OF THE STATE THAT EXERCISES CRIMINAL JURISDICTION, A PART OF COURT TO BE KNOWN AS THE YOUTH PART OF THE SUPERIOR COURT FOR THE COUNTY IN WHICH SUCH COURT PRESIDES. JUDGES PRESIDING IN THE YOUTH PART SHALL RECEIVE TRAINING IN SPECIALIZED AREAS, INCLUDING, BUT NOT LIMITED TO, JUVENILE JUSTICE, ADOLESCENT DEVELOPMENT AND EFFECTIVE TREATMENT METHODS FOR REDUCING CRIME COMMISSION BY ADOLESCENTS. THE YOUTH PART SHALL HAVE EXCLUSIVE JURISDICTION OF ALL PROCEEDINGS IN RELATION TO JUVENILE OFFENDERS.

S 722.20 PROCEEDINGS UPON A COMPLAINT.

1. WHEN A JUVENILE OFFENDER IS ARRAIGNED BEFORE A YOUTH PART, THE PROVISIONS OF THIS SECTION SHALL APPLY IN LIEU OF THE PROVISIONS OF SECTIONS 180.30, 180.50 AND 180.70 OF THIS CHAPTER.

2. THE YOUTH PART SHALL HOLD A HEARING ON THE COMPLAINT. AT THE CONCLUSION OF THE HEARING, THE COURT MUST DISPOSE OF THE FELONY COMPLAINT AS FOLLOWS:

(A) IF THERE IS REASONABLE CAUSE TO BELIEVE THAT THE DEFENDANT COMMITTED A CRIME FOR WHICH A PERSON UNDER THE AGE OF EIGHTEEN IS CRIMINALLY RESPONSIBLE, THE COURT MUST ORDER THAT THE DEFENDANT BE HELD FOR THE ACTION OF A GRAND JURY; OR

(B) IF THERE IS NOT REASONABLE CAUSE TO BELIEVE THAT THE DEFENDANT COMMITTED A CRIME FOR WHICH A PERSON UNDER THE AGE OF EIGHTEEN IS CRIMINALLY RESPONSIBLE BUT THERE IS REASONABLE CAUSE TO BELIEVE THAT THE DEFENDANT IS A "JUVENILE DELINQUENT", AS DEFINED IN SUBDIVISION ONE OF SECTION 301.2 OF THE FAMILY COURT ACT, THE COURT MUST SPECIFY THE ACT OR ACTS IT FOUND REASONABLE CAUSE TO BELIEVE THE DEFENDANT DID AND DIRECT THAT THE ACTION BE REMOVED TO THE FAMILY COURT IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THIS TITLE; OR

(C) IF THERE IS NOT REASONABLE CAUSE TO BELIEVE THAT THE DEFENDANT COMMITTED ANY CRIMINAL ACT, THE COURT MUST DISMISS THE FELONY COMPLAINT AND DISCHARGE THE DEFENDANT FROM CUSTODY IF HE OR SHE IS IN CUSTODY, OR IF HE OR SHE IS AT LIBERTY ON BAIL, IT MUST EXONERATE THE BAIL.

3. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION TWO THIS SECTION, A YOUTH PART SHALL, (A) ORDER REMOVAL OF AN ACTION AGAINST A JUVENILE OFFENDER ACCUSED OF ROBBERY IN THE SECOND DEGREE AS DEFINED IN SUBDIVISION TWO OF SECTION 160.10; AND A JUVENILE OFFENDER ACCUSED OF COMMITTING A VIOLENT FELONY OFFENSE AS DEFINED IN SUBDIVISION ONE OF SECTION 70.02 OF THE PENAL LAW AT AGE SIXTEEN, OR AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN, AT AGE SIXTEEN OR SEVENTEEN, FOR WHICH A YOUTH AGE FIFTEEN OR YOUNGER IS NOT CRIMINALLY RESPONSIBLE, TO THE FAMILY COURT PURSUANT TO THE PROVISIONS OF ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THIS CHAPTER IF, AFTER CONSIDERATION OF THE FACTORS SET FORTH IN PARAGRAPH (C) OF THIS SUBDIVISION, THE COURT DETERMINES THAT TO DO SO WOULD BE IN THE INTERESTS OF JUSTICE. PROVIDED, HOWEVER, THAT THE COURT SHALL FIND THAT SUCH REMOVAL IS NOT IN THE INTERESTS OF JUSTICE IF THE YOUTH PLAYED A PRIMARY ROLE IN COMMISSION OF THE CRIME OR AGGRAVATING CIRCUMSTANCES, INCLUDING BUT NOT LIMITED TO THE YOUTH'S USE OF A WEAPON, ARE PRESENT. (B) AT THE REQUEST OF THE DISTRICT ATTORNEY, ORDER REMOVAL OF AN ACTION AGAINST A JUVENILE OFFENDER, OTHER THAN AN ACTION SUBJECT TO PARAGRAPH (A) OF THIS SUBDIVISION, TO THE FAMILY COURT PURSUANT TO THE PROVISIONS OF ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THIS CHAPTER IF, UPON CONSIDERATION OF THE CRITERIA SET FORTH IN PARAGRAPH (C) OF THIS SUBDIVISION, IT IS DETERMINED THAT TO DO SO WOULD BE IN THE INTERESTS OF JUSTICE. WHERE, HOWEVER, THE FELONY COMPLAINT CHARGES THE JUVENILE OFFENDER CHARGED WITH MURDER IN THE SECOND DEGREE AS DEFINED IN SECTION 125.25 OF THE PENAL LAW; RAPE IN THE FIRST DEGREE, AS DEFINED IN SUBDIVISION ONE OF SECTION 130.35 OF THE PENAL LAW; CRIMINAL SEXUAL ACT IN THE FIRST DEGREE, AS DEFINED IN SUBDIVISION ONE OF SECTION 130.50 OF THE PENAL LAW; OR AN ARMED FELONY AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION FORTY-ONE OF SECTION 1.20 OF THIS CHAPTER, A DETERMINATION THAT SUCH ACTION BE REMOVED TO THE FAMILY COURT SHALL, IN ADDITION, BE BASED UPON A FINDING OF ONE OR MORE OF THE FOLLOWING FACTORS: (I) MITIGATING CIRCUMSTANCES THAT BEAR DIRECTLY UPON THE MANNER IN WHICH THE CRIME WAS COMMITTED; (II) WHERE THE DEFENDANT WAS NOT THE SOLE PARTICIPANT IN THE CRIME, THE DEFENDANT'S PARTICIPATION WAS RELATIVELY MINOR ALTHOUGH NOT SO MINOR AS TO CONSTITUTE A DEFENSE TO THE PROSECUTION; OR (III) POSSIBLE DEFICIENCIES IN THE PROOF OF THE CRIME.

(C) IN MAKING ITS DETERMINATION PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION THE COURT SHALL, TO THE EXTENT APPLICABLE, EXAMINE INDIVIDUALLY AND COLLECTIVELY, THE FOLLOWING:

(I) THE SERIOUSNESS AND CIRCUMSTANCES OF THE OFFENSE;

(II) THE EXTENT OF HARM CAUSED BY THE OFFENSE;

(III) THE EVIDENCE OF GUILT, WHETHER ADMISSIBLE OR INADMISSIBLE AT TRIAL;

(IV) THE HISTORY, CHARACTER AND CONDITION OF THE DEFENDANT;

(V) THE PURPOSE AND EFFECT OF IMPOSING UPON THE DEFENDANT A SENTENCE AUTHORIZED FOR THE OFFENSE;

(VI) THE IMPACT OF A REMOVAL OF THE CASE TO THE FAMILY COURT ON THE SAFETY OR WELFARE OF THE COMMUNITY;

(VII) THE IMPACT OF A REMOVAL OF THE CASE TO THE FAMILY COURT UPON THE CONFIDENCE OF THE PUBLIC IN THE CRIMINAL JUSTICE SYSTEM;

(VIII) WHERE THE COURT DEEMS IT APPROPRIATE, THE ATTITUDE OF THE COMPLAINANT OR VICTIM WITH RESPECT TO THE MOTION; AND

(IX) ANY OTHER RELEVANT FACT INDICATING THAT A JUDGMENT OF CONVICTION IN THE CRIMINAL COURT WOULD SERVE NO USEFUL PURPOSE.

(D) FOR THE PURPOSE OF MAKING A DETERMINATION PURSUANT TO THIS SECTION, ANY EVIDENCE WHICH IS NOT LEGALLY PRIVILEGED MAY BE INTRODUCED. IF THE DEFENDANT TESTIFIES, HIS OR HER TESTIMONY MAY NOT BE INTRODUCED AGAINST HIM OR HER IN ANY FUTURE PROCEEDING, EXCEPT TO IMPEACH HIS OR HER TESTIMONY AT SUCH FUTURE PROCEEDING AS INCONSISTENT PRIOR TESTIMONY.

(E) THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT THE POWERS OF THE GRAND JURY.

4. IF AN ACTION INVOLVING A DEFENDANT WHO IS SIXTEEN OR, COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, SEVENTEEN YEARS OF AGE IS REMOVED TO FAMILY COURT, THE YOUTH PART SHALL RETAIN CONCURRENT JURISDICTION WITH THE FAMILY COURT. AT ANY TIME THAT IT IS DETERMINED BY THE FAMILY COURT OR THE YOUTH PART THAT CONTINUING THE PROCEEDING IN FAMILY COURT IS NOT APPROPRIATE, THE CASE MAY BE RETURNED TO THE YOUTH PART.

5. IF AN ACTION IS NOT REMOVED TO THE FAMILY COURT PURSUANT TO SUBDIVISION THREE OF THIS SECTION, THE YOUTH PART SHALL HEAR THE CASE SITTING AS A CRIMINAL COURT OR, IN ITS DISCRETION, WHEN THE DEFENDANT IS SIXTEEN OR COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, SEVENTEEN YEARS OF AGE THE YOUTH PART MAY RETAIN IT AS A JUVENILE DELINQUENCY PROCEEDING FOR ALL PURPOSES, AND SHALL MAKE SUCH PROCEEDING FULLY SUBJECT TO THE PROVISIONS AND GRANT ANY RELIEF AVAILABLE UNDER ARTICLE THREE OF THE FAMILY COURT ACT.

S 81. The opening paragraph and subdivisions 2 and 3 of section 725.05 of the criminal procedure law, as added by chapter 481 of the laws of 1978, are amended to read as follows:

When a [court] YOUTH PART directs that an action or charge is to be removed to the family court the [court] YOUTH PART must issue an order of removal in accordance with this section. Such order must be as follows:

2. Where the direction is authorized pursuant to paragraph (b) of subdivision [three] TWO of section [180.75] 722.20 of this [chapter] TITLE, it must specify the act or acts it found reasonable cause to believe the defendant did.

3. Where the direction is authorized pursuant to subdivision [four] THREE of section [180.75] 722.20 of this [chapter] TITLE, it must specify the act or acts it found reasonable cause to allege.

S 82. Section 725.20 of the criminal procedure law, as added by chapter 481 of the laws of 1978, subdivisions 1 and 2 as amended by chapter 411 of the laws of 1979, is amended to read as follows:

S 725.20 Record of certain actions removed.

1. The provisions of this section shall apply in any case where an order of removal to the family court is entered pursuant to a direction authorized by subdivision [four] THREE of section [180.75] 722.20 OF THIS TITLE, [or section 210.43,] or subparagraph (iii) of paragraph [(h)] (G) of subdivision five of section 220.10 of this chapter, or section 330.25 of this chapter.

2. When such an action is removed the court that directed the removal must cause the following additional records to be filed with the clerk of the county court or in the city of New York with the clerk of the supreme court of the county wherein the action was pending and with the division of criminal justice services:

(a) A certified copy of the order of removal;

(b) [Where the direction is one authorized by subdivision four of section 180.75 of this chapter, a copy of the statement of the district attorney made pursuant to paragraph (b) of subdivision six of section 180.75 of this chapter;

(c) Where the direction is authorized by section 180.75, a copy of the portion of the minutes containing the statement by the court pursuant to paragraph (a) of subdivision six of such section 180.75;

(d)] Where the direction is one authorized by subparagraph (iii) of paragraph [(h)] (G) of subdivision five of section 220.10 or section 330.25 of this chapter, a copy of the minutes of the plea of guilty, including the minutes of the memorandum submitted by the district attorney and the court;

[(e) Where the direction is one authorized by subdivision one of section 210.43 of this chapter, a copy of that portion of the minutes containing the statement by the court pursuant to paragraph (a) of subdivision five of section 210.43;

(f) Where the direction is one authorized by paragraph (b) of subdivision one of section 210.43 of this chapter, a copy of that portion of the minutes containing the statement of the district attorney made pursuant to paragraph (b) of subdivision five of section 210.43;] and

[(g)] (C) In addition to the records specified in this subdivision, such further statement or submission of additional information pertaining to the proceeding in criminal court in accordance with standards established by the commissioner of the division of criminal justice services, subject to the provisions of subdivision three of this section.

3. It shall be the duty of said clerk to maintain a separate file for copies of orders and minutes filed pursuant to this section. Upon receipt of such orders and minutes the clerk must promptly delete such portions as would identify the defendant, but the clerk shall nevertheless maintain a separate confidential system to enable correlation of the documents so filed with identification of the defendant. After making such deletions the orders and minutes shall be placed within the file and must be available for public inspection. Information permitting correlation of any such record with the identity of any defendant shall not be divulged to any person except upon order of a justice of the supreme court based upon a finding that the public interest or the interests of justice warrant disclosure in a particular cause for a particular case or for a particular purpose or use.

S 83. Subdivision 1 of section 500-a of the correction law is amended by adding a new paragraph (h) to read as follows:

(H) NOTWITHSTANDING ANY OTHER PROVISION OF LAW NO COUNTY JAIL SHALL BE USED FOR THE CONFINEMENT OF ANY PERSON UNDER THE AGE OF EIGHTEEN. PLACEMENT OF ANY PERSON UNDER THE AGE OF EIGHTEEN SHALL BE DETERMINED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES.

S 84. Subdivision 4 of section 500-b of the correction law is REPEALED.

S 85. Subparagraph 3 of paragraph (c) of subdivision 8 of section 500-b of the correction law is REPEALED.

S 86. Subdivision 13 of section 500-b of the correction law is REPEALED.

S 87. Subparagraph 8 of paragraph h of subdivision 4 of section 1950 of the education law, as amended by section 1 of part G of chapter 58 of the laws of 2014, is amended to read as follows:

(8) To enter into contracts with the commissioner of the office of children and family services pursuant to subdivision six-a of section thirty-two hundred two of this chapter to provide to such office, for the benefit of youth in its custody, any special education programs, related services [and], career and technical education services AND ANY OTHER PROGRAMS provided by the board of cooperative educational services to component school districts. Any such proposed contract shall be subject to the review and approval of the commissioner to determine that it is an approved cooperative educational service. Services provided pursuant to such contracts shall be provided at cost, and the board of cooperative educational services shall not be authorized to charge any costs incurred in providing such services to its component school districts.

S 88. Subparagraph 1 of paragraph d of subdivision 3 of section 3214 of the education law, as amended by chapter 425 of the laws of 2002, is amended to read as follows:

(1) Consistent with the federal gun-free schools act, any public school pupil who is determined under this subdivision to have brought a firearm to or possessed a firearm at a public school shall be suspended for a period of not less than one calendar year and any nonpublic school pupil participating in a program operated by a public school district using funds from the elementary and secondary education act of nineteen hundred sixty-five who is determined under this subdivision to have brought a firearm to or possessed a firearm at a public school or other premises used by the school district to provide such programs shall be suspended for a period of not less than one calendar year from participation in such program. The procedures of this subdivision shall apply to such a suspension of a nonpublic school pupil. A superintendent of schools, district superintendent of schools or community superintendent shall have the authority to modify this suspension requirement for each student on a case-by-case basis. The determination of a superintendent shall be subject to review by the board of education pursuant to paragraph c of this subdivision and the commissioner pursuant to section three hundred ten of this chapter. Nothing in this subdivision shall be deemed to authorize the suspension of a student with a disability in violation of the individuals with disabilities education act or article eighty-nine of this chapter. A superintendent shall refer the pupil under the age of sixteen who has been determined to have brought a weapon or firearm to school in violation of this subdivision to a presentment agency for a juvenile delinquency proceeding consistent with article three of the family court act except a student fourteen or fifteen years of age who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law; PROVIDED HOWEVER, THAT COMMENCING ON JANUARY FIRST, TWO THOUSAND SEVENTEEN, A SUPERINTENDENT SHALL REFER THE PUPIL UNDER THE AGE OF SEVENTEEN WHO HAS BEEN DETERMINED TO HAVE BROUGHT A WEAPON OR FIREARM TO SCHOOL IN VIOLATION OF THIS SUBDIVISION TO A PRESENTMENT AGENCY FOR A JUVENILE DELINQUENCY PROCEEDING CONSISTENT WITH ARTICLE THREE OF THE FAMILY COURT ACT EXCEPT A STUDENT WHO QUALIFIES FOR JUVENILE OFFENDER STATUS UNDER SUBDIVISION FORTY-TWO OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW; AND PROVIDED FURTHER THAT COMMENCING ON JANUARY FIRST, TWO THOUSAND EIGH-

TEEN, A SUPERINTENDENT SHALL REFER THE PUPIL UNDER THE AGE OF EIGHTEEN WHO HAS BEEN DETERMINED TO HAVE BROUGHT A WEAPON OR FIREARM TO SCHOOL IN VIOLATION OF THIS SUBDIVISION TO A PRESENTMENT AGENCY FOR A JUVENILE DELINQUENCY PROCEEDING CONSISTENT WITH ARTICLE THREE OF THE FAMILY COURT ACT EXCEPT A STUDENT WHO QUALIFIES FOR JUVENILE OFFENDER STATUS UNDER SUBDIVISION FORTY-TWO OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW. A superintendent shall refer any pupil sixteen years of age or older or a student fourteen or fifteen years of age who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law, who has been determined to have brought a weapon or firearm to school in violation of this subdivision to the appropriate law enforcement officials.

S 89. Paragraph e of subdivision 3 of section 3214 of the education law, as amended by chapter 170 of the laws of 2006, is amended to read as follows:

e. Procedure after suspension. Where a pupil has been suspended pursuant to this subdivision and said pupil is of compulsory attendance age, immediate steps shall be taken for his or her attendance upon instruction elsewhere or for supervision [or detention] of said pupil pursuant to the provisions of article seven of the family court act. Where a pupil has been suspended for cause, the suspension may be revoked by the board of education whenever it appears to be for the best interest of the school and the pupil to do so. The board of education may also condition a student's early return to school and suspension revocation on the pupil's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

S 90. Paragraph b of subdivision 4 of section 3214 of the education law, as amended by chapter 181 of the laws of 2000, is amended to read as follows:

b. The school authorities may institute proceedings before a court having jurisdiction to determine the liability of a person in parental relation to contribute towards the maintenance of a school delinquent under [sixteen] SEVENTEEN years of age ordered to attend upon instruction under confinement. If the court shall find the person in parental relation able to contribute towards the maintenance of such a minor, it may issue an order fixing the amount to be paid weekly.

S 91. Subdivisions 3 and 4 of section 246 of the executive law, as amended by section 10 of part D of chapter 56 of the laws of 2010, are amended to read as follows:

3. Applications from counties or the city of New York for state aid under this section shall be made by filing with the division of criminal justice services, a detailed plan, including cost estimates covering probation services for the fiscal year or portion thereof for which aid is requested. Included in such estimates shall be clerical costs and maintenance and operation costs as well as salaries of probation personnel, FAMILY ENGAGEMENT SPECIALISTS and such other pertinent information as the commissioner of the division of criminal justice services may require. Items for which state aid is requested under this section shall be duly designated in the estimates submitted. The commissioner of the division of criminal justice services, after consultation with the state probation commission and the director of the office of probation and correctional alternatives, shall approve such plan if it conforms to standards relating to the administration of probation services as specified in the rules adopted by him or her.

4. An approved plan and compliance with standards relating to the administration of probation services promulgated by the commissioner of the division of criminal justice services shall be a prerequisite to eligibility for state aid.

The commissioner of the division of criminal justice services may take into consideration granting additional state aid from an appropriation made for state aid for county probation services for counties or the city of New York when a county or the city of New York demonstrates that additional probation services were dedicated to intensive supervision programs[,] AND intensive programs for sex offenders [or programs defined as juvenile risk intervention services]. THE COMMISSIONER SHALL GRANT ADDITIONAL STATE AID FROM AN APPROPRIATION DEDICATED TO JUVENILE RISK INTERVENTION SERVICES COORDINATION BY PROBATION DEPARTMENTS WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, PROBATION SERVICES PERFORMED UNDER ARTICLE THREE OF THE FAMILY COURT ACT OR ARTICLE SEVEN HUNDRED TWENTY-TWO OF THE CRIMINAL PROCEDURE LAW. The administration of such additional grants shall be made according to rules and regulations promulgated by the commissioner of the division of criminal justice services. Each county and the city of New York shall certify the total amount collected pursuant to section two hundred fifty-seven-c of this chapter. The commissioner of the division of criminal justice services shall thereupon certify to the comptroller for payment by the state out of funds appropriated for that purpose, the amount to which the county or the city of New York shall be entitled under this section. THE COMMISSIONER SHALL, SUBJECT TO AN APPROPRIATION MADE AVAILABLE FOR SUCH PURPOSE, ESTABLISH AND PROVIDE FUNDING TO PROBATION DEPARTMENTS FOR A CONTINUUM OF EVIDENCE-BASED INTERVENTION SERVICES FOR YOUTH ALLEGED OR ADJUDICATED JUVENILE DELINQUENTS PURSUANT TO ARTICLE THREE OF THE FAMILY COURT ACT OR FOR ELIGIBLE YOUTH BEFORE OR SENTENCED UNDER THE YOUTH PART IN ACCORDANCE WITH ARTICLE SEVEN HUNDRED TWENTY-TWO OF THE CRIMINAL PROCEDURE LAW.

S 92. Section 502 of the executive law, as added by chapter 465 of the laws of 1992, subdivision 3 as amended by section 1 of subpart B of part Q of chapter 58 of the laws of 2011, is amended to read as follows:

S 502. Definitions. Unless otherwise specified in this article:

1. "Director" means the [director of the division for youth] COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES.

2. ["Division] "DIVISION", "OFFICE" OR "DIVISION FOR YOUTH" means the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES.

3. "Detention" means the temporary care and maintenance of youth held away from their homes pursuant to article three or seven of the family court act, OR, COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, PURSUANT TO ARTICLE THREE OF THE FAMILY COURT ACT, or held pending a hearing for alleged violation of the conditions of release from an office of children and family services facility or authorized agency, or held pending a hearing for alleged violation of the condition of parole OR POST-RELEASE SUPERVISION as a juvenile offender, or held pending return to a jurisdiction other than the one in which the youth is held, or held pursuant to a securing order of a criminal court if the youth named therein as principal is charged as a juvenile offender or held pending a hearing on an extension of placement or held pending transfer to a facility upon commitment or placement by a court. Only alleged or convicted juvenile offenders who have not attained their eighteenth OR, COMMENCING JANUARY FIRST, TWO THOUSAND SEVENTEEN, THEIR TWENTY-FIRST birthday shall be subject to detention in a detention facility.

4. For purposes of this article, the term "youth" shall [be synonymous with the term "child" and means] MEAN a person not less than [seven] TEN years of age and not more than twenty OR COMMENCING JANUARY FIRST, TWO THOUSAND SEVENTEEN, NOT MORE THAN TWENTY-THREE years of age.

5. "Placement" means the transfer of a youth to the custody of the [division] OFFICE pursuant to the family court act.

6. "Commitment" means the transfer of a youth to the custody of the [division] OFFICE pursuant to the penal law.

7. "Conditional release" means the transfer of a youth from facility status to aftercare supervision under the continued custody of the [division] OFFICE.

8. "Discharge" means the termination of [division] OFFICE custody of a youth.

9. "Aftercare" means supervision of a youth on conditional release OR POST-RELEASE status under the continued custody of the division.

S 93. Subdivision 7 of section 503 of the executive law, as amended by section 2 of subpart B of part Q of chapter 58 of the laws of 2011, is amended to read as follows:

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

S 94. Subdivision 1 of section 505 of the executive law, as amended by chapter 465 of the laws of 1992, is amended to read as follows:

1. There shall be a facility director of each [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES OPERATED facility. Such facility director shall be appointed by the [director] COMMISSIONER of the [division] OFFICE OF CHILDREN AND FAMILY SERVICES and THE POSITION shall be in the noncompetitive class and designated as confidential as defined by subdivision two-a of section forty-two of the civil service law. The facility director shall have [two years] SUCH experience [in appropriate titles in state government. Such facility director shall have such] AND other qualifications as may be prescribed by the [director] COMMISSIONER of the [division,] OFFICE OF CHILDREN AND FAMILY SERVICES based on differences in duties, levels of responsibility, size and character of the facility, knowledge, skills and abilities required, and other factors affecting the position [and]. SUCH FACILITY DIRECTOR shall serve at the pleasure of the [director] COMMISSIONER of the [division] OFFICE OF CHILDREN AND FAMILY SERVICES.

S 95. Section 507-a of the executive law, as amended by chapter 465 of the laws of 1992, paragraph (a) of subdivision 1 as amended by chapter 309 of the laws of 1996, is amended to read as follows:

S 507-a. Placement and commitment; procedures. 1. Youth may be placed in or committed to the custody of the [division] OFFICE OF CHILDREN AND FAMILY SERVICES:

(a) for placement, as a juvenile delinquent pursuant to the family court act; or

(b) for commitment pursuant to the penal law.

2. (a) Consistent with other provisions of law, only those youth who have reached the age of [seven] TEN, but who have not reached the age of twenty-one may be placed in[, committed to or remain in] the [division's] custody OF THE OFFICE OF CHILDREN AND FAMILY SERVICES. EXCEPT AS PROVIDED FOR IN PARAGRAPH (A-1) OF THIS SUBDIVISION, NO YOUTH WHO HAS

REACHED THE AGE OF TWENTY-ONE MAY REMAIN IN CUSTODY OF THE OFFICE OF CHILDREN AND FAMILY SERVICES.

(A-1) (I) A YOUTH WHO IS COMMITTED TO THE OFFICE OF CHILDREN AND FAMILY SERVICES AS A JUVENILE OFFENDER OR YOUTHFUL OFFENDER MAY REMAIN IN THE CUSTODY OF THE OFFICE DURING THE PERIOD OF HIS OR HER SENTENCE BEYOND THE AGE OF TWENTY-ONE IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION FIVE OF SECTION FIVE HUNDRED EIGHT OF THIS ARTICLE BUT IN NO EVENT MAY SUCH A YOUTH REMAIN IN THE CUSTODY OF THE OFFICE BEYOND HIS OR HER TWENTY-THIRD BIRTHDAY; AND (II) A YOUTH FOUND TO HAVE COMMITTED A DESIGNATED CLASS A FELONY ACT WHO IS RESTRICTIVELY PLACED WITH THE OFFICE UNDER SUBDIVISION FOUR OF SECTION 353.5 OF THE FAMILY COURT ACT FOR COMMITTING AN ACT ON OR AFTER THE YOUTH'S SIXTEENTH BIRTHDAY MAY REMAIN IN THE CUSTODY OF THE OFFICE OF CHILDREN AND FAMILY SERVICES UP TO THE AGE OF TWENTY-THREE IN ACCORDANCE WITH HIS OR HER PLACEMENT ORDER.

(A-2) Whenever it shall appear to the satisfaction of the [division] OFFICE OF CHILDREN AND FAMILY SERVICES that any youth placed therewith is not of proper age to be so placed or is not properly placed, or is mentally or physically incapable of being materially benefited by the program of the [division] OFFICE, the [division] OFFICE shall cause the return of such youth to the county from which placement was made.

(b) The [division] OFFICE shall deliver such youth to the custody of the placing court, along with the records provided to the [division] OFFICE pursuant to section five hundred seven-b of this article, there to be dealt with by the court in all respects as though no placement had been made.

(c) The cost and expense of the care and return of such youth incurred by the [division] OFFICE shall be reimbursed to the state by the social services district from which such youth was placed in the manner provided by section five hundred twenty-nine of this article.

3. The [division] OFFICE may photograph any youth in its custody. Such photograph may be used only for the purpose of assisting in the return of conditionally released children and runaways pursuant to section five hundred ten-b of this article. Such photograph shall be destroyed immediately upon the discharge of the youth from [division] OFFICE custody.

4. (a) A youth placed with or committed to the [division] OFFICE may, immediately following placement or commitment, be remanded to an appropriate detention facility.

(b) The [division] OFFICE shall admit a [child] YOUTH placed [with the division] UNDER ITS CARE to a facility of the [division] OFFICE within fifteen days of the date of the order of placement with the [division] OFFICE and shall admit a juvenile offender committed to the [division] OFFICE to a facility of the [division] OFFICE within ten days of the date of the order of commitment to the [division] OFFICE, except as provided in section five hundred seven-b of this article.

5. Consistent with other provisions of law, in the discretion of the [director, youth] COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, YOUTH PLACED WITHIN THE OFFICE UNDER THE FAMILY COURT ACT who attain the age of eighteen while in [division] custody OF THE OFFICE AND WHO ARE NOT REQUIRED TO REMAIN IN THE PLACEMENT WITH THE OFFICE AS A RESULT OF A DISPOSITIONAL ORDER OF THE FAMILY COURT may reside in a non-secure facility until the age of twenty-one, provided that such youth attend a full-time vocational or educational program and are likely to benefit from such program.

S 96. Section 508 of the executive law, as added by chapter 481 of the laws of 1978 and as renumbered by chapter 465 of the laws of 1992, subdivision 1 as amended by chapter 738 of the laws of 2004, subdivision 2 as amended by chapter 572 of the laws of 1985, subdivisions 4, 5, 6 and 7 as amended by section 97 of subpart B of part C of chapter 62 of the laws of 2011, subdivision 8 as added by chapter 560 of the laws of 1984 and subdivision 9 as added by chapter 7 of the laws of 2007, is amended to read as follows:

S 508. Juvenile offender facilities. 1. The office of children and family services shall maintain [secure] facilities for the care and confinement of juvenile offenders committed [for an indeterminate, determinate or definite sentence] TO THE OFFICE pursuant to the sentencing provisions of the penal law. Such facilities shall provide appropriate services to juvenile offenders including but not limited to residential care, educational and vocational training, physical and mental health services, and employment counseling.

1-A. ANY NEW FACILITIES DEVELOPED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES TO SERVE THE ADDITIONAL YOUTH PLACED WITH THE OFFICE AS A RESULT OF RAISING THE AGE OF JUVENILE JURISDICTION SHALL, TO THE EXTENT PRACTICABLE, CONSIST OF SMALLER, MORE HOME-LIKE FACILITIES LOCATED NEAR THE YOUTHS' HOMES AND FAMILIES THAT PROVIDE GENDER-RESPONSIVE PROGRAMMING, SERVICES AND TREATMENT IN SMALL, CLOSELY SUPERVISED GROUPS THAT OFFER EXTENSIVE AND ON-GOING INDIVIDUAL ATTENTION AND ENCOURAGE SUPPORTIVE PEER RELATIONSHIPS.

2. Juvenile offenders COMMITTED TO THE OFFICE FOR COMMITTING CRIMES PRIOR TO THE AGE OF SIXTEEN shall be confined in such facilities [until the age of twenty-one] IN ACCORDANCE WITH THEIR SENTENCES, and shall not be released, discharged or permitted home visits except pursuant to the provisions of this section.

[(a) The director of the division for youth may authorize the transfer of a juvenile offender in his custody, who has been convicted of burglary or robbery, to a school or center established and operated pursuant to title three of this article at any time after the juvenile offender has been confined in a division for youth secure facility for one year or one-half of his minimum sentence, whichever is greater.

(b) The director of the division for youth may authorize the transfer of a juvenile offender in his custody, who has been convicted of burglary or robbery, and who is within ninety days of release as established by the board of parole, to any facility established and operated pursuant to this article.

(c) A juvenile offender may be transferred as provided in paragraphs (a) and (b) herein, only after the director determines that there is no danger to public safety and that the offender shall substantially benefit from the programs and services of another division facility. In determining whether there is a danger to public safety the director shall consider: (i) the nature and circumstances of the offense including whether any physical injury involved was inflicted by the offender or another participant; (ii) the record and background of the offender; and (iii) the adjustment of the offender at division facilities.

(d) For a period of six months after a juvenile offender has been transferred pursuant to paragraph (a) or (b) herein, the juvenile offender may have only accompanied home visits. After completing six months of confinement following transfer from a secure facility, a juvenile offender may not have an unaccompanied home visit unless two accompanied home visits have already occurred. An "accompanied home visit" shall mean a home visit during which the juvenile offender shall be accompa-

nied at all times while outside the facility by appropriate personnel of the division for youth designated pursuant to regulations of the director of the division.

(e) The director of the division for youth shall promulgate rules and regulations including uniform standards and procedures governing the transfer of juvenile offenders from secure facilities to other facilities and the return of such offenders to secure facilities. The rules and regulations shall provide a procedure for the referral of proposed transfer cases by the secure facility director, and shall require a determination by the facility director that transfer of a juvenile offender to another facility is in the best interests of the division for youth and the juvenile offender and that there is no danger to public safety.

The rules and regulations shall further provide for the establishment of a division central office transfer committee to review transfer cases referred by the secure facility directors. The committee shall recommend approval of a transfer request to the director of the division only upon a clear showing by the secure facility director that the transfer is in the best interests of the division for youth and the juvenile offender and that there is no danger to public safety. In the case of the denial of the transfer request by the transfer committee, the juvenile offender shall remain at a secure facility. Notwithstanding the recommendation for approval of transfer by the transfer committee, the director of the division may deny the request for transfer if there is a danger to public safety or if the transfer is not in the best interests of the division for youth or the juvenile offender.

The rules and regulations shall further provide a procedure for the immediate return to a secure facility, without a hearing, of a juvenile offender transferred to another facility upon a determination by that facility director that there is a danger to public safety.]

3. The [division] OFFICE OF CHILDREN AND FAMILY SERVICES shall report in writing to the sentencing court and district attorney, not less than once every six months during the period of confinement, on the status, adjustment, programs and progress of the offender.

4. [The office of children and family services may apply to the sentencing court for permission to transfer a youth not less than sixteen nor more than eighteen years of age to the department of corrections and community supervision. Such application shall be made upon notice to the youth, who shall be entitled to be heard upon the application and to be represented by counsel. The court shall grant the application if it is satisfied that there is no substantial likelihood that the youth will benefit from the programs offered by the office facilities.

5.] The office of children and family services may transfer an offender not less than eighteen [nor more than twenty-one] years of age to the department of corrections and community supervision if the commissioner of the office certifies to the commissioner of corrections and community supervision that there is no substantial likelihood that the youth will benefit from the programs offered by office facilities.

[6. At age twenty-one, all] 5. (A) ALL juvenile offenders COMMITTED TO THE OFFICE FOR COMMITTING A CRIME PRIOR TO THE YOUTH'S SIXTEENTH BIRTHDAY WHO STILL HAVE TIME LEFT ON THEIR SENTENCES OF IMPRISONMENT shall be transferred AT AGE TWENTY-ONE to the custody of the department of corrections and community supervision for confinement pursuant to the correction law.

[7.] (B) ALL JUVENILE OFFENDERS COMMITTED TO THE OFFICE FOR COMMITTING A CRIME ON OR AFTER THEIR SIXTEENTH BIRTHDAY WHO STILL HAVE TIME LEFT ON THEIR SENTENCES OF IMPRISONMENT SHALL BE TRANSFERRED TO THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION FOR CONFINEMENT PURSUANT TO THE CORRECTION LAW AFTER COMPLETING TWO YEARS OF CARE IN OFFICE OF CHILDREN AND FAMILY SERVICES FACILITIES UNLESS THEY ARE WITHIN FOUR MONTHS OF COMPLETING THE IMPRISONMENT PORTION OF THEIR SENTENCE AND THE OFFICE DETERMINES, IN ITS DISCRETION, ON A CASE-BY-CASE BASIS THAT THE YOUTH SHOULD BE PERMITTED TO REMAIN WITH THE OFFICE FOR THE ADDITIONAL SHORT PERIOD OF TIME NECESSARY TO ENABLE THEM TO COMPLETE THEIR SENTENCE. IN MAKING SUCH A DETERMINATION, THE FACTORS THE OFFICE MAY CONSIDER INCLUDE, BUT ARE NOT LIMITED TO, THE AGE OF THE YOUTH, THE AMOUNT OF TIME REMAINING ON THE YOUTH'S SENTENCE OF IMPRISONMENT, THE LEVEL OF THE YOUTH'S PARTICIPATION IN THE PROGRAM, THE YOUTH'S EDUCATIONAL AND VOCATIONAL PROGRESS, THE OPPORTUNITIES AVAILABLE TO THE YOUTH THROUGH THE OFFICE AND THROUGH THE DEPARTMENT, AND THE LENGTH OF THE YOUTH'S POST-RELEASE SUPERVISION SENTENCE. NOTHING IN THIS PARAGRAPH SHALL AUTHORIZE A YOUTH TO REMAIN IN AN OFFICE FACILITY BEYOND HIS OR HER TWENTY-THIRD BIRTHDAY.

(C) ALL JUVENILE OFFENDERS WHO ARE ELIGIBLE TO BE RELEASED FROM AN OFFICE OF CHILDREN AND FAMILY SERVICES FACILITY BEFORE THEY ARE REQUIRED TO BE TRANSFERRED TO THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION AND WHO ARE ABLE TO COMPLETE THE FULL-TERM OF THEIR POST-RELEASE SUPERVISION SENTENCES BEFORE THEY TURN TWENTY-THREE YEARS OF AGE SHALL REMAIN WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR POST-RELEASE SUPERVISION.

(D) ALL JUVENILE OFFENDERS RELEASED FROM AN OFFICE OF CHILDREN AND FAMILY SERVICES FACILITY BEFORE THEY ARE TRANSFERRED TO THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION WHO ARE UNABLE TO COMPLETE THE FULL-TERM OF THEIR POST-RELEASE SUPERVISION SENTENCES BEFORE THEY TURN TWENTY-THREE YEARS OF AGE SHALL BE UNDER THE SUPERVISION OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION UNTIL EXPIRATION OF THE MAXIMUM TERM OR PERIOD OF SENTENCE, OR EXPIRATION OF SUPERVISION, INCLUDING ANY POST-RELEASE SUPERVISION AS THE CASE MAY BE PROVIDED, HOWEVER, THAT THE OFFICE SHALL ASSIST SUCH DEPARTMENT IN PLANNING FOR THE YOUTH'S POST-RELEASE SUPERVISION.

6. While in the custody of the office of children and family services, an offender shall be subject to the rules and regulations of the office, except that his OR HER parole, POST-RELEASE SUPERVISION, temporary release and discharge shall be governed by the laws applicable to inmates of state correctional facilities and his OR HER transfer to state hospitals in the office of mental health shall be governed by section five hundred nine of this chapter. The commissioner of the office of children and family services shall, however, establish and operate temporary release programs at office of children and family services facilities AND PROVIDE POST-RELEASE SUPERVISION PROGRAMS for eligible juvenile offenders and [contract with the department of corrections and community supervision for the provision of parole] PROVIDE supervision [services] for temporary releasees AND JUVENILES ON POST-RELEASE SUPERVISION. The rules and regulations for these programs shall not be inconsistent with the laws for temporary release AND POST-RELEASE SUPERVISION applicable to inmates of state correctional facilities. For the purposes of temporary release programs for juvenile offenders only, when referred to or defined in article twenty-six of the correction law, "institution" shall mean any facility designated by the commissioner of the office of children and family services, "department"

shall mean the office of children and family services, "inmate" shall mean a juvenile offender residing in an office of children and family services facility, and "commissioner" shall mean the [director] COMMISSIONER of the office of children and family services. FOR THE PURPOSES OF SUCH POST-RELEASE SUPERVISION FOR JUVENILE OFFENDERS UNDER PARAGRAPH (C) OF SUBDIVISION FIVE OF THIS SECTION ONLY, WHEN REFERRED TO IN SECTION 70.45 OF THE PENAL LAW OR ARTICLE TWELVE-B OF THE EXECUTIVE LAW, THE TERM "DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION", "DEPARTMENT", "DIVISION OF PAROLE", "DIVISION", "BOARD OF PAROLE" AND "BOARD" SHALL MEAN THE OFFICE OF CHILDREN AND FAMILY SERVICES, AND THE TERM "COMMISSIONER" SHALL MEAN THE OFFICE OF CHILDREN AND FAMILY SERVICES. Time spent in office of children and family services facilities and in juvenile detention facilities shall be credited towards the sentence imposed in the same manner and to the same extent applicable to inmates of state correctional facilities.

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

[9] 8. Notwithstanding any provision of law, including section five hundred one-c of this article, the office of children and family services shall make records pertaining to a person convicted of a sex offense as defined in subdivision (p) of section 10.03 of the mental hygiene law available upon request to the commissioner of mental health or the commissioner of [mental retardation and] THE OFFICE FOR PERSONS WITH developmental disabilities, as appropriate; a case review panel; and the attorney general; in accordance with the provisions of article ten of the mental hygiene law.

S 97. Subdivisions 1, 2, 4, 5 and 5-a of section 529 of the executive law, subdivisions 1, 4 and 5 as added by chapter 906 of the laws of 1973, paragraph (c) of subdivision 1 as amended and paragraph (d) of subdivision 1 as added by chapter 881 of the laws of 1976, subdivision 2 as amended by chapter 430 of the laws of 1991, paragraph (c) of subdivision 5 as amended by chapter 722 of the laws of 1979 and subdivision 5-a as added by chapter 258 of the laws of 1974, are amended to read as follows:

1. Definitions. As used in this section:

(a) "authorized agency", "certified boarding home", "local charge" and "state charge" shall have the meaning ascribed to such terms by the social services law;

(b) "aftercare supervision" shall mean supervision of released or discharged youth, not in foster care; and,

(c) "foster care" shall mean residential care, maintenance and supervision provided TO released or discharged youth, or youth otherwise in the custody of the [division for youth, in a division foster family home certified by the division.

(d) "division foster family home" means a service program provided in a home setting available to youth under the jurisdiction of the division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES.

2. [Expenditures] EXCEPT AS PROVIDED IN SUBDIVISION FIVE OF THIS SECTION, EXPENDITURES made by the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES for care, maintenance and supervision furnished youth, including alleged and adjudicated juvenile delinquents [and persons in need of supervision,] placed or referred, pursuant to titles two or three of this article, and juvenile offenders committed pursuant to section 70.05 of the penal law, in the [division's] OFFICE'S programs and facilities, shall be subject to reimbursement to the state by the social services district from which the youth was placed or by the social services district in which the juvenile offender resided at the time of commitment, in accordance with this section and the regulations of the [division,] OFFICE as follows: fifty percent of the amount expended for care, maintenance and supervision of local charges including juvenile offenders.

[4. Expenditures made by the division for youth] 3. THE COSTS for foster care PROVIDED BY VOLUNTARY AUTHORIZED AGENCIES TO JUVENILE DELINQUENTS PLACED IN THE CARE OF THE OFFICE OF CHILDREN AND FAMILY SERVICES shall be [subject to reimbursement to the state by] THE RESPONSIBILITY OF the social services district from which the youth was placed, AND SHALL BE SUBJECT TO REIMBURSEMENT FROM THE STATE in accordance with [the regulations of the division, as follows: fifty percent of the amount expended for care, maintenance and supervision of local charges] SECTION ONE HUNDRED FIFTY-THREE-K OF THE SOCIAL SERVICES LAW.

[5] 4. (a) [Expenditures] EXCEPT AS PROVIDED IN SUBDIVISION FIVE OF THIS SECTION, EXPENDITURES made by the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES for aftercare supervision shall be subject to reimbursement to the state by the social services district from which the youth was placed, in accordance with regulations of the [division] OFFICE, as follows: fifty percent of the amount expended for aftercare supervision of local charges.

(b) Expenditures made by social services districts for aftercare supervision of adjudicated juvenile delinquents [and persons in need of supervision provided (prior to the expiration of the initial or extended period of placement or commitment) by the aftercare staff of the facility from which the youth has been released or discharged, other than those under the jurisdiction of the division for youth, in which said youth was placed or committed, pursuant to directions of the family court,] shall be subject to reimbursement by the state[, upon approval by the division and in accordance with its regulations, as follows:

(1) the full amount expended by the district for aftercare supervision of state charges;

(2) fifty percent of the amount expended by the district for aftercare supervision of local charges] IN ACCORDANCE WITH SECTION ONE HUNDRED FIFTY-THREE-K OF THE SOCIAL SERVICES LAW.

(c) Expenditures made by the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES for contracted programs and contracted services pursuant to subdivision seven of section five hundred one of this article, except with respect to urban homes and group homes, shall be subject to reimbursement to the state by the social services district from which the youth was placed, in accordance with this section and the regulations of the [division] OFFICE as follows: fifty percent of the amount expended for the operation and maintenance of such programs and services.

5. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO REIMBURSEMENT SHALL BE REQUIRED FROM A SOCIAL SERVICES DISTRICT FOR EXPENDITURES MADE BY THE OFFICE OF CHILDREN AND FAMILY SERVICES ON OR AFTER DECEMBER FIRST, TWO THOUSAND FIFTEEN FOR THE CARE, MAINTENANCE, SUPERVISION OR AFTERCARE SUPERVISION OF YOUTH AGE SIXTEEN YEARS OF AGE OR OLDER THAT WOULD NOT OTHERWISE HAVE BEEN MADE ABSENT PURSUANT TO THE PROVISIONS OF A CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT INCREASED THE AGE OF JUVENILE JURISDICTION ABOVE FIFTEEN YEARS OF AGE OR THAT AUTHORIZED THE PLACEMENT IN OFFICE OF CHILDREN AND FAMILY SERVICES FACILITIES OF CERTAIN OTHER YOUTH WHO COMMITTED A CRIME ON OR AFTER THEIR SIXTEENTH BIRTHDAYS.

5-a. The social services district responsible for reimbursement to the state shall remain the same if during a period of placement or extension thereof, a child commits a criminal act while in [a division] AN OFFICE OF CHILDREN AND FAMILY SERVICES facility, during an authorized absence therefrom or after absconding therefrom and is returned to the [division] OFFICE following adjudication or conviction for the act by a court with jurisdiction outside the boundaries of the social services district which was responsible for reimbursement to the state prior to such adjudication or conviction.

S 98. Subdivision 1, the opening paragraph of subdivision 2 and subparagraphs (i) and (iii) of paragraph (a) of subdivision 3 of section 529-b of the executive law, as added by section 3 of subpart B of part Q of chapter 58 of the laws of 2011, are amended to read as follows:

1. (a) Notwithstanding any provision of law to the contrary, eligible expenditures by an eligible municipality for services to divert youth at risk of, alleged to be, or adjudicated as juvenile delinquents [or persons alleged or adjudicated to be in need of supervision], or youth alleged to be or convicted as juvenile offenders from placement in detention or in residential care OR TO DIVERT PERSONS ALLEGED OR ADJUDICATED TO BE IN NEED OF SUPERVISION FROM BEING PLACED AWAY FROM THEIR HOMES, shall be subject to state reimbursement under the supervision and treatment services for juveniles program for up to sixty-two percent of the municipality's expenditures, subject to available appropriations and exclusive of any federal funds made available for such purposes, not to exceed the municipality's distribution under the supervision and treatment services for juveniles program.

(b) The state funds appropriated for the supervision and treatment services for juveniles program shall be distributed to eligible municipalities by the office of children and family services based on a plan developed by the office which may consider historical information regarding the number of youth seen at probation intake for an alleged act of delinquency, THE NUMBER OF ALLEGED PERSONS IN NEED OF SUPERVISION RECEIVING DIVERSION SERVICES UNDER SECTION SEVEN HUNDRED THIRTY-FIVE OF THE FAMILY COURT ACT, the number of youth remanded to detention, the number of juvenile delinquents placed with the office, the number of juvenile delinquents [and persons in need of supervision] placed in residential care with the municipality, the municipality's reduction in the use of detention and residential placements, and other factors as determined by the office. Such plan developed by the office shall be subject to the approval of the director of the budget. The office is authorized, in its discretion, to make advance distributions to a municipality in anticipation of state reimbursement.

As used in this section, the term "municipality" shall mean a county, or a city having a population of one million or more, and "supervision and treatment services for juveniles" shall mean community-based

services or programs designed to safely maintain youth in the community pending a family court disposition or conviction in criminal court and services or programs provided to youth adjudicated as juvenile delinquents [or persons in need of supervision,] or youth alleged to be juvenile offenders to prevent residential placement of such youth or a return to placement where such youth have been released to the community from residential placement OR PROGRAMS PROVIDED TO YOUTH ADJUDICATED PERSONS IN NEED OF SUPERVISION TO MAINTAIN SUCH YOUTH IN THEIR HOMES. Supervision and treatment services for juveniles may include but are not limited to services or programs that:

(i) an analysis that identifies the neighborhoods or communities from which the greatest number of juvenile delinquents [and persons in need of supervision] are remanded to detention or residentially placed AND FROM WHICH THE GREATEST NUMBER OF ALLEGED PERSONS IN NEED OF SUPERVISION ARE OFFERED DIVERSION SERVICES;

(iii) a description of how the services and programs proposed for funding will reduce the number of youth from the municipality who are detained and residentially OR OTHERWISE placed; how such services and programs are family-focused; and whether such services and programs are capable of being replicated across multiple sites;

S 99. Subdivisions 2, 4, 5, 6 and 7 of section 530 of the executive law, subdivisions 2 and 4 as amended by section 4 of subpart B of part Q of chapter 58 of the laws of 2011, paragraphs (a) and (d) of subdivision 2 as amended by section 1 of part M of chapter 57 of the laws of 2012, subdivision 5 as amended by chapter 920 of the laws of 1982, subparagraphs 1, 2 and 4 of paragraph (a) and paragraph (b) of subdivision 5 as amended by section 5 of subpart B of part Q of chapter 58 of the laws of 2011, subdivision 6 as amended by chapter 880 of the laws of 1976, and subdivision 7 as amended by section 6 of subpart B of part Q of chapter 58 of the laws of 2011, are amended and a new subdivision 8 is added to read as follows:

2. [Expenditures] EXCEPT AS PROVIDED FOR IN SUBDIVISION EIGHT OF THIS SECTION, EXPENDITURES made by municipalities in providing care, maintenance and supervision to youth in detention facilities designated pursuant to sections seven hundred twenty and 305.2 of the family court act and certified by [the division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES, shall be subject to reimbursement by the state, as follows:

(a) Notwithstanding any provision of law to the contrary, eligible expenditures by a municipality during a particular program year for the care, maintenance and supervision [in foster care programs certified by the office of children and family services, certified or approved family boarding homes, and non-secure detention facilities certified by the office for those youth alleged to be persons in need of supervision or adjudicated persons in need of supervision held pending transfer to a facility upon placement; and] in secure and non-secure detention facilities certified by the office in accordance with section five hundred three of this article for those youth alleged to be juvenile delinquents; adjudicated juvenile delinquents held pending transfer to a facility upon placement, and juvenile delinquents held at the request of the office of children and family services pending extension of placement hearings or release revocation hearings or while awaiting disposition of such hearings; and youth alleged to be or convicted as juvenile offenders AND, PRIOR TO JANUARY FIRST, TWO THOUSAND EIGHTEEN, YOUTH ALLEGED TO BE PERSONS IN NEED OF SUPERVISION OR ADJUDICATED PERSONS IN NEED OF SUPERVISION HELD PENDING TRANSFER TO A FACILITY UPON PLACEMENT IN FOSTER CARE PROGRAMS CERTIFIED BY THE OFFICE OF CHILDREN AND FAMILY

SERVICES, CERTIFIED OR APPROVED FAMILY BOARDING HOMES, AND NON-SECURE DETENTION FACILITIES CERTIFIED BY THE OFFICE, shall be subject to state reimbursement for up to fifty percent of the municipality's expenditures, exclusive of any federal funds made available for such purposes, not to exceed the municipality's distribution from funds that have been appropriated specifically therefor for that program year. Municipalities shall implement the use of detention risk assessment instruments in a manner prescribed by the office so as to inform detention decisions. Notwithstanding any other provision of state law to the contrary, data necessary for completion of a detention risk assessment instrument may be shared among law enforcement, probation, courts, detention administrators, detention providers, and the attorney for the child upon retention or appointment; solely for the purpose of accurate completion of such risk assessment instrument, and a copy of the completed detention risk assessment instrument shall be made available to the applicable detention provider, the attorney for the child and the court.

(b) The state funds appropriated for juvenile detention services shall be distributed to eligible municipalities by the office of children and family services based on a plan developed by the office which may consider historical information regarding the number of youth remanded to detention, the municipality's reduction in the use of detention, the municipality's youth population, and other factors as determined by the office. Such plan developed by the office shall be subject to the approval of the director of the budget. The office is authorized, in its discretion, to make advance distributions to a municipality in anticipation of state reimbursement.

(c) A municipality may also use the funds distributed to it for juvenile detention services under this section for a particular program year for sixty-two percent of a municipality's eligible expenditures for supervision and treatment services for juveniles programs approved under section five hundred twenty-nine-b of this title for services that were not reimbursed from a municipality's distribution under such program provided to at-risk, alleged or adjudicated juvenile delinquents or persons alleged or adjudicated to be in need of supervision, or alleged to be or convicted as juvenile offenders in community-based non-residential settings. Any claims submitted by a municipality for reimbursement for detention services or supervision and treatment services for juveniles provided during a particular program year for which the municipality does not receive state reimbursement from the municipality's distribution of detention services funds for that program year may not be claimed against the municipality's distribution of funds available under this section for the next applicable program year. The office may require that such claims be submitted to the office electronically at such times and in the manner and format required by the office.

[(d)(i)] (2-A)(A) Notwithstanding any provision of law or regulation to the contrary, any information or data necessary for the development, validation or revalidation of the detention risk assessment instrument shall be shared among local probation departments, the office of probation and correctional alternatives and, where authorized by the division of criminal justice services, the entity under contract with the division to provide information technology services related to youth assessment and screening, the office of children and family services, and any entity under contract with the office of children and family services to provide services relating to the development, validation or revalidation of the detention risk assessment instrument. Any such information and data shall not be commingled with any criminal history

database. Any information and data used and shared pursuant to this section shall only be used and shared for the purposes of this section and in accordance with this section. Such information shall be shared and received in a manner that protects the confidentiality of such information. The sharing, use, disclosure and redisclosure of such information to any person, office, or other entity not specifically authorized to receive it pursuant to this section or any other law is prohibited.

[(ii)] (B) The office of children and family services shall consult with individuals with professional research experience and expertise in criminal justice; social work; juvenile justice; and applied mathematics, psychometrics and/or statistics to assist the office in determining the method it will use to: develop, validate and revalidate such detention risk assessment instrument; and analyze the effectiveness of the use of such detention risk assessment instrument in accomplishing its intended goals; and analyze, to the greatest extent possible any disparate impact on detention outcomes for juveniles based on race, sex, national origin, economic status and any other constitutionally protected class, regarding the use of such instrument. The office shall consult with such individuals regarding whether it is appropriate to attempt to analyze whether there is any such disparate impact based on sexual orientation and, if so, the best methods to conduct such analysis. The office shall take into consideration any recommendations given by such individuals involving improvements that could be made to such instrument and process.

[(iii)] (C) Data collected for the purposes of completing the detention risk assessment instrument from any source other than an officially documented record shall be confirmed as soon as practicable. Should any data originally utilized in completing the risk assessment instrument be found to conflict with the officially documented record, the risk assessment instrument shall be completed with the officially documented data and any corresponding revision to the risk categorization shall be made. The office shall periodically revalidate any approved risk assessment instrument. The office shall conspicuously post any approved detention risk assessment instrument on its website and shall confer with appropriate stakeholders, including but not limited to, attorneys for children, presentment agencies, probation, and the family court, prior to revising any validated risk assessment instrument. Any such revised risk assessment instrument shall be subject to periodic empirical validation.

4. (a) The municipality must notify the office of children and family services of state aid received under other state aid formulas by each detention facility for which the municipality is seeking reimbursement pursuant to this section, including but not limited to, aid for education, probation and mental health services.

(b) EXCEPT AS PROVIDED IN SUBDIVISION EIGHT OF THIS SECTION: (I) In computing reimbursement to the municipality pursuant to this section, the office shall insure that the aggregate of state aid under all state aid formulas shall not exceed fifty percent of the cost of care, maintenance and supervision provided to detainees eligible for state reimbursement under subdivision two of this section, exclusive of federal aid for such purposes not to exceed the amount of the municipality's distribution under the juvenile detention services program.

[(c)] (II) Reimbursement for administrative related expenditures as defined by the office of children and family services, for secure and nonsecure detention services shall not exceed seventeen percent of the

total approved expenditures for facilities of twenty-five beds or more and shall not exceed twenty-one percent of the total approved expenditures for facilities with less than twenty-five beds.

5. (a) Except as provided in paragraph (b) of this subdivision, care, maintenance and supervision for the purpose of this section shall mean and include only:

(1) temporary care, maintenance and supervision provided TO alleged juvenile delinquents and persons in need of supervision in detention facilities certified pursuant to sections seven hundred twenty and 305.2 of the family court act by the office of children and family services, pending adjudication of alleged delinquency or alleged need of supervision by the family court, or pending transfer to institutions to which committed or placed by such court or while awaiting disposition by such court after adjudication or held pursuant to a securing order of a criminal court if the person named therein as principal is under sixteen YEARS OF AGE; or[,]

(1-A) COMMENCING ON JANUARY FIRST, TWO THOUSAND EIGHTEEN, TEMPORARY CARE, MAINTENANCE, AND SUPERVISION PROVIDED TO ALLEGED JUVENILE DELINQUENTS IN DETENTION FACILITIES CERTIFIED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, PENDING ADJUDICATION OF ALLEGED DELINQUENCY BY THE FAMILY COURT, OR PENDING TRANSFER TO INSTITUTIONS TO WHICH COMMITTED OR PLACED BY SUCH COURT OR WHILE AWAITING DISPOSITION BY SUCH COURT AFTER ADJUDICATION OR HELD PURSUANT TO A SECURING ORDER OF A CRIMINAL COURT IF THE PERSON NAMED THEREIN AS PRINCIPAL IS UNDER TWENTY-ONE; OR

(2) temporary care, maintenance and supervision provided juvenile delinquents in approved detention facilities at the request of the office of children and family services pending release revocation hearings or while awaiting disposition after such hearings; or

(3) temporary care, maintenance and supervision in approved detention facilities for youth held pursuant to the family court act or the interstate compact on juveniles, pending return to their place of residence or domicile[.]; OR

(4) PRIOR TO JANUARY FIRST, TWO THOUSAND EIGHTEEN, temporary care, maintenance and supervision provided youth detained in foster care facilities or certified or approved family boarding homes pursuant to article seven of the family court act.

(b) Payments made for reserved accommodations, whether or not in full time use, approved AND CERTIFIED by the office of children and family services [and certified pursuant to sections seven hundred twenty and 305.2 of the family court act], in order to assure that adequate accommodations will be available for the immediate reception and proper care therein of youth for which detention costs are reimbursable pursuant to paragraph (a) of this subdivision, shall be reimbursed as expenditures for care, maintenance and supervision under the provisions of this section, provided the office shall have given its prior approval for reserving such accommodations.

6. The [director of the division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES may adopt, amend, or rescind all rules and regulations, subject to the approval of the director of the budget and certification to the chairmen of the senate finance and assembly ways and means committees, necessary to carry out the provisions of this section.

7. The agency administering detention for each county and the city of New York shall submit to the office of children and family services, at such times and in such form and manner and containing such information as required by the office of children and family services, an annual report on youth remanded pursuant to article three or seven of the fami-

ly court act who are detained during each calendar year including, commencing January first, two thousand twelve, the risk level of each detained youth as assessed by a detention risk assessment instrument approved by the office of children and family services PROVIDED, HOWEVER, THAT THE REPORT DUE JANUARY FIRST, TWO THOUSAND NINETEEN AND THEREAFTER SHALL NOT BE REQUIRED TO CONTAIN ANY INFORMATION ON YOUTH WHO ARE SUBJECT TO ARTICLE SEVEN OF THE FAMILY COURT ACT. The office may require that such data on detention use be submitted to the office electronically. Such report shall include, but not be limited to, the reason for the court's determination in accordance with section 320.5 or seven hundred thirty-nine of the family court act, IF APPLICABLE, to detain the youth; the offense or offenses with which the youth is charged; and all other reasons why the youth remains detained. The office shall submit a compilation of all the separate reports to the governor and the legislature.

8. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW TO THE CONTRARY, COMMENCING JANUARY FIRST, TWO THOUSAND SEVENTEEN, STATE REIMBURSEMENT SHALL BE MADE AVAILABLE FOR ONE HUNDRED PERCENT OF A MUNICIPALITY'S ELIGIBLE EXPENDITURES FOR THE CARE, MAINTENANCE AND SUPERVISION OF YOUTH SIXTEEN YEARS OF AGE OR OLDER IN NON-SECURE AND SECURE DETENTION FACILITIES WHEN SUCH DETENTION WOULD NOT OTHERWISE HAVE OCCURRED ABSENT THE PROVISIONS OF A CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT INCREASED THE AGE OF JUVENILE JURISDICTION ABOVE FIFTEEN YEARS OF AGE.

S 100. Section 4 of part K of chapter 57 of the laws of 2012, amending the education law, relating to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services, is amended to read as follows:

S 4. This act shall take effect July 1, 2012 [and shall expire June 30, 2015 when upon such date the provisions of this act shall be deemed repealed].

S 101. This act shall take effect immediately; provided, however, that:

1. the amendments to subdivision 4 of section 353.5 of the family court act made by section twenty-four of this act shall not affect the expiration and reversion of such subdivision and shall expire and be deemed repealed therewith, when upon such date the provisions of section twenty-five of this act shall take effect;

2. the amendments to section 153-k of the social services law made by section forty-eight of this act shall not affect the expiration of such section and shall expire and be deemed repealed therewith;

3. the amendments to section 404 of the social services law made by section fifty-two of this act shall not affect the expiration of such section and shall expire and be deemed repealed therewith;

4. the amendments to subdivision 1 of section 70.20 of the penal law made by section fifty-eight of this act shall not affect the expiration of such subdivision and shall expire and be deemed repealed therewith;

5. the amendments to paragraph (f) of subdivision 1 of section 70.30 of the penal law made by section sixty-a of this act shall not affect the expiration of such paragraph and shall be deemed to expire therewith;

6. the amendments to subparagraph 8 of paragraph h of subdivision 4 of section 1950 of the education law made by section eighty-seven of this act shall not affect the repeal of such subparagraph and shall be deemed repealed therewith;

7. the amendments to subparagraph 1 of paragraph d of subdivision 3 of section 3214 of the education law made by section eighty-eight of this act shall not affect the expiration of such paragraph and shall be deemed to expire therewith; and

8. the amendments to the second undesignated paragraph of subdivision 4 of section 246 of the executive law made by section ninety-one of this act shall not affect the expiration of such paragraph and shall expire and be deemed repealed therewith.

PART K

Section 1. The section heading of section 456 of the social services law, as added by chapter 865 of the laws of 1977, is amended to read as follows:

State reimbursement AND PAYMENTS.

S 2. Paragraphs (c) and (d) of subdivision 1 of section 456 of the social services law, as amended by chapter 601 of the laws of 1994, are amended to read as follows:

[(c) one hundred per centum of such payments after first deducting therefrom any federal funds properly to be received on account of such payments, for children placed out for adoption by a voluntary authorized agency or for children being adopted after being placed out for adoption by a voluntary authorized agency in accordance with the provisions of this title,] or [(d)] (C) one hundred per centum of such payments after first deducting therefrom any federal funds properly to be received on account of such payments, for children placed out for adoption or being adopted after being placed out for adoption by an Indian tribe as referenced in subdivision seven of section four hundred fifty-one of this title.

S 3. Section 456 of the social services law is amended by adding a new subdivision 3 to read as follows:

3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, FOR A CHILD WHO HAS BEEN PLACED FOR ADOPTION BY A VOLUNTARY AUTHORIZED AGENCY WITH GUARDIANSHIP AND CUSTODY OR CARE AND CUSTODY OF SUCH CHILD, AS REFERENCED IN SUBDIVISION ONE OF SECTION FOUR HUNDRED FIFTY-ONE OF THIS TITLE, PAYMENTS AVAILABLE UNDER SECTION FOUR HUNDRED FIFTY-THREE, FOUR HUNDRED FIFTY-THREE-A OR FOUR HUNDRED FIFTY-FOUR OF THIS TITLE SHALL BE MADE BY THE STATE PURSUANT TO A WRITTEN AGREEMENT BETWEEN AN OFFICIAL OF THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE PERSONS WHO APPLIED FOR SUCH PAYMENTS PRIOR TO ADOPTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL NOT ENTER INTO WRITTEN AGREEMENTS FOR, OR ISSUE, ANY SUCH PAYMENTS IN INSTANCES WHERE THE PERSON OR PERSONS APPLYING FOR SUCH PAYMENTS RESIDE OUTSIDE OF THE STATE OF NEW YORK AT THE TIME THE APPLICATION FOR SUCH PAYMENTS IS MADE.

S 4. This act shall take effect July 1, 2015 and shall only apply to applications for payments under sections 453, 453-a or 454 of the social services law that are made on or after such effective date; provided, however, that effective immediately the commissioner of the office of children and family services is authorized and directed to promulgate such rules and regulations as he or she deems necessary to implement the provisions of this act on or before its effective date.

PART L

Section 1. Section 458-a of the social services law is amended by adding three new subdivisions 6, 7 and 8 to read as follows:

6. "SUCCESSOR GUARDIAN" SHALL MEAN A PERSON OR PERSONS NAMED IN THE AGREEMENT IN EFFECT BETWEEN THE RELATIVE GUARDIAN AND SOCIAL SERVICES OFFICIAL FOR KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS PURSUANT TO THIS TITLE TO PROVIDE CARE AND GUARDIANSHIP FOR A CHILD IN THE EVENT OF DEATH OR INCAPACITY OF THE RELATIVE GUARDIAN, AS SET FORTH IN SECTION FOUR HUNDRED FIFTY-EIGHT-B OF THIS TITLE, WHO HAS ASSUMED CARE FOR AND IS THE GUARDIAN OR PERMANENT GUARDIAN OF SUCH CHILD, PROVIDED THAT SUCH PERSON WAS APPOINTED GUARDIAN OR PERMANENT GUARDIAN OF SUCH CHILD FOLLOWING, OR DUE TO, THE DEATH OR INCAPACITY OF THE RELATIVE GUARDIAN.

7. "PROSPECTIVE SUCCESSOR GUARDIAN" SHALL MEAN A PERSON OR PERSONS WHOM A PROSPECTIVE RELATIVE GUARDIAN OR A RELATIVE GUARDIAN SEEKS TO NAME IN THE ORIGINAL KINSHIP GUARDIANSHIP ASSISTANCE AGREEMENT, OR ANY AMENDMENT THERETO, AS SET FORTH IN SECTION FOUR HUNDRED FIFTY-EIGHT-B OF THIS TITLE, AS THE PERSON OR PERSONS TO PROVIDE CARE AND GUARDIANSHIP FOR A CHILD IN THE EVENT OF THE DEATH OR INCAPACITY OF A RELATIVE GUARDIAN.

8. "INCAPACITY" SHALL MEAN A SUBSTANTIAL INABILITY TO CARE FOR A CHILD AS A RESULT OF: (A) A PHYSICALLY DEBILITATING ILLNESS, DISEASE OR INJURY; OR (B) A MENTAL IMPAIRMENT THAT RESULTS IN A SUBSTANTIAL INABILITY TO UNDERSTAND THE NATURE AND CONSEQUENCES OF DECISIONS CONCERNING THE CARE OF A CHILD.

S 2. Subdivision 4 of section 458-b of the social services law is amended by adding two new paragraphs (e) and (f) to read as follows:

(E) THE ORIGINAL KINSHIP GUARDIANSHIP ASSISTANCE AGREEMENT EXECUTED IN ACCORDANCE WITH THIS SECTION AND ANY AMENDMENTS THERETO MAY NAME AN APPROPRIATE PERSON TO ACT AS A SUCCESSOR GUARDIAN FOR THE PURPOSE OF PROVIDING CARE AND GUARDIANSHIP FOR A CHILD IN THE EVENT OF DEATH OR INCAPACITY OF THE RELATIVE GUARDIAN.

(F) A FULLY EXECUTED AGREEMENT BETWEEN A RELATIVE GUARDIAN AND A SOCIAL SERVICES OFFICIAL MAY BE AMENDED TO ADD OR MODIFY TERMS AND CONDITIONS MUTUALLY AGREEABLE TO THE RELATIVE GUARDIAN AND THE SOCIAL SERVICES OFFICIAL, INCLUDING THE NAMING OF AN APPROPRIATE PERSON TO PROVIDE CARE AND GUARDIANSHIP FOR A CHILD IN THE EVENT OF DEATH OR INCAPACITY OF THE RELATIVE GUARDIAN.

S 3. Subdivision 5 of section 458-b of the social services law, as added by section 4 of part F of chapter 58 of the laws of 2010, is amended to read as follows:

5. (A) Once the prospective relative guardian with whom a social services official has entered into an agreement under subdivision four of this section has been issued letters of guardianship for the child and the child has been finally discharged from foster care to such relative, a social services official shall make monthly kinship guardianship assistance payments for the care and maintenance of the child.

(B) A SOCIAL SERVICES DISTRICT SHALL MAKE MONTHLY KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS FOR THE CARE AND MAINTENANCE OF A CHILD TO A SUCCESSOR GUARDIAN IN THE EVENT OF DEATH OR INCAPACITY OF A RELATIVE GUARDIAN, PROVIDED HOWEVER THAT SUCH PAYMENTS SHALL NOT BE AUTHORIZED UNTIL THE SUCCESSOR GUARDIAN IS GRANTED GUARDIANSHIP OR PERMANENT GUARDIANSHIP OF A CHILD AND ASSUMES CARE OF SUCH CHILD; PROVIDED, FURTHER, HOWEVER, THAT IF THE SUCCESSOR GUARDIAN ASSUMES CARE OF THE CHILD PRIOR TO BEING GRANTED GUARDIANSHIP OR PERMANENT GUARDIANSHIP OF THE CHILD, PAYMENTS UNDER THIS TITLE SHALL BE MADE RETROACTIVELY FROM: (I) IN THE EVENT OF DEATH OF THE RELATIVE GUARDIAN, THE DATE THE SUCCESSOR GUARDIAN ASSUMED CARE OF THE CHILD OR THE DATE OF DEATH OF THE RELATIVE GUARDIAN, WHICH-

EVER IS LATER; OR (II) IN THE EVENT OF INCAPACITY OF THE RELATIVE GUARDIAN, THE DATE THE SUCCESSOR GUARDIAN ASSUMED CARE OF THE CHILD OR THE DATE OF INCAPACITY OF THE RELATIVE GUARDIAN, WHICHEVER IS LATER.

(C) IN THE EVENT THAT A SUCCESSOR GUARDIAN ASSUMED CARE AND WAS AWARDED GUARDIANSHIP OR PERMANENT GUARDIANSHIP OF A CHILD DUE TO THE INCAPACITY OF A RELATIVE GUARDIAN AND THE RELATIVE GUARDIAN IS SUBSEQUENTLY AWARDED OR RESUMES GUARDIANSHIP OR PERMANENT GUARDIANSHIP OF SUCH CHILD AND ASSUMES CARE OF SUCH CHILD AFTER THE INCAPACITY ENDS, A SOCIAL SERVICES OFFICIAL SHALL MAKE MONTHLY KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS FOR THE CARE AND MAINTENANCE OF THE CHILD TO THE RELATIVE GUARDIAN, IN ACCORDANCE WITH THE TERMS OF THE FULLY EXECUTED WRITTEN AGREEMENT.

S 4. Paragraph (b) of subdivision 7 of section 458-b of the social services law, as added by section 4 of part F of chapter 58 of the laws of 2010, is amended to read as follows:

(b) (I) Notwithstanding paragraph (a) of this subdivision, AND EXCEPT AS PROVIDED FOR IN PARAGRAPH (B) OF SUBDIVISION FIVE OF THIS SECTION, no kinship guardianship assistance payments may be made pursuant to this title if the social services official determines that the relative guardian is no longer legally responsible for the support of the child, including if the status of the legal guardian is terminated or the child is no longer receiving any support from such guardian. In accordance with the regulations of the office, a relative guardian who has been receiving kinship guardianship assistance payments on behalf of a child under this title must keep the social services official informed, on an annual basis, of any circumstances that would make the relative guardian ineligible for such payments or eligible for payments in a different amount.

(II) NOTWITHSTANDING PARAGRAPH (A) OF THIS SUBDIVISION, AND EXCEPT AS PROVIDED FOR IN PARAGRAPH (C) OF SUBDIVISION FIVE OF THIS SECTION, NO KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS MAY BE MADE PURSUANT TO THIS TITLE TO A SUCCESSOR GUARDIAN IF THE SOCIAL SERVICES OFFICIAL DETERMINES THAT THE SUCCESSOR GUARDIAN IS NO LONGER LEGALLY RESPONSIBLE FOR THE SUPPORT OF THE CHILD, INCLUDING IF THE STATUS OF THE SUCCESSOR GUARDIAN IS TERMINATED OR THE CHILD IS NO LONGER RECEIVING ANY SUPPORT FROM SUCH GUARDIAN. A SUCCESSOR GUARDIAN WHO HAS BEEN RECEIVING KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS ON BEHALF OF A CHILD UNDER THIS TITLE MUST KEEP THE SOCIAL SERVICES OFFICIAL INFORMED, ON AN ANNUAL BASIS, OF ANY CIRCUMSTANCES THAT WOULD MAKE THE SUCCESSOR GUARDIAN INELIGIBLE FOR SUCH PAYMENTS OR ELIGIBLE FOR PAYMENTS IN A DIFFERENT AMOUNT.

S 5. Subdivision 8 of section 458-b of the social services law, as added by section 4 of part F of chapter 58 of the laws of 2010, is amended to read as follows:

8. The placement of the child with the relative guardian OR SUCCESSOR GUARDIAN and any kinship guardianship assistance payments made on behalf of the child under this section shall be considered never to have been made when determining the eligibility for adoption subsidy payments under title nine of this article of a child in such legal guardianship arrangement.

S 6. Subdivision 2 of section 458-d of the social services law, as added by section 4 of part F of chapter 58 of the laws of 2010, is amended to read as follows:

2. In addition, a social services official shall make payments for the cost of care, services and supplies payable under the state's program of medical assistance for needy persons provided to any child for whom kinship guardianship assistance payments are being made under this title

who is not eligible for medical assistance under subdivision one of this section and for whom the relative OR SUCCESSOR guardian is unable to obtain appropriate and affordable medical coverage through any other available means, regardless of whether the child otherwise qualifies for medical assistance for needy persons. Payments pursuant to this subdivision shall be made only with respect to the cost of care, services, and supplies which are not otherwise covered or subject to payment or reimbursement by insurance, medical assistance or other sources. Payments made pursuant to this subdivision shall only be made if the relative OR SUCCESSOR guardian applies to obtain such medical coverage for the child from all available sources, unless the social services official determines that the relative guardian has good cause for not applying for such coverage; which shall include that appropriate coverage is not available or affordable.

S 7. Subdivisions 1 and 2 of section 458-f of the social services law, as added by section 4 of part F of chapter 58 of the laws of 2010, are amended to read as follows:

1. Any person aggrieved by the decision of a social services official not to make a payment or payments pursuant to this title or to make such payment or payments in an inadequate or inappropriate amount or the failure of a social services official to determine an application under this title within thirty days after filing, OR THE FAILURE OF A SOCIAL SERVICES DISTRICT TO APPROVE A PROSPECTIVE SUCCESSOR GUARDIAN, may appeal to the office of children and family services, which shall review the case and give such person an opportunity for a fair hearing thereon and render its decision within thirty days. All decisions of the office of children and family services shall be binding upon the social services district involved and shall be complied with by the social services official thereof.

2. The only issues which may be raised in a fair hearing under this section are: (a) whether the social services official has improperly denied an application for payments under this title; (b) whether the social services official has improperly discontinued payments under this title; (c) whether the social services official has determined the amount of the payments made or to be made in violation of the provisions of this title or the regulations of the office of children and family services promulgated hereunder; [or] (d) whether the social services official has failed to determine an application under this title within thirty days; OR (E) WHETHER THE SOCIAL SERVICES OFFICIAL HAS IMPROPERLY DENIED AN APPLICATION TO NAME A PROSPECTIVE SUCCESSOR GUARDIAN IN THE ORIGINAL KINSHIP GUARDIANSHIP ASSISTANCE AGREEMENT FOR PAYMENTS PURSUANT TO THIS TITLE OR ANY AMENDMENTS THERETO.

S 8. Paragraph (c) of subdivision 7 of section 353.3 of the family court act, as amended by section 6 of part G of chapter 58 of the laws of 2010, is amended to read as follows:

(c) Where the respondent is placed pursuant to subdivision two or three of this section, such report shall contain a plan for the release, or conditional release (pursuant to section five hundred ten-a of the executive law), of the respondent to the custody of his or her parent or other person legally responsible, [to independent living] or to another permanency alternative as provided in paragraph (d) of subdivision seven of section 355.5 of this part. If the respondent is subject to article sixty-five of the education law or elects to participate in an educational program leading to a high school diploma, such plan shall include, but not be limited to, the steps that the agency with which the respondent is placed has taken and will be taking to facilitate the

enrollment of the respondent in a school or educational program leading to a high school diploma following release, or, if such release occurs during the summer recess, upon the commencement of the next school term. If the respondent is not subject to article sixty-five of the education law and does not elect to participate in an educational program leading to a high school diploma, such plan shall include, but not be limited to, the steps that the agency with which the respondent is placed has taken and will be taking to assist the respondent to become gainfully employed or enrolled in a vocational program following release.

S 9. Paragraph (b) of subdivision 7 of section 355.5 of the family court act, as added by chapter 7 of the laws of 1999, is amended to read as follows:

(b) in the case of a respondent who has attained the age of [sixteen] FOURTEEN, the services needed, if any, to assist the respondent to make the transition from foster care to independent living;

S 10. Paragraph (d) of subdivision 7 of section 355.5 of the family court act, as amended by chapter 181 of the laws of 2000, is amended to read as follows:

(d) with regard to the completion of placement ordered by the court pursuant to section 353.3 or 355.3 of this [article] PART: whether and when the respondent: (i) will be returned to the parent; (ii) should be placed for adoption with the local commissioner of social services filing a petition for termination of parental rights; (iii) should be referred for legal guardianship; (iv) should be placed permanently with a fit and willing relative; or (v) should be placed in another planned permanent living arrangement WITH A SIGNIFICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE RESPONDENT if THE RESPONDENT IS AGE SIXTEEN OR OLDER AND (A) the office of children and family services or the local commissioner of social services has documented to the court [a]: (1) THE INTENSIVE, ONGOING, AND, AS OF THE DATE OF THE HEARING, UNSUCCESSFUL EFFORTS MADE TO RETURN THE RESPONDENT HOME OR SECURE A PLACEMENT FOR THE RESPONDENT WITH A FIT AND WILLING RELATIVE INCLUDING ADULT SIBLINGS, A LEGAL GUARDIAN, OR AN ADOPTIVE PARENT, INCLUDING THROUGH EFFORTS THAT UTILIZE SEARCH TECHNOLOGY INCLUDING SOCIAL MEDIA TO FIND BIOLOGICAL FAMILY MEMBERS FOR CHILDREN, (2) THE STEPS BEING TAKEN TO ENSURE THAT (I) THE RESPONDENT'S FOSTER FAMILY HOME OR CHILD CARE FACILITY IS FOLLOWING THE REASONABLE AND PRUDENT PARENT STANDARD IN ACCORDANCE WITH GUIDANCE PROVIDED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND (II) THE RESPONDENT HAS REGULAR, ONGOING OPPORTUNITIES TO ENGAGE IN AGE OR DEVELOPMENTALLY APPROPRIATE ACTIVITIES INCLUDING BY CONSULTING WITH THE RESPONDENT IN AN AGE-APPROPRIATE MANNER ABOUT THE OPPORTUNITIES OF THE RESPONDENT TO PARTICIPATE IN ACTIVITIES; AND (B) THE OFFICE OF CHILDREN AND FAMILY SERVICES OR THE LOCAL COMMISSIONER OF SOCIAL SERVICES HAS DOCUMENTED TO THE COURT AND THE COURT HAS DETERMINED THAT THERE ARE compelling [reason] REASONS for determining that it [would] CONTINUES TO not be in the best interest of the respondent to return home, be referred for termination of parental rights and placed for adoption, placed with a fit and willing relative, or placed with a legal guardian; and (C) THE COURT HAS MADE A DETERMINATION EXPLAINING WHY, AS OF THE DATE OF THIS HEARING, ANOTHER PLANNED LIVING ARRANGEMENT WITH A SIGNIFICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE RESPONDENT IS THE BEST PERMANENCY PLAN FOR THE RESPONDENT; AND

S 11. Subdivision 8 of section 355.5 of the family court act, as added by section 2 of part B of chapter 327 of the laws of 2007, is amended to read as follows:

8. At the permanency hearing, the court shall consult with the respondent in an age-appropriate manner regarding the permanency plan for the respondent; PROVIDED, HOWEVER, THAT IF THE RESPONDENT IS AGE SIXTEEN OR OLDER AND THE REQUESTED PERMANENCY PLAN FOR THE RESPONDENT IS PLACEMENT IN ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT WITH A SIGNIFICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE RESPONDENT, THE COURT MUST ASK THE RESPONDENT ABOUT THE DESIRED PERMANENCY OUTCOME FOR THE RESPONDENT.

S 12. Subparagraph (ii) of paragraph (a) of subdivision 2 of section 754 of the family court act, as amended by chapter 7 of the laws of 1999, is amended to read as follows:

(ii) in the case of a child who has attained the age of [sixteen] FOURTEEN, the services needed, if any, to assist the child to make the transition from foster care to independent living. Nothing in this subdivision shall be construed to modify the standards for directing detention set forth in section seven hundred thirty-nine of this article.

S 13. The closing paragraph of paragraph (b) of subdivision 2 of section 754 of the family court act, as added by chapter 7 of the laws of 1999, is amended to read as follows:

If the court determines that reasonable efforts are not required because of one of the grounds set forth above, a permanency hearing shall be held within thirty days of the finding of the court that such efforts are not required. At the permanency hearing, the court shall determine the appropriateness of the permanency plan prepared by the social services official which shall include whether and when the child: (A) will be returned to the parent; (B) should be placed for adoption with the social services official filing a petition for termination of parental rights; (C) should be referred for legal guardianship; (D) should be placed permanently with a fit and willing relative; or (E) should be placed in another planned permanent living arrangement WITH A SIGNIFICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE CHILD IF THE CHILD IS AGE SIXTEEN OR OLDER AND if the [social services official has documented to the court a compelling reason for determining that it would not be in the best interest of the child to return home, be referred for termination of parental rights and placed for adoption, placed with a fit and willing relative, or placed with a legal guardian] REQUIREMENTS OF SUBPARAGRAPH (E) OF PARAGRAPH (IV) OF SUBDIVISION (D) OF SECTION SEVEN HUNDRED FIFTY-SIX-A OF THIS PART HAVE BEEN MET. The social services official shall thereafter make reasonable efforts to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child as set forth in the permanency plan approved by the court. If reasonable efforts are determined by the court not to be required because of one of the grounds set forth in this paragraph, the social services official may file a petition for termination of parental rights in accordance with section three hundred eighty-four-b of the social services law.

S 14. Paragraph (ii) of subdivision (d) of section 756-a of the family court act, as amended by section 4 of part B of chapter 327 of the laws of 2007, is amended to read as follows:

(ii) in the case of a child who has attained the age of [sixteen] FOURTEEN, the services needed, if any, to assist the child to make the transition from foster care to independent living;

S 15. Paragraphs (iii) and (iv) of subdivision (d) of section 756-a of the family court act, as amended by section 4 of part B of chapter 327 of the laws of 2007, are amended to read as follows:

(iii) in the case of a child placed outside New York state, whether the out-of-state placement continues to be appropriate and in the best interests of the child; [and]

(iv) whether and when the child: (A) will be returned to the parent; (B) should be placed for adoption with the social services official filing a petition for termination of parental rights; (C) should be referred for legal guardianship; (D) should be placed permanently with a fit and willing relative; or (E) should be placed in another planned permanent living arrangement WITH A SIGNIFICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE CHILD if THE CHILD IS AGE SIXTEEN OR OLDER AND (1) the social services official has documented to the court [a]: (I) INTENSIVE, ONGOING, AND, AS OF THE DATE OF THE HEARING, UNSUCCESSFUL EFFORTS MADE BY THE SOCIAL SERVICES DISTRICT TO RETURN THE CHILD HOME OR SECURE A PLACEMENT FOR THE CHILD WITH A FIT AND WILLING RELATIVE INCLUDING ADULT SIBLINGS, A LEGAL GUARDIAN, OR AN ADOPTIVE PARENT, INCLUDING THROUGH EFFORTS THAT UTILIZE SEARCH TECHNOLOGY INCLUDING SOCIAL MEDIA TO FIND BIOLOGICAL FAMILY MEMBERS FOR CHILDREN, (II) THE STEPS THE SOCIAL SERVICES DISTRICT IS TAKING TO ENSURE THAT (A) THE CHILD'S FOSTER FAMILY HOME OR CHILD CARE FACILITY IS FOLLOWING THE REASONABLE AND PRUDENT PARENT STANDARD IN ACCORDANCE WITH GUIDANCE PROVIDED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND (B) THE CHILD HAS REGULAR, ONGOING OPPORTUNITIES TO ENGAGE IN AGE OR DEVELOPMENTALLY APPROPRIATE ACTIVITIES INCLUDING BY CONSULTING WITH THE CHILD IN AN AGE-APPROPRIATE MANNER ABOUT THE OPPORTUNITIES OF THE CHILD TO PARTICIPATE IN ACTIVITIES; AND (2) THE SOCIAL SERVICES DISTRICT HAS DOCUMENTED TO THE COURT AND THE COURT HAS DETERMINED THAT THERE ARE compelling [reason] REASONS for determining that it [would] CONTINUES TO not be in the best interest of the child to return home, be referred for termination of parental rights and placed for adoption, placed with a fit and willing relative, or placed with a legal guardian; and (3) THE COURT HAS MADE A DETERMINATION EXPLAINING WHY, AS OF THE DATE OF THE HEARING, ANOTHER PLANNED LIVING ARRANGEMENT WITH A SIGNIFICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE CHILD IS THE BEST PERMANENCY PLAN FOR THE CHILD; AND

(V) where the child will not be returned home, consideration of appropriate in-state and out-of-state placements.

S 16. Subdivision (d-1) of section 756-a of the family court act, as added by section 4 of part B of chapter 327 of the laws of 2007, is amended to read as follows:

(d-1) At the permanency hearing, the court shall consult with the respondent in an age-appropriate manner regarding the permanency plan; PROVIDED, HOWEVER, THAT IF THE RESPONDENT IS AGE SIXTEEN OR OLDER AND THE REQUESTED PERMANENCY PLAN FOR THE RESPONDENT IS PLACEMENT IN ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT WITH A SIGNIFICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE RESPONDENT, THE COURT MUST ASK THE RESPONDENT ABOUT THE DESIRED PERMANENCY OUTCOME FOR THE RESPONDENT.

S 17. Paragraph (v) of subdivision (c) of section 1039-b of the family court act, as amended by section 5 of part B of chapter 327 of the laws of 2007, is amended to read as follows:

(v) should be placed in another planned permanent living arrangement WITH A SIGNIFICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE CHILD IF THE CHILD IS AGE SIXTEEN OR OLDER AND if the [social services official has documented to the court a compelling reason for determining that it would not be in the best interests of the child to return home, be referred for termination of parental rights and

placed for adoption, placed with a fit and willing relative, or placed with a legal guardian] REQUIREMENTS OF CLAUSE (E) OF SUBPARAGRAPH (I) OF PARAGRAPH TWO OF SUBDIVISION (D) OF SECTION ONE THOUSAND EIGHTY-NINE OF THIS CHAPTER HAVE BEEN MET. The social services official shall thereafter make reasonable efforts to place the child in a timely manner, including consideration of appropriate in-state and out-of-state placements, and to complete whatever steps are necessary to finalize the permanent placement of the child as set forth in the permanency plan approved by the court. If reasonable efforts are determined by the court not to be required because of one of the grounds set forth in this paragraph, the social services official may file a petition for termination of parental rights in accordance with section three hundred eighty-four-b of the social services law.

S 18. Item (v) of clause 7 of subparagraph (A) of paragraph (i) of subdivision (b) of section 1052 of the family court act, as amended by section 7 of part B of chapter 327 of the laws of 2007, is amended to read as follows:

(v) should be placed in another planned permanent living arrangement that includes a significant connection to an adult [who is] willing to be a permanency resource for the child, IF THE CHILD IS AGE SIXTEEN OR OLDER AND if the [social services official has documented to the court a compelling reason for determining that it would not be in the best interest of the child to return home, be referred for termination of parental rights and placed for adoption, placed with a fit and willing relative, or placed with a legal guardian] REQUIREMENTS OF CLAUSE (E) OF SUBPARAGRAPH (I) OF PARAGRAPH TWO OF SUBDIVISION (D) OF SECTION ONE THOUSAND EIGHTY-NINE OF THE CHAPTER HAVE BEEN MET. The social services official shall thereafter make reasonable efforts to place the child in a timely manner, including consideration of appropriate in-state and out-of-state placements, and to complete whatever steps are necessary to finalize the permanent placement of the child as set forth in the permanency plan approved by the court. If reasonable efforts are determined by the court not to be required because of one of the grounds set forth in this paragraph, the social services official may file a petition for termination of parental rights in accordance with section three hundred eighty-four-b of the social services law.

S 19. Subparagraph (v) of paragraph 1 of subdivision (c) of section 1089 of the family court act, as added by section 27 of part A of chapter 3 of the laws of 2005, is amended to read as follows:

(v) placement in another planned permanent living arrangement that includes a significant connection to an adult who is willing to be a permanency resource for the child IF THE CHILD IS AGE SIXTEEN OR OLDER, including documentation of: (A) INTENSIVE, ONGOING, AND, AS OF THE DATE OF THE HEARING, UNSUCCESSFUL EFFORTS TO RETURN THE CHILD HOME OR SECURE A PLACEMENT FOR THE CHILD WITH A FIT AND WILLING RELATIVE INCLUDING ADULT SIBLINGS, A LEGAL GUARDIAN, OR AN ADOPTIVE PARENT, INCLUDING THROUGH EFFORTS THAT UTILIZE SEARCH TECHNOLOGY INCLUDING SOCIAL MEDIA TO FIND BIOLOGICAL FAMILY MEMBERS FOR CHILDREN, (B) THE STEPS BEING TAKEN TO ENSURE THAT (I) THE CHILD'S FOSTER FAMILY HOME OR CHILD CARE FACILITY IS FOLLOWING THE REASONABLE AND PRUDENT PARENT STANDARD IN ACCORDANCE WITH THE GUIDANCE PROVIDED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND (II) THE CHILD HAS REGULAR, ONGOING OPPORTUNITIES TO ENGAGE IN AGE OR DEVELOPMENTALLY APPROPRIATE ACTIVITIES INCLUDING BY CONSULTING WITH THE CHILD IN AN AGE-APPROPRIATE MANNER ABOUT THE OPPORTUNITIES OF THE CHILD TO PARTICIPATE IN ACTIVITIES, AND (C) the compelling [reason] REASONS for determining that it [would] CONTINUES TO not

be in the best interests of the child to be returned home, placed for adoption, placed with a legal guardian, or placed with a fit and willing relative;

S 20. The opening paragraph of subdivision (d) of section 1089 of the family court act, as amended by chapter 334 of the laws of 2009, is amended to read as follows:

Evidence, court findings and order. The provisions of subdivisions (a) and (c) of section one thousand forty-six of this act shall apply to all proceedings under this article. THE PERMANENCY HEARING SHALL INCLUDE AN AGE APPROPRIATE CONSULTATION WITH THE CHILD; PROVIDED, HOWEVER THAT IF THE CHILD IS AGE SIXTEEN OR OLDER AND THE REQUESTED PERMANENCY PLAN FOR THE CHILD IS PLACEMENT IN ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT WITH A SIGNIFICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE CHILD, THE COURT MUST ASK THE CHILD ABOUT THE DESIRED PERMANENCY OUTCOME FOR THE CHILD. At the conclusion of each permanency hearing, the court shall, upon the proof adduced, [which shall include age-appropriate consultation with the child who is the subject of the permanency hearing,] and in accordance with the best interests and safety of the child, including whether the child would be at risk of abuse or neglect if returned to the parent or other person legally responsible, determine and issue its findings, and enter an order of disposition in writing:

S 21. Clause (E) of subparagraph (i) of paragraph 2 of subdivision (d) of section 1089 of the family court act, as added by section 27 of part A of chapter 3 of the laws of 2005, is amended to read as follows:

(E) placement in another planned permanent living arrangement that includes a significant connection to an adult willing to be a permanency resource for the child if the [local social services official has documented to] CHILD IS AGE SIXTEEN OR OLDER AND the court [a] HAS DETERMINED THAT AS OF THE DATE OF THE PERMANENCY HEARING, ANOTHER PLANNED PERMANENCY LIVING ARRANGEMENT WITH A SIGNIFICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE CHILD IS THE BEST PERMANENCY PLAN FOR THE CHILD AND THERE ARE compelling [reason] REASONS for determining that it [would] CONTINUES TO not be in the best interests of the child to return home, be referred for termination of parental rights and placed for adoption, placed with a fit and willing relative, or placed with a legal guardian;

S 22. Subdivision 2 of section 4173 of the public health law, as amended by chapter 644 of the laws of 1988, is amended to read as follows:

2. A certified copy or certified transcript of a birth record shall be issued only upon order of a court of competent jurisdiction or upon a specific request therefor by the person, if eighteen years of age or more, or by a parent or other lawful representative of the person to whom the record of birth relates INCLUDING AN AUTHORIZED REPRESENTATIVE OF THE OFFICE OF CHILDREN AND FAMILY SERVICES OR A LOCAL SOCIAL SERVICES DISTRICT IF THE PERSON IS IN THE CARE AND CUSTODY OR CUSTODY AND GUARDIANSHIP OF SUCH ENTITY.

S 23. Paragraph (b) of subdivision 1 of section 4174 of the public health law, as amended by chapter 396 of the laws of 1989, is amended to read as follows:

(b) issue certified copies or certified transcripts of birth certificates only (1) upon order of a court of competent jurisdiction, or (2) upon specific request therefor by the person, if eighteen years of age or more, or by a parent or other lawful representative of the person, to whom the record of birth relates INCLUDING AUTHORIZED REPRESENTATIVES OF

A LOCAL SOCIAL SERVICES DISTRICT IF THE PERSON IS IN THE CARE AND CUSTODY OR CUSTODY AND GUARDIANSHIP OF SUCH DISTRICT, or (3) upon specific request therefor by a department of a state or the federal government of the United States;

S 24. Subdivision 4 of section 4174 of the public health law, as amended by section 132 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

4. No fee shall be charged for a search, certification, certificate, certified copy or certified transcript of a record to be used for school entrance, employment certificate or for purposes of public relief or when required by the veterans administration to be used in determining the eligibility of any person to participate in the benefits made available by the veterans administration or when required by a board of elections for the purposes of determining voter eligibility or when requested by the department of corrections and community supervision or a local correctional facility as defined in subdivision sixteen of section two of the correction law for the purpose of providing a certified copy or certified transcript of birth to an inmate in anticipation of such inmate's release from custody or when requested by the office of children and family services or an authorized agency for the purpose of providing a certified copy or certified transcript of birth to a youth placed in the CARE AND custody OR CUSTODY AND GUARDIANSHIP of the local commissioner of social services or the CARE AND custody OR CUSTODY AND GUARDIANSHIP of the office of children and family services [pursuant to article three of the family court act] in anticipation of such youth's discharge from placement OR FOSTER CARE.

S 25. Subdivision 1 of section 837-e of the executive law, as amended by chapter 690 of the laws of 1994, is amended to read as follows:

1. There is hereby established through electronic data processing and related procedures, a statewide central register for missing children which shall be compatible with the national crime information center register maintained pursuant to the federal missing children act of nineteen hundred eighty-two[, such missing]. AS USED IN THIS ARTICLE, THE TERM MISSING child [hereinafter defined as] SHALL MEAN any person under the age of eighteen years, OR ANY YOUTH, UNDER THE AGE OF TWENTY-ONE YEARS, THAT THE OFFICE OF CHILDREN AND FAMILY SERVICES OR A LOCAL DEPARTMENT OF SOCIAL SERVICES HAS RESPONSIBILITY FOR PLACEMENT, CARE, OR SUPERVISION, OR WHO IS THE SUBJECT CHILD OF A CHILD PROTECTIVE INVESTIGATION, IS RECEIVING SERVICES UNDER SECTION 477 OF THE SOCIAL SECURITY ACT, OR HAS RUN AWAY FROM FOSTER CARE, WHERE SUCH OFFICE OR DEPARTMENT HAS REASONABLE CAUSE TO BELIEVE THAT SUCH YOUTH IS, OR IS AT RISK OF BEING, A SEX TRAFFICKING VICTIM, WHO IS missing from his or her normal and ordinary place of residence and whose whereabouts cannot be determined by a person responsible for the child's care and any child known to have been taken, enticed or concealed from the custody of his or her lawful guardian by a person who has no legal right to do so.

S 26. Severability. If any clause, sentence, paragraph, subdivision, section or part contained in any 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 contained in any 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 27. This act shall take effect immediately, provided however that sections eight through twenty-four of this act shall take effect September 1, 2015 and section twenty-five of this act shall take effect January 1, 2016.

PART M

Section 1. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural rental assistance program, a sum not to exceed twenty-one million six hundred forty-two thousand dollars for the fiscal year ending March 31, 2016. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural rental assistance program contracts authorized by this section, a total sum not to exceed twenty-one million six hundred forty-two thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2014-2015 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2015. Notwithstanding any other provision of law, such funds may be used by the corporation in support of contracts scheduled to expire in the fiscal year ending March 31, 2016 for as many as 10 additional years; in support of contracts for new eligible projects for a period not to exceed 5 years; and in support of contracts which reach their 25 year maximum in and/or prior to the fiscal year ending March 31, 2016 for an additional one year period.

S 2. Notwithstanding any other provision of law, the housing finance agency may provide, for costs associated with the rehabilitation of Mitchell Lama housing projects, a sum not to exceed forty-two million dollars for the fiscal year ending March 31, 2016. Notwithstanding any other provision of law, and provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the board of directors of the state of New York mortgage agency shall authorize the transfer from the project pool insurance account of the mortgage insurance fund to the housing finance agency, for the purposes of reimbursing any costs associated with Mitchell Lama housing projects authorized by this section, a total sum not to exceed forty-two million dollars as soon as practicable but no later than March 31, 2016.

S 3. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the neighborhood preservation program, a sum not to exceed eight million four hundred seventy-nine thousand dollars for the fiscal year ending March 31, 2016.

Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with neighborhood preservation program contracts authorized by this section, a total sum not to exceed eight million four hundred seventy-nine thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2014-2015 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2015.

S 4. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural preservation program, a sum not to exceed three million five hundred thirty-nine thousand dollars for the fiscal year ending March 31, 2016. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural preservation program contracts authorized by this section, a total sum not to exceed three million five hundred thirty-nine thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2014-2015 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2015.

S 5. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural and urban community investment fund program created pursuant to article XXVII of the private housing finance law, a sum not to exceed seventeen million dollars for the fiscal year ending March 31, 2016. Notwithstanding any other provision of law, and provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the board of directors of the state of New York mortgage agency shall authorize the transfer from the project pool insurance account of the

mortgage insurance fund to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural and urban community investment fund program contracts authorized by this section, a total sum not to exceed seventeen million dollars as soon as practicable but not later than March 31, 2016.

S 6. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for the purposes of carrying out the provisions of the low income housing trust fund program created pursuant to article XVIII of the private housing finance law, a sum not to exceed seven million five hundred thousand dollars for the fiscal year ending March 31, 2016. Notwithstanding any other provision of law, and provided that reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the board of directors of the state of New York mortgage agency shall authorize the transfer from the project pool insurance account of the mortgage insurance fund to the housing trust fund corporation, for the purposes of carrying out the provisions of the low income housing trust fund program created pursuant to article XVIII of the private housing finance law authorized by this section, a total sum not to exceed seven million five hundred thousand dollars as soon as practicable but no later than March 31, 2016.

S 7. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the homes for working families program for deposit in the housing trust fund created pursuant to section 59-a of the private housing finance law and subject to the provisions of article XVIII of the private housing finance law, a sum not to exceed eight million five hundred thousand dollars for the fiscal year ending March 31, 2016. Notwithstanding any other provision of law, and provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the board of directors of the state of New York mortgage agency shall authorize the transfer from the project pool insurance account of the mortgage insurance fund to the housing trust fund corporation, for the purposes of reimbursing any costs associated with homes for working families program contracts authorized by this section, a total sum not to exceed eight million five hundred thousand dollars as soon as practicable but no later than March 31, 2016.

S 8. Notwithstanding any other provision of law, the homeless housing and assistance corporation may provide, for purposes of the New York state supportive housing program, the solutions to end homelessness program or the operational support for AIDS housing program, or to qualified grantees under those programs, in accordance with the requirements of those programs, a sum not to exceed sixteen million three hundred forty thousand dollars for the fiscal year ending March 31, 2016. The homeless housing and assistance corporation may enter into an agreement with the office of temporary and disability assistance to administer such sum in accordance with the requirements of the programs. Notwithstanding any other provision of law, and subject to the approval of the director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the homeless housing and assistance corporation, a total sum not to exceed sixteen million three

hundred forty thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2014-2015 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than March 31, 2016.

S 9. This act shall take effect immediately.

PART N

Section 1. Subdivision 1 of section 652 of the labor law, as amended by section 1 of part P of chapter 57 of the laws of 2013, is amended to read as follows:

1. Statutory. Every employer shall pay to each of its employees for each hour worked a wage of not less than:

$4.25 on and after April 1, 1991,

$5.15 on and after March 31, 2000,

$6.00 on and after January 1, 2005,

$6.75 on and after January 1, 2006,

$7.15 on and after January 1, 2007,

$8.00 on and after December 31, 2013,

$8.75 on and after December 31, 2014,

$9.00 on and after December 31, 2015,

$11.50 IN A CITY WITH A POPULATION IN EXCESS OF ONE MILLION AND $10.50 IN THE REMAINDER OF THE STATE ON AND AFTER DECEMBER 31, 2016 or, if greater, such other wage as may be established by federal law pursuant to 29 U.S.C. section 206 or its successors

or such other wage as may be established in accordance with the provisions of this article.

S 2. This act shall take effect immediately.

PART O

Section 1. The labor law is amended by adding a new section 202-m to read as follows:

S 202-M. HEALTHCARE PROFESSIONALS WHO VOLUNTEER TO FIGHT THE EBOLA VIRUS DISEASE OVERSEAS. 1. FINDINGS AND POLICY OF THE STATE. IT IS HEREBY FOUND AND DECLARED THAT THE EBOLA VIRUS DISEASE IS A RARE AND POTENTIALLY DEADLY DISEASE CAUSED BY INFECTION WITH ONE OF FOUR EBOLA VIRUS STRAINS KNOWN TO CAUSE DISEASE IN HUMANS, THAT THE WORLD HEALTH ORGANIZATION HAS DECLARED THAT THE CURRENT EBOLA VIRUS DISEASE OUTBREAK IN WEST AFRICA CONSTITUTES A PUBLIC HEALTH EMERGENCY OF INTERNATIONAL CONCERN, AND THAT THE CENTERS FOR DISEASE CONTROL AND PREVENTION OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES HAS REPORTED THAT THE NUMBER OF FUTURE EBOLA VIRUS DISEASE CASES WILL REACH EXTRAORDINARY LEVELS WITHOUT A SCALE-UP OF INTERVENTIONS. IT IS HEREBY DECLARED TO BE THE POLICY OF THE STATE TO WORK WITH ITS INTERNATIONAL PARTNERS TO HELP ERADICATE THE EBOLA VIRUS DISEASE BY SUPPORTING THE DEDICATED NEW YORK

STATE HEALTHCARE PROFESSIONALS WHO SEEK TO PROVIDE INVALUABLE HELP TO THIS EFFORT.

2. BILL OF RIGHTS. A HEALTHCARE PROFESSIONAL WHO VOLUNTEERS TO FIGHT EBOLA IS PROTECTED BY EXISTING STATE LAWS THAT PROHIBIT DISCRIMINATION ON THE BASIS OF AN ACTUAL OR PERCEIVED DISABILITY. UPON RETURN FROM FIGHTING EBOLA OVERSEAS, A HEALTHCARE PROFESSIONAL WILL BE PROVIDED WITH A BILL OF RIGHTS OUTLINING THESE EXISTING ANTI-DISCRIMINATION LAWS. IN ADDITION TO THESE EXISTING ANTI-DISCRIMINATION LAWS, AND IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, HEALTHCARE PROFESSIONALS SHALL HAVE THE RIGHT TO SEEK A LEAVE OF ABSENCE TO VOLUNTEER TO FIGHT EBOLA OVERSEAS WITHOUT ADVERSE EMPLOYMENT CONSEQUENCES.

3. DEFINITIONS. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "EMPLOYEE" MEANS ANY INDIVIDUAL HEALTHCARE PROFESSIONAL WHO PERFORMS SERVICES FOR HIRE FOR AN EMPLOYER BUT SHALL NOT INCLUDE AN INDEPENDENT CONTRACTOR.

(B) "EMPLOYER" MEANS A PERSON OR ENTITY THAT EMPLOYS A HEALTHCARE PROFESSIONAL AND INCLUDES AN INDIVIDUAL, CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, ASSOCIATION, NONPROFIT ORGANIZATION, GROUP OF PERSONS, COUNTY, TOWN, CITY, SCHOOL DISTRICT, PUBLIC AUTHORITY, STATE AGENCY, OR OTHER GOVERNMENTAL SUBDIVISION OF ANY KIND.

(C) "FIGHT EBOLA" MEANS TO SERVE AS A HEALTHCARE PROFESSIONAL IN A COUNTRY THAT HAS BEEN CLASSIFIED AS HAVING WIDESPREAD TRANSMISSION OF THE EBOLA VIRUS DISEASE BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(D) "HEALTHCARE PROFESSIONAL" MEANS:

(I) A PHYSICIAN LICENSED PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE OF THE EDUCATION LAW;

(II) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE-B OF THE EDUCATION LAW;

(III) A NURSE PRACTITIONER LICENSED PURSUANT TO ARTICLE ONE HUNDRED THIRTY-NINE OF THE EDUCATION LAW;

(IV) A REGISTERED PROFESSIONAL NURSE LICENSED PURSUANT TO ARTICLE ONE HUNDRED THIRTY-NINE OF THE EDUCATION LAW; AND

(V) OTHER HEALTHCARE PROFESSIONS AS ADDED BY THE COMMISSIONER.

(E) "LEAVE OF ABSENCE" MEANS TIME AWAY FROM WORK THAT IS EXCUSED. SUCH TIME SHALL BE UNPAID, UNLESS THE EMPLOYEE REQUESTS THAT SUCH TIME, OR A PORTION THEREOF, BE PAID PURSUANT TO A CHARGE AGAINST PAID LEAVE THAT HAS ACCRUED TO SUCH EMPLOYEE.

(F) "UNDUE HARDSHIP" MEANS AN ABSENCE REQUIRING SIGNIFICANT EXPENSE OR DIFFICULTY, INCLUDING A SIGNIFICANT INTERFERENCE WITH THE SAFE OR EFFICIENT OPERATION OF THE WORKPLACE OR A VIOLATION OF A BONA FIDE SENIORITY SYSTEM. FACTORS TO BE CONSIDERED IN DETERMINING WHETHER AN ABSENCE CONSTITUTES AN UNDUE ECONOMIC HARDSHIP SHALL INCLUDE, BUT NOT BE LIMITED TO THE IDENTIFIABLE COST OF THE ABSENCE, INCLUDING THE COSTS OF LOSS OF PRODUCTIVITY AND OF RETRAINING, HIRING OR TRANSFER OF EMPLOYEES, IN RELATION TO THE SIZE AND OPERATING COSTS OF THE EMPLOYER AND OTHER KNOWN OR REASONABLY FORESEEABLE ABSENCES, THE OVERALL FINANCIAL RESOURCES OF THE EMPLOYER, THE NUMBER OF EMPLOYEES AT THE EMPLOYEE'S FACILITY, THE EMPLOYEE'S ROLE WITHIN THE FACILITY, THE TYPE OF OPERATION OF THE EMPLOYER, INCLUDING THE STRUCTURE AND FUNCTIONS OF THE EMPLOYEE WITHIN IT, THE IMPACT ON THE OPERATION OF THE EMPLOYER, AND THE EMPLOYER'S ABILITY TO HIRE TEMPORARY OR NEW EMPLOYEES WITH THE REQUISITE SKILLS TO ENSURE THE EMPLOYER'S CONTINUED OPERATIONS.

(G) "VOLUNTEER" MEANS TO FREELY OFFER SERVICES TO FIGHT EBOLA AND INCLUDES SUCH SERVICES WITHOUT REGARD TO WHETHER THEY ARE COMPENSATED.

4. LEAVE OF ABSENCE BY HEALTHCARE PROFESSIONALS WHO VOLUNTEER TO FIGHT EBOLA. AN EMPLOYEE COVERED BY THIS SECTION HAS THE RIGHT TO REQUEST A LEAVE OF ABSENCE TO VOLUNTEER TO FIGHT EBOLA FROM HIS OR HER EMPLOYER AS HEREIN PROVIDED. AN EMPLOYER SHALL GRANT SUCH REQUEST FOR A LEAVE OF ABSENCE TO VOLUNTEER TO FIGHT EBOLA, UNLESS THE EMPLOYEE'S ABSENCE IMPOSES AN UNDUE HARDSHIP ON THE EMPLOYER'S BUSINESS OR OPERATIONS.

5. DURATION OF THE LEAVE OF ABSENCE. (A) THE DURATION OF THE LEAVE OF ABSENCE SHALL BE THE FULL TIME PERIOD REQUESTED BY THE EMPLOYEE, WHICH SHALL INCLUDE TRAVEL TIME, SERVICE VOLUNTEERING TO FIGHT EBOLA, AND A REASONABLE PERIOD OF REST AND RECOVERY. IF THE EMPLOYER DETERMINES THAT AN ABSENCE FOR THAT FULL PERIOD OF TIME WOULD CONSTITUTE AN UNDUE HARDSHIP, THE EMPLOYER AND EMPLOYEE SHALL WORK TOGETHER TO DETERMINE WHETHER THERE IS A SHORTER PERIOD OF TIME THAT WOULD NOT CONSTITUTE AN UNDUE HARDSHIP THAT WOULD STILL ALLOW THE EMPLOYEE TO VOLUNTEER TO FIGHT EBOLA. IF THE EMPLOYER AND EMPLOYEE AGREE ON A SHORTER PERIOD, THAT SHALL BE THE DURATION OF THE LEAVE OF ABSENCE UNDER THIS PARAGRAPH. OTHERWISE, IF THEY ARE UNABLE TO AGREE ON A SHORTER PERIOD, THE LEAVE OF ABSENCE SHALL BE DEEMED DENIED.

(B) THE DURATION OF LEAVE OF ABSENCE, AS DETERMINED PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE EXTENDED TO INCLUDE ANY ADDITIONAL PERIOD OF TIME THAT THE EMPLOYEE BECOMES SUBJECT TO A MANDATORY QUARANTINE PERIOD IMPOSED AT THE END OF THE EMPLOYEE'S VOLUNTARY SERVICE TO FIGHT EBOLA.

6. LEAVE OF ABSENCE REQUEST. AN EMPLOYEE'S REQUEST FOR A LEAVE OF ABSENCE PURSUANT TO THIS SECTION SHALL BE MADE, IN WRITING, TO HIS OR HER EMPLOYER AT LEAST TWENTY-ONE DAYS PRIOR TO THE EMPLOYEE'S PROPOSED START DATE OF SUCH LEAVE OF ABSENCE. THE EMPLOYEE'S REQUEST SHALL, AT A MINIMUM:

(A) IDENTIFY THE DURATION OF LEAVE SOUGHT, INCLUDING THE ANTICIPATED START AND END DATES OF THE VOLUNTEER SERVICE, TOGETHER WITH ANY ADDITIONAL TIME SOUGHT FOR TRANSPORTATION AND FOR REST PRIOR TO RETURNING TO WORK;

(B) IDENTIFY THE SERVICE TO BE VOLUNTEERED, INCLUDING THE COUNTRY AND THE ORGANIZATION WITH WHOM THE EMPLOYEE WILL BE VOLUNTEERING; AND

(C) CERTIFY THAT SUCH SERVICE CONSTITUTES VOLUNTEERING TO FIGHT EBOLA, WITHIN THE MEANING OF THIS SECTION.

7. NOTARIZATION. UPON THE EMPLOYER'S REQUEST, AN EMPLOYEE WHO HAS BEEN GRANTED A LEAVE OF ABSENCE IN ACCORDANCE WITH THIS SECTION SHALL PROVIDE HIS OR HER EMPLOYER WITH A NOTARIZED STATEMENT FROM THE ORGANIZATION OR ENTITY WITH WHOM THE EMPLOYEE WILL BE VOLUNTEERING. THE STATEMENT SHALL:

(A) IDENTIFY THE ANTICIPATED START AND END DATES OF THE VOLUNTEER SERVICE AND THE TERMS OF SERVICE, INCLUDING ANY COMPENSATION AND BENEFITS TO BE PROVIDED;

(B) IDENTIFY THE SERVICE TO BE VOLUNTEERED, INCLUDING THE COUNTRY AND THE ORGANIZATION WITH WHOM THE EMPLOYEE WILL BE VOLUNTEERING; AND

(C) CERTIFY THAT SUCH SERVICE CONSTITUTES VOLUNTEERING TO FIGHT EBOLA, WITHIN THE MEANING OF THIS SECTION.

8. BENEFITS DURING LEAVE. EMPLOYEES WHO TAKE LEAVE UNDER THIS SECTION SHALL BE RESTORED AT THE COMPLETION OF SUCH LEAVE TO THE SAME OR COMPARABLE POSITION WITHOUT LOSS OF SENIORITY, SHALL BE ENTITLED TO PARTICIPATE IN INSURANCE OR OTHER BENEFITS OFFERED BY THE EMPLOYER PURSUANT TO ESTABLISHED RULES AND PRACTICES RELATING TO EMPLOYEES ON FURLOUGH OR LEAVE OF ABSENCE IN EFFECT WITH THE EMPLOYER AT THE TIME SUCH EMPLOYEE MADE REQUEST TO TAKE LEAVE OF ABSENCE AS PROVIDED IN THIS SECTION.

9. RETALIATION PROHIBITED. AN EMPLOYER SHALL NOT RETALIATE AGAINST AN EMPLOYEE FOR REQUESTING OR OBTAINING A LEAVE OF ABSENCE AS PROVIDED BY THIS SECTION.

10. RETENTION OF BENEFITS. THE PROVISIONS OF THIS SECTION SHALL NOT AFFECT OR PREVENT AN EMPLOYER FROM PROVIDING LEAVE IN ADDITION TO LEAVE ALLOWED UNDER ANY OTHER PROVISION OF LAW. THE PROVISIONS OF THIS SECTION SHALL NOT AFFECT AN EMPLOYEE'S RIGHTS WITH RESPECT TO ANY OTHER EMPLOYEE BENEFIT PROVIDED BY LAW, RULE OR REGULATION.

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

12. REVIEW OF DENIAL OF LEAVE. AN EMPLOYEE WHOSE REQUEST FOR LEAVE UNDER THIS SECTION HAS BEEN DENIED MAY PETITION THE COMMISSIONER FOR REVIEW OF SUCH DENIAL, WHICH REVIEW SHALL BE EXPEDITIOUSLY CONDUCTED.

13. RULES AND REGULATIONS. THE COMMISSIONER MAY PROMULGATE SUCH RULES AND REGULATIONS AS MAY BE NECESSARY FOR THE PURPOSES OF CARRYING OUT THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that subdivision four of section 202-m of the labor law, as added by section one of this act, shall expire and be deemed repealed December 1, 2016, and provided, further that this act shall expire and be deemed repealed December 1, 2017.

PART P

Section 1. Subdivision 3 of section 204 of the labor law, as amended by section 2 of part A of chapter 57 of the laws of 2004, is amended to read as follows:

3. Fees. A fee of two hundred dollars shall be charged the owner or lessee of each boiler internally inspected and seventy-five dollars for each boiler externally inspected by the commissioner, provided however, that the external inspection of multiple boilers connected to a common header or of separate systems owned or leased by the same party and located in the same building, with a combined input which is 300,000 BTU/hour or less, shall be charged a single inspection fee, and further provided that, not more than two hundred seventy-five dollars shall be charged for the inspection of any one boiler for any year; except that [in the case] NO FEE SHALL BE CHARGED FOR INTERNAL OR EXTERNAL INSPECTIONS BY THE COMMISSIONER of an antique steam engine maintained as a hobby and displayed at agricultural fairs and other gatherings[, a fee of twenty-five dollars only shall be charged the owner or lessee thereof for each boiler internally inspected by the commissioner and a fee of twenty-five dollars only shall be charged for each boiler externally inspected by the commissioner, but not more than fifty dollars shall be charged for the inspection of any one such boiler for any year, and except that in the case] OR of a miniature boiler [a fee of fifty dollars only shall be charged for the inspection of any one such boiler for any year. Such fee shall be payable within thirty days after inspection].

S 2. Subdivision 1 of section 212-b of the labor law, as amended by section 6 of part A of chapter 57 of the laws of 2004, is amended to read as follows:

1. No person shall operate a farm labor camp commissary, or cause or allow the operation of a farm labor camp commissary, without a permit

from the commissioner to do so, and unless such permit is in full force and effect. Application for such permit shall be made on a form prescribed by the commissioner [and shall be accompanied by a non-refundable fee of forty dollars].

S 3. Subdivision 1 of section 74 of chapter 784 of the laws of 1951, constituting the New York state defense emergency act, as amended by section 12 of part A of chapter 57 of the laws of 2004, is amended to read as follows:

1. Employers in defense work may make applications for dispensation pursuant to this article in such manner and upon such forms as the commissioner of labor shall prescribe. [Each application shall be accompanied by a non-refundable fee of forty dollars payable to the commissioner.] The commissioner of labor may, after hearing upon due notice, revoke dispensations not necessary to maintain maximum possible production in defense work.

S 4. Subdivision 5 of section 161 of the labor law, as amended by section 1 of part A of chapter 57 of the laws of 2004, is amended to read as follows:

5. If there shall be practical difficulties or unnecessary hardship in carrying out the provisions of this section or the rules promulgated hereunder, the commissioner may make a variation therefrom if the spirit of the act be observed and substantial justice done. Such variation shall describe the conditions under which it shall be permitted and shall apply to substantially similar conditions. A properly indexed record of variations shall be kept by the department. [Each application for a variation shall be accompanied by a non-refundable fee of forty dollars.]

S 5. Paragraph b of subdivision 4 of section 212-a of the labor law, as amended by section 5 of part A of chapter 57 of the laws of 2004, is amended to read as follows:

b. The application for such registration shall be made on a form prescribed by the commissioner, shall contain information on wages, working conditions, housing, and on such other matters as the commissioner may prescribe [and shall be accompanied by a non-refundable fee of forty dollars]. Copies of the application, or summaries thereof containing the above information, shall be made available by the commissioner to the registrant, and the registrant shall give a copy to each worker, preferably at the time of recruitment, but in no event later than the time of arrival in this state. A copy shall also be kept posted at all times in a conspicuous place in any camp in which such workers are housed.

S 6. Paragraph b of subdivision 2 of section 212-a of the labor law, as amended by section 4 of part A of chapter 57 of the laws of 2004, is amended to read as follows:

b. The application for such certificate of registration shall be made on a form prescribed by the commissioner, shall contain information on wages, working conditions, housing and on such other matters as the commissioner may prescribe [and shall be accompanied by a non-refundable fee of two hundred dollars]. It shall be countersigned by each grower or processor who utilizes the services of such farm labor contractor, as provided in subdivision three of this section. Copies of the application, or summaries thereof containing the above information, shall be made available by the commissioner to the registrant, and the registrant shall give a copy to each worker, preferably at the time of recruitment, but in no event later than the time of arrival in this state if the worker comes from outside of the state, or the time of commencement of

work if the worker does not come from outside of the state. A copy shall also be kept posted at all times in a conspicuous place in any camp in which such workers are housed. Each applicant shall submit his OR HER fingerprints with his OR HER application for a certificate of registration. Such fingerprints shall be submitted to the division of criminal justice services for a state criminal history record check, as defined in subdivision one of section three thousand thirty-five of the education law, and may be submitted to the federal bureau of investigation for a national criminal history record check.

S 7. Subdivision 2 of section 352 of the labor law is REPEALED.

S 8. Subdivisions 5 and 6 of section 919 of the labor law, as added by chapter 565 of the laws of 2002, are amended to read as follows:

5. A professional employer organization shall be exempt from the registration requirements specified in this section [and from the fees specified in section nine hundred twenty of this article] if such professional employer organization:

(a) submits a properly executed request for registration and exemption on a form provided by the department;

(b) is domiciled outside this state and is licensed or registered as a professional employer organization in another state that has the same or greater requirements as this article;

(c) does not maintain an office in this state or solicit in any manner clients located or domiciled within this state; and

(d) does not have more than twenty-five worksite employees in this state.

6. The registration and exemption of a professional employer organization under subdivision five of this section shall be valid for one year. [Each de minimis registrant shall pay to the department upon initial registration, and upon each annual renewal thereafter, a registration fee in the amount of two hundred fifty dollars.]

S 9. Section 920 of the labor law is REPEALED.

S 10. Subdivision 4 of section 134 of the workers' compensation law, as amended by chapter 6 of the laws of 2007, is amended to read as follows:

4. Employers required to participate in the workplace safety and loss prevention program established by this section shall be permitted to utilize the services of either the department of labor, or a private safety and loss consultant which has been certified by the department of labor [and has paid the appropriate certification fee prescribed by rules and regulations promulgated under this section]. Private safety and loss consultants may charge employers a fee for their services[, and where employers elect to have the services provided by the department of labor, they shall pay for such services in accordance with fee schedules established by the department of labor's rules and regulations].

S 11. Subdivision 5 of section 134 of the workers' compensation law is REPEALED.

S 12. Subdivision 10 of section 134 of the workers' compensation law, as amended by chapter 6 of the laws of 2007 and as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

10. The commissioner of labor, in consultation with the superintendent of financial services, shall promulgate rules and regulations for the certification of safety and loss management specialists. Such rules and regulations shall include provisions that outline the minimum qualifications for safety and loss management specialists, procedures for certification, causes for revocation or suspension of certification and appro-

priate administrative and judicial review procedures, AND violations and penalties for misuse of certification by certified safety and loss management specialists[, and fees for certificate and certificate renewal].

S 13. Subdivision 2 of section 345-a of the labor law, as added by chapter 503 of the laws of 1998, is amended to read as follows:

2. For the purposes of this section, the exercise of reasonable care or diligence by a manufacturer or contractor shall be presumed if, prior to the execution of such contract or subcontract, and annually thereafter, such manufacturer or contractor receives from the department written assurance of compliance with section three hundred forty-one of this article. [The department may charge a reasonable fee for providing such assurance to a manufacturer or contractor.]

S 14. Subdivisions 6 and 7 of section 819 of the labor law are REPEALED and subdivision 5, as amended by chapter 319 of the laws of 2004, is amended to read as follows:

5. The entity possesses a tag issued by the department with an identification number affixed and identifying each machine[;].

S 15. Section 204-a of the labor law is REPEALED.

S 16. This act shall take effect immediately.

PART Q

Section 1. Subdivision 2 of section 355 of the education law is amended by adding a new paragraph f-1 to read as follows:

F-1. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, THE STATE UNIVERSITY OF NEW YORK BOARD OF TRUSTEES SHALL PASS A RESOLUTION BY DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, PROVIDING THAT STUDENTS ENROLLED IN AN ACADEMIC PROGRAM OF THE STATE UNIVERSITY OF NEW YORK SHALL BE REQUIRED TO PARTICIPATE IN AN APPROVED EXPERIENTIAL OR APPLIED LEARNING ACTIVITY AS A DEGREE REQUIREMENT. SUCH RESOLUTION SHALL DEFINE APPROVED EXPERIENTIAL OR APPLIED LEARNING ACTIVITIES, METHODS OF FACULTY OVERSIGHT AND ASSESSMENT, RESPONSIBILITIES OF BUSINESS, CORPORATE, NONPROFIT OR OTHER ENTITIES HOSTING STUDENTS, AND A PLAN FOR FULL IMPLEMENTATION OF THIS REQUIREMENT.

S 2. Section 6206 of the education law is amended by adding a new subdivision 18 to read as follows:

18. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, THE CITY UNIVERSITY OF NEW YORK BOARD OF TRUSTEES SHALL PASS A RESOLUTION BY DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, PROVIDING THAT STUDENTS ENROLLED IN AN ACADEMIC PROGRAM OF THE CITY UNIVERSITY OF NEW YORK SHALL BE REQUIRED TO PARTICIPATE IN AN APPROVED EXPERIENTIAL OR APPLIED LEARNING ACTIVITY AS A DEGREE REQUIREMENT. SUCH RESOLUTION SHALL DEFINE APPROVED EXPERIENTIAL OR APPLIED LEARNING ACTIVITIES, METHODS OF FACULTY OVERSIGHT AND ASSESSMENT, RESPONSIBILITIES OF BUSINESS, CORPORATE, NONPROFIT OR OTHER ENTITIES HOSTING STUDENTS, AND A PLAN FOR FULL IMPLEMENTATION OF THIS REQUIREMENT.

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2015.

S 2. 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 3. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through Q of this act shall be as specifically set forth in the last section of such Parts.