

S. 2006--A

A. 3006--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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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 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 (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 indictments; 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); to amend the education law, in relation to requiring experiential learning as a requirement for graduation (Part Q); and to amend part U of chapter 57 of the laws of 2005 relating to the New York state higher education capital matching grant program for independent colleges, in relation to the New York state higher education matching grant program for independent colleges and the effectiveness thereof (Part R)

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 R. 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-

1 ing the effective date of the Part, which makes a reference to a section  
2 "of this act", when used in connection with that particular component,  
3 shall be deemed to mean and refer to the corresponding section of the  
4 Part in which it is found. Section three of this act sets forth the  
5 general effective date of this act.

6 PART A

7 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-  
8 tion law, as amended by section 1 of part A of chapter 56 of the laws of  
9 2014, is amended to read as follows:

10 e. Notwithstanding paragraphs a and b of this subdivision, a school  
11 district that submitted a contract for excellence for the two thousand  
12 eight--two thousand nine school year shall submit a contract for excel-  
13 lence for the two thousand nine--two thousand ten school year in  
14 conformity with the requirements of subparagraph (vi) of paragraph a of  
15 subdivision two of this section unless all schools in the district are  
16 identified as in good standing and provided further that, a school  
17 district that submitted a contract for excellence for the two thousand  
18 nine--two thousand ten school year, unless all schools in the district  
19 are identified as in good standing, shall submit a contract for excel-  
20 lence for the two thousand eleven--two thousand twelve school year which  
21 shall, notwithstanding the requirements of subparagraph (vi) of para-  
22 graph a of subdivision two of this section, provide for the expenditure  
23 of an amount which shall be not less than the product of the amount  
24 approved by the commissioner in the contract for excellence for the two  
25 thousand nine--two thousand ten school year, multiplied by the  
26 district's gap elimination adjustment percentage and provided further  
27 that, a school district that submitted a contract for excellence for the  
28 two thousand eleven--two thousand twelve school year, unless all schools  
29 in the district are identified as in good standing, shall submit a  
30 contract for excellence for the two thousand twelve--two thousand thir-  
31 teen school year which shall, notwithstanding the requirements of  
32 subparagraph (vi) of paragraph a of subdivision two of this section,  
33 provide for the expenditure of an amount which shall be not less than  
34 the amount approved by the commissioner in the contract for excellence  
35 for the two thousand eleven--two thousand twelve school year and  
36 provided further that, a school district that submitted a contract for  
37 excellence for the two thousand twelve--two thousand thirteen school  
38 year, unless all schools in the district are identified as in good  
39 standing, shall submit a contract for excellence for the two thousand  
40 thirteen--two thousand fourteen school year which shall, notwithstanding  
41 the requirements of subparagraph (vi) of paragraph a of subdivision two  
42 of this section, provide for the expenditure of an amount which shall be  
43 not less than the amount approved by the commissioner in the contract  
44 for excellence for the two thousand twelve--two thousand thirteen school  
45 year and provided further that, a school district that submitted a  
46 contract for excellence for the two thousand thirteen--two thousand  
47 fourteen school year, unless all schools in the district are identified  
48 as in good standing, shall submit a contract for excellence for the two  
49 thousand fourteen--two thousand fifteen school year which shall,  
50 notwithstanding the requirements of subparagraph (vi) of paragraph a of  
51 subdivision two of this section, provide for the expenditure of an  
52 amount which shall be not less than the amount approved by the commis-  
53 sioner in the contract for excellence for the two thousand thirteen--two  
54 thousand fourteen school year; AND PROVIDED FURTHER THAT, A SCHOOL

1 DISTRICT THAT SUBMITTED A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND  
2 FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR, UNLESS ALL SCHOOLS IN THE  
3 DISTRICT ARE IDENTIFIED AS IN GOOD STANDING, SHALL SUBMIT A CONTRACT FOR  
4 EXCELLENCE FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL  
5 YEAR WHICH SHALL, NOTWITHSTANDING THE REQUIREMENTS OF SUBPARAGRAPH (VI)  
6 OF PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION, PROVIDE FOR THE  
7 EXPENDITURE OF AN AMOUNT WHICH SHALL BE NOT LESS THAN THE AMOUNT  
8 APPROVED BY THE COMMISSIONER IN THE CONTRACT FOR EXCELLENCE FOR THE TWO  
9 THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR. For purposes of  
10 this paragraph, the "gap elimination adjustment percentage" shall be  
11 calculated as the sum of one minus the quotient of the sum of the school  
12 district's net gap elimination adjustment for two thousand ten--two  
13 thousand eleven computed pursuant to chapter fifty-three of the laws of  
14 two thousand ten, making appropriations for the support of government,  
15 plus the school district's gap elimination adjustment for two thousand  
16 eleven--two thousand twelve as computed pursuant to chapter fifty-three  
17 of the laws of two thousand eleven, making appropriations for the  
18 support of the local assistance budget, including support for general  
19 support for public schools, divided by the total aid for adjustment  
20 computed pursuant to chapter fifty-three of the laws of two thousand  
21 eleven, making appropriations for the local assistance budget, including  
22 support for general support for public schools. Provided, further, that  
23 such amount shall be expended to support and maintain allowable programs  
24 and activities approved in the two thousand nine--two thousand ten  
25 school year or to support new or expanded allowable programs and activ-  
26 ities in the current year.

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

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

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

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

1 For the two thousand nine--two thousand ten through two thousand four-  
2 teen--two thousand fifteen school years, each school district shall be  
3 entitled to an apportionment equal to the amount set forth for such  
4 school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading  
5 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by  
6 the commissioner in support of the budget for the two thousand nine--two  
7 thousand ten school year and entitled "SA0910", and such apportionment  
8 shall be deemed to satisfy the state obligation to provide an apportion-  
9 ment pursuant to subdivision eight of section thirty-six hundred forty-  
10 one of this article.

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

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

23 Each school district shall be eligible to receive a high tax aid  
24 apportionment in the two thousand eight--two thousand nine school year,  
25 which shall equal the greater of (i) the sum of the tier 1 high tax aid  
26 apportionment, the tier 2 high tax aid apportionment and the tier 3 high  
27 tax aid apportionment or (ii) the product of the apportionment received  
28 by the school district pursuant to this subdivision in the two thousand  
29 seven--two thousand eight school year, multiplied by the due-minimum  
30 factor, which shall equal, for districts with an alternate pupil wealth  
31 ratio computed pursuant to paragraph b of subdivision three of this  
32 section that is less than two, seventy percent (0.70), and for all other  
33 districts, fifty percent (0.50). Each school district shall be eligible  
34 to receive a high tax aid apportionment in the two thousand nine--two  
35 thousand ten through two thousand twelve--two thousand thirteen school  
36 years in the amount set forth for such school district as "HIGH TAX AID"  
37 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer  
38 listing produced by the commissioner in support of the budget for the  
39 two thousand nine--two thousand ten school year and entitled "SA0910".  
40 Each school district shall be eligible to receive a high tax aid appor-  
41 tionment in the two thousand thirteen--two thousand fourteen [school  
42 year and the two thousand fourteen--two thousand fifteen] THROUGH TWO  
43 THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN school [year] YEARS equal to the  
44 greater of (1) the amount set forth for such school district as "HIGH  
45 TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid  
46 computer listing produced by the commissioner in support of the budget  
47 for the two thousand nine--two thousand ten school year and entitled  
48 "SA0910" or (2) the amount set forth for such school district as "HIGH  
49 TAX AID" under the heading "2013-14 ESTIMATED AIDS" in the school aid  
50 computer listing produced by the commissioner in support of the execu-  
51 tive budget for the 2013-14 fiscal year and entitled "BT131-4".

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

55 Notwithstanding any provision of law to the contrary, for aid payable  
56 in the two thousand eight--two thousand nine school year, the grant to

1 each eligible school district for universal prekindergarten aid shall be  
2 computed pursuant to this subdivision, and for the two thousand nine--  
3 two thousand ten and two thousand ten--two thousand eleven school years,  
4 each school district shall be eligible for a maximum grant equal to the  
5 amount computed for such school district for the base year in the elec-  
6 tronic data file produced by the commissioner in support of the two  
7 thousand nine--two thousand ten education, labor and family assistance  
8 budget, provided, however, that in the case of a district implementing  
9 programs for the first time or implementing expansion programs in the  
10 two thousand eight--two thousand nine school year where such programs  
11 operate for a minimum of ninety days in any one school year as provided  
12 in section 151-1.4 of the regulations of the commissioner, for the two  
13 thousand nine--two thousand ten and two thousand ten--two thousand elev-  
14 en school years, such school district shall be eligible for a maximum  
15 grant equal to the amount computed pursuant to paragraph a of subdivi-  
16 sion nine of this section in the two thousand eight--two thousand nine  
17 school year, and for the two thousand eleven--two thousand twelve school  
18 year each school district shall be eligible for a maximum grant equal to  
19 the amount set forth for such school district as "UNIVERSAL PREKINDER-  
20 GARTEN" under the heading "2011-12 ESTIMATED AIDS" in the school aid  
21 computer listing produced by the commissioner in support of the enacted  
22 budget for the 2011-12 school year and entitled "SA111-2", and for two  
23 thousand twelve--two thousand thirteen[, two thousand thirteen--two  
24 thousand fourteen and two thousand fourteen--two thousand fifteen]  
25 THROUGH TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN school years each  
26 school district shall be eligible for a maximum grant equal to the  
27 greater of (i) the amount set forth for such school district as  
28 "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS"  
29 in the school aid computer listing produced by the commissioner in  
30 support of the enacted budget for the 2011-12 school year and entitled  
31 "SA111-2", or (ii) the amount set forth for such school district as  
32 "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS"  
33 in the school aid computer listing produced by the commissioner on May  
34 fifteenth, two thousand eleven pursuant to paragraph b of subdivision  
35 twenty-one of section three hundred five of this chapter, and provided  
36 further that the maximum grant shall not exceed the total actual grant  
37 expenditures incurred by the school district in the current school year  
38 as approved by the commissioner.

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

42 For aid payable in the two thousand seven--two thousand eight school  
43 year through the [two thousand thirteen--two thousand fourteen] TWO  
44 THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN school year, "moneys apportioned"  
45 shall mean the lesser of (i) the sum of one hundred percent of the  
46 respective amount set forth for each school district as payable pursuant  
47 to this section in the school aid computer listing for the current year  
48 produced by the commissioner in support of the budget which includes the  
49 appropriation for the general support for public schools for the  
50 prescribed payments and individualized payments due prior to April first  
51 for the current year plus the apportionment payable during the current  
52 school year pursuant to subdivision six-a and subdivision fifteen of  
53 section thirty-six hundred two of this part minus any reductions to  
54 current year aids pursuant to subdivision seven of section thirty-six  
55 hundred four of this part or any deduction from apportionment payable  
56 pursuant to this chapter for collection of a school district basic

1 contribution as defined in subdivision eight of section forty-four  
2 hundred one of this chapter, less any grants provided pursuant to  
3 subparagraph two-a of paragraph b of subdivision four of section nine-  
4 ty-two-c of the state finance law, LESS ANY GRANTS PROVIDED PURSUANT TO  
5 SUBDIVISION SIX OF SECTION NINETY-SEVEN-NNNN OF THE STATE FINANCE LAW,  
6 less any grants provided pursuant to subdivision twelve of section thir-  
7 ty-six hundred forty-one of this article, or (ii) the apportionment  
8 calculated by the commissioner based on data on file at the time the  
9 payment is processed; provided however, that for the purposes of any  
10 payments made pursuant to this section prior to the first business day  
11 of June of the current year, moneys apportioned shall not include any  
12 aids payable pursuant to subdivisions six and fourteen, if applicable,  
13 of section thirty-six hundred two of this part as current year aid for  
14 debt service on bond anticipation notes and/or bonds first issued in the  
15 current year or any aids payable for full-day kindergarten for the  
16 current year pursuant to subdivision nine of section thirty-six hundred  
17 two of this part. The definitions of "base year" and "current year" as  
18 set forth in subdivision one of section thirty-six hundred two of this  
19 part shall apply to this section. For aid payable in the two thousand  
20 fourteen--two thousand fifteen school year, reference to such "school  
21 aid computer listing for the current year" shall mean the printouts  
22 entitled "SA141-5".

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

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

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

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

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

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



1 S 8. Paragraph b of subdivision 2 of section 3612 of the education  
2 law, as amended by section 5 of part A of chapter 56 of the laws of  
3 2014, is amended to read as follows:

4 b. Such grants shall be awarded to school districts, within the limits  
5 of funds appropriated therefor, through a competitive process that takes  
6 into consideration the magnitude of any shortage of teachers in the  
7 school district, the number of teachers employed in the school district  
8 who hold temporary licenses to teach in the public schools of the state,  
9 the number of provisionally certified teachers, the fiscal capacity and  
10 geographic sparsity of the district, the number of new teachers the  
11 school district intends to hire in the coming school year and the number  
12 of summer in the city student internships proposed by an eligible school  
13 district, if applicable. Grants provided pursuant to this section shall  
14 be used only for the purposes enumerated in this section. Notwithstand-  
15 ing any other provision of law to the contrary, a city school district  
16 in a city having a population of one million or more inhabitants receiv-  
17 ing a grant pursuant to this section may use no more than eighty percent  
18 of such grant funds for any recruitment, retention and certification  
19 costs associated with transitional certification of teacher candidates  
20 for the school years two thousand one--two thousand two through [two  
21 thousand fourteen--two thousand fifteen] TWO THOUSAND FIFTEEN--TWO THOU-  
22 SAND SIXTEEN.

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

26 6. Notwithstanding any other law, rule or regulation to the contrary,  
27 the board of education of a city school district with a population of  
28 one hundred twenty-five thousand or more inhabitants shall be permitted  
29 to establish maximum class sizes for special classes for certain  
30 students with disabilities in accordance with the provisions of this  
31 subdivision. For the purpose of obtaining relief from any adverse fiscal  
32 impact from under-utilization of special education resources due to low  
33 student attendance in special education classes at the middle and  
34 secondary level as determined by the commissioner, such boards of educa-  
35 tion shall, during the school years nineteen hundred ninety-five--nine-  
36 ty-six through June thirtieth, two thousand [fifteen] SIXTEEN of the two  
37 thousand [fourteen] FIFTEEN--two thousand [fifteen] SIXTEEN school year,  
38 be authorized to increase class sizes in special classes containing  
39 students with disabilities whose age ranges are equivalent to those of  
40 students in middle and secondary schools as defined by the commissioner  
41 for purposes of this section by up to but not to exceed one and two  
42 tenths times the applicable maximum class size specified in regulations  
43 of the commissioner rounded up to the nearest whole number, provided  
44 that in a city school district having a population of one million or  
45 more, classes that have a maximum class size of fifteen may be increased  
46 by no more than one student and provided that the projected average  
47 class size shall not exceed the maximum specified in the applicable  
48 regulation, provided that such authorization shall terminate on June  
49 thirtieth, two thousand. Such authorization shall be granted upon filing  
50 of a notice by such a board of education with the commissioner stating  
51 the board's intention to increase such class sizes and a certification  
52 that the board will conduct a study of attendance problems at the  
53 secondary level and will implement a corrective action plan to increase  
54 the rate of attendance of students in such classes to at least the rate  
55 for students attending regular education classes in secondary schools of  
56 the district. Such corrective action plan shall be submitted for

1 approval by the commissioner by a date during the school year in which  
2 such board increases class sizes as provided pursuant to this subdivi-  
3 sion to be prescribed by the commissioner. Upon at least thirty days  
4 notice to the board of education, after conclusion of the school year in  
5 which such board increases class sizes as provided pursuant to this  
6 subdivision, the commissioner shall be authorized to terminate such  
7 authorization upon a finding that the board has failed to develop or  
8 implement an approved corrective action plan.

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

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

20 2. BEFORE SUBMITTING AN APPLICATION FOR A WAIVER, THE LOCAL SCHOOL  
21 DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL  
22 SERVICES SHALL PROVIDE NOTICE OF THE PROPOSED WAIVER TO THE PARENTS OR  
23 PERSONS IN A PARENTAL RELATIONSHIP TO THE STUDENTS THAT WOULD BE  
24 IMPACTED BY THE WAIVER IF GRANTED. SUCH NOTICE SHALL BE IN A FORM AND  
25 MANNER THAT WOULD ENSURE THAT SUCH PARENTS OR PERSONS IN A PARENTAL  
26 RELATIONSHIP WOULD BE AWARE OF ALL RELEVANT CHANGES THAT WOULD OCCUR  
27 UNDER THE WAIVER, AND SHALL INCLUDE INFORMATION ON THE FORM, MANNER AND  
28 DATE BY WHICH PARENTS MAY SUBMIT WRITTEN COMMENTS ON THE PROPOSED WAIV-  
29 ER. THE LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL, OR BOARD OF  
30 COOPERATIVE EDUCATIONAL SERVICES SHALL PROVIDE AT LEAST SIXTY DAYS FOR  
31 SUCH PARENTS OR PERSONS IN A PARENTAL RELATIONSHIP TO SUBMIT WRITTEN  
32 COMMENTS, AND SHALL INCLUDE IN THE WAIVER APPLICATION SUBMITTED TO THE  
33 COMMISSIONER PURSUANT TO SUBDIVISION ONE OF THIS SECTION ANY WRITTEN  
34 COMMENTS RECEIVED FROM SUCH PARENTS OR PERSONS IN A PARENTAL RELATION TO  
35 SUCH STUDENTS.

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

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

1 S 11. Subparagraph (i) of paragraph a of subdivision 10 of section  
2 4410 of the education law is amended by adding a new clause (C) to read  
3 as follows:

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

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

15 6. A. MONEYS APPROPRIATED FROM THE FUND FOR THE TWO THOUSAND FOUR-  
16 TEEN--TWO THOUSAND FIFTEEN AND TWO THOUSAND FIFTEEN--TWO THOUSAND  
17 SIXTEEN SCHOOL YEARS, FOR THE PURPOSES OF PROVIDING AID PURSUANT TO  
18 PARAGRAPH A OF SUBDIVISION THREE OF THIS SECTION SHALL BE APPORTIONED  
19 AND PAID BY THE EDUCATION DEPARTMENT ON OR AFTER APRIL FIRST, TWO THOU-  
20 SAND FIFTEEN.

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

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

39 S 13. Subdivision b of section 2 of chapter 756 of the laws of 1992,  
40 relating to funding a program for work force education conducted by the  
41 consortium for worker education in New York city, as amended by section  
42 12 of part A of chapter 56 of the laws of 2014, is amended to read as  
43 follows:

44 b. Reimbursement for programs approved in accordance with subdivision  
45 a of this section [for the 2011--2012 school year shall not exceed 62.9  
46 percent of the lesser of such approvable costs per contact hour or  
47 twelve dollars and fifteen cents per contact hour, reimbursement] for  
48 the 2012--2013 school year shall not exceed 63.3 percent of the lesser  
49 of such approvable costs per contact hour or twelve dollars and thirty-  
50 five cents per contact hour, reimbursement for the 2013--2014 school  
51 year shall not exceed 62.3 percent of the lesser of such approvable  
52 costs per contact hour or twelve dollars and sixty-five cents per  
53 contact hour, [and] reimbursement for the 2014--2015 school year shall  
54 not exceed 61.6 percent of the lesser of such approvable costs per  
55 contact hour or [eight] THIRTEEN dollars per contact hour, AND  
56 REIMBURSEMENT FOR THE 2015--2016 SCHOOL YEAR SHALL NOT EXCEED 60.7

1 PERCENT OF THE LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR THIR-  
2 TEEN DOLLARS AND FORTY CENTS PER CONTACT HOUR where a contact hour  
3 represents sixty minutes of instruction services provided to an eligible  
4 adult. Notwithstanding any other provision of law to the contrary, [for  
5 the 2011--2012 school year such contact hours shall not exceed one  
6 million seven hundred one thousand five hundred seventy (1,701,570)  
7 hours; whereas] for the 2012--2013 school year such contact hours shall  
8 not exceed one million six hundred sixty-four thousand five hundred  
9 thirty-two (1,664,532) hours; whereas for the 2013--2014 school year  
10 such contact hours shall not exceed one million six hundred forty-nine  
11 thousand seven hundred forty-six (1,649,746) hours; whereas for the  
12 2014--2015 school year such contact hours shall not exceed one million  
13 [six hundred twenty-five thousand (1,625,000)] SIX HUNDRED EIGHTEEN  
14 THOUSAND NINE HUNDRED TWENTY-NINE (1,618,929) hours; WHEREAS FOR THE  
15 2015--2016 SCHOOL YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION  
16 FOUR HUNDRED FOURTEEN THOUSAND FIVE HUNDRED FOURTEEN (1,414,514) HOURS.  
17 Notwithstanding any other provision of law to the contrary, the appor-  
18 tionment calculated for the city school district of the city of New York  
19 pursuant to subdivision 11 of section 3602 of the education law shall be  
20 computed as if such contact hours provided by the consortium for worker  
21 education, not to exceed the contact hours set forth herein, were eligi-  
22 ble for aid in accordance with the provisions of such subdivision 11 of  
23 section 3602 of the education law.

24 S 14. Section 4 of chapter 756 of the laws of 1992, relating to fund-  
25 ing a program for work force education conducted by the consortium for  
26 worker education in New York city, is amended by adding a new subdivi-  
27 sion t to read as follows:

28 T. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE  
29 COMPLETION OF PAYMENTS FOR THE 2015--2016 SCHOOL YEAR. NOTWITHSTANDING  
30 ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER OF EDUCATION SHALL  
31 WITHHOLD A PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE  
32 CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE  
33 COSTS OF THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED  
34 TO THE ELEMENTARY AND SECONDARY EDUCATION FUND-LOCAL ASSISTANCE ACCOUNT  
35 AND SHALL NOT EXCEED ELEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$11,  
36 500,000).

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

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

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

48 1. Sections one through seventy of this act shall be deemed to have  
49 been in full force and effect as of April 1, 1994 provided, however,  
50 that sections one, two, twenty-four, twenty-five and twenty-seven  
51 through seventy of this act shall expire and be deemed repealed on March  
52 31, 2000; provided, however, that section twenty of this act shall apply  
53 only to hearings commenced prior to September 1, 1994, and provided  
54 further that section twenty-six of this act shall expire and be deemed  
55 repealed on March 31, 1997; and provided further that sections four  
56 through fourteen, sixteen, and eighteen, nineteen and twenty-one through

1 twenty-one-a of this act shall expire and be deemed repealed on March  
2 31, 1997; and provided further that sections three, fifteen, seventeen,  
3 twenty, twenty-two and twenty-three of this act shall expire and be  
4 deemed repealed on March 31, [2016] 2017.

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

10 (22) sections one hundred twelve, one hundred thirteen, one hundred  
11 fourteen, one hundred fifteen and one hundred sixteen of this act shall  
12 take effect on July 1, 1995; provided, however, that section one hundred  
13 thirteen of this act shall remain in full force and effect until July 1,  
14 [2015] 2016 at which time it shall be deemed repealed;

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

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

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

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

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

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

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

41 S 21. Section 5 of chapter 101 of the laws of 2003, amending the  
42 education law relating to implementation of the No Child Left Behind Act  
43 of 2001, as amended by section 20 of part A of chapter 56 of the laws of  
44 2014, is amended to read as follows:

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

48 S 22. School bus driver training. In addition to apportionments other-  
49 wise provided by section 3602 of the education law, for aid payable in  
50 the 2015-2016 school year, the commissioner of education shall allocate  
51 school bus driver training grants to school districts and boards of  
52 cooperative educational services pursuant to sections 3650-a, 3650-b and  
53 3650-c of the education law, or for contracts directly with not-for-pro-  
54 fit educational organizations for the purposes of this section. Such  
55 payments shall not exceed four hundred thousand dollars (\$400,000) per  
56 school year.

1 S 23. Special apportionment for salary expenses. a. Notwithstanding  
2 any other provision of law, upon application to the commissioner of  
3 education, not sooner than the first day of the second full business  
4 week of June 2016 and not later than the last day of the third full  
5 business week of June 2016, a school district eligible for an apportion-  
6 ment pursuant to section 3602 of the education law shall be eligible to  
7 receive an apportionment pursuant to this section, for the school year  
8 ending June 30, 2016, for salary expenses incurred between April 1 and  
9 June 30, 2015 and such apportionment shall not exceed the sum of (i) the  
10 deficit reduction assessment of 1990--1991 as determined by the commis-  
11 sioner of education, pursuant to paragraph f of subdivision 1 of section  
12 3602 of the education law, as in effect through June 30, 1993, plus (ii)  
13 186 percent of such amount for a city school district in a city with a  
14 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of  
15 such amount for a city school district in a city with a population of  
16 more than 195,000 inhabitants and less than 219,000 inhabitants accord-  
17 ing to the latest federal census, plus (iv) the net gap elimination  
18 adjustment for 2010--2011, as determined by the commissioner of educa-  
19 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-  
20 nation adjustment for 2011--2012 as determined by the commissioner of  
21 education pursuant to subdivision 17 of section 3602 of the education  
22 law, and provided further that such apportionment shall not exceed such  
23 salary expenses. Such application shall be made by a school district,  
24 after the board of education or trustees have adopted a resolution to do  
25 so and in the case of a city school district in a city with a population  
26 in excess of 125,000 inhabitants, with the approval of the mayor of such  
27 city.

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

44 c. Notwithstanding the provisions of section 3609-a of the education  
45 law, an amount equal to the amount paid to a school district pursuant to  
46 subdivisions a and b of this section shall first be deducted from the  
47 following payments due the school district during the school year  
48 following the year in which application was made pursuant to subpara-  
49 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of  
50 section 3609-a of the education law in the following order: the lottery  
51 apportionment payable pursuant to subparagraph (2) of such paragraph  
52 followed by the fixed fall payments payable pursuant to subparagraph (4)  
53 of such paragraph and then followed by the district's payments to the  
54 teachers' retirement system pursuant to subparagraph (1) of such para-  
55 graph, and any remainder to be deducted from the individualized payments  
56 due the district pursuant to paragraph b of such subdivision shall be

1 deducted on a chronological basis starting with the earliest payment due  
2 the district.

3 S 24. Special apportionment for public pension accruals. a. Notwith-  
4 standing any other provision of law, upon application to the commission-  
5 er of education, not later than June 30, 2016, a school district eligi-  
6 ble for an apportionment pursuant to section 3602 of the education law  
7 shall be eligible to receive an apportionment pursuant to this section,  
8 for the school year ending June 30, 2016 and such apportionment shall  
9 not exceed the additional accruals required to be made by school  
10 districts in the 2004--2005 and 2005--2006 school years associated with  
11 changes for such public pension liabilities. The amount of such addi-  
12 tional accrual shall be certified to the commissioner of education by  
13 the president of the board of education or the trustees or, in the case  
14 of a city school district in a city with a population in excess of  
15 125,000 inhabitants, the mayor of such city. Such application shall be  
16 made by a school district, after the board of education or trustees have  
17 adopted a resolution to do so and in the case of a city school district  
18 in a city with a population in excess of 125,000 inhabitants, with the  
19 approval of the mayor of such city.

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

36 c. Notwithstanding the provisions of section 3609-a of the education  
37 law, an amount equal to the amount paid to a school district pursuant to  
38 subdivisions a and b of this section shall first be deducted from the  
39 following payments due the school district during the school year  
40 following the year in which application was made pursuant to subpara-  
41 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of  
42 section 3609-a of the education law in the following order: the lottery  
43 apportionment payable pursuant to subparagraph (2) of such paragraph  
44 followed by the fixed fall payments payable pursuant to subparagraph (4)  
45 of such paragraph and then followed by the district's payments to the  
46 teachers' retirement system pursuant to subparagraph (1) of such para-  
47 graph, and any remainder to be deducted from the individualized payments  
48 due the district pursuant to paragraph b of such subdivision shall be  
49 deducted on a chronological basis starting with the earliest payment due  
50 the district.

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

55 b. Notwithstanding any other law, rule or regulation to the contrary,  
56 moneys appropriated to the state education department from the general

1 fund/aid to localities, local assistance account-001, shall be for  
2 payment of financial assistance, as scheduled, net of disallowances,  
3 refunds, reimbursement and credits.

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

9 d. Notwithstanding any other law, rule or regulation to the contrary,  
10 moneys appropriated to the state education department for general  
11 support for public schools may be interchanged with any other item of  
12 appropriation for general support for public schools within the general  
13 fund local assistance account office of prekindergarten through grade  
14 twelve education programs.

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

21 S 27. The amounts specified in this section shall be a set aside from  
22 the state funds which each such district is receiving from the total  
23 foundation aid: for the purpose of the development, maintenance or  
24 expansion of magnet schools or magnet school programs for the 2015--2016  
25 school year. To the city school district of the city of New York there  
26 shall be paid forty-eight million one hundred seventy-five thousand  
27 dollars (\$48,175,000) including five hundred thousand dollars (\$500,000)  
28 for the Andrew Jackson High School; to the Buffalo city school district,  
29 twenty-one million twenty-five thousand dollars (\$21,025,000); to the  
30 Rochester city school district, fifteen million dollars (\$15,000,000);  
31 to the Syracuse city school district, thirteen million dollars  
32 (\$13,000,000); to the Yonkers city school district, forty-nine million  
33 five hundred thousand dollars (\$49,500,000); to the Newburgh city school  
34 district, four million six hundred forty-five thousand dollars  
35 (\$4,645,000); to the Poughkeepsie city school district, two million four  
36 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon  
37 city school district, two million dollars (\$2,000,000); to the New  
38 Rochelle city school district, one million four hundred ten thousand  
39 dollars (\$1,410,000); to the Schenectady city school district, one  
40 million eight hundred thousand dollars (\$1,800,000); to the Port Chester  
41 city school district, one million one hundred fifty thousand dollars  
42 (\$1,150,000); to the White Plains city school district, nine hundred  
43 thousand dollars (\$900,000); to the Niagara Falls city school district,  
44 six hundred thousand dollars (\$600,000); to the Albany city school  
45 district, three million five hundred fifty thousand dollars  
46 (\$3,550,000); to the Utica city school district, two million dollars  
47 (\$2,000,000); to the Beacon city school district, five hundred sixty-six  
48 thousand dollars (\$566,000); to the Middletown city school district,  
49 four hundred thousand dollars (\$400,000); to the Freeport union free  
50 school district, four hundred thousand dollars (\$400,000); to the Green-  
51 burgh central school district, three hundred thousand dollars  
52 (\$300,000); to the Amsterdam city school district, eight hundred thou-  
53 sand dollars (\$800,000); to the Peekskill city school district, two  
54 hundred thousand dollars (\$200,000); and to the Hudson city school  
55 district, four hundred thousand dollars (\$400,000). Notwithstanding the  
56 provisions of this section, a school district receiving a grant pursuant



1 to this section may use such grant funds for: (i) any instructional or  
2 instructional support costs associated with the operation of a magnet  
3 school; or (ii) any instructional or instructional support costs associ-  
4 ated with implementation of an alternative approach to reduction of  
5 racial isolation and/or enhancement of the instructional program and  
6 raising of standards in elementary and secondary schools of school  
7 districts having substantial concentrations of minority students. The  
8 commissioner of education shall not be authorized to withhold magnet  
9 grant funds from a school district that used such funds in accordance  
10 with this paragraph, notwithstanding any inconsistency with a request  
11 for proposals issued by such commissioner. For the purpose of attendance  
12 improvement and dropout prevention for the 2015--2016 school year, for  
13 any city school district in a city having a population of more than one  
14 million, the setaside for attendance improvement and dropout prevention  
15 shall equal the amount set aside in the base year. For the 2015--2016  
16 school year, it is further provided that any city school district in a  
17 city having a population of more than one million shall allocate at  
18 least one-third of any increase from base year levels in funds set aside  
19 pursuant to the requirements of this subdivision to community-based  
20 organizations. Any increase required pursuant to this subdivision to  
21 community-based organizations must be in addition to allocations  
22 provided to community-based organizations in the base year. For the  
23 purpose of teacher support for the 2015--2016 school year: to the city  
24 school district of the city of New York, sixty-two million seven hundred  
25 seven thousand dollars (\$62,707,000); to the Buffalo city school  
26 district, one million seven hundred forty-one thousand dollars  
27 (\$1,741,000); to the Rochester city school district, one million seven-  
28 ty-six thousand dollars (\$1,076,000); to the Yonkers city school  
29 district, one million one hundred forty-seven thousand dollars  
30 (\$1,147,000); and to the Syracuse city school district, eight hundred  
31 nine thousand dollars (\$809,000). All funds made available to a school  
32 district pursuant to this section shall be distributed among teachers  
33 including prekindergarten teachers and teachers of adult vocational and  
34 academic subjects in accordance with this section and shall be in addi-  
35 tion to salaries heretofore or hereafter negotiated or made available;  
36 provided, however, that all funds distributed pursuant to this section  
37 for the current year shall be deemed to incorporate all funds distrib-  
38 uted pursuant to former subdivision 27 of section 3602 of the education  
39 law for prior years. In school districts where the teachers are repres-  
40 ented by certified or recognized employee organizations, all salary  
41 increases funded pursuant to this section shall be determined by sepa-  
42 rate collective negotiations conducted pursuant to the provisions and  
43 procedures of article 14 of the civil service law, notwithstanding the  
44 existence of a negotiated agreement between a school district and a  
45 certified or recognized employee organization.

46 S 28. Support of public libraries. The moneys appropriated for the  
47 support of public libraries by a chapter of the laws of 2015 enacting  
48 the aid to localities budget shall be apportioned for the 2015-2016  
49 state fiscal year in accordance with the provisions of sections 271,  
50 272, 273, 282, 284, and 285 of the education law as amended by the  
51 provisions of this chapter and the provisions of this section, provided  
52 that library construction aid pursuant to section 273-a of the educa-  
53 tion law shall not be payable from the appropriations for the support of  
54 public libraries and provided further that no library, library system or  
55 program, as defined by the commissioner of education, shall receive less  
56 total system or program aid than it received for the year 2001-2002

1 except as a result of a reduction adjustment necessary to conform to the  
2 appropriations for support of public libraries.

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

12 S 29. Severability. The provisions of this act shall be severable, and  
13 if the application of any clause, sentence, paragraph, subdivision,  
14 section or part of this act to any person or circumstance shall be  
15 adjudged by any court of competent jurisdiction to be invalid, such  
16 judgment shall not necessarily affect, impair or invalidate the applica-  
17 tion of any such clause, sentence, paragraph, subdivision, section, part  
18 of this act or remainder thereof, as the case may be, to any other  
19 person or circumstance, but shall be confined in its operation to the  
20 clause, sentence, paragraph, subdivision, section or part thereof  
21 directly involved in the controversy in which such judgment shall have  
22 been rendered.

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

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

28 2. Sections seven and twelve of this act shall take effect April 1,  
29 2014.

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

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

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

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

43

#### PART B

44 Section 1. The education law is amended by adding a new section 210-a  
45 to read as follows:

46 S 210-A. REGISTRATION OF CURRICULA. NOTWITHSTANDING ANY LAW, RULE, OR  
47 REGULATION TO THE CONTRARY, ANY NEW CURRICULUM OR PROGRAM OF STUDY  
48 OFFERED BY ANY NOT-FOR-PROFIT COLLEGE OR UNIVERSITY CHARTERED BY THE  
49 REGENTS OR INCORPORATED BY SPECIAL ACT OF THE LEGISLATURE THAT DOES NOT  
50 REQUIRE A MASTER PLAN AMENDMENT PURSUANT TO SECTION TWO HUNDRED THIRTY-  
51 SEVEN OF THIS CHAPTER, OR CHARTER AMENDMENT PURSUANT TO SECTION TWO  
52 HUNDRED SIXTEEN OF THIS CHAPTER, OR LEAD TO PROFESSIONAL LICENSURE AND  
53 THAT IS APPROVED BY THE STATE UNIVERSITY BOARD OF TRUSTEES, THE CITY  
54 UNIVERSITY BOARD OF TRUSTEES, OR THE TRUSTEES OR GOVERNING BODY OF ANY

1 OTHER NOT-FOR-PROFIT COLLEGE OR UNIVERSITY CHARTERED BY THE REGENTS  
2 WHICH (1) HAS MAINTAINED A PHYSICAL PRESENCE IN NEW YORK STATE FOR THE  
3 IMMEDIATELY PRECEDING TEN YEARS AND HAS BEEN OPERATED CONTINUOUSLY BY  
4 THE SAME GOVERNING CORPORATE ENTITY DURING THE SAME IMMEDIATELY PRECED-  
5 ING TEN YEAR PERIOD AND (2) IS ACCREDITED AND HAS CONTINUED IN ACCREDI-  
6 TATION BY THE MIDDLE STATES COMMISSION ON HIGHER EDUCATION ("MSCHE") OR  
7 THE DEPARTMENT FOR THE IMMEDIATELY PRECEDING TEN YEARS, SHALL BE DEEMED  
8 REGISTERED WITH THE DEPARTMENT WITHIN THIRTY DAYS OF NOTIFICATION OF  
9 APPROVAL. IF THE COLLEGE OR UNIVERSITY IS PLACED ON PROBATION OR HAS ITS  
10 ACCREDITATION TERMINATED BY MSCHE, SUCH COLLEGE OR UNIVERSITY SHALL  
11 NOTIFY THE REGENTS IN WRITING NO LATER THAN THIRTY DAYS AFTER BEING  
12 FORMALLY INFORMED OF ITS PROBATION OR LOSS OF ACCREDITATION BY MSCHE. IF  
13 A COLLEGE OR UNIVERSITY HAS ITS ACCREDITATION PLACED ON PROBATION OR  
14 TERMINATED BY THE MSCHE OR THE EDUCATION DEPARTMENT THE COLLEGE OR  
15 UNIVERSITY SHALL BE SUBJECT TO THE COMMISSIONER'S PROGRAM APPROVAL IT  
16 HAD BEEN REMOVED FROM PROBATION OR REGAINED ACCREDITATION BY MSCHE OR  
17 THE EDUCATION DEPARTMENT, AND SHALL REMAIN SUBJECT TO SUCH COMMISSION-  
18 ER'S PROGRAM APPROVAL UNTIL IT HAS CONTINUED IN ACCREDITATION AND WITH-  
19 OUT PROBATION FOR A PERIOD OF NOT LESS THAN SIX YEARS. IF A COLLEGE OR  
20 UNIVERSITY SUBJECT TO THIS SECTION INTENDS TO OFFER OR INSTITUTE AN  
21 ADDITIONAL DEGREE OR PROGRAM WHICH CONSTITUTES A "SUBSTANTIVE CHANGE,"  
22 AS DEFINED AND DETERMINED BY MSCHE, THEN THE COLLEGE OR UNIVERSITY SHALL  
23 PROVIDE THE COMMISSIONER WITH COPIES OF ANY REPORTS OR OTHER DOCUMENTS  
24 FILED WITH MSCHE AS PART OF MSCHE'S SUBSTANTIVE CHANGE REVIEW PROCESS  
25 AND SHALL INFORM THE COMMISSIONER WHEN THE SUBSTANTIVE CHANGE IS  
26 APPROVED. ANY SUCH COLLEGE OR UNIVERSITY THAT DOES NOT SATISFY ALL OF  
27 THE PROVISIONS OF THIS PARAGRAPH SHALL COMPLY WITH THE PROCEDURES AND  
28 CRITERIA ESTABLISHED BY THE REGENTS AND COMMISSIONER FOR ACADEMIC  
29 PROGRAM APPROVAL. NOTHING IN THIS SECTION SHALL BE DEEMED TO LIMIT THE  
30 DEPARTMENT'S EXISTING AUTHORITY TO ACT ON COMPLAINTS CONCERNING THE  
31 INSTITUTION, INCLUDING THE AUTHORITY TO DE-REGISTER THE PROGRAM.

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

34

## PART C

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

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

41 2. ELIGIBILITY. TO BE ELIGIBLE FOR AN AWARD PURSUANT TO THIS SECTION,  
42 AN APPLICANT SHALL: (A) HAVE GRADUATED FROM A HIGH SCHOOL LOCATED IN NEW  
43 YORK STATE OR ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE  
44 HIGH SCHOOL EQUIVALENCY DIPLOMA AND RECEIVED SUCH HIGH SCHOOL EQUIVALEN-  
45 CY DIPLOMA; (B) HAVE GRADUATED AND OBTAINED AN UNDERGRADUATE DEGREE FROM  
46 A COLLEGE OR UNIVERSITY WITH ITS HEADQUARTERS LOCATED IN NEW YORK STATE  
47 IN OR AFTER THE TWO THOUSAND FOURTEEN--FIFTEEN ACADEMIC YEAR; (C) APPLY  
48 FOR THIS PROGRAM WITHIN TWO YEARS OF COLLEGE GRADUATION; (D) BE A  
49 PARTICIPANT IN A FEDERAL INCOME-DRIVEN REPAYMENT PLAN WHOSE PAYMENT  
50 AMOUNT IS GENERALLY TEN PERCENT OF DISCRETIONARY INCOME; (E) HAVE INCOME  
51 OF LESS THAN FIFTY THOUSAND DOLLARS; (F) BE A RESIDENT OF NEW YORK  
52 STATE; AND (G) WORK IN NEW YORK STATE, IF EMPLOYED. FOR PURPOSES OF THIS  
53 PROGRAM, "INCOME" SHALL BE THE TOTAL ADJUSTED GROSS INCOME OF THE APPLI-  
54 CANT AND THE APPLICANT'S SPOUSE, IF APPLICABLE.

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

5 4. RULES AND REGULATIONS. THE CORPORATION IS AUTHORIZED TO PROMULGATE  
6 RULES AND REGULATIONS, AND MAY PROMULGATE EMERGENCY REGULATIONS NECES-  
7 SARY FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION.

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

10 PART D

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH  
40 SCHOOL EQUIVALENCY DIPLOMA, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE  
41 ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR A GENERAL EQUIVALENCY  
42 DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, SUBSEQUENTLY  
43 APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE  
44 GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, AND ATTENDED THE INSTITU-  
45 TION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS  
46 SOUGHT WITHIN TEN YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY  
47 DIPLOMA; OR

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

54 PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS  
55 SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF  
56 HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO

1 LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION  
2 AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

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

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

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

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

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

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

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

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

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

52 (ii) attended an approved New York state program for general equiv-  
53 alency diploma exam preparation, received a general equivalency diploma  
54 issued within New York state, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE  
55 ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIVALENCY  
56 DIPLOMA EXAM PREPARATION, and SUBSEQUENTLY applied for attendance [at],

1 EARNED ADMISSION BASED ON THAT GENERAL EQUIVALENCY DIPLOMA, AND ATTENDED  
2 an institution or educational unit of the city university within five  
3 years of receiving a general equivalency diploma issued within New York  
4 state; or

5 S 8-a. Paragraph (a) of subdivision 7 of section 6206 of the education  
6 law, as amended by chapter 327 of the laws of 2002, the opening para-  
7 graph as amended by section 2 of part 0 of chapter 58 of the laws of  
8 2006, is amended to read as follows:

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

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

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

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

52 A student without lawful immigration status shall also be required to  
53 file an affidavit with such institution or educational unit stating that  
54 the student has filed an application to legalize his or her immigration  
55 status, or will file such an application as soon as he or she is eligi-  
56 ble to do so. The trustees shall not adopt changes in tuition charges

1 prior to the enactment of the annual budget. The board of trustees may  
2 accept as partial reimbursement for the education of veterans of the  
3 armed forces of the United States who are otherwise qualified such sums  
4 as may be authorized by federal legislation to be paid for such educa-  
5 tion. The board of trustees may conduct on a fee basis extension courses  
6 and courses for adult education appropriate to the field of higher  
7 education. In all courses and courses of study it may, in its  
8 discretion, require students to pay library, laboratory, locker, break-  
9 age and other instructional and non-instructional fees and meet the cost  
10 of books and consumable supplies. In addition to the foregoing fees and  
11 charges, the board of trustees may impose and collect fees and charges  
12 for student government and other student activities and receive and  
13 expend them as agent or trustee.

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

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

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

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

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

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

53 In the event that a person qualified as above for state residence, but  
54 has been a resident of two or more counties in the state during the six  
55 months immediately preceding his OR HER application for a certificate of  
56 residence pursuant to section sixty-three hundred five of this chapter,



1 the charges to the counties of residence shall be allocated among the  
2 several counties proportional to the number of months, or major fraction  
3 thereof, of residence in each county.

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

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

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

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

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

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

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

53 (A) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE  
54 YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL, LIVED  
55 CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK  
56 STATE HIGH SCHOOL, APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER

1 EDUCATION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, AND  
2 ATTENDED WITHIN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL  
3 DIPLOMA; OR

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

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

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

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

28 (a) (I) Graduate science and technology entry program moneys may be  
29 used for recruitment, academic enrichment, career planning, supplemental  
30 financial assistance, review for licensing examinations, program admin-  
31 istration, and other activities which the commissioner may deem appro-  
32 priate. To be eligible for graduate collegiate science and technology  
33 entry program support, a student must be a resident of New York [who  
34 is], OR MEET THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH,  
35 AND MUST BE either economically disadvantaged or from a minority group  
36 historically underrepresented in the scientific, technical and health-  
37 related professions. Eligible students must be in good academic stand-  
38 ing, enrolled full time in an approved graduate level program, as  
39 defined by the regents.

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

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

55 (B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH  
56 SCHOOL EQUIVALENCY DIPLOMA, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE

1 ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR A GENERAL EQUIVALENCY  
2 DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, SUBSEQUENTLY  
3 APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE  
4 GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, AND ATTENDED THE INSTITU-  
5 TION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS  
6 SOUGHT WITHIN TEN YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY  
7 DIPLOMA; OR

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

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

19 S 14. Subparagraph (i) of paragraph a of subdivision 2 of section  
20 695-e of the education law, as amended by chapter 593 of the laws of  
21 2003, is amended to read as follows:

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

29 S 15. Subparagraph (iii) of paragraph a of subdivision 2 of section  
30 695-e of the education law, as amended by chapter 593 of the laws of  
31 2003, is amended to read as follows:

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

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

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

55 S 18. This act shall take effect on the ninetieth day after the issu-  
56 ance of regulations and the development of an application form by the

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

29

## PART E

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

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

## ARTICLE 25

## EDUCATION TAX CREDIT PROGRAM

36 SECTION 1209. SHORT TITLE.

37 1210. DEFINITIONS.

38 1211. APPROVAL TO ISSUE CERTIFICATES OF RECEIPT.

39 1212. APPLICATIONS FOR APPROVAL TO ISSUE CERTIFICATES OF  
40 RECEIPT.

41 1213. APPLICATION APPROVAL FOR CERTIFICATES OF RECEIPTS.

42 1214. REVOCATION OF APPROVAL TO ISSUE CERTIFICATES OF RECEIPT.

43 1215. REPORTING AND RECORDKEEPING.

44 1216. JOINT ANNUAL REPORT.

45 1217. COMMISSIONER; POWERS.

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

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

50 1. "AUTHORIZED CONTRIBUTION" MEANS THE CONTRIBUTION AMOUNT THAT IS  
51 LISTED ON THE CONTRIBUTION AUTHORIZATION CERTIFICATE ISSUED TO A TAXPAY-  
52 ER.

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

4 3. "EDUCATIONAL PROGRAM" MEANS AN ACADEMIC OR SIMILAR PROGRAM OF A  
5 PUBLIC SCHOOL THAT ENHANCES THE CURRICULUM OR ACADEMIC PROGRAM OF THE  
6 PUBLIC SCHOOL, OR PROVIDES A PRE-KINDERGARTEN PROGRAM TO A PUBLIC  
7 SCHOOL. FOR PURPOSES OF THIS DEFINITION, THE INSTRUCTION, MATERIALS,  
8 PROGRAMS AND OTHER ACTIVITIES OFFERED BY OR THROUGH AN EDUCATIONAL  
9 PROGRAM MAY INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING FEATURES: (A)  
10 INSTRUCTION OR MATERIALS PROMOTING HEALTH, PHYSICAL EDUCATION, AND FAMI-  
11 LY AND CONSUMER SCIENCES; LITERARY, PERFORMING AND VISUAL ARTS; MATH-  
12 EMATICS, SOCIAL STUDIES, TECHNOLOGY AND SCIENTIFIC ACHIEVEMENT; (B)  
13 INSTRUCTION OR PROGRAMMING TO MEET THE EDUCATION NEEDS OF AT-RISK  
14 STUDENTS OR STUDENTS WITH DISABILITIES, INCLUDING TUTORING OR COUN-  
15 SELING; OR (C) THE USE OF SPECIALIZED INSTRUCTIONAL MATERIALS, INSTRUC-  
16 TORS OR INSTRUCTION NOT PROVIDED BY A PUBLIC SCHOOL.

17 4. "EDUCATIONAL SCHOLARSHIP ORGANIZATION" MEANS AN ENTITY THAT: (A) IS  
18 EXEMPT FROM TAXATION UNDER PARAGRAPH THREE OF SUBSECTION (C) OF SECTION  
19 FIVE HUNDRED ONE OF THE INTERNAL REVENUE CODE; (B) USES AT LEAST NINETY  
20 PERCENT OF THE QUALIFIED CONTRIBUTIONS RECEIVED DURING THE CALENDAR YEAR  
21 AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS DURING SUCH YEAR FOR  
22 SCHOLARSHIPS; (C) PROVIDES MORE THAN FIFTY PERCENT OF ITS SCHOLARSHIPS  
23 DURING A CALENDAR YEAR TO ELIGIBLE PUPILS WHO RESIDE IN A HOUSEHOLD THAT  
24 HAS AN INCOME NOT TO EXCEED ONE HUNDRED FIFTY PERCENT OF THE INCOME  
25 QUALIFICATION REQUIRED FOR THE REDUCED PRICE SCHOOL LUNCHEES UNDER THE  
26 NATIONAL SCHOOL LUNCH ACT, PROVIDED HOWEVER FOR THE PURPOSES OF AN  
27 EDUCATIONAL SCHOLARSHIP ORGANIZATION FULFILLING SUCH REQUIREMENT, AN  
28 EDUCATIONAL SCHOLARSHIP ORGANIZATION MAY ENTER INTO AN AGREEMENT WITH  
29 ANOTHER EDUCATIONAL SCHOLARSHIP ORGANIZATION OR ORGANIZATIONS TO JOINTLY  
30 REPORT THEIR SCHOLARSHIP INFORMATION TO MEET SUCH REQUIREMENT; (D)  
31 DEPOSITS AND HOLDS QUALIFIED CONTRIBUTIONS AND ANY INCOME DERIVED FROM  
32 QUALIFIED CONTRIBUTIONS IN AN ACCOUNT THAT IS SEPARATE FROM THE ORGAN-  
33 IZATION'S OPERATING OR OTHER FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS OR  
34 INCOME ARE WITHDRAWN FOR USE; (E) PROVIDES SCHOLARSHIPS TO ELIGIBLE  
35 PUPILS FOR USE AT NOT FEWER THAN THREE QUALIFIED SCHOOLS; AND (F) IS  
36 APPROVED TO ISSUE CERTIFICATES OF RECEIPT PURSUANT TO THIS ARTICLE.

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

47 6. "LOCAL EDUCATION FUND" MEANS A NOT-FOR-PROFIT ENTITY WHICH: (A) IS  
48 EXEMPT FROM TAXATION UNDER PARAGRAPH THREE OF SUBSECTION (C) OF SECTION  
49 FIVE HUNDRED ONE OF THE INTERNAL REVENUE CODE; (B) IS ESTABLISHED FOR  
50 THE PURPOSE OF SUPPORTING AT LEAST ONE PUBLIC SCHOOL OR A PUBLIC SCHOOL  
51 DISTRICT LOCATED IN THIS STATE; (C) USES AT LEAST NINETY PERCENT OF THE  
52 QUALIFIED CONTRIBUTIONS RECEIVED DURING THE CALENDAR YEAR AND ANY INCOME  
53 DERIVED FROM QUALIFIED CONTRIBUTIONS DURING SUCH MONTHS TO SUPPORT THE  
54 PUBLIC SCHOOL OR SCHOOLS OR PUBLIC SCHOOL DISTRICT OR DISTRICTS THAT  
55 SUCH FUND HAS BEEN ESTABLISHED TO SUPPORT; (D) DEPOSITS AND HOLDS QUALI-  
56 FIED CONTRIBUTIONS AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS

1 IN AN ACCOUNT THAT IS SEPARATE FROM THE FUND'S OPERATING OR OTHER FUNDS  
2 UNTIL SUCH QUALIFIED CONTRIBUTIONS OR INCOME ARE WITHDRAWN FOR USE; AND  
3 (E) IS APPROVED TO ISSUE CERTIFICATES OF RECEIPT PURSUANT TO THIS ARTI-  
4 CLE.

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

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

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

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

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

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

45 13. "SCHOOL IMPROVEMENT ORGANIZATION" MEANS A NOT-FOR-PROFIT ENTITY  
46 WHICH: (A) IS EXEMPT FROM TAXATION UNDER PARAGRAPH THREE OF SUBSECTION  
47 (C) OF SECTION FIVE HUNDRED ONE OF THE INTERNAL REVENUE CODE; (B) USES  
48 AT LEAST NINETY PERCENT OF THE QUALIFIED CONTRIBUTIONS RECEIVED DURING  
49 THE CALENDAR YEAR AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS  
50 DURING SUCH MONTHS TO ASSIST PUBLIC SCHOOLS OR PUBLIC SCHOOL DISTRICTS  
51 LOCATED IN THIS STATE IN THEIR PROVISION OF EDUCATIONAL PROGRAMS, EITHER  
52 BY MAKING CONTRIBUTIONS TO ONE OR MORE PUBLIC SCHOOLS OR PUBLIC SCHOOL  
53 DISTRICTS LOCATED IN THIS STATE OR PROVIDING EDUCATIONAL PROGRAMS TO, OR  
54 IN CONJUNCTION WITH, ONE OR MORE PUBLIC SCHOOLS OR PUBLIC SCHOOL  
55 DISTRICTS LOCATED IN THIS STATE; (C) DEPOSITS AND HOLDS QUALIFIED  
56 CONTRIBUTIONS AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS IN AN

1 ACCOUNT THAT IS SEPARATE FROM THE ORGANIZATION'S OPERATING OR OTHER  
2 FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS OR INCOME ARE WITHDRAWN FOR  
3 USE; AND (D) IS APPROVED TO ISSUE CERTIFICATES OF RECEIPT PURSUANT TO  
4 THIS ARTICLE. SUCH TERM INCLUDES A PRE-KINDERGARTEN PROGRAM OR NOT-FOR-  
5 PROFIT ENTITY THAT ALLOWS THE TAXPAYER TO CHOOSE TO DONATE TO A PROGRAM,  
6 PROJECT OR INITIATIVE FOR USE IN A PUBLIC SCHOOL.

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

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

25 S 1212. APPLICATIONS FOR APPROVAL TO ISSUE CERTIFICATES OF RECEIPT.  
26 EACH SCHOOL IMPROVEMENT ORGANIZATION, EDUCATIONAL SCHOLARSHIP ORGANIZA-  
27 TION AND LOCAL EDUCATION FUND SHALL SUBMIT AN APPLICATION TO THE COMMIS-  
28 SIONER FOR APPROVAL TO ISSUE CERTIFICATES OF RECEIPT IN THE FORM AND  
29 MANNER PRESCRIBED BY THE COMMISSIONER, PROVIDED THAT SUCH APPLICATION  
30 SHALL INCLUDE: (A) SUBMISSION OF DOCUMENTATION THAT SUCH SCHOOL IMPROVE-  
31 MENT ORGANIZATION, LOCAL EDUCATION FUND OR EDUCATIONAL SCHOLARSHIP  
32 ORGANIZATION HAS BEEN GRANTED EXEMPTION FROM TAXATION UNDER PARAGRAPH  
33 THREE OF SUBSECTION (C) OF SECTION FIVE HUNDRED ONE OF THE INTERNAL  
34 REVENUE CODE; (B) A LIST OF NAMES AND ADDRESSES OF ALL MEMBERS OF THE  
35 GOVERNING BOARD OF THE SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION  
36 FUND OR EDUCATIONAL SCHOLARSHIP ORGANIZATION; AND (C) AN EDUCATIONAL  
37 SCHOLARSHIP ORGANIZATION SHALL PROVIDE CRITERIA FOR THE AWARDING OF  
38 SCHOLARSHIPS TO ELIGIBLE STUDENTS.

39 S 1213. APPLICATION APPROVAL FOR CERTIFICATES OF RECEIPT. 1. IN GENER-  
40 AL. THE COMMISSIONER SHALL REVIEW EACH APPLICATION TO ISSUE CERTIF-  
41 ICATES OF RECEIPT PURSUANT TO THIS ARTICLE. THE COMMISSIONER SHALL  
42 PUBLISH CRITERIA USED TO DETERMINE SELECTION AND ESTABLISH AN APPEALS  
43 PROCESS FOR APPLICATIONS THAT ARE NOT APPROVED.

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

46 S 1214. REVOCATION OF APPROVAL TO ISSUE CERTIFICATES OF RECEIPT. THE  
47 COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF TAXATION AND  
48 FINANCE, MAY REVOKE THE APPROVAL OF A SCHOOL IMPROVEMENT ORGANIZATION,  
49 EDUCATIONAL SCHOLARSHIP ORGANIZATION, LOCAL EDUCATION FUND, PUBLIC  
50 SCHOOL OR PUBLIC SCHOOL DISTRICT TO ISSUE CERTIFICATES OF RECEIPT UPON A  
51 FINDING THAT SUCH ORGANIZATION, FUND, SCHOOL OR SCHOOL DISTRICT HAS  
52 VIOLATED THIS ARTICLE OR SECTION FORTY-TWO OF THE TAX LAW. THESE  
53 VIOLATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, ANY OF THE FOLLOWING:  
54 (A) FAILURE TO MEET THE REQUIREMENTS OF THIS ARTICLE OR SECTION  
55 FORTY-TWO OF THE TAX LAW; (B) THE FAILURE TO MAINTAIN FULL AND ADEQUATE  
56 RECORDS WITH RESPECT TO THE RECEIPT OF QUALIFIED CONTRIBUTIONS; (C) THE

1 FAILURE TO SUPPLY SUCH RECORDS TO THE COMMISSIONER, DEPARTMENT OF TAXA-  
2 TION AND FINANCE, OR THE DEPARTMENT WHEN REQUESTED; OR (D) THE FAILURE  
3 TO PROVIDE NOTICE TO THE DEPARTMENT OF TAXATION AND FINANCE OF THE ISSU-  
4 ANCE OR NON-ISSUANCE OF CERTIFICATES OF RECEIPT PURSUANT TO SECTION  
5 FORTY-TWO OF THE TAX LAW; PROVIDED, HOWEVER, THAT THE COMMISSIONER SHALL  
6 NOT REVOKE APPROVAL PURSUANT TO THIS SECTION BASED UPON A VIOLATION OF  
7 TAX LAW UNLESS THE COMMISSIONER OF TAXATION AND FINANCE AGREES THAT  
8 REVOCATION IS WARRANTED; AND PROVIDED FURTHER THAT THE COMMISSIONER  
9 SHALL NOT REVOKE APPROVAL PURSUANT TO THIS SECTION WHEN THE FAILURE TO  
10 COMPLY IS DUE TO CLERICAL ERROR AND NOT NEGLIGENCE OR INTENTIONAL DISRE-  
11 GARD FOR THE LAW. WITHIN FIVE DAYS OF THE DETERMINATION REVOKING  
12 APPROVAL, THE COMMISSIONER SHALL PROVIDE NOTICE OF SUCH REVOCATION TO  
13 THE EDUCATIONAL SCHOLARSHIP ORGANIZATION, SCHOOL IMPROVEMENT ORGANIZA-  
14 TION, LOCAL EDUCATION FUND, PUBLIC SCHOOL, OR PUBLIC SCHOOL DISTRICT AND  
15 TO THE DEPARTMENT OF TAXATION AND FINANCE. THE COMMISSIONER SHALL ESTAB-  
16 LISH AN APPEALS PROCESS FOR DETERMINATIONS REVOKING APPROVALS.

17 S 1215. REPORTING AND RECORDKEEPING. 1. REPORTING. EACH EDUCATIONAL  
18 SCHOLARSHIP ORGANIZATION, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCA-  
19 TION FUND, PUBLIC SCHOOL AND PUBLIC SCHOOL DISTRICT THAT RECEIVES QUALI-  
20 FIED CONTRIBUTIONS SHALL REPORT TO THE COMMISSIONER AND THE DEPARTMENT  
21 OF TAXATION AND FINANCE BY JANUARY THIRTY-FIRST OF EACH CALENDAR YEAR.  
22 SUCH REPORT SHALL BE IN THE FORM AND MANNER PRESCRIBED BY THE COMMIS-  
23 SIONER IN CONSULTATION WITH THE COMMISSIONER OF TAXATION AND FINANCE.

24 2. RECORDKEEPING. EACH EDUCATIONAL SCHOLARSHIP ORGANIZATION, SCHOOL  
25 IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, PUBLIC SCHOOL AND PUBLIC  
26 SCHOOL DISTRICT THAT ISSUED AT LEAST ONE CERTIFICATE OF RECEIPT SHALL  
27 MAINTAIN RECORDS INCLUDING: (A) NOTIFICATIONS RECEIVED FROM THE DEPART-  
28 MENT OF TAXATION AND FINANCE; (B) NOTIFICATIONS MADE TO THE DEPARTMENT  
29 OF TAXATION AND FINANCE; (C) COPIES OF QUALIFIED CONTRIBUTIONS RECEIVED;  
30 (D) COPIES OF THE DEPOSIT OF SUCH QUALIFIED CONTRIBUTIONS; (E) COPIES OF  
31 ISSUED CERTIFICATES OF RECEIPT; (F) ANNUAL FINANCIAL STATEMENTS; (G) IN  
32 THE CASE OF SCHOOL IMPROVEMENT ORGANIZATIONS, EDUCATIONAL SCHOLARSHIP  
33 ORGANIZATIONS AND LOCAL EDUCATION FUNDS, THE APPLICATION SUBMITTED  
34 PURSUANT TO SECTION TWELVE HUNDRED TWELVE OF THIS ARTICLE AND THE  
35 APPROVAL ISSUED BY THE COMMISSIONER; AND (H) ANY OTHER INFORMATION  
36 PRESCRIBED BY THE COMMISSIONER. SUCH RECORDS SHALL BE MAINTAINED BY THE  
37 ENTITY OR ORGANIZATION FOR FIVE YEARS.

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

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

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

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

54 2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER OR OF ANY OTHER  
55 GENERAL OR SPECIAL LAW TO THE CONTRARY, THE RECEIPT OF SUCH GIFTS,  
56 DONATIONS AND CONTRIBUTIONS MADE PURSUANT TO ARTICLE TWENTY-FIVE OF THIS



1 CHAPTER, AND ANY INCOME DERIVED THEREFROM, SHALL BE DISREGARDED FOR THE  
2 PURPOSES OF ALL APPORTIONMENTS, COMPUTATIONS, AND DETERMINATIONS OF  
3 STATE AID.

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

6 S 42. EDUCATION TAX CREDIT. (A) DEFINITIONS. FOR THE PURPOSES OF THIS  
7 SECTION, THE FOLLOWING TERMS HAVE THE SAME DEFINITION AS IN SECTION  
8 TWELVE HUNDRED TEN OF THE EDUCATION LAW: "AUTHORIZED CONTRIBUTION",  
9 "CONTRIBUTION", "EDUCATIONAL PROGRAM", "EDUCATIONAL SCHOLARSHIP ORGAN-  
10 IZATION", "ELIGIBLE PUPIL", "LOCAL EDUCATION FUND", "NON-PUBLIC SCHOOL",  
11 "PUBLIC EDUCATION ENTITY", "PUBLIC SCHOOL", "QUALIFIED CONTRIBUTION",  
12 "QUALIFIED SCHOOL", "SCHOLARSHIP", AND "SCHOOL IMPROVEMENT ORGANIZA-  
13 TION".

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

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

26 (D) INFORMATION TO BE POSTED ON THE DEPARTMENT'S WEBSITE. BEGINNING ON  
27 THE SIXTEENTH DAY OF JANUARY OF EACH YEAR, THE COMMISSIONER SHALL MAIN-  
28 TAIN ON THE DEPARTMENT'S WEBSITE A RUNNING TOTAL OF THE AMOUNT OF AVAIL-  
29 ABLE CREDIT FOR WHICH TAXPAYERS MAY APPLY PURSUANT TO THIS SECTION.  
30 ADDITIONALLY, THE COMMISSIONER SHALL MAINTAIN ON THE DEPARTMENT'S  
31 WEBSITE A LIST OF THE SCHOOL IMPROVEMENT ORGANIZATIONS, LOCAL EDUCATION  
32 FUNDS AND EDUCATIONAL SCHOLARSHIP ORGANIZATIONS APPROVED TO ISSUE  
33 CERTIFICATES OF RECEIPT PURSUANT TO ARTICLE TWENTY-FIVE OF THE EDUCATION  
34 LAW. THE COMMISSIONER SHALL ALSO MAINTAIN ON THE DEPARTMENT'S WEBSITE A  
35 LIST OF PUBLIC EDUCATION ENTITIES, SCHOOL IMPROVEMENT ORGANIZATIONS,  
36 LOCAL EDUCATION FUNDS AND EDUCATIONAL SCHOLARSHIP ORGANIZATIONS WHOSE  
37 APPROVAL TO ISSUE CERTIFICATES OF RECEIPT HAS BEEN REVOKED ALONG WITH  
38 THE DATE OF SUCH REVOCATION.

39 (E) APPLICATIONS FOR CONTRIBUTION AUTHORIZATION CERTIFICATES. PRIOR TO  
40 MAKING A CONTRIBUTION TO A PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT  
41 ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZA-  
42 TION, THE TAXPAYER SHALL APPLY TO THE DEPARTMENT FOR A CONTRIBUTION  
43 AUTHORIZATION CERTIFICATE FOR SUCH CONTRIBUTION. SUCH APPLICATION SHALL  
44 BE IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT. THE DEPARTMENT  
45 MAY ALLOW TAXPAYERS TO MAKE MULTIPLE APPLICATIONS ON THE SAME FORM,  
46 PROVIDED THAT EACH CONTRIBUTION LISTED ON SUCH APPLICATION SHALL BE  
47 TREATED AS A SEPARATE APPLICATION AND THAT THE DEPARTMENT SHALL ISSUE  
48 SEPARATE CONTRIBUTION AUTHORIZATION CERTIFICATES FOR EACH SUCH APPLICA-  
49 TION.

50 (F) CONTRIBUTION AUTHORIZATION CERTIFICATES. 1. ISSUANCE OF CERTIF-  
51 ICATES. THE COMMISSIONER SHALL ISSUE CONTRIBUTION AUTHORIZATION CERTIF-  
52 ICATES IN TWO PHASES. IN PHASE ONE, WHICH BEGINS ON THE FIRST DAY OF  
53 JANUARY AND ENDS ON THE FIFTEENTH DAY OF JANUARY, THE COMMISSIONER SHALL  
54 ACCEPT APPLICATIONS FOR CONTRIBUTION AUTHORIZATION CERTIFICATES BUT  
55 SHALL NOT ISSUE ANY SUCH CERTIFICATES. COMMENCING AFTER THE SIXTEENTH  
56 DAY OF JANUARY, THE COMMISSIONER SHALL ISSUE CONTRIBUTION AUTHORIZATION

1 CERTIFICATES FOR APPLICATIONS RECEIVED DURING PHASE ONE, PROVIDED THAT  
2 IF THE AGGREGATE TOTAL OF THE CONTRIBUTIONS FOR WHICH APPLICATIONS HAVE  
3 BEEN RECEIVED DURING PHASE ONE EXCEEDS THE AMOUNT OF THE CREDIT CAP IN  
4 SUBDIVISION (H) OF THIS SECTION, THE AUTHORIZED CONTRIBUTION AMOUNT  
5 LISTED ON EACH CONTRIBUTION AUTHORIZATION CERTIFICATE SHALL EQUAL THE  
6 PRO-RATA SHARE OF THE CREDIT CAP. IF THE CREDIT CAP IS NOT EXCEEDED,  
7 PHASE TWO COMMENCES ON JANUARY SIXTEENTH AND ENDS ON NOVEMBER FIRST. THE  
8 COMMISSIONER SHALL ISSUE CONTRIBUTION AUTHORIZATION CERTIFICATES ON A  
9 FIRST-COME FIRST SERVE BASIS BASED UPON THE DATE THE DEPARTMENT RECEIVED  
10 THE TAXPAYER'S APPLICATION FOR SUCH CERTIFICATE; PROVIDED, HOWEVER, THAT  
11 IF ON ANY DAY THE DEPARTMENT RECEIVES APPLICATIONS REQUESTING CONTRIB-  
12 UTION AUTHORIZATION CERTIFICATES FOR CONTRIBUTIONS THAT IN THE AGGREGATE  
13 EXCEED THE AMOUNT OF THE REMAINING AVAILABLE CREDIT ON SUCH DAY, THE  
14 AUTHORIZED CONTRIBUTION AMOUNT LISTED IN EACH CONTRIBUTION AUTHORIZATION  
15 CERTIFICATE SHALL BE THE TAXPAYER'S PRO-RATA SHARE OF THE REMAINING  
16 AVAILABLE CREDIT. FOR PURPOSES OF DETERMINING A TAXPAYER'S PRO-RATA  
17 SHARE OF REMAINING AVAILABLE CREDIT, THE COMMISSIONER SHALL MULTIPLY THE  
18 AMOUNT OF REMAINING AVAILABLE CREDIT BY A FRACTION, THE NUMERATOR OF  
19 WHICH EQUALS THE TOTAL CONTRIBUTION AMOUNT LISTED ON THE TAXPAYER'S  
20 APPLICATION AND THE DENOMINATOR OF WHICH EQUALS THE AGGREGATE AMOUNT OF  
21 CONTRIBUTIONS LISTED ON THE APPLICATIONS FOR CONTRIBUTION AUTHORIZATION  
22 CERTIFICATES RECEIVED ON SUCH DAY. CONTRIBUTION AUTHORIZATION CERTIF-  
23 ICATES FOR APPLICATIONS RECEIVED DURING PHASE ONE SHALL BE MAILED NO  
24 LATER THAN THE FIFTH DAY OF FEBRUARY. CONTRIBUTION AUTHORIZATION CERTIF-  
25 ICATES FOR APPLICATIONS RECEIVED DURING PHASE TWO SHALL BE MAILED WITHIN  
26 TWENTY DAYS OF RECEIPT OF SUCH APPLICATIONS. PROVIDED, HOWEVER, THAT NO  
27 CONTRIBUTION AUTHORIZATION CERTIFICATES FOR APPLICATIONS RECEIVED DURING  
28 PHASE TWO SHALL BE ISSUED UNTIL ALL OF THE CONTRIBUTION AUTHORIZATION  
29 CERTIFICATES FOR APPLICATIONS RECEIVED DURING PHASE ONE HAVE BEEN  
30 ISSUED.

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

43 3. NOTIFICATION OF THE ISSUANCE OF A CONTRIBUTION AUTHORIZATION  
44 CERTIFICATE. UPON ISSUANCE OF A CONTRIBUTION AUTHORIZATION CERTIFICATE,  
45 THE COMMISSIONER SHALL NOTIFY THE EDUCATIONAL SCHOLARSHIP ORGANIZATION,  
46 PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION OR LOCAL EDUCA-  
47 TION FUND OF THE ISSUANCE OF THE CONTRIBUTION AUTHORIZATION CERTIFICATE  
48 TO A TAXPAYER. SUCH NOTIFICATION SHALL INCLUDE: (I) THE TAXPAYER'S NAME  
49 AND ADDRESS; (II) THE DATE SUCH CERTIFICATE WAS ISSUED; (III) THE DATE  
50 BY WHICH THE AUTHORIZED CONTRIBUTION LISTED IN THE NOTIFICATION MUST BE  
51 MADE BY THE TAXPAYER; (IV) THE AMOUNT OF THE AUTHORIZED CONTRIBUTION;  
52 (V) CONTRIBUTION AUTHORIZATION CERTIFICATE; AND (VI) ANY OTHER INFORMA-  
53 TION THAT THE COMMISSIONER DEEMS NECESSARY.

54 (G) CERTIFICATE OF RECEIPT. 1. IN GENERAL. NO PUBLIC EDUCATION ENTITY,  
55 SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL  
56 SCHOLARSHIP ORGANIZATION SHALL ISSUE A CERTIFICATE OF RECEIPT FOR ANY

1 CONTRIBUTION MADE BY A TAXPAYER UNLESS SUCH PUBLIC EDUCATION ENTITY,  
2 SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL  
3 SCHOLARSHIP ORGANIZATION HAS BEEN APPROVED TO ISSUE CERTIFICATES OF  
4 RECEIPT PURSUANT TO ARTICLE TWENTY-FIVE OF THE EDUCATION LAW. NO PUBLIC  
5 EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND,  
6 OR EDUCATIONAL SCHOLARSHIP ORGANIZATION SHALL ISSUE A CERTIFICATE OF  
7 RECEIPT FOR A CONTRIBUTION MADE BY A TAXPAYER UNLESS SUCH PUBLIC EDUCA-  
8 TION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR  
9 EDUCATIONAL SCHOLARSHIP ORGANIZATION HAS RECEIVED NOTICE FROM THE  
10 DEPARTMENT THAT THE DEPARTMENT ISSUED A CREDIT AUTHORIZATION CERTIFICATE  
11 TO THE TAXPAYER FOR SUCH CONTRIBUTION.

12 2. TIMELY CONTRIBUTION. IF A TAXPAYER MAKES AN AUTHORIZED CONTRIBUTION  
13 TO THE PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL  
14 EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION SET FORTH ON THE  
15 AUTHORIZATION CERTIFICATE ISSUED TO THE TAXPAYER NO LATER THAN THE DATE  
16 BY WHICH SUCH AUTHORIZED CONTRIBUTION IS REQUIRED TO BE MADE, SUCH  
17 PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCA-  
18 TION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION SHALL, WITHIN THIRTY  
19 DAYS OF RECEIPT OF THE AUTHORIZED CONTRIBUTION, ISSUE TO THE TAXPAYER A  
20 WRITTEN CERTIFICATE OF RECEIPT; PROVIDED, HOWEVER, THAT IF THE TAXPAYER  
21 CONTRIBUTES AN AMOUNT THAT IS LESS THAN THE AMOUNT LISTED ON THE TAXPAY-  
22 ER'S CONTRIBUTION AUTHORIZATION CERTIFICATE, THE TAXPAYER SHALL NOT BE  
23 ISSUED A CERTIFICATE OF RECEIPT FOR SUCH CONTRIBUTION.

24 3. CERTIFICATE OF RECEIPT CONTENTS. EACH CERTIFICATE OF RECEIPT SHALL  
25 STATE: (I) THE NAME AND ADDRESS OF THE ISSUING PUBLIC EDUCATION ENTITY,  
26 SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL  
27 SCHOLARSHIP ORGANIZATION; (II) THE TAXPAYER'S NAME AND ADDRESS; (III)  
28 THE DATE FOR EACH CONTRIBUTION; (IV) THE AMOUNT OF EACH CONTRIBUTION AND  
29 THE CORRESPONDING CONTRIBUTION AUTHORIZATION CERTIFICATE NUMBER; (V) THE  
30 TOTAL AMOUNT OF CONTRIBUTIONS; AND (VI) ANY OTHER INFORMATION THAT THE  
31 COMMISSIONER DEEMS NECESSARY.

32 4. NOTIFICATION TO THE DEPARTMENT FOR THE ISSUANCE OF A CERTIFICATE OF  
33 RECEIPT. UPON THE ISSUANCE OF A CERTIFICATE OF RECEIPT, THE ISSUING  
34 PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCA-  
35 TION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION SHALL, WITHIN THIRTY  
36 DAYS OF ISSUING THE CERTIFICATE OF RECEIPT, PROVIDE THE DEPARTMENT WITH  
37 NOTIFICATION OF THE ISSUANCE OF SUCH CERTIFICATE IN THE FORM AND MANNER  
38 PRESCRIBED BY THE DEPARTMENT.

39 5. NOTIFICATION TO THE DEPARTMENT OF THE NON-ISSUANCE OF A CERTIFICATE  
40 OF RECEIPT. EACH PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZA-  
41 TION, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION THAT  
42 RECEIVED NOTIFICATION FROM THE DEPARTMENT PURSUANT TO SUBDIVISION (D) OF  
43 THIS SECTION REGARDING THE ISSUANCE OF A CONTRIBUTION AUTHORIZATION  
44 CERTIFICATE TO A TAXPAYER SHALL, WITHIN THIRTY DAYS OF THE EXPIRATION  
45 DATE FOR SUCH AUTHORIZED CONTRIBUTION, PROVIDE NOTIFICATION TO THE  
46 DEPARTMENT FOR EACH TAXPAYER THAT FAILED TO MAKE THE AUTHORIZED CONTRIB-  
47 UTION TO SUCH PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION,  
48 LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION IN THE  
49 FORM AND MANNER PRESCRIBED BY THE DEPARTMENT.

50 6. FAILURE TO NOTIFY THE DEPARTMENT. WITHIN THIRTY DAYS OF DISCOVERY  
51 OF THE FAILURE OF ANY PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGAN-  
52 IZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION  
53 TO COMPLY WITH THE NOTIFICATION REQUIREMENTS PRESCRIBED BY PARAGRAPHS  
54 FOUR AND FIVE OF THIS SUBDIVISION, THE COMMISSIONER SHALL ISSUE A NOTICE  
55 OF COMPLIANCE FAILURE TO SUCH ENTITY, PROGRAM FUND OR ORGANIZATION. SUCH  
56 ENTITY, PROGRAM FUND OR ORGANIZATION SHALL HAVE THIRTY DAYS FROM THE

1 DATE OF SUCH NOTICE TO MAKE THE NOTIFICATIONS PRESCRIBED BY PARAGRAPHS  
2 FOUR AND FIVE OF THIS SUBDIVISION. SUCH PERIOD MAY BE EXTENDED FOR AN  
3 ADDITIONAL THIRTY DAYS UPON THE REQUEST OF THE ENTITY, PROGRAM FUND OR  
4 ORGANIZATION. UPON THE EXPIRATION OF THE PERIOD FOR COMPLIANCE SET FORTH  
5 IN THE NOTICE PRESCRIBED BY THIS PARAGRAPH, THE COMMISSIONER SHALL NOTI-  
6 FY THE COMMISSIONER OF EDUCATION THAT SUCH ENTITY, PROGRAM FUND OR  
7 ORGANIZATION FAILED TO MAKE THE NOTIFICATIONS PRESCRIBED BY PARAGRAPHS  
8 FOUR AND FIVE OF THIS SUBDIVISION.

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

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

21 (J) OTHER REQUIREMENTS; MISCELLANEOUS. 1. RECORD KEEPING. EACH TAXPAY-  
22 ER SHALL, FOR EACH TAXABLE YEAR FOR WHICH THE EDUCATION TAX CREDIT  
23 PROVIDED FOR UNDER THIS SECTION IS CLAIMED, MAINTAIN RECORDS OF THE  
24 FOLLOWING INFORMATION: (I) CONTRIBUTION AUTHORIZATION CERTIFICATES  
25 OBTAINED PURSUANT TO SUBDIVISION (F) OF THIS SECTION, AND (II) CERTIF-  
26 ICATES OF RECEIPT OBTAINED PURSUANT TO SUBDIVISION (G) OF THIS SECTION.

27 2. REGULATIONS. THE COMMISSIONER IS HEREBY AUTHORIZED TO PROMULGATE  
28 AND ADOPT ON AN EMERGENCY BASIS REGULATIONS NECESSARY FOR THE IMPLEMEN-  
29 TATION OF THIS SECTION.

30 (K) JOINT ANNUAL REPORT. ON OR BEFORE THE LAST DAY OF MAY FOR EACH  
31 CALENDAR YEAR, FOR THE IMMEDIATELY PRECEDING YEAR, THE COMMISSIONER AND  
32 THE COMMISSIONER OF EDUCATION SHALL JOINTLY SUBMIT A WRITTEN REPORT TO  
33 THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE  
34 ASSEMBLY, THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE AND THE CHAIRMAN  
35 OF THE ASSEMBLY WAYS AND MEANS COMMITTEE REGARDING THE CREDIT. SUCH  
36 REPORT SHALL CONTAIN INFORMATION FOR ARTICLES NINE-A AND TWENTY-TWO OF  
37 THIS CHAPTER, RESPECTIVELY, REGARDING: (I) THE NUMBER OF APPLICATIONS  
38 RECEIVED; (II) THE NUMBER OF AND AGGREGATE VALUE OF THE CONTRIBUTION  
39 AUTHORIZATION CERTIFICATES ISSUED FOR CONTRIBUTIONS TO PUBLIC EDUCATION  
40 ENTITIES, SCHOOL IMPROVEMENT ORGANIZATIONS, LOCAL EDUCATION FUNDS, AND  
41 EDUCATIONAL SCHOLARSHIP ORGANIZATIONS, RESPECTIVELY; (III) THE GEOGRAPH-  
42 ICAL DISTRIBUTION BY COUNTY, TO THE EXTENT FEASIBLE, OF (A) THE APPLICA-  
43 TIONS FOR CONTRIBUTION AUTHORIZATION CERTIFICATES, DISTRIBUTION BY THE  
44 COUNTY, TO THE EXTENT FEASIBLE, OF (B) THE PUBLIC EDUCATION ENTITIES,  
45 SCHOOL IMPROVEMENT ORGANIZATIONS, LOCAL EDUCATION FUNDS, AND EDUCATIONAL  
46 SCHOLARSHIP ORGANIZATIONS LISTED ON THE ISSUED CONTRIBUTION AUTHORI-  
47 ZATION CERTIFICATES; AND (IV) INFORMATION, INCLUDING GEOGRAPHICAL  
48 DISTRIBUTION BY COUNTY, TO THE EXTENT FEASIBLE, OF THE NUMBER OF ELIGI-  
49 BLE PUPILS THAT RECEIVED SCHOLARSHIPS, THE NUMBER OF QUALIFIED SCHOOLS  
50 ATTENDED BY ELIGIBLE PUPILS THAT RECEIVED SUCH SCHOLARSHIPS, AND THE  
51 AVERAGE VALUE OF SCHOLARSHIPS RECEIVED BY SUCH ELIGIBLE PUPILS. THE  
52 COMMISSIONER AND DESIGNATED EMPLOYEES OF THE DEPARTMENT AND THE COMMIS-  
53 SIONER OF EDUCATION AND DESIGNATED EMPLOYEES OF THE DEPARTMENT OF EDUCA-  
54 TION SHALL BE ALLOWED AND ARE DIRECTED TO SHARE AND EXCHANGE INFORMATION  
55 REGARDING THE SCHOOL IMPROVEMENT ORGANIZATIONS, LOCAL EDUCATION FUNDS  
56 AND EDUCATIONAL SCHOLARSHIP ORGANIZATIONS THAT APPLIED FOR APPROVAL TO

1 BE AUTHORIZED TO RECEIVE QUALIFIED CONTRIBUTIONS; AND THE PUBLIC EDUCA-  
 2 TION ENTITIES, SCHOOL IMPROVEMENT ORGANIZATIONS, LOCAL EDUCATION FUNDS,  
 3 AND EDUCATIONAL SCHOLARSHIP ORGANIZATIONS AUTHORIZED TO ISSUE CERTIF-  
 4 ICATES OF RECEIPT, INCLUDING INFORMATION CONTAINED IN OR DERIVED FROM  
 5 APPLICATION FORMS AND REPORTS SUBMITTED TO THE DEPARTMENT OF EDUCATION  
 6 OR THE COMMISSIONER OF EDUCATION.

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

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

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

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

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

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

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

23 (B) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION  
 24 FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR THAT YEAR TO LESS  
 25 THAN THE AMOUNT PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF  
 26 SECTION TWO HUNDRED TEN OF THIS ARTICLE. IF THE AMOUNT OF CREDIT ALLOW-  
 27 ABLE UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH  
 28 AMOUNT OR IF THE TAXPAYER OTHERWISE PAYS TAX ON THE FIXED DOLLAR MINIMUM  
 29 THE EXCESS ALLOWED FOR A TAXABLE YEAR MAY BE CARRIED OVER TO THE FOLLOW-  
 30 ING YEAR OR YEARS FOR UP TO FIVE YEARS AND MAY BE DEDUCTED FROM THE  
 31 TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

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

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

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

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

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

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

1 S 10. Severability. If any provision of this section or the applica-  
2 tion thereof to any person or circumstances is held invalid, such inva-  
3 lidity shall not affect other provisions or applications of the section  
4 which can be given effect without the invalid provision or application,  
5 and to this end the provisions of this section are declared to be sever-  
6 able.

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

21 PART F

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

24 S 9-w. STANDARD FINANCIAL AID AWARD LETTER. THE SUPERINTENDENT OF  
25 FINANCIAL SERVICES IN CONSULTATION WITH THE PRESIDENT OF THE HIGHER  
26 EDUCATION SERVICES CORPORATION SHALL DEVELOP A STANDARD FINANCIAL AID  
27 AWARD LETTER WHICH SHALL CLEARLY DELINEATE (A) THE ESTIMATED COST OF  
28 ATTENDANCE, (B) ALL FINANCIAL AID OFFERED, WITH AN EXPLANATION AS TO  
29 WHICH COMPONENTS WILL REQUIRE REPAYMENT, (C) ANY EXPECTED STUDENT AND/OR  
30 FAMILY CONTRIBUTION, (D) CAMPUS-SPECIFIC GRADUATION, MEDIAN BORROWING,  
31 AND LOAN DEFAULT RATES, AND (E) ANY OTHER INFORMATION AS DETERMINED BY  
32 THE SUPERINTENDENT IN CONSULTATION WITH THE PRESIDENT. THE SUPERINTEN-  
33 DENT SHALL PUBLISH AND MAKE AVAILABLE SUCH STANDARD LETTER BY DECEMBER  
34 THIRTY-FIRST, TWO THOUSAND FIFTEEN AND THEREAFTER. EACH COLLEGE, VOCA-  
35 TIONAL INSTITUTION, AND ANY OTHER INSTITUTION THAT OFFERS AN APPROVED  
36 PROGRAM AS DEFINED IN SECTION SIX HUNDRED ONE OF THE EDUCATION LAW SHALL  
37 UTILIZE THE STANDARD LETTER ISSUED BY THE DEPARTMENT OF FINANCIAL  
38 SERVICES IN RESPONDING TO ALL FINANCIAL AID APPLICANTS FOR THE TWO THOU-  
39 SAND SIXTEEN--TWO THOUSAND SEVENTEEN ACADEMIC YEAR AND THEREAFTER. THE  
40 SUPERINTENDENT SHALL PROMULGATE REGULATIONS IMPLEMENTING THIS SECTION.

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

43 PART G

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

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

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

3 (H) ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS  
4 A PROFESSIONAL SERVICE CORPORATION FORMED TO LAWFULLY ENGAGE IN THE  
5 PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED  
6 UNDER ARTICLE ONE HUNDRED FORTY-NINE OF THE EDUCATION LAW SHALL BE  
7 REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE  
8 FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPEN-  
9 SATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVID-  
10 UALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT  
11 ALL SHAREHOLDERS OF A PROFESSIONAL SERVICE CORPORATION WHOSE PRINCIPAL  
12 PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE  
13 OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER  
14 SECTION SEVENTY-FOUR HUNDRED FOUR OF THE EDUCATION LAW OR ARE PUBLIC  
15 ACCOUNTANTS LICENSED UNDER SECTION SEVENTY-FOUR HUNDRED FIVE OF THE  
16 EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM  
17 AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR  
18 PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE PROVISIONS OF THIS PARAGRAPH, A  
19 FIRM INCORPORATED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF  
20 THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR  
21 "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS".  
22 EACH NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS  
23 SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE  
24 BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY,  
25 INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPO-  
26 RATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH  
27 ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS  
28 CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS  
29 SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS  
30 OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR  
31 MANAGEMENT OF THE FIRM. SUCH A FIRM SHALL HAVE ATTACHED TO ITS CERTIF-  
32 ICATE OF INCORPORATION A CERTIFICATE OR CERTIFICATES DEMONSTRATING THE  
33 FIRM'S COMPLIANCE WITH THIS PARAGRAPH, IN LIEU OF THE CERTIFICATE OR  
34 CERTIFICATES REQUIRED BY SUBPARAGRAPH (II) OF PARAGRAPH (B) OF THIS  
35 SECTION.

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

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

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

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

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

54 (IV) THE PRESIDENT, THE CHAIRPERSON OF THE BOARD OF DIRECTORS AND THE  
55 CHIEF EXECUTIVE OFFICER OR OFFICERS ARE CERTIFIED PUBLIC ACCOUNTANTS.  
56 NO SHAREHOLDER OF A FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCOR-

1 PORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H)  
2 OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE SHALL ENTER INTO A  
3 VOTING TRUST AGREEMENT, PROXY OR ANY OTHER TYPE OF AGREEMENT VESTING IN  
4 ANOTHER PERSON, OTHER THAN ANOTHER SHAREHOLDER OF THE SAME CORPORATION,  
5 THE AUTHORITY TO EXERCISE VOTING POWER OF ANY OR ALL OF HIS OR HER  
6 SHARES. ALL SHARES ISSUED, AGREEMENTS MADE OR PROXIES GRANTED IN  
7 VIOLATION OF THIS SECTION SHALL BE VOID.

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

10 (C) THE DIRECTORS AND OFFICERS OF ANY FIRM ESTABLISHED FOR THE BUSI-  
11 NESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION  
12 PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTI-  
13 CLE MAY INCLUDE INDIVIDUALS WHO ARE NOT LICENSED TO PRACTICE PUBLIC  
14 ACCOUNTANCY, PROVIDED HOWEVER THAT AT LEAST FIFTY-ONE PERCENT OF THE  
15 DIRECTORS, AT LEAST FIFTY-ONE PERCENT OF THE OFFICERS AND THE PRESIDENT,  
16 THE CHAIRPERSON OF THE BOARD OF DIRECTORS AND THE CHIEF EXECUTIVE OFFI-  
17 CER OR OFFICERS ARE AUTHORIZED BY LAW TO PRACTICE IN THIS STATE A  
18 PROFESSION WHICH SUCH CORPORATION IS AUTHORIZED TO PRACTICE, AND ARE  
19 EITHER SHAREHOLDERS OF SUCH CORPORATION OR ENGAGED IN THE PRACTICE OF  
20 THEIR PROFESSIONS IN SUCH CORPORATION.

21 S 5. Section 1509 of the business corporation law, as amended by chap-  
22 ter 550 of the laws of 2011, is amended to read as follows:

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

25 If any shareholder, director, officer or employee of a professional  
26 service corporation, including a design professional service corpo-  
27 ration, OR ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORAT-  
28 ING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF  
29 SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE, who has been rendering  
30 professional service to the public becomes legally disqualified to prac-  
31 tice his profession within this state, he shall sever all employment  
32 with, and financial interests (other than interests as a creditor) in,  
33 such corporation forthwith or as otherwise provided in section 1510 of  
34 this article. All provisions of law regulating the rendering of profes-  
35 sional services by a person elected or appointed to a public office  
36 shall be applicable to a shareholder, director, officer and employee of  
37 such corporation in the same manner and to the same extent as if fully  
38 set forth herein. Such legal disqualification to practice his profession  
39 within this state shall be deemed to constitute an irrevocable offer by  
40 the disqualified shareholder to sell his shares to the corporation,  
41 pursuant to the provisions of section 1510 of this article or of the  
42 certificate of incorporation, by-laws or agreement among the corporation  
43 and all shareholders, whichever is applicable. Compliance with the terms  
44 of such offer shall be specifically enforceable in the courts of this  
45 state. A professional service corporation's failure to enforce compli-  
46 ance with this provision shall constitute a ground for forfeiture of its  
47 certificate of incorporation and its dissolution.

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

51 (a) No shareholder of a professional service corporation [or], INCLUD-  
52 ING a design professional service corporation, OR ANY FIRM ESTABLISHED  
53 FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE  
54 CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE  
55 OF THIS ARTICLE, may sell or transfer his shares in such corporation  
56 except to another individual who is eligible to have shares issued to



1 him by such corporation or except in trust to another individual who  
2 would be eligible to receive shares if he were employed by the corpo-  
3 ration. Nothing herein contained shall be construed to prohibit the  
4 transfer of shares by operation of law or by court decree. No transfer-  
5 ee of shares by operation of law or court decree may vote the shares for  
6 any purpose whatsoever except with respect to corporate action under  
7 sections 909 and 1001 of this chapter. The restriction in the preceding  
8 sentence shall not apply, however, where such transferee would be eligi-  
9 ble to have shares issued to him if he were an employee of the corpo-  
10 ration and, if there are other shareholders, a majority of such other  
11 shareholders shall fail to redeem the shares so transferred, pursuant to  
12 section 1510 of this article, within sixty days of receiving written  
13 notice of such transfer. Any sale or transfer, except by operation of  
14 law or court decree or except for a corporation having only one share-  
15 holder, may be made only after the same shall have been approved by the  
16 board of directors, or at a shareholders' meeting specially called for  
17 such purpose by such proportion, not less than a majority, of the  
18 outstanding shares as may be provided in the certificate of incorpo-  
19 ration or in the by-laws of such professional service corporation. At  
20 such shareholders' meeting the shares held by the shareholder proposing  
21 to sell or transfer his shares may not be voted or counted for any  
22 purpose, unless all shareholders consent that such shares be voted or  
23 counted. The certificate of incorporation or the by-laws of the profes-  
24 sional service corporation, or the professional service corporation and  
25 the shareholders by private agreement, may provide, in lieu of or in  
26 addition to the foregoing provisions, for the alienation of shares and  
27 may require the redemption or purchase of such shares by such corpo-  
28 ration at prices and in a manner specifically set forth therein. The  
29 existence of the restrictions on the sale or transfer of shares, as  
30 contained in this article and, if applicable, in the certificate of  
31 incorporation, by-laws, stock purchase or stock redemption agreement,  
32 shall be noted conspicuously on the face or back of every certificate  
33 for shares issued by a professional service corporation. Any sale or  
34 transfer in violation of such restrictions shall be void.

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

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

50 (a) Notwithstanding any other provision of law, the name of a profes-  
51 sional service corporation, including a design professional service  
52 corporation AND ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCOR-  
53 PORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H)  
54 OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE, may contain any word  
55 which, at the time of incorporation, could be used in the name of a  
56 partnership practicing a profession which the corporation is authorized

1 to practice, and may not contain any word which could not be used by  
2 such a partnership. Provided, however, the name of a professional  
3 service corporation may not contain the name of a deceased person unless

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

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

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

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

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

21 (II) AT LEAST FIFTY-ONE PERCENT OF THE DIRECTORS ARE AND WERE CERTI-  
22 FIED PUBLIC ACCOUNTANTS,

23 (III) AT LEAST FIFTY-ONE PERCENT OF THE OFFICERS ARE AND WERE CERTI-  
24 FIED PUBLIC ACCOUNTANTS,

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

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

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

33 (d) "Foreign professional service corporation" means a professional  
34 service corporation, whether or not denominated as such, organized under  
35 the laws of a jurisdiction other than this state, all of the sharehold-  
36 ers, directors and officers of which are authorized and licensed to  
37 practice the profession for which such corporation is licensed to do  
38 business; except that all shareholders, directors and officers of a  
39 foreign professional service corporation which provides health services  
40 in this state shall be licensed in this state. NOTWITHSTANDING ANY OTHER  
41 PROVISION OF LAW A FOREIGN PROFESSIONAL SERVICE CORPORATION FORMED TO  
42 LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE  
43 IS RESPECTIVELY DEFINED UNDER ARTICLE ONE HUNDRED FORTY-NINE OF THE  
44 EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF  
45 THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING  
46 OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S  
47 OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY  
48 IN SOME STATE, AND (2) THAT ALL SHAREHOLDERS OF A FOREIGN PROFESSIONAL  
49 SERVICE CORPORATION WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE,  
50 AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE,  
51 HOLD A VALID LICENSE ISSUED UNDER SECTION SEVENTY-FOUR HUNDRED FOUR OF  
52 THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION  
53 SEVENTY-FOUR HUNDRED FIVE OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY  
54 INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH  
55 RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITH-  
56 STANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT

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

13 S 10. The fourteenth undesignated paragraph of section 2 of the part-  
14 nership law, as added by chapter 576 of the laws of 1994, is amended to  
15 read as follows:

16 "Professional partnership" means (1) a partnership without limited  
17 partners each of whose partners is a professional authorized by law to  
18 render a professional service within this state, (2) a partnership with-  
19 out limited partners each of whose partners is a professional, at least  
20 one of whom is authorized by law to render a professional service within  
21 this state or (3) a partnership without limited partners authorized by,  
22 or holding a license, certificate, registration or permit issued by the  
23 licensing authority pursuant to the education law to render a profes-  
24 sional service within this state; except that all partners of a profes-  
25 sional partnership that provides medical services in this state must be  
26 licensed pursuant to article 131 of the education law to practice medi-  
27 cine in this state and all partners of a professional partnership that  
28 provides dental services in this state must be licensed pursuant to  
29 article 133 of the education law to practice dentistry in this state;  
30 [and further] except that all partners of a professional partnership  
31 that provides professional engineering, land surveying, architectural  
32 and/or landscape architectural services in this state must be licensed  
33 pursuant to article 145, article 147 and/or article 148 of the education  
34 law to practice one or more of such professions in this state; AND  
35 FURTHER EXCEPT THAT ALL PARTNERS OF A PROFESSIONAL PARTNERSHIP THAT  
36 PROVIDES PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS  
37 IS IN THIS STATE AND WHO PROVIDE PUBLIC ACCOUNTANCY SERVICES, MUST BE  
38 LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC  
39 ACCOUNTANCY IN THIS STATE. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW  
40 A PROFESSIONAL PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF  
41 PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTI-  
42 CLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A  
43 SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL  
44 INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS  
45 HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE  
46 PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL SHAREHOLDERS OF A  
47 PROFESSIONAL PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS  
48 STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS  
49 STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION  
50 LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCA-  
51 TION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND  
52 ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR  
53 PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED  
54 UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME  
55 INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC  
56 ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE

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

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

13 "Professional partnership" means (1) a partnership without limited  
14 partners each of whose partners is a professional authorized by law to  
15 render a professional service within this state, (2) a partnership with-  
16 out limited partners each of whose partners is a professional, at least  
17 one of whom is authorized by law to render a professional service within  
18 this state or (3) a partnership without limited partners authorized by,  
19 or holding a license, certificate, registration or permit issued by the  
20 licensing authority pursuant to the education law to render a profes-  
21 sional service within this state; except that all partners of a profes-  
22 sional partnership that provides medical services in this state must be  
23 licensed pursuant to article 131 of the education law to practice medi-  
24 cine in this state and all partners of a professional partnership that  
25 provides dental services in this state must be licensed pursuant to  
26 article 133 of the education law to practice dentistry in this state;  
27 [and further] except that all partners of a professional partnership  
28 that provides professional engineering, land surveying, geologic, archi-  
29 tectural and/or landscape architectural services in this state must be  
30 licensed pursuant to article 145, article 147 and/or article 148 of the  
31 education law to practice one or more of such professions in this state;  
32 AND FURTHER EXCEPT THAT ALL PARTNERS OF A PROFESSIONAL PARTNERSHIP THAT  
33 PROVIDES PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS  
34 IS IN THIS STATE AND WHO PROVIDE PUBLIC ACCOUNTANCY SERVICES, MUST BE  
35 LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC  
36 ACCOUNTANCY IN THIS STATE. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW  
37 A PROFESSIONAL PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF  
38 PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTI-  
39 CLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A  
40 SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL  
41 INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS  
42 HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE  
43 PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL SHAREHOLDERS OF A  
44 PROFESSIONAL PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS  
45 STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS  
46 STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION  
47 LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCA-  
48 TION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND  
49 ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR  
50 PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED  
51 UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME  
52 INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC  
53 ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE  
54 OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A  
55 NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR  
56 ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED

1 TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL  
2 OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO  
3 ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS  
4 AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTIC-  
5 IPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY  
6 TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

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

10 (q) Each partner of a registered limited liability partnership formed  
11 to provide medical services in this state must be licensed pursuant to  
12 article 131 of the education law to practice medicine in this state and  
13 each partner of a registered limited liability partnership formed to  
14 provide dental services in this state must be licensed pursuant to arti-  
15 cle 133 of the education law to practice dentistry in this state. Each  
16 partner of a registered limited liability partnership formed to provide  
17 veterinary services in this state must be licensed pursuant to article  
18 135 of the education law to practice veterinary medicine in this state.  
19 EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO  
20 PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS  
21 IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE  
22 LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC  
23 ACCOUNTANCY IN THIS STATE. Each partner of a registered limited liabil-  
24 ity partnership formed to provide professional engineering, land survey-  
25 ing, architectural and/or landscape architectural services in this state  
26 must be licensed pursuant to article 145, article 147 and/or article 148  
27 of the education law to practice one or more of such professions in this  
28 state. Each partner of a registered limited liability partnership formed  
29 to provide licensed clinical social work services in this state must be  
30 licensed pursuant to article 154 of the education law to practice clin-  
31 ical social work in this state. Each partner of a registered limited  
32 liability partnership formed to provide creative arts therapy services  
33 in this state must be licensed pursuant to article 163 of the education  
34 law to practice creative arts therapy in this state. Each partner of a  
35 registered limited liability partnership formed to provide marriage and  
36 family therapy services in this state must be licensed pursuant to arti-  
37 cle 163 of the education law to practice marriage and family therapy in  
38 this state. Each partner of a registered limited liability partnership  
39 formed to provide mental health counseling services in this state must  
40 be licensed pursuant to article 163 of the education law to practice  
41 mental health counseling in this state. Each partner of a registered  
42 limited liability partnership formed to provide psychoanalysis services  
43 in this state must be licensed pursuant to article 163 of the education  
44 law to practice psychoanalysis in this state. Each partner of a regis-  
45 tered limited liability partnership formed to provide applied behavior  
46 analysis service in this state must be licensed or certified pursuant to  
47 article 167 of the education law to practice applied behavior analysis  
48 in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A LIMITED  
49 LIABILITY PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF  
50 PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTI-  
51 CLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A  
52 SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL  
53 INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS  
54 HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE  
55 PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL PARTNERS OF A LIMITED  
56 LIABILITY PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS

1 STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS  
2 STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION  
3 LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCA-  
4 TION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND  
5 ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR  
6 PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED  
7 UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME  
8 INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC  
9 ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE  
10 OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A  
11 NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR  
12 ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED  
13 TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL  
14 OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO  
15 ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS  
16 AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTIC-  
17 IPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY  
18 TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

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

22 (q) Each partner of a registered limited liability partnership formed  
23 to provide medical services in this state must be licensed pursuant to  
24 article 131 of the education law to practice medicine in this state and  
25 each partner of a registered limited liability partnership formed to  
26 provide dental services in this state must be licensed pursuant to arti-  
27 cle 133 of the education law to practice dentistry in this state. Each  
28 partner of a registered limited liability partnership formed to provide  
29 veterinary services in this state must be licensed pursuant to article  
30 135 of the education law to practice veterinary medicine in this state.  
31 EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO  
32 PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS  
33 IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE  
34 LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC  
35 ACCOUNTANCY IN THIS STATE. Each partner of a registered limited liabil-  
36 ity partnership formed to provide professional engineering, land survey-  
37 ing, geological services, architectural and/or landscape architectural  
38 services in this state must be licensed pursuant to article 145, article  
39 147 and/or article 148 of the education law to practice one or more of  
40 such professions in this state. Each partner of a registered limited  
41 liability partnership formed to provide licensed clinical social work  
42 services in this state must be licensed pursuant to article 154 of the  
43 education law to practice clinical social work in this state. Each part-  
44 ner of a registered limited liability partnership formed to provide  
45 creative arts therapy services in this state must be licensed pursuant  
46 to article 163 of the education law to practice creative arts therapy in  
47 this state. Each partner of a registered limited liability partnership  
48 formed to provide marriage and family therapy services in this state  
49 must be licensed pursuant to article 163 of the education law to prac-  
50 tice marriage and family therapy in this state. Each partner of a regis-  
51 tered limited liability partnership formed to provide mental health  
52 counseling services in this state must be licensed pursuant to article  
53 163 of the education law to practice mental health counseling in this  
54 state. Each partner of a registered limited liability partnership formed  
55 to provide psychoanalysis services in this state must be licensed pursu-  
56 ant to article 163 of the education law to practice psychoanalysis in

1 this state. Each partner of a registered limited liability partnership  
2 formed to provide applied behavior analysis service in this state must  
3 be licensed or certified pursuant to article 167 of the education law to  
4 practice applied behavior analysis in this state. NOTWITHSTANDING ANY  
5 OTHER PROVISIONS OF LAW A LIMITED LIABILITY PARTNERSHIP FORMED TO  
6 LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE  
7 IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW, SHALL BE  
8 REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE  
9 FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPEN-  
10 SATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVID-  
11 UALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT  
12 ALL PARTNERS OF A LIMITED LIABILITY PARTNERSHIP WHOSE PRINCIPAL PLACE OF  
13 BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC  
14 ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION  
15 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER  
16 SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LI-  
17 CENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGAT-  
18 ED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FORE-  
19 GOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE  
20 OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNT-  
21 ANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR  
22 "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER  
23 THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN  
24 THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY,  
25 INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPO-  
26 RATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH  
27 ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS  
28 CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS  
29 SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS  
30 OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR  
31 MANAGEMENT OF THE FIRM.

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

35 (q) Each partner of a foreign limited liability partnership which  
36 provides medical services in this state must be licensed pursuant to  
37 article 131 of the education law to practice medicine in the state and  
38 each partner of a foreign limited liability partnership which provides  
39 dental services in the state must be licensed pursuant to article 133 of  
40 the education law to practice dentistry in this state. Each partner of a  
41 foreign limited liability partnership which provides veterinary service  
42 in the state shall be licensed pursuant to article 135 of the education  
43 law to practice veterinary medicine in this state. Each partner of a  
44 foreign limited liability partnership which provides professional engi-  
45 neering, land surveying, architectural and/or landscape architectural  
46 services in this state must be licensed pursuant to article 145, article  
47 147 and/or article 148 of the education law to practice one or more of  
48 such professions. EACH PARTNER OF A FOREIGN REGISTERED LIMITED LIABILITY  
49 PARTNERSHIP FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCI-  
50 PAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUN-  
51 TANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCA-  
52 TION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. Each partner of a  
53 foreign limited liability partnership which provides licensed clinical  
54 social work services in this state must be licensed pursuant to article  
55 154 of the education law to practice licensed clinical social work in  
56 this state. Each partner of a foreign limited liability partnership

1 which provides creative arts therapy services in this state must be  
2 licensed pursuant to article 163 of the education law to practice crea-  
3 tive arts therapy in this state. Each partner of a foreign limited  
4 liability partnership which provides marriage and family therapy  
5 services in this state must be licensed pursuant to article 163 of the  
6 education law to practice marriage and family therapy in this state.  
7 Each partner of a foreign limited liability partnership which provides  
8 mental health counseling services in this state must be licensed pursu-  
9 ant to article 163 of the education law to practice mental health coun-  
10 seling in this state. Each partner of a foreign limited liability part-  
11 nership which provides psychoanalysis services in this state must be  
12 licensed pursuant to article 163 of the education law to practice  
13 psychoanalysis in this state. Each partner of a foreign limited liabil-  
14 ity partnership which provides applied behavior analysis services in  
15 this state must be licensed or certified pursuant to article 167 of the  
16 education law to practice applied behavior analysis in this state.  
17 NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A FOREIGN LIMITED LIABILITY  
18 PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUN-  
19 TANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE  
20 EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF  
21 THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING  
22 OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S  
23 OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY  
24 IN SOME STATE, AND (2) THAT ALL PARTNERS OF A FOREIGN LIMITED LIABILITY  
25 PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO  
26 ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A  
27 VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE  
28 PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW.  
29 ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS  
30 MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUN-  
31 TANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS  
32 SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE  
33 WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS,"  
34 OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM  
35 THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON  
36 WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED  
37 ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP  
38 OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY  
39 INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN  
40 THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR  
41 PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE  
42 SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE  
43 DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

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

47 (q) Each partner of a foreign limited liability partnership which  
48 provides medical services in this state must be licensed pursuant to  
49 article 131 of the education law to practice medicine in the state and  
50 each partner of a foreign limited liability partnership which provides  
51 dental services in the state must be licensed pursuant to article 133 of  
52 the education law to practice dentistry in this state. Each partner of  
53 a foreign limited liability partnership which provides veterinary  
54 service in the state shall be licensed pursuant to article 135 of the  
55 education law to practice veterinary medicine in this state. Each part-  
56 ner of a foreign limited liability partnership which provides profes-



1 sional engineering, land surveying, geological services, architectural  
2 and/or landscape architectural services in this state must be licensed  
3 pursuant to article 145, article 147 and/or article 148 of the education  
4 law to practice one or more of such professions. EACH PARTNER OF A  
5 FOREIGN REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE  
6 PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN  
7 THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE  
8 LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC  
9 ACCOUNTANCY IN THIS STATE. Each partner of a foreign limited liability  
10 partnership which provides licensed clinical social work services in  
11 this state must be licensed pursuant to article 154 of the education law  
12 to practice licensed clinical social work in this state. Each partner of  
13 a foreign limited liability partnership which provides creative arts  
14 therapy services in this state must be licensed pursuant to article 163  
15 of the education law to practice creative arts therapy in this state.  
16 Each partner of a foreign limited liability partnership which provides  
17 marriage and family therapy services in this state must be licensed  
18 pursuant to article 163 of the education law to practice marriage and  
19 family therapy in this state. Each partner of a foreign limited liabil-  
20 ity partnership which provides mental health counseling services in this  
21 state must be licensed pursuant to article 163 of the education law to  
22 practice mental health counseling in this state. Each partner of a  
23 foreign limited liability partnership which provides psychoanalysis  
24 services in this state must be licensed pursuant to article 163 of the  
25 education law to practice psychoanalysis in this state. Each partner of  
26 a foreign limited liability partnership which provides applied behavior  
27 analysis services in this state must be licensed or certified pursuant  
28 to article 167 of the education law to practice applied behavior analy-  
29 sis in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A FOREIGN  
30 LIMITED LIABILITY PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE  
31 OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER  
32 ARTICLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A  
33 SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL  
34 INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS  
35 HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE  
36 PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL PARTNERS OF A FOREIGN  
37 LIMITED LIABILITY PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN  
38 THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN  
39 THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCA-  
40 TION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE  
41 EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM  
42 AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR  
43 PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED  
44 UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME  
45 INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC  
46 ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE  
47 OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A  
48 NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR  
49 ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED  
50 TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL  
51 OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO  
52 ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS  
53 AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY  
54 PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDI-  
55 VIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

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

3 (h) "Limited partnership" and "domestic limited partnership" mean,  
4 unless the context otherwise requires, a partnership (i) formed by two  
5 or more persons pursuant to this article or which complies with subdivi-  
6 sion (a) of section 121-1202 of this article and (ii) having one or more  
7 general partners and one or more limited partners. NOTWITHSTANDING ANY  
8 OTHER PROVISIONS OF LAW A LIMITED PARTNERSHIP OR DOMESTIC LIMITED PART-  
9 NERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY,  
10 AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCA-  
11 TION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE  
12 OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNER-  
13 SHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS,  
14 BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME  
15 STATE, AND (2) THAT ALL PARTNERS OF A LIMITED PARTNERSHIP OR DOMESTIC  
16 LIMITED PARTNERSHIP, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE,  
17 AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE,  
18 HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR  
19 ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW.  
20 ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS  
21 MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUN-  
22 TANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS  
23 SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE  
24 WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS,"  
25 OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM  
26 THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO  
27 ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED  
28 ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP  
29 OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY  
30 INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN  
31 THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR  
32 PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE  
33 SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE  
34 DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

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

38 (b) With respect to a professional service limited liability company  
39 formed to provide medical services as such services are defined in arti-  
40 cle 131 of the education law, each member of such limited liability  
41 company must be licensed pursuant to article 131 of the education law to  
42 practice medicine in this state. With respect to a professional service  
43 limited liability company formed to provide dental services as such  
44 services are defined in article 133 of the education law, each member of  
45 such limited liability company must be licensed pursuant to article 133  
46 of the education law to practice dentistry in this state. With respect  
47 to a professional service limited liability company formed to provide  
48 veterinary services as such services are defined in article 135 of the  
49 education law, each member of such limited liability company must be  
50 licensed pursuant to article 135 of the education law to practice veter-  
51 inary medicine in this state. With respect to a professional service  
52 limited liability company formed to provide professional engineering,  
53 land surveying, architectural and/or landscape architectural services as  
54 such services are defined in article 145, article 147 and article 148 of  
55 the education law, each member of such limited liability company must be  
56 licensed pursuant to article 145, article 147 and/or article 148 of the

1 education law to practice one or more of such professions in this state.  
2 WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED  
3 TO PROVIDE PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED IN  
4 ARTICLE 149 OF THE EDUCATION LAW EACH MEMBER OF SUCH LIMITED LIABILITY  
5 COMPANY WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO  
6 PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTI-  
7 CLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS  
8 STATE. With respect to a professional service limited liability company  
9 formed to provide licensed clinical social work services as such  
10 services are defined in article 154 of the education law, each member of  
11 such limited liability company shall be licensed pursuant to article 154  
12 of the education law to practice licensed clinical social work in this  
13 state. With respect to a professional service limited liability company  
14 formed to provide creative arts therapy services as such services are  
15 defined in article 163 of the education law, each member of such limited  
16 liability company must be licensed pursuant to article 163 of the educa-  
17 tion law to practice creative arts therapy in this state. With respect  
18 to a professional service limited liability company formed to provide  
19 marriage and family therapy services as such services are defined in  
20 article 163 of the education law, each member of such limited liability  
21 company must be licensed pursuant to article 163 of the education law to  
22 practice marriage and family therapy in this state. With respect to a  
23 professional service limited liability company formed to provide mental  
24 health counseling services as such services are defined in article 163  
25 of the education law, each member of such limited liability company must  
26 be licensed pursuant to article 163 of the education law to practice  
27 mental health counseling in this state. With respect to a professional  
28 service limited liability company formed to provide psychoanalysis  
29 services as such services are defined in article 163 of the education  
30 law, each member of such limited liability company must be licensed  
31 pursuant to article 163 of the education law to practice psychoanalysis  
32 in this state. With respect to a professional service limited liability  
33 company formed to provide applied behavior analysis services as such  
34 services are defined in article 167 of the education law, each member of  
35 such limited liability company must be licensed or certified pursuant to  
36 article 167 of the education law to practice applied behavior analysis  
37 in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFES-  
38 SIONAL SERVICE LIMITED LIABILITY COMPANY FORMED TO LAWFULLY ENGAGE IN  
39 THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY  
40 DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW  
41 (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF  
42 FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING  
43 RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO  
44 PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A  
45 LIMITED PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL  
46 PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE  
47 OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER  
48 SECTION 7404 OF ARTICLE 149 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNT-  
49 ANTS LICENSED UNDER SECTION 7405 OF ARTICLE 149 OF THE EDUCATION LAW.  
50 ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS  
51 MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUN-  
52 TANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS  
53 SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE  
54 WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS,"  
55 OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM  
56 THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO

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

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

12 (b) With respect to a professional service limited liability company  
13 formed to provide medical services as such services are defined in arti-  
14 cle 131 of the education law, each member of such limited liability  
15 company must be licensed pursuant to article 131 of the education law to  
16 practice medicine in this state. With respect to a professional service  
17 limited liability company formed to provide dental services as such  
18 services are defined in article 133 of the education law, each member of  
19 such limited liability company must be licensed pursuant to article 133  
20 of the education law to practice dentistry in this state. With respect  
21 to a professional service limited liability company formed to provide  
22 veterinary services as such services are defined in article 135 of the  
23 education law, each member of such limited liability company must be  
24 licensed pursuant to article 135 of the education law to practice veter-  
25 inary medicine in this state. With respect to a professional service  
26 limited liability company formed to provide professional engineering,  
27 land surveying, architectural, landscape architectural and/or geological  
28 services as such services are defined in article 145, article 147 and  
29 article 148 of the education law, each member of such limited liability  
30 company must be licensed pursuant to article 145, article 147 and/or  
31 article 148 of the education law to practice one or more of such  
32 professions in this state. WITH RESPECT TO A PROFESSIONAL SERVICE  
33 LIMITED LIABILITY COMPANY FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES  
34 AS SUCH SERVICES ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW EACH  
35 MEMBER OF SUCH LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSI-  
36 NESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST  
37 BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE  
38 PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a professional service  
39 limited liability company formed to provide licensed clinical social  
40 work services as such services are defined in article 154 of the educa-  
41 tion law, each member of such limited liability company shall be  
42 licensed pursuant to article 154 of the education law to practice  
43 licensed clinical social work in this state. With respect to a profes-  
44 sional service limited liability company formed to provide creative arts  
45 therapy services as such services are defined in article 163 of the  
46 education law, each member of such limited liability company must be  
47 licensed pursuant to article 163 of the education law to practice crea-  
48 tive arts therapy in this state. With respect to a professional service  
49 limited liability company formed to provide marriage and family therapy  
50 services as such services are defined in article 163 of the education  
51 law, each member of such limited liability company must be licensed  
52 pursuant to article 163 of the education law to practice marriage and  
53 family therapy in this state. With respect to a professional service  
54 limited liability company formed to provide mental health counseling  
55 services as such services are defined in article 163 of the education  
56 law, each member of such limited liability company must be licensed

1 pursuant to article 163 of the education law to practice mental health  
2 counseling in this state. With respect to a professional service limited  
3 liability company formed to provide psychoanalysis services as such  
4 services are defined in article 163 of the education law, each member of  
5 such limited liability company must be licensed pursuant to article 163  
6 of the education law to practice psychoanalysis in this state. With  
7 respect to a professional service limited liability company formed to  
8 provide applied behavior analysis services as such services are defined  
9 in article 167 of the education law, each member of such limited liabil-  
10 ity company must be licensed or certified pursuant to article 167 of the  
11 education law to practice applied behavior analysis in this state.  
12 NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFESSIONAL SERVICE  
13 LIMITED LIABILITY COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF  
14 PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTI-  
15 CLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE  
16 MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS,  
17 INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE  
18 FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC  
19 ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A LIMITED PROFES-  
20 SIONAL SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSI-  
21 NESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC  
22 ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION  
23 7404 OF ARTICLE 149 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS  
24 LICENSED UNDER SECTION 7405 OF ARTICLE 149 OF THE EDUCATION LAW.  
25 ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS  
26 MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUN-  
27 TANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS  
28 SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE  
29 WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS,"  
30 OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM  
31 THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO  
32 ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED  
33 ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP  
34 OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY  
35 INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN  
36 THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR  
37 PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE  
38 SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE  
39 DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

40 S 15. Subdivisions (a) and (f) of section 1301 of the limited liabil-  
41 ity company law, subdivision (a) as amended by chapter 554 of the laws  
42 of 2013 and subdivision (f) as amended by chapter 170 of the laws of  
43 1996, are amended to read as follows:

44 (a) "Foreign professional service limited liability company" means a  
45 professional service limited liability company, whether or not denomi-  
46 nated as such, organized under the laws of a jurisdiction other than  
47 this state, (i) each of whose members and managers, if any, is a profes-  
48 sional authorized by law to render a professional service within this  
49 state and who is or has been engaged in the practice of such profession  
50 in such professional service limited liability company or a predecessor  
51 entity, or will engage in the practice of such profession in the profes-  
52 sional service limited liability company within thirty days of the date  
53 such professional becomes a member, or each of whose members and manag-  
54 ers, if any, is a professional at least one of such members is author-  
55 ized by law to render a professional service within this state and who  
56 is or has been engaged in the practice of such profession in such

1 professional service limited liability company or a predecessor entity,  
2 or will engage in the practice of such profession in the professional  
3 service limited liability company within thirty days of the date such  
4 professional becomes a member, or (ii) authorized by, or holding a  
5 license, certificate, registration or permit issued by the licensing  
6 authority pursuant to, the education law to render a professional  
7 service within this state; except that all members and managers, if any,  
8 of a foreign professional service limited liability company that  
9 provides health services in this state shall be licensed in this state.  
10 With respect to a foreign professional service limited liability company  
11 which provides veterinary services as such services are defined in arti-  
12 cle 135 of the education law, each member of such foreign professional  
13 service limited liability company shall be licensed pursuant to article  
14 135 of the education law to practice veterinary medicine. With respect  
15 to a foreign professional service limited liability company which  
16 provides medical services as such services are defined in article 131 of  
17 the education law, each member of such foreign professional service  
18 limited liability company must be licensed pursuant to article 131 of  
19 the education law to practice medicine in this state. With respect to a  
20 foreign professional service limited liability company which provides  
21 dental services as such services are defined in article 133 of the  
22 education law, each member of such foreign professional service limited  
23 liability company must be licensed pursuant to article 133 of the educa-  
24 tion law to practice dentistry in this state. With respect to a foreign  
25 professional service limited liability company which provides profes-  
26 sional engineering, land surveying, architectural and/or landscape  
27 architectural services as such services are defined in article 145,  
28 article 147 and article 148 of the education law, each member of such  
29 foreign professional service limited liability company must be licensed  
30 pursuant to article 145, article 147 and/or article 148 of the education  
31 law to practice one or more of such professions in this state. WITH  
32 RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY  
33 WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED  
34 IN ARTICLE 149 OF THE EDUCATION LAW, EACH MEMBER OF SUCH FOREIGN PROFES-  
35 SIONAL SERVICE LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSI-  
36 NESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES,  
37 SHALL BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRAC-  
38 TICE PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a foreign profes-  
39 sional service limited liability company which provides licensed clin-  
40 ical social work services as such services are defined in article 154 of  
41 the education law, each member of such foreign professional service  
42 limited liability company shall be licensed pursuant to article 154 of  
43 the education law to practice clinical social work in this state. With  
44 respect to a foreign professional service limited liability company  
45 which provides creative arts therapy services as such services are  
46 defined in article 163 of the education law, each member of such foreign  
47 professional service limited liability company must be licensed pursuant  
48 to article 163 of the education law to practice creative arts therapy in  
49 this state. With respect to a foreign professional service limited  
50 liability company which provides marriage and family therapy services as  
51 such services are defined in article 163 of the education law, each  
52 member of such foreign professional service limited liability company  
53 must be licensed pursuant to article 163 of the education law to prac-  
54 tice marriage and family therapy in this state. With respect to a  
55 foreign professional service limited liability company which provides  
56 mental health counseling services as such services are defined in arti-

1 cle 163 of the education law, each member of such foreign professional  
2 service limited liability company must be licensed pursuant to article  
3 163 of the education law to practice mental health counseling in this  
4 state. With respect to a foreign professional service limited liability  
5 company which provides psychoanalysis services as such services are  
6 defined in article 163 of the education law, each member of such foreign  
7 professional service limited liability company must be licensed pursuant  
8 to article 163 of the education law to practice psychoanalysis in this  
9 state. With respect to a foreign professional service limited liability  
10 company which provides applied behavior analysis services as such  
11 services are defined in article 167 of the education law, each member of  
12 such foreign professional service limited liability company must be  
13 licensed or certified pursuant to article 167 of the education law to  
14 practice applied behavior analysis in this state. NOTWITHSTANDING ANY  
15 OTHER PROVISIONS OF LAW A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY  
16 COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY,  
17 AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCA-  
18 TION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE  
19 OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNER-  
20 SHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS,  
21 BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME  
22 STATE, AND (2) THAT ALL MEMBERS OF A FOREIGN LIMITED PROFESSIONAL  
23 SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSINESS IS  
24 IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY  
25 IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE  
26 EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF  
27 THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE  
28 FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE  
29 BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM  
30 REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE  
31 FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTI-  
32 FIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH  
33 NON-LICENSEE OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL  
34 BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE  
35 FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT  
36 LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH  
37 BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL  
38 PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM  
39 OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY  
40 PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDI-  
41 VIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

42 (f) "Professional partnership" means (1) a partnership without limited  
43 partners each of whose partners is a professional authorized by law to  
44 render a professional service within this state, (2) a partnership with-  
45 out limited partners each of whose partners is a professional, at least  
46 one of whom is authorized by law to render a professional service within  
47 this state or (3) a partnership without limited partners authorized by,  
48 or holding a license, certificate, registration or permit issued by the  
49 licensing authority pursuant to the education law to render a profes-  
50 sional service within this state; except that all partners of a profes-  
51 sional partnership that provides medical services in this state must be  
52 licensed pursuant to article 131 of the education law to practice medi-  
53 cine in this state and all partners of a professional partnership that  
54 provides dental services in this state must be licensed pursuant to  
55 article 133 of the education law to practice dentistry in this state;  
56 except that all partners of a professional partnership that provides

1 veterinary services in this state must be licensed pursuant to article  
2 135 of the education law to practice veterinary medicine in this state;  
3 and further except that all partners of a professional partnership that  
4 provides professional engineering, land surveying, architectural, and/or  
5 landscape architectural services in this state must be licensed pursuant  
6 to article 145, article 147 and/or article 148 of the education law to  
7 practice one or more of such professions. WITH RESPECT TO A PROFESSIONAL  
8 PARTNERSHIP WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES  
9 ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW, EACH MEMBER OF SUCH  
10 PROFESSIONAL PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS  
11 STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, SHALL BE LICENSED  
12 PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUN-  
13 TANCY. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFESSIONAL PART-  
14 NERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY,  
15 AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCA-  
16 TION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE  
17 OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNER-  
18 SHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS,  
19 BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME  
20 STATE, AND (2) THAT ALL MEMBERS OF A LIMITED PROFESSIONAL PARTNERSHIP,  
21 WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED  
22 IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID  
23 LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC  
24 ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH  
25 FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST  
26 COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY.  
27 NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY  
28 NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS  
29 "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE  
30 ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT  
31 IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO  
32 ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED  
33 ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP  
34 OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY  
35 INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN  
36 THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR  
37 PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE  
38 SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE  
39 DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

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

43 (a) "Foreign professional service limited liability company" means a  
44 professional service limited liability company, whether or not denomi-  
45 nated as such, organized under the laws of a jurisdiction other than  
46 this state, (i) each of whose members and managers, if any, is a profes-  
47 sional authorized by law to render a professional service within this  
48 state and who is or has been engaged in the practice of such profession  
49 in such professional service limited liability company or a predecessor  
50 entity, or will engage in the practice of such profession in the profes-  
51 sional service limited liability company within thirty days of the date  
52 such professional becomes a member, or each of whose members and manag-  
53 ers, if any, is a professional at least one of such members is author-  
54 ized by law to render a professional service within this state and who  
55 is or has been engaged in the practice of such profession in such  
56 professional service limited liability company or a predecessor entity,



1 or will engage in the practice of such profession in the professional  
2 service limited liability company within thirty days of the date such  
3 professional becomes a member, or (ii) authorized by, or holding a  
4 license, certificate, registration or permit issued by the licensing  
5 authority pursuant to, the education law to render a professional  
6 service within this state; except that all members and managers, if any,  
7 of a foreign professional service limited liability company that  
8 provides health services in this state shall be licensed in this state.  
9 With respect to a foreign professional service limited liability company  
10 which provides veterinary services as such services are defined in arti-  
11 cle 135 of the education law, each member of such foreign professional  
12 service limited liability company shall be licensed pursuant to article  
13 135 of the education law to practice veterinary medicine. With respect  
14 to a foreign professional service limited liability company which  
15 provides medical services as such services are defined in article 131 of  
16 the education law, each member of such foreign professional service  
17 limited liability company must be licensed pursuant to article 131 of  
18 the education law to practice medicine in this state. With respect to a  
19 foreign professional service limited liability company which provides  
20 dental services as such services are defined in article 133 of the  
21 education law, each member of such foreign professional service limited  
22 liability company must be licensed pursuant to article 133 of the educa-  
23 tion law to practice dentistry in this state. With respect to a foreign  
24 professional service limited liability company which provides profes-  
25 sional engineering, land surveying, geologic, architectural and/or land-  
26 scape architectural services as such services are defined in article  
27 145, article 147 and article 148 of the education law, each member of  
28 such foreign professional service limited liability company must be  
29 licensed pursuant to article 145, article 147 and/or article 148 of the  
30 education law to practice one or more of such professions in this state.  
31 WITH RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY  
32 WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED  
33 IN ARTICLE 149 OF THE EDUCATION LAW, EACH MEMBER OF SUCH FOREIGN PROFES-  
34 SIONAL SERVICE LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSI-  
35 NESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES,  
36 SHALL BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRAC-  
37 TICE PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a foreign profes-  
38 sional service limited liability company which provides licensed clin-  
39 ical social work services as such services are defined in article 154 of  
40 the education law, each member of such foreign professional service  
41 limited liability company shall be licensed pursuant to article 154 of  
42 the education law to practice clinical social work in this state. With  
43 respect to a foreign professional service limited liability company  
44 which provides creative arts therapy services as such services are  
45 defined in article 163 of the education law, each member of such foreign  
46 professional service limited liability company must be licensed pursuant  
47 to article 163 of the education law to practice creative arts therapy in  
48 this state. With respect to a foreign professional service limited  
49 liability company which provides marriage and family therapy services as  
50 such services are defined in article 163 of the education law, each  
51 member of such foreign professional service limited liability company  
52 must be licensed pursuant to article 163 of the education law to prac-  
53 tice marriage and family therapy in this state. With respect to a  
54 foreign professional service limited liability company which provides  
55 mental health counseling services as such services are defined in arti-  
56 cle 163 of the education law, each member of such foreign professional

1 service limited liability company must be licensed pursuant to article  
2 163 of the education law to practice mental health counseling in this  
3 state. With respect to a foreign professional service limited liability  
4 company which provides psychoanalysis services as such services are  
5 defined in article 163 of the education law, each member of such foreign  
6 professional service limited liability company must be licensed pursuant  
7 to article 163 of the education law to practice psychoanalysis in this  
8 state. With respect to a foreign professional service limited liability  
9 company which provides applied behavior analysis services as such  
10 services are defined in article 167 of the education law, each member of  
11 such foreign professional service limited liability company must be  
12 licensed or certified pursuant to article 167 of the education law to  
13 practice applied behavior analysis in this state. NOTWITHSTANDING ANY  
14 OTHER PROVISIONS OF LAW A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY  
15 COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY,  
16 AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCA-  
17 TION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE  
18 OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNER-  
19 SHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS,  
20 BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME  
21 STATE, AND (2) THAT ALL MEMBERS OF A FOREIGN LIMITED PROFESSIONAL  
22 SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSINESS IS  
23 IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY  
24 IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE  
25 EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF  
26 THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE  
27 FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE  
28 BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM  
29 REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE  
30 FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTI-  
31 FIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH  
32 NON-LICENSEE OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL  
33 BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE  
34 FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT  
35 LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH  
36 BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL  
37 PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM  
38 OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY  
39 PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDI-  
40 VIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

41 (f) "Professional partnership" means (1) a partnership without limited  
42 partners each of whose partners is a professional authorized by law to  
43 render a professional service within this state, (2) a partnership with-  
44 out limited partners each of whose partners is a professional, at least  
45 one of whom is authorized by law to render a professional service within  
46 this state or (3) a partnership without limited partners authorized by,  
47 or holding a license, certificate, registration or permit issued by the  
48 licensing authority pursuant to the education law to render a profes-  
49 sional service within this state; except that all partners of a profes-  
50 sional partnership that provides medical services in this state must be  
51 licensed pursuant to article 131 of the education law to practice medi-  
52 cine in this state and all partners of a professional partnership that  
53 provides dental services in this state must be licensed pursuant to  
54 article 133 of the education law to practice dentistry in this state;  
55 except that all partners of a professional partnership that provides  
56 veterinary services in this state must be licensed pursuant to article

1 135 of the education law to practice veterinary medicine in this state;  
2 and further except that all partners of a professional partnership that  
3 provides professional engineering, land surveying, geologic, architec-  
4 tural, and/or landscape architectural services in this state must be  
5 licensed pursuant to article 145, article 147 and/or article 148 of the  
6 education law to practice one or more of such professions. WITH RESPECT  
7 TO A PROFESSIONAL PARTNERSHIP WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES  
8 AS SUCH SERVICES ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW, EACH  
9 MEMBER OF SUCH PROFESSIONAL PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSI-  
10 NESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES,  
11 SHALL BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRAC-  
12 TICE PUBLIC ACCOUNTANCY. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A  
13 PROFESSIONAL PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF  
14 PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTI-  
15 CLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE  
16 MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS,  
17 INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE  
18 FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC  
19 ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A LIMITED PROFES-  
20 SIONAL PARTNERSHIP, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE,  
21 AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE,  
22 HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR  
23 ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW.  
24 ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS  
25 MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUN-  
26 TANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS  
27 SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE  
28 WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS,"  
29 OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM  
30 THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO  
31 ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED  
32 ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP  
33 OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY  
34 INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN  
35 THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR  
36 PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE  
37 SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE  
38 DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

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

43 PART H

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

46 ARTICLE 129-B

47 IMPLEMENTATION BY COLLEGES AND UNIVERSITIES OF SEXUAL  
48 ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING  
49 PREVENTION AND RESPONSE POLICIES AND PROCEDURES

50 SECTION 6439. GENERAL PROVISIONS.

51 6440. DEFINITION OF AFFIRMATIVE CONSENT TO SEXUAL ACTIVITY.

52 6441. POLICY FOR ALCOHOL AND/OR DRUG USE AMNESTY IN SEXUAL VIOLENCE  
53 CASES.

1 6442. VICTIM AND SURVIVOR BILL OF RIGHTS.

2 6443 RESPONSE TO REPORTS.

3 6444. CAMPUS CLIMATE ASSESSMENTS.

4 6445. OPTIONS FOR CONFIDENTIAL DISCLOSURE.

5 6446. STUDENT ONBOARDING AND ONGOING EDUCATION.

6 6447. PRIVACY IN LEGAL CHALLENGES TO CONDUCT FINDINGS.

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

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

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

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

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

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

45 7. COLLEGES AND UNIVERSITIES SHALL REFER TO APPLICABLE STATE AND  
46 FEDERAL LAW, REGULATIONS AND POLICY GUIDANCE IN DEVELOPING AND IMPLE-  
47 MENTING THE POLICIES REQUIRED PURSUANT TO THIS ARTICLE, INCLUDING REFER-  
48 ENCE TO STATE AND FEDERAL DEFINITIONS OF TERMS NOT SPECIFICALLY DEFINED  
49 HEREIN.

50 S 6440. DEFINITION OF AFFIRMATIVE CONSENT TO SEXUAL ACTIVITY. EACH  
51 COLLEGE AND UNIVERSITY SHALL ADOPT A UNIFORM DEFINITION OF AFFIRMATIVE  
52 CONSENT IN THEIR CODE OF STUDENT CONDUCT OR SIMILAR DOCUMENT GOVERNING  
53 STUDENT BEHAVIOR. THIS DEFINITION SHALL STATE THAT "AFFIRMATIVE CONSENT  
54 IS A CLEAR, UNAMBIGUOUS, KNOWING, INFORMED, AND VOLUNTARY AGREEMENT  
55 BETWEEN ALL PARTICIPANTS TO ENGAGE IN SEXUAL ACTIVITY. CONSENT IS  
56 ACTIVE, NOT PASSIVE. SILENCE OR LACK OF RESISTANCE CANNOT BE INTERPRETED

1 AS CONSENT. SEEKING AND HAVING CONSENT ACCEPTED IS THE RESPONSIBILITY OF  
2 THE PERSON(S) INITIATING EACH SPECIFIC SEXUAL ACT REGARDLESS OF WHETHER  
3 THE PERSON INITIATING THE ACT IS UNDER THE INFLUENCE OF DRUGS AND/OR  
4 ALCOHOL. CONSENT TO ANY SEXUAL ACT OR PRIOR CONSENSUAL SEXUAL ACTIVITY  
5 BETWEEN OR WITH ANY PARTY DOES NOT CONSTITUTE CONSENT TO ANY OTHER SEXU-  
6 AL ACT. THE DEFINITION OF CONSENT DOES NOT VARY BASED UPON A PARTIC-  
7 IPANT'S SEX, SEXUAL ORIENTATION, GENDER IDENTITY OR GENDER EXPRESSION.  
8 CONSENT MAY BE INITIALLY GIVEN BUT WITHDRAWN AT ANY TIME. WHEN CONSENT  
9 IS WITHDRAWN OR CANNOT BE GIVEN, SEXUAL ACTIVITY MUST STOP. CONSENT  
10 CANNOT BE GIVEN WHEN A PERSON IS INCAPACITATED. INCAPACITATION OCCURS  
11 WHEN AN INDIVIDUAL LACKS THE ABILITY TO FULLY AND KNOWINGLY CHOOSE TO  
12 PARTICIPATE IN SEXUAL ACTIVITY. INCAPACITATION INCLUDES IMPAIRMENT DUE  
13 TO DRUGS OR ALCOHOL (WHETHER SUCH USE IS VOLUNTARY OR INVOLUNTARY), THE  
14 LACK OF CONSCIOUSNESS OR BEING ASLEEP, BEING INVOLUNTARILY RESTRAINED,  
15 IF ANY OF THE PARTIES ARE UNDER THE AGE OF 17, OR IF AN INDIVIDUAL  
16 OTHERWISE CANNOT CONSENT. CONSENT CANNOT BE GIVEN WHEN IT IS THE RESULT  
17 OF ANY COERCION, INTIMIDATION, FORCE, OR THREAT OF HARM."

18 S 6441. POLICY FOR ALCOHOL AND/OR DRUG USE AMNESTY IN SEXUAL VIOLENCE  
19 CASES. 1. A BYSTANDER WHO REPORTS IN GOOD FAITH OR A VICTIM REPORTING  
20 SEXUAL VIOLENCE TO COLLEGE OR UNIVERSITY OFFICIALS OR LAW ENFORCEMENT  
21 SHALL NOT BE SUBJECT TO CAMPUS CONDUCT ACTION FOR VIOLATIONS OF ALCOHOL  
22 AND DRUG USE POLICIES OCCURRING AT OR NEAR THE TIME OF THE INCIDENT.  
23 EACH COLLEGE AND UNIVERSITY SHALL ADOPT AND IMPLEMENT THE FOLLOWING  
24 POLICY: "THE HEALTH AND SAFETY OF EVERY STUDENT AT THE  
25 (COLLEGE/UNIVERSITY) IS OF UTMOST IMPORTANCE. (COLLEGE/UNIVERSITY)  
26 RECOGNIZES THAT STUDENTS WHO HAVE BEEN DRINKING AND/OR USING DRUGS  
27 (WHETHER SUCH USE IS VOLUNTARY OR INVOLUNTARY) AT THE TIME A SEXUAL  
28 VIOLENCE INCIDENT OCCURS MAY BE HESITANT TO REPORT SUCH INCIDENTS DUE TO  
29 FEAR OF POTENTIAL CONSEQUENCES FOR THEIR OWN CONDUCT.  
30 (COLLEGE/UNIVERSITY) STRONGLY ENCOURAGES STUDENTS TO REPORT INCIDENTS OF  
31 SEXUAL VIOLENCE TO CAMPUS OFFICIALS. A BYSTANDER REPORTING IN GOOD FAITH  
32 OR A VICTIM/SURVIVOR REPORTING A SEXUAL VIOLENCE INCIDENT TO  
33 (COLLEGE/UNIVERSITY) OFFICIALS OR LAW ENFORCEMENT WILL NOT BE SUBJECT TO  
34 CAMPUS CONDUCT ACTION FOR VIOLATIONS OF ALCOHOL AND/OR DRUG USE POLICIES  
35 OCCURRING AT OR NEAR THE TIME OF THE SEXUAL VIOLENCE INCIDENT."

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

43 S 6442. VICTIM AND SURVIVOR BILL OF RIGHTS. 1. EACH COLLEGE AND  
44 UNIVERSITY SHALL ADOPT A VICTIM AND SURVIVOR BILL OF RIGHTS. THIS BILL  
45 OF RIGHTS SHALL STATE THE FOLLOWING: "ALL VICTIMS AND SURVIVORS HAVE THE  
46 RIGHT TO: (A) MAKE A REPORT TO LOCAL LAW ENFORCEMENT AND/OR STATE  
47 POLICE; (B) HAVE DISCLOSURES OF SEXUAL VIOLENCE TREATED SERIOUSLY; (C)  
48 MAKE A DECISION ABOUT WHETHER OR NOT TO DISCLOSE A CRIME OR INCIDENT AND  
49 PARTICIPATE IN THE CONDUCT OR CRIMINAL JUSTICE PROCESS FREE FROM OUTSIDE  
50 PRESSURES FROM COLLEGE/UNIVERSITY OFFICIALS; (D) BE TREATED WITH DIGNITY  
51 AND TO RECEIVE FROM COLLEGE/UNIVERSITY OFFICIALS COURTEOUS, FAIR, AND  
52 RESPECTFUL HEALTH CARE AND COUNSELING SERVICES; (E) BE FREE FROM ANY  
53 SUGGESTION THAT THE VICTIM/SURVIVOR IS AT FAULT WHEN THESE CRIMES AND  
54 VIOLATIONS ARE COMMITTED, OR SHOULD HAVE ACTED IN A DIFFERENT MANNER TO  
55 AVOID SUCH A CRIME; (F) DESCRIBE THE INCIDENT TO AS FEW INDIVIDUALS AS  
56 PRACTICABLE AND NOT TO BE REQUIRED TO UNNECESSARILY REPEAT A DESCRIPTION

1 OF THE INCIDENT; (G) BE FREE FROM RETALIATION BY THE COLLEGE/UNIVERSITY,  
2 THE ACCUSED, AND/OR THEIR FRIENDS, FAMILY AND ACQUAINTANCES; AND (H)  
3 EXERCISE CIVIL RIGHTS AND PRACTICE OF RELIGION WITHOUT INTERFERENCE BY  
4 THE INVESTIGATIVE, CRIMINAL JUSTICE, OR CONDUCT PROCESS OF THE  
5 COLLEGE/UNIVERSITY."

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

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

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

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

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

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

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

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

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

46 G. WHEN THE ACCUSED IS AN EMPLOYEE, THE RIGHT TO REPORT THE INCIDENT  
47 TO THE COLLEGE OR UNIVERSITY HUMAN RESOURCES AUTHORITY OR THE RIGHT TO  
48 REQUEST THAT A CONFIDENTIAL OR PRIVATE EMPLOYEE ASSIST IN REPORTING TO  
49 THE APPROPRIATE HUMAN RESOURCES AUTHORITY. DISCIPLINARY PROCEEDINGS WILL  
50 BE CONDUCTED IN ACCORDANCE WITH APPLICABLE COLLECTIVE BARGAINING AGREE-  
51 MENTS. WHEN THE ACCUSED IS AN EMPLOYEE OF AN AFFILIATED ENTITY OR VENDOR  
52 OF THE COLLEGE, COLLEGE OR UNIVERSITY OFFICIALS WILL, AT THE REQUEST OF  
53 THE VICTIM/SURVIVOR, ASSIST IN REPORTING TO THE APPROPRIATE OFFICE OF  
54 THE VENDOR OR AFFILIATED ENTITY AND, IF THE RESPONSE OF THE VENDOR OR  
55 AFFILIATED ENTITY IS NOT DEEMED SUFFICIENT BY THE COLLEGE OR UNIVERSITY

1 OFFICIALS, ASSIST IN OBTAINING A PERSONA NON GRATA LETTER, SUBJECT TO  
2 LEGAL REQUIREMENTS AND COLLEGE POLICY;

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

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

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

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

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

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

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

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

38 F. WHEN THE ACCUSED IS A STUDENT AND PRESENTS A CONTINUING THREAT TO  
39 THE HEALTH AND SAFETY OF THE COMMUNITY, TO SUBJECT THE ACCUSED TO INTER-  
40 IM SUSPENSION PENDING THE OUTCOME OF A CONDUCT PROCESS;

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

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

50 I. TO OBTAIN REASONABLE AND AVAILABLE INTERIM MEASURES AND ACCOMMO-  
51 DATIONS THAT EFFECT A CHANGE IN ACADEMIC, HOUSING, EMPLOYMENT, TRANSPOR-  
52 TATION, OR OTHER APPLICABLE ARRANGEMENTS IN ORDER TO ENSURE SAFETY,  
53 PREVENT RETALIATION, AND AVOID AN ONGOING HOSTILE ENVIRONMENT.

54 4. EACH COLLEGE AND UNIVERSITY SHALL ENSURE THAT STUDENTS PARTICIPAT-  
55 ING IN THE STUDENT CONDUCT OR JUDICIAL PROCESS BE AFFORDED THE FOLLOWING  
56 RIGHTS AND RESPONSIBILITIES:

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

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

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

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

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

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

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

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

28 (7) THE RIGHT TO A RANGE OF OPTIONS FOR PROVIDING TESTIMONY VIA ALTER-  
29 NATIVE ARRANGEMENTS, INCLUDING TELEPHONE/VIDEOCONFERENCING OR TESTIFYING  
30 WITH A ROOM PARTITION.

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

35 (9) THE RIGHT TO ASK QUESTIONS OF THE DECISION MAKER AND VIA THE DECI-  
36 SION MAKER INDIRECTLY REQUEST RESPONSES FROM OTHER PARTIES AND ANY OTHER  
37 WITNESSES PRESENT.

38 (10) THE RIGHT TO MAKE AN IMPACT STATEMENT DURING THE POINT OF THE  
39 PROCEEDING WHERE THE DECISION MAKER IS DELIBERATING ON APPROPRIATE SANC-  
40 TIONS.

41 (11) THE RIGHT TO SIMULTANEOUS (AMONG THE PARTIES) WRITTEN OR ELEC-  
42 TRONIC NOTIFICATION OF THE OUTCOME OF A CONDUCT PROCEEDING, INCLUDING  
43 THE SANCTION OR SANCTIONS.

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

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

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



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

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

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

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

23 S 6445. OPTIONS FOR CONFIDENTIAL DISCLOSURE. IN ACCORDANCE WITH THE  
24 VICTIM/SURVIVOR BILL OF RIGHTS SET FORTH IN SECTION SIXTY-FOUR HUNDRED  
25 FORTY-TWO OF THIS ARTICLE, EACH COLLEGE AND UNIVERSITY SHALL ENSURE THAT  
26 VICTIMS AND SURVIVORS HAVE THE FOLLOWING INFORMATION: (A) INFORMATION  
27 REGARDING PRIVILEGED AND CONFIDENTIAL RESOURCES THEY MAY CONTACT REGARD-  
28 ING VIOLENCE; (B) INFORMATION ABOUT NON-PROFESSIONAL COUNSELORS AND  
29 ADVOCATES THEY MAY CONTACT REGARDING VIOLENCE; (C) A PLAIN LANGUAGE  
30 EXPLANATION OF THE DIFFERENCES BETWEEN PRIVACY AND CONFIDENTIALITY; (D)  
31 INFORMATION ABOUT HOW THE COLLEGE OR UNIVERSITY WILL WEIGH A REQUEST FOR  
32 CONFIDENTIALITY AND RESPOND TO SUCH A REQUEST. SUCH INFORMATION SHALL AT  
33 MINIMUM INCLUDE THAT IF A VICTIM/SURVIVOR DISCLOSES AN INCIDENT TO A  
34 COLLEGE OR UNIVERSITY EMPLOYEE WHO IS RESPONSIBLE FOR RESPONDING TO OR  
35 REPORTING SEXUAL VIOLENCE OR SEXUAL HARASSMENT, BUT WISHES TO MAINTAIN  
36 CONFIDENTIALITY OR DOES NOT CONSENT TO THE INSTITUTION'S REQUEST TO  
37 INITIATE AN INVESTIGATION, THE TITLE IX COORDINATOR MUST WEIGH THE  
38 REQUEST AGAINST THE COLLEGE OR UNIVERSITY'S OBLIGATION TO PROVIDE A  
39 SAFE, NON-DISCRIMINATORY ENVIRONMENT FOR ALL MEMBERS OF ITS COMMUNITY.  
40 THE COLLEGE OR UNIVERSITY WILL ASSIST WITH ACADEMIC, HOUSING, TRANSPOR-  
41 TATION, EMPLOYMENT, AND OTHER REASONABLE AND AVAILABLE ACCOMMODATIONS  
42 REGARDLESS OF REPORTING CHOICES. THE COLLEGE OR UNIVERSITY MAY TAKE  
43 PROACTIVE STEPS, SUCH AS TRAINING OR AWARENESS EFFORTS, TO COMBAT SEXUAL  
44 VIOLENCE IN A GENERAL WAY THAT DOES NOT IDENTIFY THOSE WHO DISCLOSE OR  
45 THE INFORMATION DISCLOSED. THE COLLEGE OR UNIVERSITY MAY SEEK CONSENT  
46 FROM THOSE WHO DISCLOSE PRIOR TO CONDUCTING AN INVESTIGATION. DECLINING  
47 TO CONSENT TO AN INVESTIGATION WILL BE HONORED UNLESS THE COLLEGE OR  
48 UNIVERSITY DETERMINES IN GOOD FAITH THAT FAILURE TO INVESTIGATE DOES NOT  
49 ADEQUATELY MITIGATE A POTENTIAL RISK OF HARM TO THE DISCLOSING PERSON OR  
50 OTHER MEMBERS OF THE COMMUNITY. HONORING SUCH A REQUEST MAY LIMIT THE  
51 COLLEGE OR UNIVERSITY'S ABILITY TO MEANINGFULLY INVESTIGATE AND PURSUE  
52 CONDUCT ACTION AGAINST AN ACCUSED INDIVIDUAL. IF THE COLLEGE OR UNIVER-  
53 SITY DETERMINES THAT AN INVESTIGATION IS REQUIRED, IT WILL NOTIFY THE  
54 DISCLOSING PERSON AND TAKE IMMEDIATE ACTION AS NECESSARY TO PROTECT AND  
55 ASSIST THEM. FACTORS USED TO DETERMINE WHETHER TO HONOR A CONFIDENTIALI-  
56 TY REQUEST INCLUDE, BUT ARE NOT LIMITED TO: (1) WHETHER THE ACCUSED HAS

1 A HISTORY OF VIOLENT BEHAVIOR OR IS A REPEAT OFFENDER; (2) WHETHER THE  
2 INCIDENT REPRESENTS ESCALATION IN UNLAWFUL CONDUCT ON BEHALF OF THE  
3 ACCUSED FROM PREVIOUSLY NOTED BEHAVIOR; (3) THE INCREASED RISK THAT THE  
4 ACCUSED WILL COMMIT ADDITIONAL ACTS OF VIOLENCE; (4) WHETHER THE ACCUSED  
5 USED A WEAPON OR FORCE; (5) WHETHER THE VICTIM/SURVIVOR IS A MINOR; AND  
6 (6) WHETHER THE COLLEGE OR UNIVERSITY POSSESSES OTHER MEANS TO OBTAIN  
7 EVIDENCE SUCH AS SECURITY FOOTAGE, AND WHETHER AVAILABLE INFORMATION  
8 REVEALS A PATTERN OF PERPETRATION AT A GIVEN LOCATION OR BY A PARTICULAR  
9 GROUP; (E) INFORMATION ABOUT PUBLIC AWARENESS AND ADVOCACY EVENTS,  
10 INCLUDING GUARANTEES THAT IF AN INDIVIDUAL DISCLOSES INFORMATION THROUGH  
11 A PUBLIC AWARENESS EVENT SUCH AS CANDLELIGHT VIGILS, PROTESTS, OR OTHER  
12 PUBLIC EVENT, THE COLLEGE OR UNIVERSITY IS NOT OBLIGATED TO BEGIN AN  
13 INVESTIGATION BASED ON SUCH INFORMATION. THE COLLEGE OR UNIVERSITY MAY  
14 USE THE INFORMATION PROVIDED AT SUCH AN EVENT TO INFORM ITS EFFORTS FOR  
15 ADDITIONAL EDUCATION AND PREVENTION EFFORTS; (F) INFORMATION ABOUT METH-  
16 ODS TO ANONYMOUSLY DISCLOSE INCLUDING BUT NOT LIMITED TO INFORMATION ON  
17 RELEVANT CONFIDENTIAL HOTLINES PROVIDED BY NEW YORK STATE AGENCIES AND  
18 NOT-FOR-PROFIT ENTITIES; (G) INFORMATION REGARDING INSTITUTIONAL CRIME  
19 REPORTING INCLUDING BUT NOT LIMITED TO: REPORTS OF CERTAIN CRIMES OCCUR-  
20 RING IN SPECIFIC GEOGRAPHIC LOCATIONS THAT SHALL BE INCLUDED IN THE  
21 COLLEGE OR UNIVERSITY ANNUAL SECURITY REPORT PURSUANT TO THE CLERY ACT,  
22 20 U.S.C. 1092(F), IN AN ANONYMIZED MANNER THAT NEITHER IDENTIFIES THE  
23 SPECIFICS OF THE CRIME OR THE IDENTITY OF THE VICTIM/SURVIVOR; THAT THE  
24 COLLEGE OR UNIVERSITY IS OBLIGATED TO ISSUE TIMELY WARNINGS OF CRIMES  
25 ENUMERATED IN THE CLERY ACT OCCURRING WITHIN RELEVANT GEOGRAPHY THAT  
26 REPRESENT A SERIOUS OR CONTINUING THREAT TO STUDENTS AND EMPLOYEES,  
27 EXCEPT IN THOSE CIRCUMSTANCES WHERE ISSUING SUCH A WARNING MAY COMPRO-  
28 MISE CURRENT LAW ENFORCEMENT EFFORTS OR WHEN THE WARNING ITSELF COULD  
29 POTENTIALLY IDENTIFY THE VICTIM/SURVIVOR; THAT A VICTIM OR SURVIVOR  
30 SHALL NOT BE IDENTIFIED IN A TIMELY WARNING; THAT THE FAMILY EDUCATIONAL  
31 RIGHTS AND PRIVACY ACT, 20 U.S.C. 1232(G), ALLOWS INSTITUTIONS TO SHARE  
32 INFORMATION WITH PARENTS WHEN (1) THERE IS A HEALTH OR SAFETY EMERGENCY,  
33 OR (2) WHEN THE STUDENT IS A DEPENDENT ON EITHER PARENT'S PRIOR YEAR  
34 FEDERAL INCOME TAX RETURN, AND THAT GENERALLY, THE COLLEGE OR UNIVERSITY  
35 SHALL NOT SHARE INFORMATION ABOUT A REPORT OF SEXUAL VIOLENCE WITH  
36 PARENTS WITHOUT THE PERMISSION OF THE VICTIM/SURVIVOR.

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

44 2. INCLUDED IN THIS CAMPAIGN IT SHALL BE A REQUIREMENT THAT ALL NEW  
45 FIRST-YEAR AND TRANSFER STUDENTS SHALL, DURING THE COURSE OF THEIR  
46 ONBOARDING TO THEIR COLLEGE OR UNIVERSITY, RECEIVE TRAINING ON THE  
47 FOLLOWING TOPICS, USING A METHOD AND MANNER APPROPRIATE TO THE INSTITU-  
48 TIONAL CULTURE OF EACH COLLEGE OR UNIVERSITY: (A) THE COLLEGE OR UNIVER-  
49 SITY PROHIBITS SEXUAL HARASSMENT, INCLUDING SEXUAL VIOLENCE, OTHER  
50 VIOLENCE OR THREATS OF VIOLENCE, AND WILL OFFER RESOURCES TO ANY VICTIMS  
51 AND SURVIVORS OF SUCH VIOLENCE WHILE TAKING ADMINISTRATIVE AND CONDUCT  
52 ACTION REGARDING ANY ACCUSED INDIVIDUAL WITHIN THE JURISDICTION OF THE  
53 COLLEGE OR UNIVERSITY; (B) RELEVANT DEFINITIONS INCLUDING, BUT NOT  
54 LIMITED TO, THE DEFINITIONS OF SEXUAL VIOLENCE AND CONSENT; (C) POLICIES  
55 APPLY EQUALLY TO ALL STUDENTS REGARDLESS OF SEXUAL ORIENTATION, GENDER  
56 IDENTITY, OR GENDER EXPRESSION; (D) THE ROLE OF THE TITLE IX COORDINA-

1 TOR, UNIVERSITY POLICE OR CAMPUS SECURITY, AND OTHER RELEVANT OFFICES  
2 THAT ADDRESS SEXUAL VIOLENCE PREVENTION AND RESPONSE; (E) AWARENESS OF  
3 VIOLENCE, ITS IMPACT ON VICTIMS AND SURVIVORS AND THEIR FRIENDS AND  
4 FAMILY, AND ITS LONG-TERM IMPACT; (F) THE POLICIES REQUIRED BY SECTIONS  
5 SIXTY-FOUR HUNDRED FORTY-THREE AND SIXTY-FOUR HUNDRED FORTY-FOUR OF THIS  
6 ARTICLE, INCLUDING: (1) HOW TO REPORT SEXUAL VIOLENCE AND OTHER CRIMES  
7 CONFIDENTIALLY TO COLLEGE OR UNIVERSITY OFFICIALS, CAMPUS LAW ENFORCE-  
8 MENT AND SECURITY, AND LOCAL LAW ENFORCEMENT; AND (2) HOW TO OBTAIN  
9 SERVICES AND SUPPORT; (G) BYSTANDER INTERVENTION AND THE IMPORTANCE OF  
10 TAKING ACTION, WHEN ONE CAN SAFELY DO SO, TO PREVENT VIOLENCE; (H) THE  
11 PROTECTIONS OF THE POLICY FOR ALCOHOL AND/OR DRUG USE AMNESTY IN SEXUAL  
12 VIOLENCE CASES AS OUTLINED IN SECTION SIXTY-FOUR HUNDRED FORTY-ONE OF  
13 THIS ARTICLE; (I) RISK ASSESSMENT AND REDUCTION INCLUDING, BUT NOT  
14 LIMITED TO, STEPS THAT POTENTIAL VICTIMS AND SURVIVORS AND BYSTANDERS  
15 CAN TAKE TO LOWER THE INCIDENCE OF SEXUAL VIOLENCE; AND (J) CONSEQUENCES  
16 AND SANCTIONS FOR INDIVIDUALS WHO COMMIT THESE CRIMES.

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

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

23 5. EACH COLLEGE AND UNIVERSITY SHALL OFFER TO ALL STUDENTS GENERAL AND  
24 SPECIALIZED TRAINING IN SEXUAL VIOLENCE PREVENTION. EACH COLLEGE AND  
25 UNIVERSITY SHALL CONDUCT A CAMPAIGN, COMPLIANT WITH THE REQUIREMENTS OF  
26 THE VIOLENCE AGAINST WOMEN ACT, 20 U.S.C. 1092(F), TO EDUCATE THE  
27 STUDENT POPULATION. FURTHER, EACH COLLEGE AND UNIVERSITY SHALL, AS  
28 APPROPRIATE, PROVIDE OR EXPAND SPECIFIC TRAINING TO INCLUDE GROUPS SUCH  
29 AS INTERNATIONAL STUDENTS, STUDENTS THAT ARE ALSO EMPLOYEES, LEADERS AND  
30 OFFICERS OF REGISTERED OR RECOGNIZED STUDENT ORGANIZATIONS, AND ONLINE  
31 AND DISTANCE EDUCATION STUDENTS. EACH COLLEGE AND UNIVERSITY SHALL ALSO  
32 PROVIDE SPECIFIC TRAINING TO MEMBERS OF GROUPS IDENTIFIED AS LIKELY TO  
33 ENGAGE IN HIGH-RISK BEHAVIOR.

34 6. EACH COLLEGE AND UNIVERSITY SHALL REQUIRE THAT STUDENT LEADERS AND  
35 OFFICERS OF STUDENT ORGANIZATIONS RECOGNIZED BY OR REGISTERED WITH THE  
36 COLLEGE OR UNIVERSITY, AS WELL AS THOSE SEEKING RECOGNITION BY THE  
37 COLLEGE OR UNIVERSITY, COMPLETE TRAINING ON SEXUAL VIOLENCE PREVENTION  
38 AS PART OF THE APPROVAL PROCESS, AND EACH COLLEGE AND UNIVERSITY SHALL  
39 REQUIRE THAT STUDENT-ATHLETES COMPLETE TRAINING ON SEXUAL VIOLENCE  
40 PREVENTION PRIOR TO PARTICIPATING IN INTERCOLLEGIATE ATHLETIC COMPETI-  
41 TION.

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

55 8. EACH COLLEGE AND UNIVERSITY MUST ENGAGE IN AN OCCASIONAL ASSESSMENT  
56 OF ITS PROGRAM AND POLICIES ESTABLISHED PURSUANT TO PROVISIONS OF THIS

1 ARTICLE, IN ORDER TO DETERMINE EFFECTIVENESS AND RELEVANCE FOR STUDENTS,  
2 BY EITHER ASSESSING ITS OWN PROGRAMMING OR BY CONDUCTING A REVIEW OF  
3 POLICIES OF OTHER COLLEGES AND UNIVERSITIES AND PUBLISHED STUDIES.

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

15 S 2. This act shall take effect immediately; provided, however, that  
16 sections sixty-four hundred thirty-nine, sixty-four hundred forty,  
17 sixty-four hundred forty-one, sixty-four hundred forty-three, sixty-four  
18 hundred forty-five, and sixty-four hundred forty-six of article 29-B of  
19 the education law, as added by section one of this act, shall take  
20 effect on the one hundred eightieth day after it shall have become a  
21 law; sections sixty-four hundred forty-two and sixty-four hundred  
22 forty-seven of article 29-B of the education law, as added by section  
23 one of this act, shall take effect on the sixtieth day after it shall  
24 have become a law, and section sixty-four hundred forty-four of article  
25 29-B of the education law, as added by section one of this act, shall  
26 take effect on the four hundred twenty-fifth day after it shall have  
27 become a law.

28

## PART I

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

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

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

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

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

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

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

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

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

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

11 (c) On and after January first, two thousand [fourteen] FIFTEEN, (i)  
12 for an eligible individual receiving family care, [\$987.48] \$999.48 if  
13 he or she is receiving such care in the city of New York or the county  
14 of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible  
15 couple receiving family care in the city of New York or the county of  
16 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth  
17 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-  
18 ual receiving such care in any other county in the state, [\$949.48]  
19 \$961.48; and (iv) for an eligible couple receiving such care in any  
20 other county in the state, two times the amount set forth in subpara-  
21 graph (iii) of this paragraph.

22 (d) On and after January first, two thousand [fourteen] FIFTEEN, (i)  
23 for an eligible individual receiving residential care, [\$1156.00]  
24 \$1168.00 if he or she is receiving such care in the city of New York or  
25 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an  
26 eligible couple receiving residential care in the city of New York or  
27 the county of Nassau, Suffolk, Westchester or Rockland, two times the  
28 amount set forth in subparagraph (i) of this paragraph; or (iii) for an  
29 eligible individual receiving such care in any other county in the  
30 state, [\$1126.00] \$1138.00; and (iv) for an eligible couple receiving  
31 such care in any other county in the state, two times the amount set  
32 forth in subparagraph (iii) of this paragraph.

33 (e) (i) On and after January first, two thousand [fourteen] FIFTEEN,  
34 for an eligible individual receiving enhanced residential care,  
35 [\$1415.00] \$1427.00; and (ii) for an eligible couple receiving enhanced  
36 residential care, two times the amount set forth in subparagraph (i) of  
37 this paragraph.

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

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

44

#### PART J

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

48 (vi) proceedings concerning juvenile delinquency as set forth in arti-  
49 cle three THAT ARE COMMENCED IN FAMILY COURT.

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

52 (e) The family court has concurrent jurisdiction with the criminal  
53 court over all family offenses as defined in article eight of this act  
54 AND HAS CONCURRENT JURISDICTION WITH THE YOUTH PART OF A SUPERIOR COURT

1 OVER ANY JUVENILE DELINQUENCY PROCEEDING RESULTING FROM THE REMOVAL OF  
2 THE CASE TO THE FAMILY COURT PURSUANT TO ARTICLE SEVEN HUNDRED  
3 TWENTY-FIVE OF THE CRIMINAL PROCEDURE LAW.

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

6 (b) For every juvenile delinquency proceeding under article three OF  
7 THIS ACT involving an allegation of an act committed by a person which,  
8 if done by an adult, would [be a crime (i) defined in sections 125.27  
9 (murder in the first degree); 125.25 (murder in the second degree);  
10 135.25 (kidnapping in the first degree); or 150.20 (arson in the first  
11 degree) of the penal law committed by a person thirteen, fourteen or  
12 fifteen years of age; or such conduct committed as a sexually motivated  
13 felony, where authorized pursuant to section 130.91 of the penal law;  
14 (ii) defined in sections 120.10 (assault in the first degree); 125.20  
15 (manslaughter in the first degree); 130.35 (rape in the first degree);  
16 130.50 (criminal sexual act in the first degree); 135.20 (kidnapping in  
17 the second degree), but only where the abduction involved the use or  
18 threat of use of deadly physical force; 150.15 (arson in the second  
19 degree); or 160.15 (robbery in the first degree) of the penal law  
20 committed by a person thirteen, fourteen or fifteen years of age; or  
21 such conduct committed as a sexually motivated felony, where authorized  
22 pursuant to section 130.91 of the penal law; (iii) defined in the penal  
23 law as an attempt to commit murder in the first or second degree or  
24 kidnapping in the first degree committed by a person thirteen, fourteen  
25 or fifteen years of age; or such conduct committed as a sexually moti-  
26 vated felony, where authorized pursuant to section 130.91 of the penal  
27 law; (iv) defined in section 140.30 (burglary in the first degree);  
28 subdivision one of section 140.25 (burglary in the second degree);  
29 subdivision two of section 160.10 (robbery in the second degree) of the  
30 penal law; or section 265.03 of the penal law, where such machine gun or  
31 such firearm is possessed on school grounds, as that phrase is defined  
32 in subdivision fourteen of section 220.00 of the penal law committed by  
33 a person fourteen or fifteen years of age; or such conduct committed as  
34 a sexually motivated felony, where authorized pursuant to section 130.91  
35 of the penal law; (v) defined in section 120.05 (assault in the second  
36 degree) or 160.10 (robbery in the second degree) of the penal law  
37 committed by a person fourteen or fifteen years of age but only where  
38 there has been a prior finding by a court that such person has previous-  
39 ly committed an act which, if committed by an adult, would be the crime  
40 of assault in the second degree, robbery in the second degree or any  
41 designated felony act specified in clause (i), (ii) or (iii) of this  
42 subdivision regardless of the age of such person at the time of the  
43 commission of the prior act; or (vi) other than a misdemeanor, committed  
44 by a person at least seven but less than sixteen years of age, but only  
45 where there has been two prior findings by the court that such person  
46 has committed a prior act which, if committed by an adult would be a  
47 felony] CONSTITUTE A DESIGNATED FELONY ACT AS DEFINED IN SUBDIVISION  
48 EIGHT OF SECTION 301.2 OF SUCH ARTICLE:

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

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

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

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

12 (A) WHO IS:

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

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

20 (III) SIXTEEN YEARS OF AGE OR COMMENCING JANUARY FIRST, TWO THOUSAND  
21 EIGHTEEN, SIXTEEN OR SEVENTEEN YEARS OF AGE WHO COMMITTED AN ACT THAT  
22 WOULD CONSTITUTE A CRIME, OR DISORDERLY CONDUCT AS DEFINED IN SECTION  
23 240.20 OF THE PENAL LAW, OR HARASSMENT IN THE SECOND DEGREE AS DEFINED  
24 IN SECTION 240.26 OF THE PENAL LAW IF COMMITTED BY AN ADULT; AND

25 (B) WHO IS EITHER:

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

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

31 S 5. Subdivisions 8 and 9 of section 301.2 of the family court act,  
32 subdivision 8 as amended by chapter 7 of the laws of 2007 and subdivi-  
33 sion 9 as added by chapter 920 of the laws of 1982, are amended to read  
34 as follows:

35 8. "Designated felony act" means an act which, if done by an adult,  
36 would be a crime: (i) defined in sections 125.27 (murder in the first  
37 degree); 125.25 (murder in the second degree); 135.25 (kidnapping in the  
38 first degree); or 150.20 (arson in the first degree) of the penal law  
39 committed by a person thirteen, fourteen [or], fifteen, OR SIXTEEN, OR  
40 COMMENCING JANUARY 1, 2018, SEVENTEEN years of age; or such conduct  
41 committed as a sexually motivated felony, where authorized pursuant to  
42 section 130.91 of the penal law; (ii) defined in sections 120.10  
43 (assault in the first degree); 125.20 (manslaughter in the first  
44 degree); 130.35 (rape in the first degree); 130.50 (criminal sexual act  
45 in the first degree); 130.70 (aggravated sexual abuse in the first  
46 degree); 135.20 (kidnapping in the second degree) but only where the  
47 abduction involved the use or threat of use of deadly physical force;  
48 150.15 (arson in the second degree) or 160.15 (robbery in the first  
49 degree) of the penal law committed by a person thirteen, fourteen [or],  
50 fifteen, OR SIXTEEN, OR, COMMENCING JANUARY 1, 2018, SEVENTEEN years of  
51 age; or such conduct committed as a sexually motivated felony, where  
52 authorized pursuant to section 130.91 of the penal law; (iii) defined in  
53 the penal law as an attempt to commit murder in the first or second  
54 degree or kidnapping in the first degree committed by a person thirteen,  
55 fourteen [or], fifteen, OR SIXTEEN, OR COMMENCING JANUARY 1, 2018,  
56 SEVENTEEN years of age; or such conduct committed as a sexually moti-

1 vated felony, where authorized pursuant to section 130.91 of the penal  
2 law; (iv) defined in section 140.30 (burglary in the first degree);  
3 subdivision one of section 140.25 (burglary in the second degree);  
4 subdivision two of section 160.10 (robbery in the second degree) of the  
5 penal law; or section 265.03 of the penal law, where such machine gun or  
6 such firearm is possessed on school grounds, as that phrase is defined  
7 in subdivision fourteen of section 220.00 of the penal law committed by  
8 a person fourteen or fifteen years of age; or such conduct committed as  
9 a sexually motivated felony, where authorized pursuant to section 130.91  
10 of the penal law; (v) defined in section 120.05 (assault in the second  
11 degree) or 160.10 (robbery in the second degree) of the penal law  
12 committed by a person fourteen [or], fifteen, OR SIXTEEN OR, COMMENCING  
13 JANUARY 1, 2018, SEVENTEEN years of age but only where there has been a  
14 prior finding by a court that such person has previously committed an  
15 act which, if committed by an adult, would be the crime of assault in  
16 the second degree, robbery in the second degree or any designated felony  
17 act specified in paragraph (i), (ii), or (iii) of this subdivision  
18 regardless of the age of such person at the time of the commission of  
19 the prior act; [or] (vi) other than a misdemeanor committed by a person  
20 at least [seven] TWELVE but less than [sixteen] SEVENTEEN years of age,  
21 OR COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN A PERSON AT LEAST  
22 TWELVE BUT LESS THAN EIGHTEEN YEARS OF AGE, but only where there has  
23 been two prior findings by the court that such person has committed a  
24 prior felony; OR (VII) THAT CONSTITUTES A VIOLENT FELONY OFFENSE AS  
25 DEFINED SECTION 70.02 OF THE PENAL LAW; ANY CRIME IN THE PENAL LAW THAT  
26 IS CLASSIFIED AS A CLASS A FELONY, EXCEPTING THOSE WHICH REQUIRE, AS AN  
27 ELEMENT OF THE OFFENSE, THAT THE DEFENDANT BE EIGHTEEN YEARS OF AGE OR  
28 OLDER; VEHICULAR ASSAULT IN THE SECOND DEGREE AS DEFINED IN SECTION  
29 120.03 OF THE PENAL LAW; VEHICULAR ASSAULT IN THE FIRST DEGREE AS  
30 DEFINED IN SECTION 120.04 OF THE PENAL LAW; AGGRAVATED VEHICULAR ASSAULT  
31 AS DEFINED IN SECTION 120.04-A OF THE PENAL LAW; CRIMINALLY NEGLIGENT  
32 HOMICIDE AS DEFINED IN SECTION 125.10 OF THE PENAL LAW; AGGRAVATED  
33 CRIMINALLY NEGLIGENT HOMICIDE AS DEFINED IN SECTION 125.11 OF THE PENAL  
34 LAW; VEHICULAR MANSLAUGHTER IN THE SECOND DEGREE AS DEFINED IN SECTION  
35 125.12 OF THE PENAL LAW; VEHICULAR MANSLAUGHTER IN THE FIRST DEGREE AS  
36 DEFINED IN SECTION 125.13 OF THE PENAL LAW; AGGRAVATED VEHICULAR HOMI-  
37 CIDE AS DEFINED IN SECTION 125.14 OF THE PENAL LAW; MANSLAUGHTER IN THE  
38 SECOND DEGREE AS DEFINED IN SECTION 125.15 OF THE PENAL LAW; MANSLAUGHT-  
39 ER IN THE FIRST DEGREE AS DEFINED IN SECTION 125.20 OF THE PENAL LAW;  
40 AGGRAVATED MANSLAUGHTER IN THE SECOND DEGREE AS DEFINED IN SECTION  
41 125.21; AGGRAVATED MANSLAUGHTER IN THE FIRST DEGREE AS DEFINED IN  
42 SECTION 125.22 OF THE PENAL LAW; TAMPERING WITH A WITNESS IN THE THIRD,  
43 SECOND, OR FIRST DEGREE AS DEFINED UNDER ARTICLE 215 OF THE PENAL LAW,  
44 PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING  
45 IS ONE FOR WHICH SUCH PERSON IS RESPONSIBLE; AGGRAVATED CRIMINAL  
46 CONTEMPT AS DEFINED IN SECTION 215.52 OF THE PENAL LAW; ACTS CONSTITUT-  
47 ING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION THREE OF SECTION 490.05  
48 OF THE PENAL LAW WHEN COMMITTED AS AN ACT OF TERRORISM; ACTS CONSTITUT-  
49 ING A FELONY DEFINED IN ARTICLE 490 OF THE PENAL LAW; AND ACTS CONSTI-  
50 TUTING A CRIME SET FORTH IN SUBDIVISION ONE OF SECTION 105.10 AND  
51 SECTION 105.15 OF THE PENAL LAW PROVIDED THAT THE UNDERLYING CRIME FOR  
52 THE CONSPIRACY CHARGE IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPON-  
53 SIBLE COMMITTED BY A PERSON SIXTEEN YEARS OLD OR, COMMENCING JANUARY  
54 FIRST, TWO THOUSAND EIGHTEEN A PERSON SIXTEEN OR SEVENTEEN YEARS OLD.



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

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

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

12 S 7. Section 304.1 of the family court act, as added by chapter 920 of  
13 the laws of 1982, subdivision 2 as amended by chapter 419 of the laws of  
14 1987, is amended to read as follows:

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

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

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

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

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

40 (1) Upon application by the presentment agency, OR UPON APPLICATION BY  
41 THE PROBATION SERVICE AS PART OF THE ADJUSTMENT OF A CASE, the court may  
42 issue a temporary order of protection against a respondent for good  
43 cause shown, ex parte or upon notice, at any time after a juvenile is  
44 taken into custody, pursuant to section 305.1 or 305.2 or upon the issu-  
45 ance of an appearance ticket pursuant to section 307.1 or upon the  
46 filing of a petition pursuant to section 310.1.

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

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

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

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

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

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

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

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

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

33 (b) THE CHILD IS TWELVE YEARS OF AGE OR OLDER AND THE CRIME WHICH IS  
34 THE SUBJECT OF THE ARREST OR WHICH IS CHARGED IN THE PETITION CONSTI-  
35 TUTES A CLASS A OR B FELONY; OR

36 (c) the child is thirteen years of age or older and the crime which is  
37 the subject of the arrest or which is charged in the petition consti-  
38 tutes a class C, D or E felony.

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

42 S 307.3. Rules of court authorizing release before filing of petition.  
43 1. The agency responsible for operating a detention facility pursuant to  
44 section two hundred eighteen-a of the county law, five hundred [ten-a]  
45 THREE of the executive law or other applicable provisions of law, shall  
46 release a child in custody before the filing of a petition to the custo-  
47 dy of his OR HER parents or other person legally responsible for his OR  
48 HER care, or if such legally responsible person is unavailable, to a  
49 person with whom he OR SHE resides, when the events occasioning the  
50 taking into custody do not appear to involve allegations that the child  
51 committed a delinquent act.

52 2. When practicable such agency may release a child before the filing  
53 of a petition to the custody of his OR HER parents or other person  
54 legally responsible for his OR HER care, or if such legally responsible  
55 person is unavailable, to a person with whom he OR SHE resides, when the  
56 events occasioning the taking into custody appear to involve allegations

1 that the child committed a delinquent act; PROVIDED, HOWEVER, THAT SUCH  
2 AGENCY MUST RELEASE THE CHILD IF:

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

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

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

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

13 (III) THE CHILD HAS NO MORE THAN ONE PRIOR ADJUDICATION FOR AN ACT  
14 THAT WOULD CONSTITUTE A MISDEMEANOR IF COMMITTED BY AN ADULT AND THAT  
15 ACT ALSO DID NOT RESULT IN ANY PHYSICAL INJURY AS DEFINED IN SUBDIVISION  
16 NINE OF SECTION 10.00 OF THE PENAL LAW TO ANOTHER PERSON; AND

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

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

25 4. If the agency for any reason does not release a child under this  
26 section, such child shall be brought before the appropriate family  
27 court, OR WHEN SUCH FAMILY COURT IS NOT IN SESSION, TO THE MOST ACCESSI-  
28 BLE MAGISTRATE, IF ANY, DESIGNATED BY THE APPELLATE DIVISION OF THE  
29 SUPREME COURT IN THE APPLICABLE DEPARTMENT; PROVIDED, HOWEVER, THAT IF  
30 SUCH FAMILY COURT IS NOT IN SESSION AND IF A MAGISTRATE IS NOT AVAIL-  
31 ABLE, SUCH YOUTH SHALL BE BROUGHT BEFORE SUCH FAMILY COURT within seven-  
32 ty-two hours or the next day the court is in session, whichever is soon-  
33 er. Such agency shall thereupon file an application for an order  
34 pursuant to section 307.4 and shall forthwith serve a copy of the appli-  
35 cation upon the appropriate presentment agency. Nothing in this subdivi-  
36 sion shall preclude the adjustment of suitable cases pursuant to section  
37 308.1.

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

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

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

54 S 308.1. [Rules of court for preliminary] PRELIMINARY procedure;  
55 ADJUSTMENT OF CASES. 1. [Rules of court shall authorize and determine  
56 the circumstances under which the] THE probation service may confer with

1 any person seeking to have a juvenile delinquency petition filed, the  
2 potential respondent and other interested persons concerning the advis-  
3 ability of requesting that a petition be filed IN ACCORDANCE WITH THIS  
4 SECTION.

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

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

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

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

31 (E) Nothing in this section shall prohibit the probation service or  
32 the court from directing a respondent to obtain employment and to make  
33 restitution from the earnings from such employment. Nothing in this  
34 section shall prohibit the probation service or the court from directing  
35 an eligible person to complete an education reform program in accordance  
36 with section four hundred fifty-eight-1 of the social services law.

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

42 4. The probation service shall not ATTEMPT TO adjust a case in which  
43 the child has allegedly committed a delinquent act which would be a  
44 crime defined in section 120.25, (reckless endangerment in the first  
45 degree), subdivision one of section 125.15, (manslaughter in the second  
46 degree), subdivision one of section 130.25, (rape in the third degree),  
47 subdivision one of section 130.40, (criminal sexual act in the third  
48 degree), subdivision one or two of section 130.65, (sexual abuse in the  
49 first degree), section 135.65, (coercion in the first degree), section  
50 140.20, (burglary in the third degree), section 150.10, (arson in the  
51 third degree), section 160.05, (robbery in the third degree), subdivi-  
52 sion two, three or four of section 265.02, (criminal possession of a  
53 weapon in the third degree), section 265.03, (criminal possession of a  
54 weapon in the second degree), or section 265.04, (criminal possession of  
55 a [dangerous] weapon in the first degree) of the penal law where the  
56 child has previously had one or more adjustments of a case in which such

1 child allegedly committed an act which would be a crime specified in  
2 this subdivision unless it has received written approval from the court  
3 and the appropriate presentment agency.

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

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

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

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

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

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

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

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

45 13. The [provisions of this section] PROBATION SERVICE shall not  
46 [apply] ATTEMPT TO ADJUST A CASE where the petition is an order of  
47 removal to the family court pursuant to article seven hundred twenty-  
48 five of the criminal procedure law UNLESS IT HAS RECEIVED THE WRITTEN  
49 APPROVAL OF THE COURT.

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

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

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

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

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

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

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

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

21 (1) THE ALLEGED ACTS DID NOT RESULT IN ANY PHYSICAL INJURY AS DEFINED  
22 IN SUBDIVISION NINE OF SECTION 10.00 OF THE PENAL LAW TO ANOTHER PERSON;

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

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

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

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

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

51 5. (a) If the court finds that there is probable cause to believe  
52 that the respondent committed a felony, it shall order the respondent  
53 committed to the custody of the commissioner of mental health or the  
54 commissioner of [mental retardation and] PERSONS WITH developmental  
55 disabilities for an initial period not to exceed one year from the date  
56 of such order. Such period may be extended annually upon further appli-

1 cation to the court by the commissioner having custody or his or her  
2 designee. Such application must be made not more than sixty days prior  
3 to the expiration of such period on forms that have been prescribed by  
4 the chief administrator of the courts. At that time, the commissioner  
5 must give written notice of the application to the respondent, the coun-  
6 sel representing the respondent and the mental hygiene legal service if  
7 the respondent is at a residential facility. Upon receipt of such appli-  
8 cation, the court must conduct a hearing to determine the issue of  
9 capacity. If, at the conclusion of a hearing conducted pursuant to this  
10 subdivision, the court finds that the respondent is no longer incapaci-  
11 tated, he or she shall be returned to the family court for further  
12 proceedings pursuant to this article. If the court is satisfied that the  
13 respondent continues to be incapacitated, the court shall authorize  
14 continued custody of the respondent by the commissioner for a period not  
15 to exceed one year. Such extensions shall not continue beyond a reason-  
16 able period of time necessary to determine whether the respondent will  
17 attain the capacity to proceed to a fact finding hearing in the foresee-  
18 able future but in no event shall continue beyond the respondent's eigh-  
19 teenth birthday OR, IF THE RESPONDENT WAS AT LEAST SIXTEEN YEARS OF AGE  
20 WHEN THE ACT WAS COMMITTED, BEYOND THE RESPONDENT'S TWENTY-FIRST BIRTH-  
21 DAY.

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

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

32 (d) The commissioner shall review the condition of the respondent  
33 within forty-five days after the respondent is committed to the custody  
34 of the commissioner. He or she shall make a second review within ninety  
35 days after the respondent is committed to his or her custody. Thereaft-  
36 er, he or she shall review the condition of the respondent every ninety  
37 days. The respondent and the counsel for the respondent, shall be noti-  
38 fied of any such review and afforded an opportunity to be heard. The  
39 commissioner having custody shall apply to the court for an order  
40 dismissing the petition whenever he or she determines that there is a  
41 substantial probability that the respondent will continue to be incapaci-  
42 tated for the foreseeable future. At the time of such application the  
43 commissioner must give written notice of the application to the respond-  
44 ent, the presentment agency and the mental hygiene legal service if the  
45 respondent is at a residential facility. Upon receipt of such applica-  
46 tion, the court may on its own motion conduct a hearing to determine  
47 whether there is substantial probability that the respondent will  
48 continue to be incapacitated for the foreseeable future, and it must  
49 conduct such hearing if a demand therefor is made by the respondent or  
50 the mental hygiene legal service within ten days from the date that  
51 notice of the application was given to them. The respondent may apply to  
52 the court for an order of dismissal on the same ground.

53 S 20. Subdivisions 1 and 5 of section 325.1 of the family court act,  
54 subdivision 1 as amended by chapter 398 of the laws of 1983, subdivision  
55 5 as added by chapter 920 of the laws of 1982, is amended to read as  
56 follows:

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

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

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

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

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

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

38 (a) In determining an appropriate order the court shall consider the  
39 needs and best interests of the respondent as well as the need for  
40 protection of the community. If the respondent has committed a desig-  
41 nated felony act the court shall determine the appropriate disposition  
42 in accord with section 353.5. In all other cases the court shall order  
43 the least restrictive available alternative enumerated in subdivision  
44 one OF THIS SECTION which is consistent with the needs and best inter-  
45 ests of the respondent and the need for protection of the community;  
46 PROVIDED, HOWEVER, THAT THE COURT SHALL NOT DIRECT THE PLACEMENT OF A  
47 RESPONDENT WITH A COMMISSIONER OF SOCIAL SERVICES OR THE OFFICE OF CHIL-  
48 DREN AND FAMILY SERVICES IF:

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

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

54 (1) THE ACTS DID NOT RESULT IN ANY PHYSICAL INJURY AS DEFINED IN  
55 SUBDIVISION NINE OF SECTION 10.00 OF THE PENAL LAW TO ANOTHER PERSON;



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

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

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

12 S 23. Paragraph (a) of subdivision 1 and paragraphs (f) and (h) of  
13 subdivision 2 of section 353.2 of the family court act, paragraph (a) of  
14 subdivision 1 as added by chapter 920 of the laws of 1982, paragraphs  
15 (f) and (h) of subdivision 2 as amended by chapter 124 of the laws of  
16 1993, are amended to read as follows:

17 (a) placement of respondent is not or may not be necessary OR ALLOW-  
18 ABLE;

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

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

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

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

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

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

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

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

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

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

48 S 24. Subparagraph (iii) of paragraph (a) and paragraph (d) of subdi-  
49 vision 4 of section 353.5 of the family court act, as amended by section  
50 6 of subpart A of part G of chapter 57 of the laws of 2012, is amended  
51 to read as follows:

52 (iii) after the period set under subparagraph (ii) of this paragraph,  
53 the respondent shall be placed in a residential facility for a period of  
54 twelve months; provided, however, that if the respondent has been placed  
55 from a family court in a social services district operating an approved  
56 juvenile justice services close to home initiative pursuant to section

1 four hundred four of the social services law FOR AN ACT COMMITTED WHEN  
2 THE RESPONDENT WAS UNDER SIXTEEN YEARS OF AGE, once the time frames in  
3 subparagraph (ii) of this paragraph are met:

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

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

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

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

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

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

36 S 354.1. Retention and destruction of fingerprints of persons alleged  
37 to be juvenile delinquents. 1. If a person whose fingerprints, palm-  
38 prints or photographs were taken pursuant to section 306.1 or was  
39 initially fingerprinted as a juvenile offender and the action is subse-  
40 quently removed to a family court pursuant to article seven hundred  
41 twenty-five of the criminal procedure law is adjudicated to be a juve-  
42 nile delinquent for a felony, the family court shall forward or cause to  
43 be forwarded to the division of criminal justice services notification  
44 of such adjudication and such related information as may be required by  
45 such division, provided, however, in the case of a person eleven [or  
46 twelve] years of age such notification shall be provided only if the act  
47 upon which the adjudication is based would constitute a class [A or B]  
48 A-1 felony OR, IN THE CASE OF A PERSON TWELVE YEARS OF AGE, SUCH NOTIFI-  
49 CATION SHALL BE PROVIDED ONLY IF THE ACT UPON WHICH THE ADJUDICATION IS  
50 BASED WOULD CONSTITUTE A CLASS A OR B FELONY.

51 2. If a person whose fingerprints, palmprints or photographs were  
52 taken pursuant to section 306.1 or was initially fingerprinted as a  
53 juvenile offender and the action is subsequently removed to family court  
54 pursuant to article seven hundred twenty-five of the criminal procedure  
55 law has had all petitions disposed of by the family court in any manner  
56 other than an adjudication of juvenile delinquency for a felony, but in

1 the case of acts committed when such person was eleven [or twelve] years  
2 of age which would constitute a class [A or B] A-1 felony only, OR, IN  
3 THE CASE OF ACTS COMMITTED WHEN SUCH PERSON WAS TWELVE YEARS OF AGE  
4 WHICH WOULD CONSTITUTE A CLASS A OR B FELONY ONLY, all such finger-  
5 prints, palmprints, photographs, and copies thereof, and all information  
6 relating to such allegations obtained by the division of criminal  
7 justice services pursuant to section 306.1 shall be destroyed forthwith.  
8 The clerk of the court shall notify the commissioner of the division of  
9 criminal justice services and the heads of all police departments and  
10 law enforcement agencies having copies of such records, who shall  
11 destroy such records without unnecessary delay.

12 3. If the appropriate presentment agency does not originate a proceed-  
13 ing under section 310.1 for a case in which the potential respondent's  
14 fingerprints were taken pursuant to section 306.1, the presentment agen-  
15 cy shall serve a certification of such action upon the division of crim-  
16 inal justice services, and upon the appropriate police department or law  
17 enforcement agency.

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

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

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

43 7. When a person fingerprinted pursuant to section 306.1 and subse-  
44 quently adjudicated a juvenile delinquent for a felony, but in the case  
45 of acts committed when such person was eleven [or twelve] years of age  
46 which would constitute a class [A or B] A-1 felony only, OR, IN THE CASE  
47 OF ACTS COMMITTED WHEN SUCH A PERSON WAS TWELVE YEARS OF AGE WHICH WOULD  
48 CONSTITUTE A CLASS A OR B FELONY ONLY, reaches the age of twenty-one, or  
49 has been discharged from placement under this act for at least three  
50 years, whichever occurs later, and has no criminal convictions or pend-  
51 ing criminal actions which ultimately terminate in a criminal  
52 conviction, all fingerprints, palmprints, photographs, and related  
53 information and copies thereof obtained pursuant to section 306.1 in the  
54 possession of the division of criminal justice services, any police  
55 department, law enforcement agency or any other agency shall be  
56 destroyed forthwith. The division of criminal justice services shall

1 notify the agency or agencies which forwarded fingerprints to such divi-  
2 sion pursuant to section 306.1 of their obligation to destroy those  
3 records in their possession. In the case of a pending criminal action  
4 which does not terminate in a criminal conviction, such records shall be  
5 destroyed forthwith upon such determination.

6 S 28. Subdivisions 1 and 6 of section 355.3 of the family court act,  
7 subdivision 1 as amended by chapter 398 of the laws of 1983, subdivision  
8 6 as amended by chapter 663 of the laws of 1985, are amended to read as  
9 follows:

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

18 6. Successive extensions of placement under this section may be grant-  
19 ed, but no placement may be made or continued beyond the respondent's  
20 eighteenth birthday without the child's consent FOR ACTS COMMITTED  
21 BEFORE THE RESPONDENT'S SIXTEENTH BIRTHDAY and in no event past the  
22 child's twenty-first birthday EXCEPT AS PROVIDED FOR IN SUBDIVISION FOUR  
23 OF SECTION 353.5.

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

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

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

39 (b) subsequent permanency hearings shall be held no later than every  
40 twelve months following the respondent's initial twelve months in place-  
41 ment BUT IN NO EVENT PAST THE RESPONDENT'S TWENTY-FIRST BIRTHDAY;  
42 provided, however, that they shall be held in conjunction with an exten-  
43 sion of placement hearing held pursuant to section 355.3 of this [arti-  
44 cle] PART.

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

48 2. At the time of his first appearance following the filing of a peti-  
49 tion of violation the court must: (a) advise the respondent of the  
50 contents of the petition and furnish him with a copy thereof; (b) deter-  
51 mine whether the respondent should be released or detained pursuant to  
52 section 320.5, PROVIDED, HOWEVER, THAT NOTHING HEREIN SHALL AUTHORIZE A  
53 RESPONDENT TO BE DETAINED FOR A VIOLATION OF A CONDITION THAT WOULD NOT  
54 CONSTITUTE A CRIME IF COMMITTED BY AN ADULT UNLESS THE COURT DETERMINES  
55 (I) THAT THE RESPONDENT POSES A SPECIFIC IMMINENT THREAT TO PUBLIC SAFE-  
56 TY AND STATES THE REASONS FOR THE FINDING ON THE RECORD OR (II) THE

1 RESPONDENT IS ON PROBATION FOR AN ACT THAT WOULD CONSTITUTE A VIOLENT  
2 FELONY AS DEFINED IN SECTION 70.02 OF THE PENAL LAW IF COMMITTED BY AN  
3 ADULT AND THE USE OF GRADUATED SANCTIONS HAVE BEEN EXHAUSTED WITHOUT  
4 SUCCESS; and (c) ask the respondent whether he wishes to make any state-  
5 ment with respect to the violation. If the respondent makes a statement,  
6 the court may accept it and base its decision thereon; the provisions of  
7 subdivision two of section 321.3 shall apply in determining whether a  
8 statement should be accepted. If the court does not accept such state-  
9 ment or if the respondent does not make a statement, the court shall  
10 proceed with the hearing. Upon request, the court shall grant a reason-  
11 able adjournment to the respondent to enable him to prepare for the  
12 hearing.

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

26 S 32. Section 712 of the family court act, as amended by chapter 920  
27 of the laws of 1982, subdivision (a) as amended by section 7 of part G  
28 of chapter 58 of the laws of 2010, subdivision (b) as amended by chapter  
29 465 of the laws of 1992, subdivision (g) as amended by section 2 of part  
30 B of chapter 3 of the laws of 2005, subdivision (h) as added by chapter  
31 7 of the laws of 1999, subdivision (i) as amended and subdivisions (j),  
32 (k), (l) and (m) as added by chapter 38 of the laws of 2014, is amended  
33 to read as follows:

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

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

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

50 (c) "Secure detention facility". A facility characterized by phys-  
51 ically restricting construction, hardware and procedures.

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

54 (e) "Fact-finding hearing". A hearing to determine whether the  
55 respondent did the acts alleged to show that he OR SHE violated a law or

1 is incorrigible, ungovernable or habitually disobedient and beyond the  
2 control of his OR HER parents, guardian or legal custodian.

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

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

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

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

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

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

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

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

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

53 CUSTODY [AND DETENTION]

54 S 34. Section 720 of the family court act, as amended by chapter 419  
55 of the laws of 1987, subdivision 3 as amended by section 9 of subpart B  
56 of part Q of chapter 58 of the laws of 2011, subdivision 5 as amended by

1 section 3 of part E of chapter 57 of the laws of 2005, and paragraph (c)  
2 of subdivision 5 as added by section 8 of part G of chapter 58 of the  
3 laws of 2010, is added to read as follows:

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

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

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

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

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

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

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

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

49 S 36. Section 728 of the family court act, subdivision (a) as amended  
50 by chapter 41 of the laws of 2010, subdivision (b) as amended by chapter  
51 419 of the laws of 1987, subdivision (d) as added by chapter 145 of the  
52 laws of 2000, paragraph (i) as added and paragraph (ii) of subdivision  
53 (d) as renumbered by section 5 of part E of chapter 57 of the laws of  
54 2005, and paragraph (iii) as amended and paragraph (iv) of subdivision  
55 (d) as added by section 10 of subpart B of part Q of chapter 58 of the  
56 laws of 2011, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

49 S 735. Preliminary procedure; diversion services. (a) Each county and  
50 any city having a population of one million or more shall offer diver-  
51 sion services as defined in section seven hundred twelve of this article  
52 to youth who are at risk of being the subject of a person in need of  
53 supervision petition. Such services shall be designed to provide an  
54 immediate response to families in crisis[, to identify and utilize  
55 appropriate alternatives to detention] and to divert youth from being  
56 the subject of a petition in family court. Each county and such city



1 shall designate either the local social services district or the  
2 probation department as lead agency for the purposes of providing diver-  
3 sion services.

4 (b) The designated lead agency shall:

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

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

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

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

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

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

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

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

53 (i) providing, at the first contact, information on the availability  
54 of or a referral to services in the geographic area where the youth and  
55 his or her family are located that may be of benefit in avoiding the  
56 need to file a petition under this article; including the availability,

1 for up to twenty-one days, of a residential respite program, if the  
2 youth and his or her parent or other person legally responsible for his  
3 or her care agree, and the availability of other non-residential crisis  
4 intervention programs such as A FAMILY SUPPORT CENTER, family crisis  
5 counseling or alternative dispute resolution programs or an educational  
6 program as defined in section four hundred fifty-eight-1 of the social  
7 services law.

8 (ii) scheduling and holding at least one conference with the youth and  
9 his or her family and the person or representatives of the entity seek-  
10 ing to file a petition under this article concerning alternatives to  
11 filing a petition and services that are available. Diversion services  
12 shall include clearly documented diligent attempts to provide appropri-  
13 ate services to the youth and his or her family before it may be deter-  
14 mined that there is no substantial likelihood that the youth and his or  
15 her family will benefit from further attempts.

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

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

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

38 (g) (i) The designated lead agency shall promptly give written notice  
39 to the potential petitioner whenever attempts to prevent the filing of a  
40 petition have terminated, and shall indicate in such notice whether  
41 efforts were successful. The notice shall also detail the diligent  
42 attempts made to divert the case if a determination has been made that  
43 there is no substantial likelihood that the youth will benefit from  
44 further attempts. No persons in need of supervision petition may be  
45 filed pursuant to this article during the period the designated lead  
46 agency is providing diversion services. A finding by the designated lead  
47 agency that the case has been successfully diverted shall constitute  
48 presumptive evidence that the underlying allegations have been success-  
49 fully resolved in any petition based upon the same factual allegations.  
50 No petition may be filed pursuant to this article by the parent or other  
51 person legally responsible for the youth where diversion services have  
52 been terminated because of the failure of the parent or other person  
53 legally responsible for the youth to consent to or actively participate.

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

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

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

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

20 S 39. Section 739 of the family court act, as amended by chapter 920  
21 of the laws of 1982, subdivision (a) as amended by section 10 of part G  
22 of chapter 58 of the laws of 2010, subdivision (c) as added by chapter  
23 145 of the laws of 2000, is amended to read as follows:

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

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

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

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

51 (ii) where appropriate, whether reasonable efforts were made prior to  
52 the date of the court order directing detention in accordance with this  
53 section, to prevent or eliminate the need for removal of the respondent  
54 from his or her home or, if the respondent had been removed from his or  
55 her home prior to the court appearance pursuant to this section, where

1 appropriate, whether reasonable efforts were made to make it possible  
2 for the respondent to safely return home].

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

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

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

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

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

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

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

38 (a) The order shall state the court's reasons for the particular  
39 disposition. If the court places the child in accordance with section  
40 seven hundred fifty-six of this part, the court in its order shall  
41 determine: (i) whether continuation in the child's home would be contra-  
42 ry to the best interest of the child and where appropriate, that reason-  
43 able efforts were made prior to the date of the dispositional hearing  
44 held pursuant to this article to prevent or eliminate the need for  
45 removal of the child from his or her home and, if the child was removed  
46 from his or her home prior to the date of such hearing, that such  
47 removal was in the child's best interest and, where appropriate, reason-  
48 able efforts were made to make it possible for the child to return safe-  
49 ly home. If the court determines that reasonable efforts to prevent or  
50 eliminate the need for removal of the child from the home were not made  
51 but that the lack of such efforts was appropriate under the circum-  
52 stances, the court order shall include such a finding; and (ii) in the  
53 case of a child who has attained the age of sixteen, the services need-  
54 ed, if any, to assist the child to make the transition from foster care  
55 to independent living. [Nothing in this subdivision shall be construed

1 to modify the standards for directing detention set forth in section  
2 seven hundred thirty-nine of this article.]

3 S 45. Section 756 of the family court act, as amended by chapter 920  
4 of the laws of 1982, paragraph (i) of subdivision (a) as amended by  
5 chapter 309 of the laws of 1996, the opening paragraph of paragraph (ii)  
6 of subdivision (a) as amended by section 11 of part G of chapter 58 of  
7 the laws of 2010, subdivision (b) as amended by chapter 7 of the laws of  
8 1999, and subdivision (c) as amended by section 10 of part E of chapter  
9 57 of the laws of 2005, is amended to read as follows:

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

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

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

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

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

45 (c) A placement pursuant to this section with the commissioner of  
46 social services shall not be directed in any detention facility, but the  
47 court may direct detention pending transfer to a placement authorized  
48 and ordered under this section for no more than than fifteen days after  
49 such order of placement is made. Such direction shall be subject to  
50 extension pursuant to subdivision three of section three hundred nine-  
51 ty-eight of the social services law, upon written documentation to the  
52 office of children and family services that the youth is in need of  
53 specialized treatment or placement and the diligent efforts by the  
54 commissioner of social services to locate an appropriate placement.]

55 S 46. Section 758-a of the family court act, as amended by chapter 73  
56 of the laws of 1979, subdivision 1 as amended by chapter 4 of the laws

1 of 1987, paragraph (b) of subdivision 1 as amended by chapter 575 of the  
2 laws of 2007, subdivision 2 as amended by chapter 309 of the laws of  
3 1996, and subdivision 3 as separately amended by chapter 568 of the laws  
4 of 1979, is amended to amended to read as follows:

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

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

20 (b) order as a condition of placement, probation, or suspended judg-  
21 ment, services for the public good including in the case of a crime  
22 involving willful, malicious, or unlawful damage or destruction to real  
23 or personal property maintained as a cemetery plot, grave, burial place,  
24 or other place of interment of human remains, services for the mainte-  
25 nance and repair thereof, taking into consideration the age and physical  
26 condition of the [infant] CHILD.

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

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

50 [4.] 3. The court, upon receipt of the reports provided for in subdi-  
51 vision two [or three] of this section may, on its own motion or the  
52 motion of any party or the agency, hold a hearing to determine whether  
53 the [placement] CONDITION should be altered or modified.

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

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

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

13 2-A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,  
 14 COMMENCING JANUARY FIRST, TWO THOUSAND SEVENTEEN, STATE REIMBURSEMENT  
 15 SHALL BE MADE AVAILABLE FOR ONE HUNDRED PERCENT OF EXPENDITURES MADE BY  
 16 SOCIAL SERVICES DISTRICTS, EXCLUSIVE OF ANY FEDERAL FUNDS MADE AVAILABLE  
 17 FOR SUCH PURPOSES, FOR PREVENTIVE SERVICES, AFTERCARE SERVICES, INDE-  
 18 PENDENT LIVING SERVICES AND FOSTER CARE SERVICES PROVIDED TO YOUTH AGE  
 19 SIXTEEN YEARS OF AGE OR OLDER WHEN SUCH SERVICES WOULD NOT OTHERWISE  
 20 HAVE BEEN PROVIDED TO SUCH YOUTH ABSENT THE PROVISIONS IN A CHAPTER OF  
 21 THE LAWS OF TWO THOUSAND FIFTEEN THAT INCREASED THE AGE OF JUVENILE  
 22 JURISDICTION ABOVE FIFTEEN YEARS OF AGE.

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

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

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

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

#### 38 TITLE 12

#### 39 FAMILY SUPPORT CENTERS

40 SECTION 458-M. FAMILY SUPPORT CENTERS.

41 458-N. FUNDING FOR FAMILY SUPPORT CENTERS.

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

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

51 (A) RAPID FAMILY ASSESSMENTS AND SCREENINGS;

52 (B) CRISIS INTERVENTION;

53 (C) FAMILY MEDIATION AND SKILLS BUILDING;

54 (D) MENTAL AND BEHAVIORAL HEALTH SERVICES INCLUDING COGNITIVE INTER-  
 55 VENTIONS;

56 (E) CASE MANAGEMENT;

1 (F) RESPITE SERVICES; AND

2 (G) OTHER FAMILY SUPPORT SERVICES.

3 3. TO THE EXTENT PRACTICABLE, THE SERVICES THAT ARE PROVIDED SHALL BE  
4 TRAUMA SENSITIVE, FAMILY FOCUSED, GENDER-RESPONSIVE, WHERE APPROPRIATE,  
5 AND EVIDENCE AND/OR STRENGTH BASED AND SHALL BE TAILORED TO THE INDIVID-  
6 UALIZED NEEDS OF THE CHILD AND FAMILY BASED ON THE ASSESSMENTS AND  
7 SCREENINGS CONDUCTED BY SUCH FAMILY SUPPORT CENTER.

8 4. FAMILY SUPPORT CENTERS SHALL HAVE THE CAPACITY TO SERVE FAMILIES  
9 OUTSIDE OF REGULAR BUSINESS HOURS INCLUDING EVENINGS OR WEEKENDS.

10 S 458-N. FUNDING FOR FAMILY SUPPORT CENTERS. 1. NOTWITHSTANDING ANY  
11 OTHER PROVISION OF LAW TO THE CONTRARY, TO THE EXTENT THAT FUNDS ARE  
12 AVAILABLE FOR SUCH PURPOSE, THE OFFICE OF CHILDREN AND FAMILY SERVICES  
13 SHALL DISTRIBUTE FUNDING TO THE HIGHEST NEED SOCIAL SERVICES DISTRICTS  
14 TO CONTRACT WITH NOT-FOR-PROFIT CORPORATIONS TO OPERATE FAMILY SUPPORT  
15 CENTERS IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE AND THE SPECIFIC  
16 PROGRAM MODEL REQUIREMENTS ISSUED BY THE OFFICE.

17 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, WHEN  
18 DETERMINING THE HIGHEST NEED SOCIAL SERVICES DISTRICTS PURSUANT TO THIS  
19 SUBDIVISION, THE OFFICE MAY CONSIDER FACTORS THAT MAY INCLUDE, BUT ARE  
20 NOT NECESSARILY LIMITED TO:

21 (A) THE TOTAL AMOUNT OF AVAILABLE FUNDING AND THE AMOUNT OF FUNDING  
22 REQUIRED FOR FAMILY SUPPORT CENTERS TO MEET THE OBJECTIVES OUTLINED IN  
23 SECTION 458-M OF THIS TITLE;

24 (B) RELEVANT, AVAILABLE STATISTICS REGARDING EACH DISTRICT, WHICH MAY  
25 INCLUDE, BUT NOT NECESSARILY BE LIMITED TO:

26 (I) THE AVAILABILITY OF SERVICES WITHIN SUCH DISTRICT TO PREVENT OR  
27 REDUCE DETENTION OR RESIDENTIAL PLACEMENT OF YOUTH PURSUANT TO ARTICLE  
28 SEVEN OF THE FAMILY COURT ACT;

29 (II) RELATIVE TO THE YOUTH POPULATION OF SUCH SOCIAL SERVICES  
30 DISTRICT:

31 (1) THE NUMBER OF PETITIONS FILED PURSUANT TO ARTICLE SEVEN OF THE  
32 FAMILY COURT ACT; OR

33 (2) THE NUMBER OF PLACEMENTS OF YOUTH INTO RESIDENTIAL CARE OR  
34 DETENTION PURSUANT TO ARTICLE SEVEN OF THE FAMILY COURT ACT;

35 (C) ANY REPORTED PERFORMANCE OUTCOMES REPORTED TO THE OFFICE PURSUANT  
36 TO SUBDIVISION THREE OF THIS SECTION FOR PROGRAMS THAT PREVIOUSLY  
37 RECEIVED FUNDING PURSUANT TO THIS TITLE; OR

38 (D) OTHER APPROPRIATE FACTORS AS DETERMINED BY THE OFFICE.

39 3. SOCIAL SERVICES DISTRICTS RECEIVING FUNDING UNDER THIS TITLE SHALL  
40 REPORT TO THE OFFICE OF CHILDREN AND FAMILY SERVICES, IN THE FORM AND  
41 MANNER AND AT SUCH TIMES AS DETERMINED BY THE OFFICE, ON THE PERFORMANCE  
42 OUTCOMES OF ANY FAMILY SUPPORT CENTER LOCATED WITHIN SUCH DISTRICT THAT  
43 RECEIVES FUNDING UNDER THIS TITLE.

44 S 51. Subdivisions 3, 3-a, 11 and 12 of section 398 of the social  
45 services law, subdivision 3 as amended by chapter 419 of the laws of  
46 1987, paragraph (c) of subdivision 3 as amended by section 19 of part E  
47 of chapter 57 of the laws of 2005, subdivision 3-a as added by section 1  
48 of subpart B of part G of chapter 57 of the laws of 2012, subdivision 11  
49 as added by chapter 514 of the laws of 1976 and subdivision 12 as  
50 amended by section 12 of subpart B of part Q of chapter 58 of the laws  
51 of 2011, are amended to read as follows:

52 3. As to delinquent children [and persons in need of supervision]:

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

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



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

11 [3-a. As to delinquent children:

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

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

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

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

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

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

48 (ii) If a conditionally released juvenile delinquent is subject to  
49 article sixty-five of the education law or elects to participate in an  
50 educational program leading to a high school diploma, he or she shall be  
51 enrolled in a school or educational program leading to a high school  
52 diploma following release, or, if such release occurs during the summer  
53 recess, upon the commencement of the next school term. If a condi-  
54 tionally released juvenile delinquent is not subject to article sixty-  
55 five of the education law, and does not elect to participate in an  
56 educational program leading to a high school diploma, steps shall be

1 taken, to the extent possible, to facilitate his or her gainful employ-  
2 ment or enrollment in a vocational program following release.

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

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

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

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

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

30 12. A social services official shall be permitted to place persons  
31 adjudicated [in need of supervision or] delinquent[, and alleged persons  
32 to be in need of supervision] in detention pending transfer to a place-  
33 ment, in the same foster care facilities as are providing care to desti-  
34 tute, neglected, abused or abandoned children. Such foster care facili-  
35 ties shall not provide care to a youth in the care of a social services  
36 official as a convicted juvenile offender.

37 S 52. Subdivision 8 of section 404 of the social services law, as  
38 added by section 1 of subpart A of part G of chapter 57 of the laws of  
39 2012, is amended to read as follows:

40 8. (a) Notwithstanding any other provision of law to the contrary[,]  
41 EXCEPT AS PROVIDED FOR IN PARAGRAPH (A-1) OF THIS SUBDIVISION, eligible  
42 expenditures during the applicable time periods made by a social  
43 services district for an approved juvenile justice services close to  
44 home initiative shall, if approved by the department of family assist-  
45 ance, be subject to reimbursement with state funds only up to the extent  
46 of an annual appropriation made specifically therefor, after first  
47 deducting therefrom any federal funds properly received or to be  
48 received on account thereof; provided, however, that when such funds  
49 have been exhausted, a social services district may receive state  
50 reimbursement from other available state appropriations for that state  
51 fiscal year for eligible expenditures for services that otherwise would  
52 be reimbursable under such funding streams. Any claims submitted by a  
53 social services district for reimbursement for a particular state fiscal  
54 year for which the social services district does not receive state  
55 reimbursement from the annual appropriation for the approved close to

1 home initiative may not be claimed against that district's appropriation  
2 for the initiative for the next or any subsequent state fiscal year.

3 (i) State funding for reimbursement shall be, subject to appropri-  
4 ation, in the following amounts: for state fiscal year 2013-14,  
5 \$35,200,000 adjusted by any changes in such amount required by subpara-  
6 graphs (ii) and (iii) of this paragraph; for state fiscal year 2014-15,  
7 \$41,400,000 adjusted to include the amount of any changes made to the  
8 state fiscal year 2013-14 appropriation under subparagraphs (ii) and  
9 (iii) of this paragraph plus any additional changes required by such  
10 subparagraphs; and, such reimbursement shall be, subject to appropri-  
11 ation, for all subsequent state fiscal years in the amount of the prior  
12 year's actual appropriation adjusted by any changes required by subpara-  
13 graphs (ii) and (iii) of this paragraph.

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

21 (iii) The reimbursement amounts set forth in subparagraph (i) of this  
22 paragraph shall be increased if either the population of alleged juve-  
23 nile delinquents who receive a probation intake or the total population  
24 of adjudicated juvenile delinquents placed on probation combined with  
25 the population of adjudicated juvenile delinquents placed out of their  
26 homes in a setting other than a secure facility pursuant to section  
27 352.2 of the family court act, increases by at least ten percent over  
28 the respective population in the annual baseline year. The baseline year  
29 shall be the period from July first, two thousand ten through June thir-  
30 tieth, two thousand eleven or the most recent twelve month period for  
31 which there is complete data, whichever is later. In each successive  
32 year, the population of the previous July first through June thirtieth  
33 period shall be compared to the baseline year for determining any  
34 adjustments to a state fiscal year appropriation. When either population  
35 increases by ten percent or more, the reimbursement will be adjusted by  
36 a percentage equal to the larger of the percentage increase in either  
37 the number of probation intakes for alleged juvenile delinquents or the  
38 total population of adjudicated juvenile delinquents placed on probation  
39 combined with the population of adjudicated juvenile delinquents placed  
40 out of their homes in a setting other than a secure facility pursuant to  
41 section 352.2 of the family court act.

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

49 (A-1) COMMENCING JANUARY FIRST, TWO THOUSAND SEVENTEEN, STATE  
50 REIMBURSEMENT SHALL BE MADE AVAILABLE FOR ONE HUNDRED PERCENT OF ELIGI-  
51 BLE EXPENDITURES MADE BY A SOCIAL SERVICES DISTRICT, EXCLUSIVE OF ANY  
52 FEDERAL FUNDS MADE AVAILABLE FOR SUCH PURPOSES, FOR APPROVED JUVENILE  
53 JUSTICE SERVICES UNDER AN APPROVED CLOSE TO HOME INITIATIVE PROVIDED TO  
54 YOUTH AGE SIXTEEN YEARS OF AGE OR OLDER WHEN SUCH SERVICES WOULD NOT  
55 OTHERWISE HAVE BEEN PROVIDED TO SUCH YOUTH ABSENT THE PROVISIONS IN A

1 CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT INCREASED THE AGE OF  
2 JUVENILE JURISDICTION ABOVE FIFTEEN YEARS OF AGE.

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

6 (c) A social services district shall conduct eligibility determi-  
7 nations for federal and state funding and submit claims for reimburse-  
8 ment in such form and manner and at such times and for such periods as  
9 the department of family assistance shall determine.

10 (d) Notwithstanding any inconsistent provision of law or regulation of  
11 the department of family assistance, state reimbursement shall not be  
12 made for any expenditure made for the duplication of any grant or allow-  
13 ance for any period.

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

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

22 (g) Notwithstanding any other provision of law, the state shall not be  
23 responsible for reimbursing a social services district and a district  
24 shall not seek state reimbursement for any portion of any state disal-  
25 lowance or sanction taken against the social services district, or any  
26 federal disallowance attributable to final federal agency decisions or  
27 to settlements made, when such disallowance or sanction results from the  
28 failure of the social services district to comply with federal or state  
29 requirements, including, but not limited to, failure to document eligi-  
30 bility for the federal or state funds in the case record. To the extent  
31 that the social services district has sufficient claims other than those  
32 that are subject to disallowance or sanction to draw down the full annu-  
33 al appropriation, such disallowance or sanction shall not result in a  
34 reduction in payment of state funds to the district unless the district  
35 requests that the department use a portion of the appropriation toward  
36 meeting the district's responsibility to repay the federal government  
37 for the disallowance or sanction and any related interest payments.

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

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

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

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

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

36 S 30.00 Infancy.

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

41 2. A person thirteen, fourteen [or], fifteen, OR SIXTEEN YEARS OF AGE  
42 OR, COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, A PERSON SEVENTEEN  
43 years of age is criminally responsible for acts constituting murder in  
44 the second degree as defined in subdivisions one and two of section  
45 125.25 and in subdivision three of such section provided that the under-  
46 lying crime for the murder charge is one for which such person is crimi-  
47 nally responsible or for such conduct as a sexually motivated felony,  
48 where authorized pursuant to section 130.91 of the penal law; and a  
49 person fourteen [or], fifteen, OR SIXTEEN YEARS OF AGE OR, COMMENCING  
50 JANUARY FIRST, TWO THOUSAND EIGHTEEN, SEVENTEEN years of age is crimi-  
51 nally responsible for acts constituting the crimes defined in section  
52 135.25 (kidnapping in the first degree); 150.20 (arson in the first  
53 degree); subdivisions one and two of section 120.10 (assault in the  
54 first degree); 125.20 (manslaughter in the first degree); subdivisions  
55 one and two of section 130.35 (rape in the first degree); subdivisions  
56 one and two of section 130.50 (criminal sexual act in the first degree);

1 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary  
2 in the first degree); subdivision one of section 140.25 (burglary in the  
3 second degree); 150.15 (arson in the second degree); 160.15 (robbery in  
4 the first degree); subdivision two of section 160.10 (robbery in the  
5 second degree) of this chapter; or section 265.03 of this chapter, where  
6 such machine gun or such firearm is possessed on school grounds, as that  
7 phrase is defined in subdivision fourteen of section 220.00 of this  
8 chapter; or defined in this chapter as an attempt to commit murder in  
9 the second degree or kidnapping in the first degree, or for such conduct  
10 as a sexually motivated felony, where authorized pursuant to section  
11 130.91 of the penal law.

12 3. A PERSON SIXTEEN OR, COMMENCING JANUARY FIRST, TWO THOUSAND EIGH-  
13 TEEN, SEVENTEEN YEARS OF AGE IS CRIMINALLY RESPONSIBLE FOR ACTS CONSTI-  
14 TUTING A VIOLENT FELONY DEFINED IN SECTION 70.02 OF THIS CHAPTER; ACTS  
15 CONSTITUTING ANY CRIME IN THIS CHAPTER THAT IS CLASSIFIED AS A CLASS A  
16 FELONY EXCEPTING THOSE CLASS A FELONIES WHICH REQUIRE, AS AN ELEMENT OF  
17 THE OFFENSE, THAT THE DEFENDANT BE EIGHTEEN YEARS OF AGE OR OLDER; ACTS  
18 CONSTITUTING THE CRIMES DEFINED IN SECTION 120.03 (VEHICULAR ASSAULT IN  
19 THE SECOND DEGREE); 120.04 (VEHICULAR ASSAULT IN THE FIRST DEGREE);  
20 120.04-A (AGGRAVATED VEHICULAR ASSAULT); 125.10 (CRIMINALLY NEGLIGENT  
21 HOMICIDE); 125.11 (AGGRAVATED CRIMINALLY NEGLIGENT HOMICIDE); 125.12  
22 (VEHICULAR MANSLAUGHTER IN THE SECOND DEGREE); 125.13 (VEHICULAR  
23 MANSLAUGHTER IN THE FIRST DEGREE); 125.14 (AGGRAVATED VEHICULAR HOMI-  
24 CIDE); 125.15 (MANSLAUGHTER IN THE SECOND DEGREE); 125.20 (MANSLAUGHTER  
25 IN THE FIRST DEGREE); 125.21 (AGGRAVATED MANSLAUGHTER IN THE SECOND  
26 DEGREE); 125.22 (AGGRAVATED MANSLAUGHTER IN THE FIRST DEGREE); 215.11  
27 (TAMPERING WITH A WITNESS IN THE THIRD DEGREE) PROVIDED THAT THE CRIMI-  
28 NAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH  
29 PERSON IS CRIMINALLY RESPONSIBLE; 215.12 (TAMPERING WITH A WITNESS IN  
30 THE SECOND DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE  
31 PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSI-  
32 BLE; 215.13 (TAMPERING WITH A WITNESS IN THE FIRST DEGREE) PROVIDED THAT  
33 THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR  
34 WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.52 (AGGRAVATED CRIMINAL  
35 CONTEMPT); ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION  
36 TWO OF SECTION 130.91 OF THIS CHAPTER WHEN COMMITTED AS A SEXUALLY MOTI-  
37 VATED FELONY; ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVI-  
38 SION THREE OF SECTION 490.05 OF THIS CHAPTER WHEN COMMITTED AS AN ACT OF  
39 TERRORISM; ACTS CONSTITUTING A FELONY DEFINED IN ARTICLE 490 OF THIS  
40 CHAPTER; AND ACTS CONSTITUTING A CRIME SET FORTH IN SUBDIVISION ONE OF  
41 SECTION 105.10 AND SECTION 105.15 PROVIDED THAT THE UNDERLYING CRIME FOR  
42 THE CONSPIRACY CHARGE IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPON-  
43 SIBLE. PROVIDED HOWEVER, A PERSON SIXTEEN OR SEVENTEEN YEARS OF AGE IS  
44 CRIMINALLY RESPONSIBLE FOR ACTS CONSTITUTING AN OFFENSE SET FORTH IN THE  
45 VEHICLE AND TRAFFIC LAW.

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

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

50 (2) If the sentence is to be imposed upon a youthful offender finding  
51 which has been substituted for a conviction for any felony, AND THE  
52 PERSON IS EIGHTEEN YEARS OF AGE OR YOUNGER, the court must impose a  
53 sentence authorized to be imposed upon a person convicted of a class E  
54 felony provided, however, that (A) the court must not impose a sentence  
55 of [conditional discharge or] unconditional discharge if the youthful  
56 offender finding was substituted for a conviction of a felony defined in

1 article two hundred twenty of this chapter; AND (B) NOTWITHSTANDING  
2 PARAGRAPH (E) OF SUBDIVISION TWO OF SECTION 70.00 OF THIS TITLE, IF A  
3 TERM OF IMPRISONMENT IS IMPOSED, SUCH TERM SHALL BE A DEFINITE SENTENCE  
4 OF ONE YEAR OR LESS, OR A DETERMINATE SENTENCE, THE TERM OF WHICH MUST  
5 BE AT LEAST ONE YEAR AND MUST NOT EXCEED THREE YEARS, AND MUST INCLUDE,  
6 AS A PART THEREOF, A PERIOD OF POST-RELEASE SUPERVISION IN ACCORDANCE  
7 WITH SUBDIVISION TWO-B OF SECTION 70.45 OF THIS CHAPTER. IN ANY CASE,  
8 WHERE A COURT IMPOSES A SENTENCE OF IMPRISONMENT IN CONJUNCTION WITH A  
9 SENTENCE OF PROBATION OR CONDITIONAL DISCHARGE, SUCH IMPRISONMENT TERM  
10 SHALL NOT BE IN EXCESS OF SIX MONTHS, OR IN THE CASE OF AN INTERMITTENT  
11 TERM, NOT IN EXCESS OF FOUR MONTHS IN ACCORDANCE WITH PARAGRAPH (D) OF  
12 SUBDIVISION TWO OF SECTION 60.01 OF THIS ARTICLE.

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

15 S 60.10 Authorized disposition; juvenile offender.

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

26 2. Subdivision one of this section shall apply when sentencing a juve-  
27 nile offender notwithstanding the provisions of any other law that deals  
28 with the authorized sentence for persons who are not juvenile offenders.  
29 Provided, however, that the limitation prescribed by this section shall  
30 not be deemed or construed to bar use of a conviction of a juvenile  
31 offender, other than a juvenile offender who has been adjudicated a  
32 youthful offender pursuant to section 720.20 of the criminal procedure  
33 law, EXCEPT AS PROVIDED IN SUBDIVISION THREE OF THIS SECTION as a previ-  
34 ous or predicate felony offender under section 70.04, 70.06, 70.07,  
35 70.08 [or], 70.10, 70.70, 70.71, 70.80, OR 485.10 OF THIS CHAPTER, when  
36 sentencing a person who commits a felony after [he] SUCH PERSON has  
37 reached the age of [sixteen] SEVENTEEN AS OF JANUARY FIRST, TWO THOUSAND  
38 SEVENTEEN, AND EIGHTEEN AS OF JANUARY FIRST, TWO THOUSAND EIGHTEEN.

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

49 S 57. Section 70.05 of the penal law, as added by chapter 481 of the  
50 laws of 1978, subdivision 1 as amended by chapter 615 of the laws of  
51 1984, paragraph (e) of subdivision 2 as added and paragraph (c) of  
52 subdivision 3 as amended by chapter 435 of the laws of 1998, paragraph  
53 (a) of subdivision 3 as amended by chapter 174 of the laws of 2003, is  
54 amended to read as follows:

55 S 70.05 Sentence of imprisonment for juvenile offender.

1 1. [Indeterminate sentence] SENTENCE. A sentence of imprisonment for  
2 a JUVENILE OFFENDER CONVICTED OF A CLASS A felony OTHER THAN MURDER IN  
3 THE SECOND DEGREE AS DEFINED BY SECTION 125.25, ARSON IN THE FIRST  
4 DEGREE AS DEFINED BY SECTION 150.20 OR KIDNAPPING IN THE FIRST DEGREE AS  
5 DEFINED BY SECTION 135.25 OF THIS CHAPTER, SHALL BE IMPOSED BY THE COURT  
6 PURSUANT TO THE PROVISIONS OF SECTION 70.00, 70.06, 70.07, 70.08, OR  
7 70.71 OF THIS CHAPTER, AS APPLICABLE. A SENTENCE OF IMPRISONMENT FOR THE  
8 CLASS A-1 FELONY OF MURDER IN THE SECOND DEGREE committed by a juvenile  
9 offender shall be an indeterminate sentence. When such a sentence is  
10 imposed, the court shall impose [a] THE MINIMUM PERIOD OF IMPRISONMENT  
11 AND maximum term in accordance with the provisions of subdivision two of  
12 this section [and the minimum period of imprisonment shall be as  
13 provided in subdivision three of this section]. EXCEPT AS PROVIDED HERE-  
14 IN, A SENTENCE OF IMPRISONMENT FOR ANY OTHER FELONY COMMITTED BY A JUVE-  
15 NILE OFFENDER SHALL BE A DETERMINATE SENTENCE. WHEN SUCH A SENTENCE IS  
16 IMPOSED, THE COURT SHALL IMPOSE A TERM OF IMPRISONMENT IN WHOLE OR HALF  
17 YEARS IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION THREE OF THIS  
18 SECTION AND A PERIOD OF POST-RELEASE SUPERVISION IN ACCORDANCE WITH THE  
19 PROVISIONS OF SUBDIVISION TWO-B OF SECTION 70.45 OF THIS ARTICLE. The  
20 court shall further provide that where a juvenile offender is under  
21 placement pursuant to article three of the family court act, any  
22 sentence imposed pursuant to this section which is to be served consec-  
23 utively with such placement shall be served in a facility designated  
24 pursuant to subdivision four of section 70.20 of this article prior to  
25 service of the placement in any previously designated facility.

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

29 (a) For the class A felony of murder in the second degree, the MAXI-  
30 MUM term shall be life imprisonment[;], AND THE MINIMUM PERIOD OF IMPRI-  
31 SONMENT SHALL BE SPECIFIED IN THE SENTENCE AS FOLLOWS:

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

35 (B) WHERE THE DEFENDANT WAS AT LEAST FOURTEEN YEARS OLD BUT LESS THAN  
36 SEVENTEEN YEARS OLD, AND, COMMENCING JANUARY 1, 2018, WHERE THE DEFEND-  
37 ANT WAS AT LEAST FOURTEEN YEARS OLD BUT LESS THAN EIGHTEEN YEARS OLD AT  
38 THE TIME OF SUCH OFFENSE, THE MINIMUM PERIOD OF IMPRISONMENT SHALL BE AT  
39 LEAST SEVEN AND ONE-HALF YEARS BUT SHALL NOT EXCEED FIFTEEN YEARS.

40 [(b)] 3. DETERMINATE SENTENCE. (A) For the class A felony of arson in  
41 the first degree, or for the class A felony of kidnapping in the first  
42 degree the DETERMINATE term shall be fixed by the court, and shall be at  
43 least [twelve] FOUR years but shall not exceed fifteen years;

44 [(c)] (B) For a class B felony, the DETERMINATE term shall be fixed by  
45 the court, and shall BE AT LEAST ONE YEAR BUT SHALL not exceed [ten]  
46 SEVEN years; PROVIDED, HOWEVER, THAT WHERE THE DEFENDANT WAS SIXTEEN  
47 YEARS OLD, AND, COMMENCING JANUARY 1, 2018, WHERE THE DEFENDANT WAS  
48 SIXTEEN OR SEVENTEEN YEARS OLD AT THE TIME OF THE OFFENSE AND THE  
49 DEFENDANT IS CONVICTED OF A CLASS B VIOLENT FELONY AND THE COURT FINDS  
50 AGGRAVATING CIRCUMSTANCES THAT BEAR DIRECTLY UPON THE MANNER IN WHICH  
51 THE CRIME WAS COMMITTED, INCLUDING THE SEVERITY OF INJURY TO THE VICTIM  
52 AND THE GRAVITY OF RISK TO PUBLIC SAFETY, THE COURT SHALL SENTENCE THE  
53 DEFENDANT PURSUANT TO PARAGRAPH (A) OF SUBDIVISION THREE OF SECTION  
54 70.02 OF THIS ARTICLE. THE DEFENDANT AND THE DISTRICT ATTORNEY SHALL  
55 HAVE AN OPPORTUNITY TO PRESENT RELEVANT INFORMATION TO ASSIST THE COURT  
56 IN MAKING THIS DETERMINATION AND THE COURT MAY, IN ITS DISCRETION,



1 CONDUCT A HEARING WITH RESPECT TO ANY ISSUE BEARING UPON SUCH DETERMI-  
2 NATION. IF THE COURT DETERMINES IT IS APPROPRIATE TO SENTENCE THE  
3 DEFENDANT PURSUANT TO PARAGRAPH (A) OF SUBDIVISION THREE OF SECTION  
4 70.02 OF THIS ARTICLE, IT SHALL MAKE A STATEMENT ON THE RECORD OF THE  
5 FACTS AND CIRCUMSTANCES UPON WHICH SUCH DETERMINATION IS BASED;

6 [(d)] (C) For a class C felony, the DETERMINATE term shall be fixed by  
7 the court, and shall BE AT LEAST ONE YEAR BUT SHALL not exceed [seven]  
8 FIVE years; and

9 [(e)] (D) For a class D felony, the DETERMINATE term shall be fixed by  
10 the court, and shall BE AT LEAST ONE YEAR BUT SHALL not exceed [four]  
11 THREE years; AND

12 (E) FOR A CLASS E FELONY, WHERE THE DEFENDANT WAS SIXTEEN YEARS OLD,  
13 AND COMMENCING JANUARY 1, 2018, WHERE THE DEFENDANT WAS SIXTEEN OR  
14 SEVENTEEN YEARS OLD AT THE TIME OF SUCH OFFENSE, THE DETERMINATE TERM  
15 SHALL BE FIXED BY THE COURT, AND SHALL BE AT LEAST ONE YEAR BUT SHALL  
16 NOT EXCEED TWO YEARS.

17 [3. Minimum period of imprisonment. The minimum period of imprisonment  
18 under an indeterminate sentence for a juvenile offender shall be speci-  
19 fied in the sentence as follows:

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

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

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

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

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

46 [(b)] The court in committing a defendant who is not yet eighteen years  
47 of age to the department of corrections and community supervision shall  
48 inquire as to whether the parents or legal guardian of the defendant, if  
49 present, will grant to the minor the capacity to consent to routine  
50 medical, dental and mental health services and treatment.

51 (c) Notwithstanding paragraph (b) of this subdivision, where the court  
52 commits a defendant who is not yet eighteen years of age to the custody  
53 of the department of corrections and community supervision in accordance  
54 with this section and no medical consent has been obtained prior to said  
55 commitment, the commitment order shall be deemed to grant the capacity

1 to consent to routine medical, dental and mental health services and  
2 treatment to the person so committed.

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

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

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

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

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

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

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

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

51 (A-1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A  
52 PERSON WHO IS SENTENCED TO AN INDETERMINATE OR DETERMINATE SENTENCE AS  
53 AN ADULT FOR COMMITTING A CRIME WHEN HE OR SHE WAS SIXTEEN OR SEVENTEEN  
54 YEARS OF AGE WHO IS SENTENCED ON OR AFTER DECEMBER FIRST, TWO THOUSAND  
55 FIFTEEN TO A TERM OF AT LEAST ONE YEAR OF IMPRISONMENT AND WHO IS UNDER  
56 THE AGE OF EIGHTEEN AT THE TIME HE OR SHE IS SENTENCED SHALL BE COMMIT-

1 TED TO THE CUSTODY OF THE COMMISSIONER OF THE OFFICE OF CHILDREN AND  
2 FAMILY SERVICES WHO SHALL ARRANGE FOR THE CONFINEMENT OF SUCH OFFENDER  
3 IN FACILITIES OF THE OFFICE. THE RELEASE OR TRANSFER OF SUCH OFFENDERS  
4 FROM THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL BE GOVERNED BY  
5 SECTION FIVE HUNDRED EIGHT OF THE EXECUTIVE LAW.

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

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

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

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

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

33 (f) [The aggregate maximum term of consecutive sentences imposed upon  
34 a juvenile offender for two or more crimes, not including a class A  
35 felony, committed before he has reached the age of sixteen, shall, if it  
36 exceeds ten years, be deemed to be ten years. If consecutive indetermi-  
37 nate sentences imposed upon a juvenile offender include a sentence for  
38 the class A felony of arson in the first degree or for the class A felo-  
39 ny of kidnapping in the first degree, then the aggregate maximum term of  
40 such sentences shall, if it exceeds fifteen years, be deemed to be  
41 fifteen years. Where the aggregate maximum term of two or more consec-  
42 utive sentences is reduced by a calculation made pursuant to this para-  
43 graph, the aggregate minimum period of imprisonment, if it exceeds one-  
44 half of the aggregate maximum term as so reduced, shall be deemed to be  
45 one-half of the aggregate maximum term as so reduced.] (I) IF THE AGGRE-  
46 GATE TERM OR MAXIMUM TERM OF CONSECUTIVE SENTENCES IMPOSED UPON A JUVE-  
47 NILE OFFENDER FOR TWO OR MORE CRIMES, OTHER THAN TWO OR MORE SENTENCES  
48 THAT INCLUDE A SENTENCE FOR A CLASS A FELONY, OR A SENTENCE FOR A CLASS  
49 B VIOLENT FELONY IMPOSED PURSUANT TO PARAGRAPH (A) OF SUBDIVISION THREE  
50 OF SECTION 70.02 OF THIS ARTICLE, COMMITTED PRIOR TO THE TIME THE PERSON  
51 WAS IMPRISONED UNDER ANY OF SUCH SENTENCES EXCEEDS TEN YEARS, THE JUVE-  
52 NILE OFFENDER SHALL BE DEEMED TO BE SERVING A DETERMINATE TERM OF TEN  
53 YEARS.

54 (II) IF THE AGGREGATE MAXIMUM TERM OF CONSECUTIVE SENTENCES IMPOSED  
55 UPON A JUVENILE OFFENDER FOR TWO OR MORE CRIMES, AT LEAST ONE OF WHICH  
56 IS THE CLASS A FELONY OF ARSON IN THE FIRST DEGREE AS DEFINED BY SECTION

1 150.20 OR KIDNAPPING IN THE FIRST DEGREE AS DEFINED BY SECTION 135.25 OF  
2 THIS CHAPTER BUT NO OTHER CLASS A FELONY, AND DOES NOT INCLUDE A  
3 SENTENCE IMPOSED FOR A CLASS B VIOLENT FELONY IMPOSED PURSUANT TO PARA-  
4 GRAPH (A) OF SUBDIVISION THREE OF SECTION 70.02 OF THIS ARTICLE, COMMIT-  
5 TED PRIOR TO THE TIME THE PERSON WAS IMPRISONED UNDER ANY OF SUCH  
6 SENTENCES EXCEEDS FIFTEEN YEARS, THE JUVENILE OFFENDER SHALL BE DEEMED  
7 TO BE SERVING A DETERMINATE TERM OF FIFTEEN YEARS.

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

10 2-B. PERIODS OF POST-RELEASE SUPERVISION FOR JUVENILE OFFENDERS AND  
11 YOUTHFUL OFFENDERS. (A) THE PERIOD OF POST-RELEASE SUPERVISION FOR A  
12 DETERMINATE SENTENCE IMPOSED UPON A YOUTHFUL OFFENDER OR A JUVENILE  
13 OFFENDER ADJUDICATED A YOUTHFUL OFFENDER MUST BE FIXED BY THE COURT AT  
14 ONE YEAR.

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

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

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

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

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

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

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

46 (2) a person fourteen [or], fifteen OR SIXTEEN YEARS OLD OR COMMENCING  
47 JANUARY FIRST, TWO THOUSAND EIGHTEEN, SEVENTEEN years old who is crimi-  
48 nally responsible for acts constituting the crimes defined in subdivi-  
49 sions one and two of section 125.25 (murder in the second degree) and in  
50 subdivision three of such section provided that the underlying crime for  
51 the murder charge is one for which such person is criminally responsi-  
52 ble; section 135.25 (kidnapping in the first degree); 150.20 (arson in  
53 the first degree); subdivisions one and two of section 120.10 (assault  
54 in the first degree); 125.20 (manslaughter in the first degree); subdi-  
55 visions one and two of section 130.35 (rape in the first degree); subdi-  
56 visions one and two of section 130.50 (criminal sexual act in the first

1 degree); 130.70 (aggravated sexual abuse in the first degree); 140.30  
2 (burglary in the first degree); subdivision one of section 140.25  
3 (burglary in the second degree); 150.15 (arson in the second degree);  
4 160.15 (robbery in the first degree); subdivision two of section 160.10  
5 (robbery in the second degree) of this chapter; or section 265.03 of  
6 this chapter, where such machine gun or such firearm is possessed on  
7 school grounds, as that phrase is defined in subdivision fourteen of  
8 section 220.00 of this chapter; or defined in this chapter as an attempt  
9 to commit murder in the second degree or kidnapping in the first degree,  
10 or such conduct as a sexually motivated felony, where authorized pursu-  
11 ant to section 130.91 of [the penal law] THIS CHAPTER; AND

12 (3) A PERSON SIXTEEN, OR COMMENCING JANUARY FIRST, TWO THOUSAND EIGH-  
13 TEEN, A PERSON SIXTEEN OR SEVENTEEN YEARS OLD WHO IS CRIMINALLY RESPON-  
14 SIBLE FOR ACTS CONSTITUTING A VIOLENT FELONY DEFINED IN SECTION 70.02 OF  
15 THIS CHAPTER; ACTS CONSTITUTING ANY CRIME IN THIS CHAPTER THAT IS CLAS-  
16 SIFIED AS A CLASS A FELONY EXCEPTING THOSE CLASS A FELONIES WHICH  
17 REQUIRE, AS AN ELEMENT OF THE OFFENSE, THAT THE DEFENDANT BE EIGHTEEN  
18 YEARS OF AGE OR OLDER; ACTS CONSTITUTING THE CRIMES DEFINED IN SECTION  
19 120.03 (VEHICULAR ASSAULT IN THE SECOND DEGREE); 120.04 (VEHICULAR  
20 ASSAULT IN THE FIRST DEGREE); 120.04-A (AGGRAVATED VEHICULAR ASSAULT);  
21 125.10 (CRIMINALLY NEGLIGENT HOMICIDE); 125.11 (AGGRAVATED CRIMINALLY  
22 NEGLIGENT HOMICIDE); 125.12 (VEHICULAR MANSLAUGHTER IN THE SECOND  
23 DEGREE); 125.13 (VEHICULAR MANSLAUGHTER IN THE FIRST DEGREE); 125.14  
24 (AGGRAVATED VEHICULAR HOMICIDE); 125.15 (MANSLAUGHTER IN THE SECOND  
25 DEGREE); 125.20 (MANSLAUGHTER IN THE FIRST DEGREE); 125.21 (AGGRAVATED  
26 MANSLAUGHTER IN THE SECOND DEGREE); 125.22 (AGGRAVATED MANSLAUGHTER IN  
27 THE FIRST DEGREE); 215.11 (TAMPERING WITH A WITNESS IN THE THIRD DEGREE)  
28 PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING  
29 IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.12 (TAMPER-  
30 ING WITH A WITNESS IN THE SECOND DEGREE) PROVIDED THAT THE CRIMINAL  
31 PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON  
32 IS CRIMINALLY RESPONSIBLE; 215.13 (TAMPERING WITH A WITNESS IN THE FIRST  
33 DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS  
34 TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.52  
35 (AGGRAVATED CRIMINAL CONTEMPT); ACTS CONSTITUTING A SPECIFIED OFFENSE  
36 DEFINED IN SUBDIVISION TWO OF SECTION 130.91 OF THIS CHAPTER WHEN  
37 COMMITTED AS A SEXUALLY MOTIVATED FELONY; ACTS CONSTITUTING A SPECIFIED  
38 OFFENSE DEFINED IN SUBDIVISION THREE OF SECTION 490.05 OF THIS CHAPTER  
39 WHEN COMMITTED AS AN ACT OF TERRORISM; ACTS CONSTITUTING A FELONY  
40 DEFINED IN ARTICLE FOUR HUNDRED NINETY OF THIS CHAPTER; AND ACTS CONSTI-  
41 TUTING A CRIME SET FORTH IN SUBDIVISION ONE OF SECTION 105.10 AND  
42 SECTION 105.15 OF THIS CHAPTER PROVIDED THAT THE UNDERLYING CRIME FOR  
43 THE CONSPIRACY CHARGE IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPON-  
44 SIBLE.

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

47 42. "Juvenile offender" means (1) a person, thirteen years old who is  
48 criminally responsible for acts constituting murder in the second degree  
49 as defined in subdivisions one and two of section 125.25 of the penal  
50 law, or such conduct as a sexually motivated felony, where authorized  
51 pursuant to section 130.91 of the penal law; [and] (2) a person fourteen  
52 [or], fifteen OR SIXTEEN YEARS OLD, OR COMMENCING JANUARY FIRST, TWO  
53 THOUSAND EIGHTEEN, SEVENTEEN years old who is criminally responsible for  
54 acts constituting the crimes defined in subdivisions one and two of  
55 section 125.25 (murder in the second degree) and in subdivision three of  
56 such section provided that the underlying crime for the murder charge is

1 one for which such person is criminally responsible; section 135.25  
2 (kidnapping in the first degree); 150.20 (arson in the first degree);  
3 subdivisions one and two of section 120.10 (assault in the first  
4 degree); 125.20 (manslaughter in the first degree); subdivisions one and  
5 two of section 130.35 (rape in the first degree); subdivisions one and  
6 two of section 130.50 (criminal sexual act in the first degree); 130.70  
7 (aggravated sexual abuse in the first degree); 140.30 (burglary in the  
8 first degree); subdivision one of section 140.25 (burglary in the second  
9 degree); 150.15 (arson in the second degree); 160.15 (robbery in the  
10 first degree); subdivision two of section 160.10 (robbery in the second  
11 degree) of the penal law; or section 265.03 of the penal law, where such  
12 machine gun or such firearm is possessed on school grounds, as that  
13 phrase is defined in subdivision fourteen of section 220.00 of the penal  
14 law; or defined in the penal law as an attempt to commit murder in the  
15 second degree or kidnapping in the first degree, or such conduct as a  
16 sexually motivated felony, where authorized pursuant to section 130.91  
17 of the penal law; AND (3) A PERSON SIXTEEN OR, COMMENCING JANUARY FIRST,  
18 TWO THOUSAND EIGHTEEN, A PERSON SIXTEEN OR SEVENTEEN YEARS OLD WHO IS  
19 CRIMINALLY RESPONSIBLE FOR ACTS CONSTITUTING A VIOLENT FELONY DEFINED IN  
20 SECTION 70.02 OF THE PENAL LAW; ACTS CONSTITUTING ANY CRIME IN THE PENAL  
21 LAW THAT IS CLASSIFIED AS A CLASS A FELONY EXCEPTING THOSE CLASS A FELO-  
22 NIES WHICH REQUIRE, AS AN ELEMENT OF THE OFFENSE, THAT THE DEFENDANT BE  
23 EIGHTEEN YEARS OF AGE OR OLDER; ACTS CONSTITUTING THE CRIMES DEFINED IN  
24 SECTION 120.03 (VEHICULAR ASSAULT IN THE SECOND DEGREE); 120.04 (VEHICU-  
25 LAR ASSAULT IN THE FIRST DEGREE); 120.04-A (AGGRAVATED VEHICULAR  
26 ASSAULT); 125.10 (CRIMINALLY NEGLIGENT HOMICIDE); 125.11 (AGGRAVATED  
27 CRIMINALLY NEGLIGENT HOMICIDE); 125.12 (VEHICULAR MANSLAUGHTER IN THE  
28 SECOND DEGREE); 125.13 (VEHICULAR MANSLAUGHTER IN THE FIRST DEGREE);  
29 125.14 (AGGRAVATED VEHICULAR HOMICIDE); 125.15 (MANSLAUGHTER IN THE  
30 SECOND DEGREE); 125.20 (MANSLAUGHTER IN THE FIRST DEGREE); 125.21  
31 (AGGRAVATED MANSLAUGHTER IN THE SECOND DEGREE); 125.22 (AGGRAVATED  
32 MANSLAUGHTER IN THE FIRST DEGREE); 215.11 (TAMPERING WITH A WITNESS IN  
33 THE THIRD DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE  
34 PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSI-  
35 BLE; 215.12 (TAMPERING WITH A WITNESS IN THE SECOND DEGREE) PROVIDED  
36 THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR  
37 WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.13 (TAMPERING WITH A  
38 WITNESS IN THE FIRST DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN  
39 WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY  
40 RESPONSIBLE; 215.52 (AGGRAVATED CRIMINAL CONTEMPT); ACTS CONSTITUTING A  
41 SPECIFIED OFFENSE DEFINED IN SUBDIVISION TWO OF SECTION 130.91 OF THE  
42 PENAL LAW WHEN COMMITTED AS A SEXUALLY MOTIVATED FELONY; ACTS CONSTITUT-  
43 ING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION THREE OF SECTION 490.05  
44 OF THE PENAL LAW WHEN COMMITTED AS AN ACT OF TERRORISM; ACTS CONSTITUT-  
45 ING A FELONY DEFINED IN ARTICLE FOUR HUNDRED NINETY OF THE PENAL LAW;  
46 AND ACTS CONSTITUTING A CRIME SET FORTH IN SUBDIVISION ONE OF SECTION  
47 105.10 AND SECTION 105.15 OF THE PENAL LAW PROVIDED THAT THE UNDERLYING  
48 CRIME FOR THE CONSPIRACY CHARGE IS ONE FOR WHICH SUCH PERSON IS CRIMI-  
49 NALLY RESPONSIBLE.

50 S 63-a. The article heading of article 100 of the criminal procedure  
51 law, as added by chapter 996 of the laws of 1970, is amended to read as  
52 follows:

53 ARTICLE 100--COMMENCEMENT OF ACTION IN LOCAL  
54 CRIMINAL COURT OR YOUTH PART OF A SUPERIOR COURT--[LOCAL  
55 CRIMINAL COURT] ACCUSATORY INSTRUMENTS

1 S 63-b. The first undesignated paragraph of section 100.05 of the  
2 criminal procedure law, as added by chapter 996 of the laws of 1970, is  
3 amended to read as follows:

4 A criminal action is commenced by the filing of an accusatory instru-  
5 ment with a criminal court, OR, IN THE CASE OF A JUVENILE OFFENDER, THE  
6 YOUTH PART OF THE SUPERIOR COURT, and if more than one such instrument  
7 is filed in the course of the same criminal action, such action  
8 commences when the first of such instruments is filed. The only way in  
9 which a criminal action can be commenced in a superior court, OTHER THAN  
10 A CRIMINAL ACTION AGAINST A JUVENILE OFFENDER, is by the filing there-  
11 with by a grand jury of an indictment against a defendant who has never  
12 been held by a local criminal court for the action of such grand jury  
13 with respect to any charge contained in such indictment. Otherwise, a  
14 criminal action can be commenced only in a local criminal court, by the  
15 filing therewith of a local criminal court accusatory instrument, name-  
16 ly:

17 S 63-c. The section heading and subdivision 5 of section 100.10 of the  
18 criminal procedure law, as added by chapter 996 of the laws of 1970, are  
19 amended to read as follows:

20 S 100.10 Local criminal court AND YOUTH PART OF THE SUPERIOR COURT accu-  
21 satory instruments; definitions thereof.

22 5. A "felony complaint" is a verified written accusation by a person,  
23 filed with a local criminal court, OR YOUTH PART OF THE SUPERIOR COURT,  
24 charging one or more other persons with the commission of one or more  
25 felonies. It serves as a basis for the commencement of a criminal  
26 action, but not as a basis for prosecution thereof.

27 S 63-d. The section heading of section 100.40 of the criminal proce-  
28 dure law, as added by chapter 996 of the laws of 1970, is amended to  
29 read as follows:

30 S 100.40 Local criminal court AND YOUTH PART OF THE SUPERIOR COURT accu-  
31 satory instruments; sufficiency on face.

32 S 63-e. The criminal procedure law is amended by adding a new section  
33 100.60 to read as follows:

34 S 100.60 YOUTH PART OF THE SUPERIOR COURT ACCUSATORY INSTRUMENTS; IN  
35 WHAT COURTS FILED.

36 ANY YOUTH PART OF THE SUPERIOR COURT ACCUSATORY INSTRUMENT MAY BE  
37 FILED WITH THE YOUTH PART OF THE SUPERIOR COURT OF A PARTICULAR COUNTY  
38 WHEN AN OFFENSE CHARGED THEREIN WAS ALLEGEDLY COMMITTED IN SUCH COUNTY  
39 OR THAT PART THEREOF OVER WHICH SUCH COURT HAS JURISDICTION.

40 S 63-f. The article heading of article 110 of the criminal procedure  
41 law, as added by chapter 996 of the laws of 1970, is amended to read as  
42 follows:

43 ARTICLE 110--REQUIRING DEFENDANT'S APPEARANCE  
44 IN LOCAL CRIMINAL COURT OR YOUTH PART OF SUPERIOR COURT  
45 FOR ARRAIGNMENT

46 S 63-g. The section heading of section 110.10 of the criminal proce-  
47 dure law, as added by chapter 996 of the laws of 1970, and subdivision 1  
48 and subdivision 2, are amended to read as follows:

49 S 110.10 Methods of requiring defendant's appearance in local criminal  
50 court OR YOUTH PART OF THE SUPERIOR COURT for arraignment;  
51 in general.

52 1. After a criminal action has been commenced in a local criminal  
53 court OR YOUTH PART OF THE SUPERIOR COURT by the filing of an accusatory  
54 instrument therewith, a defendant who has not been arraigned in the  
55 action and has not come under the control of the court may under certain

1 circumstances be compelled or required to appear for arraignment upon  
2 such accusatory instrument by:

3 (a) The issuance and execution of a warrant of arrest, as provided in  
4 article one hundred twenty; or

5 (b) The issuance and service upon him of a summons, as provided in  
6 article one hundred thirty; or

7 (c) Procedures provided in articles five hundred sixty, five hundred  
8 seventy, five hundred eighty, five hundred ninety and six hundred for  
9 securing attendance of defendants in criminal actions who are not at  
10 liberty within the state.

11 2. Although no criminal action against a person has been commenced in  
12 any court, he may under certain circumstances be compelled or required  
13 to appear in a local criminal court OR YOUTH PART OF A SUPERIOR COURT  
14 for arraignment upon an accusatory instrument to be filed therewith at  
15 or before the time of his appearance by:

16 (a) An arrest made without a warrant, as provided in article one  
17 hundred forty; or

18 (b) The issuance and service upon him of an appearance ticket, as  
19 provided in article one hundred fifty.

20 S 63-h. The section heading of section 110.20 and section 110.20 of  
21 the criminal procedure law, as added by chapter 996 of the laws of 1970,  
22 are amended to read as follows:

23 S 110.20 Local criminal court OR YOUTH PART OF THE SUPERIOR COURT accu-  
24 satory instruments; notice thereof to district attorney.

25 When a criminal action in which a crime is charged is commenced in a  
26 local criminal court, OR YOUTH PART OF THE SUPERIOR COURT other than the  
27 criminal court of the city of New York, a copy of the accusatory instru-  
28 ment shall be promptly transmitted to the appropriate district attorney  
29 upon or prior to the arraignment of the defendant on the accusatory  
30 instrument. If a police officer or a peace officer is the complainant  
31 or the filer of a simplified information, or has arrested the defendant  
32 or brought him before the local criminal court OR YOUTH PART OF THE  
33 SUPERIOR COURT on behalf of an arresting person pursuant to subdivision  
34 one of section 140.20, such officer or his agency shall transmit the  
35 copy of the accusatory instrument to the appropriate district attorney.  
36 In all other cases, the clerk of the court in which the defendant is  
37 arraigned shall so transmit it.

38 S 63-i. The first undesignated paragraph of subdivision 1 of section  
39 120.20 of the criminal procedure law, as added by chapter 996 of the  
40 laws of 1970, is amended to read as follows:

41 When a criminal action has been commenced in a local criminal court OR  
42 YOUTH PART OF THE SUPERIOR COURT by the filing therewith of an accusato-  
43 ry instrument, other than a simplified traffic information, against a  
44 defendant who has not been arraigned upon such accusatory instrument and  
45 has not come under the control of the court with respect thereto:

46 S 63-j. Section 120.30 of the criminal procedure law, as added by  
47 chapter 996 of the laws of 1970, is amended to read as follows:

48 S 120.30 Warrant of arrest; by what courts issuable and in what courts  
49 returnable.

50 1. A warrant of arrest may be issued only by the local criminal court  
51 OR YOUTH PART OF THE SUPERIOR COURT with which the underlying accusatory  
52 instrument has been filed, and it may be made returnable in such issuing  
53 court only.

54 2. The particular local criminal court or courts OR YOUTH PART OF  
55 SUPERIOR COURT with which any particular local criminal court OR YOUTH  
56 PART OF THE SUPERIOR COURT accusatory instrument may be filed for the



1 purpose of obtaining a warrant of arrest are determined, generally, by  
2 the provisions of section 100.55 OR 100.60. If, however, a particular  
3 accusatory instrument may pursuant to said section 100.55 be filed with  
4 a particular town court and such town court is not available at the time  
5 such instrument is sought to be filed and a warrant obtained, such accu-  
6 satory instrument may be filed with the town court of any adjoining town  
7 of the same county. If such instrument may be filed pursuant to said  
8 section 100.55 with a particular village court and such village court is  
9 not available at the time, it may be filed with the town court of the  
10 town embracing such village, or if such town court is not available  
11 either, with the town court of any adjoining town of the same county.

12 S 63-k. Section 120.55 of the criminal procedure law, as amended by  
13 chapter 62 of the laws of 2011, is amended to read as follows:

14 S 120.55 Warrant of arrest; defendant under parole or probation super-  
15 vision.

16 If the defendant named within a warrant of arrest issued by a local  
17 criminal court OR YOUTH PART OF THE SUPERIOR COURT pursuant to the  
18 provisions of this article, or by a superior court issued pursuant to  
19 subdivision three of section 210.10 of this chapter, is under the super-  
20 vision of the state department of corrections and community supervision  
21 or a local or state probation department, then a warrant for his or her  
22 arrest may be executed by a parole officer or probation officer, when  
23 authorized by his or her probation director, within his or her geograph-  
24 ical area of employment. The execution of the warrant by a parole offi-  
25 cer or probation officer shall be upon the same conditions and conducted  
26 in the same manner as provided for execution of a warrant by a police  
27 officer.

28 S 63-l. Subdivision 1 of section 120.70 of the criminal procedure law,  
29 as added by chapter 996 of the laws of 1970, is amended to read as  
30 follows:

31 S 120.70 Warrant of arrest; where executable.

32 1. A warrant of arrest issued by a district court, by the New York  
33 City criminal court, THE YOUTH PART OF A SUPERIOR COURT or by a superior  
34 court judge sitting as a local criminal court may be executed anywhere  
35 in the state.

36 2. A warrant of arrest issued by a city court, a town court or a  
37 village court may be executed:

38 (a) In the county of issuance or in any adjoining county; or

39 (b) Anywhere else in the state upon the written endorsement thereon  
40 of a local criminal court of the county in which the arrest is to be  
41 made. When so endorsed, the warrant is deemed the process of the  
42 endorsing court as well as that of the issuing court.

43 S 63-m. Section 120.90 of the criminal procedure law is amended by  
44 adding a new subdivision 5-a, and amending subdivision 1 and 6, as added  
45 by chapter 996 of the laws of 1970, to read as follows:

46 S 120.90 Warrant of arrest; procedure after arrest.

47 1. Upon arresting a defendant for any offense pursuant to a warrant  
48 of arrest in the county in which the warrant is returnable or in any  
49 adjoining county, or upon so arresting him for a felony in any other  
50 county, a police officer, if he be one to whom the warrant is addressed,  
51 must without unnecessary delay bring the defendant before the local  
52 criminal court OR YOUTH PART OF THE SUPERIOR COURT in which such warrant  
53 is returnable.

54 2. Upon arresting a defendant for any offense pursuant to a warrant  
55 of arrest in a county adjoining the county in which the warrant is  
56 returnable, or upon so arresting him for a felony in any other county, a

1 police officer, if he be one delegated to execute the warrant pursuant  
2 to section 120.60, must without unnecessary delay deliver the defendant  
3 or cause him to be delivered to the custody of the officer by whom he  
4 was so delegated, and the latter must then proceed as provided in subdivi-  
5 sion one.

6 3. Upon arresting a defendant for an offense other than a felony  
7 pursuant to a warrant of arrest in a county other than the one in which  
8 the warrant is returnable or one adjoining it, a police officer, if he  
9 be one to whom the warrant is addressed, must inform the defendant that  
10 he has a right to appear before a local criminal court of the county of  
11 arrest for the purpose of being released on his own recognizance or  
12 having bail fixed. If the defendant does not desire to avail himself of  
13 such right, the officer must request him to endorse such fact upon the  
14 warrant, and upon such endorsement the officer must without unnecessary  
15 delay bring him before the court in which the warrant is returnable. If  
16 the defendant does desire to avail himself of such right, or if he  
17 refuses to make the aforementioned endorsement, the officer must without  
18 unnecessary delay bring him before a local criminal court of the county  
19 of arrest. Such court must release the defendant on his own recogni-  
20 zance or fix bail for his appearance on a specified date in the court in  
21 which the warrant is returnable. If the defendant is in default of  
22 bail, the officer must without unnecessary delay bring him before the  
23 court in which the warrant is returnable.

24 4. Upon arresting a defendant for an offense other than a felony  
25 pursuant to a warrant of arrest in a county other than the one in which  
26 the warrant is returnable or one adjoining it, a police officer, if he  
27 be one delegated to execute the warrant pursuant to section 120.60, may  
28 hold the defendant in custody in the county of arrest for a period not  
29 exceeding two hours for the purpose of delivering him to the custody of  
30 the officer by whom he was delegated to execute such warrant. If the  
31 delegating officer receives custody of the defendant during such period,  
32 he must proceed as provided in subdivision three. Otherwise, the deleg-  
33 ated officer must inform the defendant that he has a right to appear  
34 before a local criminal court for the purpose of being released on his  
35 own recognizance or having bail fixed. If the defendant does not desire  
36 to avail himself of such right, the officer must request him to make,  
37 sign and deliver to him a written statement of such fact, and if the  
38 defendant does so, the officer must retain custody of him but must with-  
39 out unnecessary delay deliver him or cause him to be delivered to the  
40 custody of the delegating police officer. If the defendant does desire  
41 to avail himself of such right, or if he refuses to make and deliver the  
42 aforementioned statement, the delegated or arresting officer must with-  
43 out unnecessary delay bring him before a local criminal court of the  
44 county of arrest and must submit to such court a written statement  
45 reciting the material facts concerning the issuance of the warrant, the  
46 offense involved, and all other essential matters relating thereto.  
47 Upon the submission of such statement, such court must release the  
48 defendant on his own recognizance or fix bail for his appearance on a  
49 specified date in the court in which the warrant is returnable. If the  
50 defendant is in default of bail, the officer must retain custody of him  
51 but must without unnecessary delay deliver him or cause him to be deliv-  
52 ered to the custody of the delegating officer. Upon receiving such  
53 custody, the latter must without unnecessary delay bring the defendant  
54 before the court in which the warrant is returnable.

55 5. Whenever a police officer is required pursuant to this section to  
56 bring an arrested defendant before a town court in which a warrant of

1 arrest is returnable, and if such town court is not available at the  
2 time, such officer must, if a copy of the underlying accusatory instru-  
3 ment has been attached to the warrant pursuant to section 120.40,  
4 instead bring such defendant before any village court embraced, in whole  
5 or in part, by such town, or any local criminal court of an adjoining  
6 town or city of the same county or any village court embraced, in whole  
7 or in part, by such adjoining town. When the court in which the warrant  
8 is returnable is a village court which is not available at the time, the  
9 officer must in such circumstances bring the defendant before the town  
10 court of the town embracing such village or any other village court  
11 within such town or, if such town court or village court is not avail-  
12 able either, before the local criminal court of any town or city of the  
13 same county which adjoins such embracing town or, before the local crim-  
14 inal court of any village embraced in whole or in part by such adjoining  
15 town. When the court in which the warrant is returnable is a city court  
16 which is not available at the time, the officer must in such circum-  
17 stances bring the defendant before the local criminal court of any  
18 adjoining town or village embraced in whole or in part by such adjoining  
19 town of the same county.

20 5-A. WHENEVER A POLICE OFFICER IS REQUIRED, PURSUANT TO THIS SECTION,  
21 TO BRING AN ARRESTED DEFENDANT BEFORE A YOUTH PART OF A SUPERIOR COURT  
22 IN WHICH A WARRANT OF ARREST IS RETURNABLE, AND IF SUCH COURT IS NOT  
23 AVAILABLE AT THE TIME, SUCH OFFICER MUST BRING SUCH DEFENDANT BEFORE THE  
24 MOST ACCESSIBLE MAGISTRATE DESIGNATED BY THE APPELLATE DIVISION OF THE  
25 SUPREME COURT IN THE APPLICABLE DEPARTMENT TO ACT AS A YOUTH PART.

26 6. Before bringing a defendant arrested pursuant to a warrant before  
27 the local criminal court OR YOUTH PART OF A SUPERIOR COURT in which such  
28 warrant is returnable, a police officer must without unnecessary delay  
29 perform all fingerprinting and other preliminary police duties required  
30 in the particular case. In any case in which the defendant is not  
31 brought by a police officer before such court but, following his arrest  
32 in another county for an offense specified in subdivision one of section  
33 160.10, is released by a local criminal court of such other county on  
34 his own recognizance or on bail for his appearance on a specified date  
35 before the local criminal court before which the warrant is returnable,  
36 the latter court must, upon arraignment of the defendant before it,  
37 direct that he be fingerprinted by the appropriate officer or agency,  
38 and that he appear at an appropriate designated time and place for such  
39 purpose.

40 7. Upon arresting a juvenile offender, the police officer shall imme-  
41 diately notify the parent or other person legally responsible for his  
42 care or the person with whom he is domiciled, that the juvenile offender  
43 has been arrested, and the location of the facility where he is being  
44 detained.

45 8. Upon arresting a defendant, other than a juvenile offender, for  
46 any offense pursuant to a warrant of arrest, a police officer shall,  
47 upon the defendant's request, permit the defendant to communicate by  
48 telephone provided by the law enforcement facility where the defendant  
49 is held to a phone number located anywhere in the United States or Puer-  
50 to Rico, for the purposes of obtaining counsel and informing a relative  
51 or friend that he or she has been arrested, unless granting the call  
52 will compromise an ongoing investigation or the prosecution of the  
53 defendant.

54 S 63-n. Subdivision 1 of section 130.10 of the criminal procedure law,  
55 as amended by chapter 446 of the laws of 1993, is amended to read as  
56 follows:

1 1. A summons is a process issued by a local criminal court directing a  
2 defendant designated in an information, a prosecutor's information, a  
3 felony complaint or a misdemeanor complaint filed with such court, OR A  
4 YOUTH PART OF A SUPERIOR COURT DIRECTING A DEFENDANT DESIGNATED IN A  
5 FELONY COMPLAINT, or by a superior court directing a defendant desig-  
6 nated in an indictment filed with such court, to appear before it at a  
7 designated future time in connection with such accusatory instrument.  
8 The sole function of a summons is to achieve a defendant's court appear-  
9 ance in a criminal action for the purpose of arraignment upon the accu-  
10 satory instrument by which such action was commenced.

11 S 63-o. Section 130.30 of the criminal procedure law, as amended by  
12 chapter 506 of the laws of 2000, is amended to read as follows:

13 S 130.30 Summons; when issuable.

14 A local criminal court OR YOUTH PART OF THE SUPERIOR COURT may issue a  
15 summons in any case in which, pursuant to section 120.20, it is author-  
16 ized to issue a warrant of arrest based upon an information, a  
17 prosecutor's information, a felony complaint or a misdemeanor complaint.  
18 If such information, prosecutor's information, felony complaint or  
19 misdemeanor complaint is not sufficient on its face as prescribed in  
20 section 100.40, and if the court is satisfied that on the basis of the  
21 available facts or evidence it would be impossible to draw and file an  
22 authorized accusatory instrument that is sufficient on its face, the  
23 court must dismiss the accusatory instrument. A superior court may issue  
24 a summons in any case in which, pursuant to section 210.10, it is  
25 authorized to issue a warrant of arrest based upon an indictment.

26 S 63-p. Subdivision 1 of section 140.20 of the criminal procedure law  
27 is amended by adding a new paragraph (e) to read as follows:

28 (E) IF THE ARREST IS FOR A PERSON UNDER THE AGE OF SEVENTEEN OR,  
29 COMMENCING JANUARY 1, 2018, A PERSON UNDER THE AGE OF EIGHTEEN, SUCH  
30 PERSON SHALL BE BROUGHT BEFORE THE YOUTH PART OF THE SUPERIOR COURT. IF  
31 THE YOUTH PART IS NOT IN SESSION, SUCH PERSON SHALL BE BROUGHT BEFORE  
32 THE MOST ACCESSIBLE MAGISTRATE DESIGNATED BY THE APPELLATE DIVISION OF  
33 THE SUPREME COURT IN THE APPLICABLE DEPARTMENT TO ACT AS A YOUTH PART.

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

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

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

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

1 (C) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PRESENT AT SUCH QUES-  
2 TIONING; AND

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

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

10 S 64-a. Subdivision 2 of section 140.27 of the criminal procedure law,  
11 as amended by chapter 843 of the laws of 1980, is amended to read as  
12 follows:

13 2. Upon arresting a person without a warrant, a peace officer, except  
14 as otherwise provided in subdivision three OR THREE-A, must without  
15 unnecessary delay bring him or cause him to be brought before a local  
16 criminal court, as provided in section 100.55 and subdivision one of  
17 section 140.20, and must without unnecessary delay file or cause to be  
18 filed therewith an appropriate accusatory instrument. If the offense  
19 which is the subject of the arrest is one of those specified in subdivi-  
20 sion one of section 160.10, the arrested person must be fingerprinted  
21 and photographed as therein provided. In order to execute the required  
22 post-arrest functions, such arresting peace officer may perform such  
23 functions himself or he may enlist the aid of a police officer for the  
24 performance thereof in the manner provided in subdivision one of section  
25 140.20.

26 S 64-b. Section 140.27 of the criminal procedure law is amended by  
27 adding a new subdivision 3-a to read as follows:

28 3-A. IF THE ARREST IS FOR A PERSON UNDER THE AGE OF SEVENTEEN OR,  
29 COMMENCING JANUARY 1, 2018, A PERSON UNDER THE AGE OF EIGHTEEN, SUCH  
30 PERSON SHALL BE BROUGHT BEFORE THE YOUTH PART OF THE SUPERIOR COURT. IF  
31 THE YOUTH PART IS NOT IN SESSION, SUCH PERSON SHALL BE BROUGHT BEFORE  
32 THE MOST ACCESSIBLE MAGISTRATE DESIGNATED BY THE APPELLATE DIVISION OF  
33 THE SUPREME COURT IN THE APPLICABLE DEPARTMENT TO ACT AS A YOUTH PART.

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

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

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

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

55 (C) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PRESENT AT SUCH QUES-  
56 TIONING; AND

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

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

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

11 5. If a police officer takes an arrested juvenile offender into  
12 custody, the police officer shall immediately notify the parent or other  
13 person legally responsible for his OR HER care or the person with whom  
14 he OR SHE is domiciled, that the juvenile offender has been arrested,  
15 and the location of the facility where he OR SHE is being detained. IF  
16 THE OFFICER DETERMINES THAT IT IS NECESSARY TO QUESTION A JUVENILE  
17 OFFENDER OR A CHILD UNDER EIGHTEEN YEARS OF AGE WHO FITS WITHIN THE  
18 DEFINITION OF A JUVENILE OFFENDER AS DEFINED IN SECTION 30.00 OF THE  
19 PENAL LAW THE OFFICER MUST TAKE THE JUVENILE TO A FACILITY DESIGNATED BY  
20 THE CHIEF ADMINISTRATOR OF THE COURTS AS A SUITABLE PLACE FOR THE QUES-  
21 TIONING OF CHILDREN OR, UPON THE CONSENT OF A PARENT OR OTHER PERSON  
22 LEGALLY RESPONSIBLE FOR THE CARE OF THE JUVENILE, TO THE JUVENILE'S  
23 RESIDENCE AND THERE QUESTION HIM OR HER FOR A REASONABLE PERIOD OF TIME.  
24 A JUVENILE SHALL NOT BE QUESTIONED PURSUANT TO THIS SECTION UNLESS THE  
25 JUVENILE AND A PERSON REQUIRED TO BE NOTIFIED PURSUANT TO THIS SUBDIVI-  
26 SION, IF PRESENT, HAVE BEEN ADVISED:

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

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

30 (C) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PRESENT AT SUCH QUES-  
31 TIONING; AND

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

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

39 S 67. The criminal procedure law is amended by adding a new section  
40 160.56 to read as follows:

41 S 160.56 CONDITIONAL SEALING OF CERTAIN CONVICTIONS FOR OFFENSES COMMIT-  
42 TED BY A DEFENDANT TWENTY YEARS OF AGE OR YOUNGER OR BY A  
43 DEFENDANT CONVICTED AS A JUVENILE OFFENDER.

44 1. WHEN A DEFENDANT IS CONVICTED FOR ONLY ONE ELIGIBLE OFFENSE, ON OR  
45 AFTER THE EFFECTIVE DATE OF THIS SECTION, WHICH WAS COMMITTED WHEN HE OR  
46 SHE WAS TWENTY YEARS OF AGE OR YOUNGER AND THE DEFENDANT HAS NO PRIOR  
47 CRIMINAL CONVICTIONS, THE COURT SHALL CERTIFY UPON CONVICTION THAT THE  
48 DEFENDANT IS APPARENTLY ELIGIBLE FOR CONDITIONAL SEALING AND SHALL SCHE-  
49 DULE THE DEFENDANT'S CASE FOR REVIEW AT THE EXPIRATION OF THE TIME PERI-  
50 OD SET FORTH IN SUBDIVISION TWO OF THIS SECTION. SUCH REVIEW SHALL NOT  
51 REQUIRE A MOTION OR APPEARANCE BY A DEFENDANT. UPON THE EXPIRATION OF  
52 THE TIME PERIOD SET FORTH IN SUBDIVISION TWO OF THIS SECTION, THE COURT  
53 SHALL NOTIFY THE DISTRICT ATTORNEY THAT THE CASE IS UNDER REVIEW. IF THE  
54 DISTRICT ATTORNEY DOES NOT PROVIDE NOTICE OF OPPOSITION TO SEALING WITH-  
55 IN FORTY-FIVE DAYS OF RECEIPT OF THE NOTIFICATION AND THE COURT DETER-  
56 MINES THAT THE DEFENDANT MEETS THE CRITERIA FOR SEALING AS SET FORTH IN

1 THIS SECTION, THE COURT SHALL ORDER THAT THE RECORD BE CONDITIONALLY  
2 SEALED. IF THE DISTRICT ATTORNEY OPPOSES SEALING, HE OR SHE SHALL NOTI-  
3 FY THE COURT OF THE REASONS FOR OPPOSITION. IF THE COURT HAS DETERMINED,  
4 SUA SPONTE, OR THE DISTRICT ATTORNEY HAS NOTIFIED THE COURT, THAT THE  
5 DEFENDANT DOES NOT MEET THE CRITERIA FOR CONDITIONAL SEALING, THE COURT  
6 MUST PROVIDE THE DEFENDANT, ON NOTICE TO THE DISTRICT ATTORNEY, WITH  
7 NOTICE AND AN OPPORTUNITY TO DISPUTE SUCH FINDING.

8 WHENEVER THE COURT DETERMINES THAT ALL CRITERIA FOR SEALING HAVE BEEN  
9 SATISFIED AND ORDERS A RECORD CONDITIONALLY SEALED, THE CLERK OF THE  
10 COURT SHALL IMMEDIATELY NOTIFY THE COMMISSIONER OF THE DIVISION OF CRIM-  
11 INAL JUSTICE SERVICES THAT THE CONVICTION SHALL BE CONDITIONALLY SEALED.  
12 FOR PURPOSES OF THIS SECTION, AN ELIGIBLE OFFENSE IS ANY MISDEMEANOR OR  
13 FELONY OTHER THAN A FELONY OFFENSE DEFINED IN ARTICLE ONE HUNDRED TWEN-  
14 TY-FIVE OF THE PENAL LAW, A VIOLENT FELONY OFFENSE DEFINED IN SECTION  
15 70.02 OF THE PENAL LAW, A CLASS A FELONY OFFENSE DEFINED IN THE PENAL  
16 LAW, OR AN OFFENSE FOR WHICH REGISTRATION AS A SEX OFFENDER IS REQUIRED  
17 PURSUANT TO ARTICLE SIX-C OF THE CORRECTION LAW.

18 2. AN ELIGIBLE OFFENSE MAY BE CONDITIONALLY SEALED ONLY:

19 (A) AFTER THE FOLLOWING TIME PERIODS HAVE ELAPSED:

20 (I) FOR A MISDEMEANOR, AT LEAST TWO YEARS HAVE PASSED SINCE: THE ENTRY  
21 OF THE JUDGMENT OR, IF THE DEFENDANT WAS SENTENCED TO A CONDITIONAL  
22 DISCHARGE OR A PERIOD OF PROBATION, INCLUDING A PERIOD OF INCARCERATION  
23 IMPOSED IN CONJUNCTION WITH A SENTENCE OF PROBATION OR CONDITIONAL  
24 DISCHARGE, THE COMPLETION OF THE DEFENDANT'S TERM OF PROBATION OR CONDI-  
25 TIONAL DISCHARGE, OR IF THE DEFENDANT WAS SENTENCED TO INCARCERATION,  
26 THE DEFENDANT'S RELEASE FROM INCARCERATION, WHICHEVER IS THE LONGEST; OR

27 (II) FOR AN ELIGIBLE FELONY, OTHER THAN A FELONY CONVICTION AS A JUVE-  
28 NILE OFFENDER AS DEFINED IN SUBDIVISION FORTY-TWO OF SECTION 1.20 OF  
29 THIS CHAPTER, AT LEAST FIVE YEARS HAVE PASSED SINCE: THE ENTRY OF THE  
30 JUDGMENT OR, IF THE DEFENDANT WAS SENTENCED TO A CONDITIONAL DISCHARGE  
31 OR A PERIOD OF PROBATION, INCLUDING A PERIOD OF INCARCERATION IMPOSED IN  
32 CONJUNCTION WITH A SENTENCE OF PROBATION OR CONDITIONAL DISCHARGE, THE  
33 COMPLETION OF THE DEFENDANT'S TERM OF PROBATION OR CONDITIONAL  
34 DISCHARGE, OR IF THE DEFENDANT WAS SENTENCED TO INCARCERATION, THE  
35 DEFENDANT'S RELEASE FROM INCARCERATION, WHICHEVER IS THE LONGEST; OR

36 (III) FOR A CONVICTION AS A JUVENILE OFFENDER, AS DEFINED IN SUBDIVI-  
37 SION FORTY-TWO OF SECTION 1.20 OF THIS CHAPTER, AT LEAST TEN YEARS HAVE  
38 PASSED SINCE: THE ENTRY OF THE JUDGMENT OR, IF THE DEFENDANT WAS  
39 SENTENCED TO A CONDITIONAL DISCHARGE OR A PERIOD OF PROBATION, INCLUDING  
40 A PERIOD OF INCARCERATION IMPOSED IN CONJUNCTION WITH A SENTENCE OF  
41 PROBATION OR CONDITIONAL DISCHARGE, THE COMPLETION OF THE DEFENDANT'S  
42 TERM OF PROBATION OR CONDITIONAL DISCHARGE, OR IF THE DEFENDANT WAS  
43 SENTENCED TO INCARCERATION, THE DEFENDANT'S RELEASE FROM INCARCERATION,  
44 WHICHEVER IS THE LONGEST; AND

45 (B) IF THE DEFENDANT HAS NOT BEEN CONVICTED OF ANY OTHER CRIME.

46 2-A. NO RECORD SHALL BE SEALED PURSUANT TO THIS SECTION WHILE CHARGES  
47 ARE PENDING FOR ANY OFFENSE.

48 2-B. NO RECORD SHALL BE SEALED PURSUANT TO THIS SECTION WHILE THE  
49 DEFENDANT IS SUBJECT TO SUPERVISION BY THE DEPARTMENT OF CORRECTIONS AND  
50 COMMUNITY SUPERVISION OR THE OFFICE OF CHILDREN AND FAMILY SERVICES.  
51 UPON THE SUCCESSFUL COMPLETION OF SUCH SUPERVISION, IF THE TIME PERIODS  
52 SET FORTH IN PARAGRAPH (A) OF SUBDIVISION TWO OF THIS SECTION HAVE  
53 ELAPSED FROM THE DATE OF DEFENDANT'S RELEASE FROM INCARCERATION, THE  
54 COURT MAY ORDER THE RECORD CONDITIONALLY SEALED PURSUANT TO THE  
55 PROVISIONS OF THIS SECTION.

1 3. WHEN A CONVICTION IS SEALED PURSUANT TO THIS SECTION, ALL OFFICIAL  
2 RECORDS AND PAPERS RELATING TO THE ARREST, PROSECUTION, AND CONVICTION,  
3 INCLUDING ALL DUPLICATES AND COPIES THEREOF, ON FILE WITH THE DIVISION  
4 OF CRIMINAL JUSTICE SERVICES OR ANY COURT SHALL BE SEALED AND NOT MADE  
5 AVAILABLE TO ANY PERSON OR PUBLIC OR PRIVATE AGENCY; PROVIDED, HOWEVER,  
6 THE DIVISION SHALL RETAIN ANY FINGERPRINTS, PALMPRINTS AND PHOTOGRAPHS,  
7 OR DIGITAL IMAGES OF THE SAME.

8 4. RECORDS SEALED PURSUANT TO THIS SECTION SHALL BE MADE AVAILABLE TO:

9 (A) THE DEFENDANT OR THE DEFENDANT'S DESIGNATED AGENT;

10 (B) QUALIFIED AGENCIES, AS DEFINED IN SUBDIVISION NINE OF SECTION  
11 EIGHT HUNDRED THIRTY-FIVE OF THE EXECUTIVE LAW, AND FEDERAL AND STATE  
12 LAW ENFORCEMENT AGENCIES, WHEN ACTING WITHIN THE SCOPE OF THEIR LAW  
13 ENFORCEMENT DUTIES;

14 (C) ANY STATE OR LOCAL OFFICER OR AGENCY WITH RESPONSIBILITY FOR THE  
15 ISSUANCE OF LICENSES TO POSSESS GUNS, WHEN THE PERSON HAS MADE APPLICA-  
16 TION FOR SUCH A LICENSE; OR

17 (D) ANY PROSPECTIVE EMPLOYER OF A POLICE OFFICER OR PEACE OFFICER AS  
18 THOSE TERMS ARE DEFINED IN SUBDIVISIONS THIRTY-THREE AND THIRTY-FOUR OF  
19 SECTION 1.20 OF THIS CHAPTER, IN RELATION TO AN APPLICATION FOR EMPLOY-  
20 MENT AS A POLICE OFFICER OR PEACE OFFICER; PROVIDED, HOWEVER, THAT EVERY  
21 PERSON WHO IS AN APPLICANT FOR THE POSITION OF POLICE OFFICER OR PEACE  
22 OFFICER SHALL BE FURNISHED WITH A COPY OF ALL RECORDS OBTAINED UNDER  
23 THIS PARAGRAPH AND AFFORDED AN OPPORTUNITY TO MAKE AN EXPLANATION THERE-  
24 TO.

25 5. IF, SUBSEQUENT TO THE SEALING OF RECORDS PURSUANT TO THIS SECTION,  
26 THE PERSON WHO IS THE SUBJECT OF SUCH RECORDS IS ARRESTED FOR OR CHARGED  
27 WITH ANY MISDEMEANOR OR FELONY OFFENSE, SUCH RECORDS SHALL BE UNSEALED  
28 IMMEDIATELY AND REMAIN UNSEALED; PROVIDED, HOWEVER, THAT IF SUCH NEW  
29 MISDEMEANOR OR FELONY ARREST RESULTS IN A TERMINATION IN FAVOR OF THE  
30 ACCUSED AS DEFINED IN SUBDIVISION THREE OF SECTION 160.50 OF THIS ARTI-  
31 CLE OR BY CONVICTION FOR A NON-CRIMINAL OFFENSE AS DESCRIBED IN SECTION  
32 160.55 OF THIS ARTICLE, SUCH UNSEALED RECORDS SHALL BE CONDITIONALLY  
33 SEALED PURSUANT TO THIS SECTION.

34 6. A DEFENDANT WHO WAS CONVICTED OF ONLY ONE ELIGIBLE OFFENSE PRIOR TO  
35 THE EFFECTIVE DATE OF THIS SECTION MAY APPLY TO THE COURT OF CONVICTION,  
36 ON AN APPLICATION PROMULGATED BY THE DIVISION OF CRIMINAL JUSTICE  
37 SERVICES, FOR THE CONDITIONAL SEALING OF SUCH CONVICTION IF:

38 (A) THE OFFENSE WAS COMMITTED WHEN THE DEFENDANT WAS TWENTY YEARS OF  
39 AGE OR YOUNGER; AND

40 (B) THE APPLICABLE TIME PERIODS SPECIFIED IN SUBDIVISION TWO OF THIS  
41 SECTION HAVE ELAPSED; AND

42 (C) THE DEFENDANT HAS NOT BEEN CONVICTED OF ANY OTHER CRIME; AND

43 (D) NO CHARGES ARE PENDING FOR ANY CRIME.

44 THERE SHALL BE NO FEE ASSOCIATED WITH THIS APPLICATION AND NO PERSONAL  
45 APPEARANCE BY THE DEFENDANT IS REQUIRED.

46 7. WHEN AN APPLICATION IS MADE FOR SEALING PURSUANT TO SUBDIVISION SIX  
47 OF THIS SECTION, THE COURT SHALL NOTIFY THE DISTRICT ATTORNEY. IF THE  
48 DISTRICT ATTORNEY DOES NOT PROVIDE NOTICE OF OPPOSITION TO SEALING WITH-  
49 IN FORTY-FIVE DAYS OF RECEIPT OF THE APPLICATION AND THE COURT DETER-  
50 MINES THAT THE DEFENDANT MEETS THE CRITERIA FOR SEALING SET FORTH IN  
51 THIS SECTION AND THAT SEALING IS IN THE INTEREST OF JUSTICE, THE COURT  
52 MAY ORDER THAT THE RECORD BE CONDITIONALLY SEALED IN THE MANNER SET  
53 FORTH IN THIS SECTION AND NOTIFY THE DIVISION OF CRIMINAL JUSTICE  
54 SERVICES OF THE SAME. IF THE DISTRICT ATTORNEY OPPOSES THE APPLICATION,  
55 THE COURT SHALL SCHEDULE A HEARING UPON NOTICE TO ALL PARTIES. IF THE  
56 COURT, AT THE CONCLUSION OF THE HEARING DETERMINES BY A PREPONDERANCE OF



1 THE EVIDENCE THAT SUCH CONVICTION SHOULD BE SEALED IN THE INTEREST OF  
2 JUSTICE, THE COURT SHALL ORDER THAT THE CONVICTION BE SEALED AND NOTIFY  
3 THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES OF THE  
4 SAME.

5 S 68. Section 180.75 of the criminal procedure law, as amended by  
6 chapter 264 of the laws of 2003, is amended to read as follows:

7 S 180.75 Proceedings upon felony complaint; juvenile offender.

8 1. When THE YOUTH PART OF A SUPERIOR COURT IS NOT IN SESSION AND a  
9 juvenile offender is arraigned before [a local criminal court] THE MOST  
10 ACCESSIBLE MAGISTRATE DESIGNATED BY THE APPELLATE DIVISION OF THE  
11 SUPREME COURT IN THE APPLICABLE DEPARTMENT TO ACT AS A YOUTH PART, the  
12 provisions of this section shall apply in lieu of the provisions of  
13 sections 180.30, 180.50 and 180.70 of this article.

14 2. If the defendant waives a hearing upon the felony complaint, the  
15 court must [order that the defendant be held for the action of the grand  
16 jury of the appropriate superior court with respect to the charge or  
17 charges contained in the felony complaint] TRANSFER THE ACTION TO THE  
18 YOUTH PART OF THE SUPERIOR COURT. In such case the court must promptly  
19 transmit to such YOUTH PART OF THE superior court the order, the felony  
20 complaint, the supporting depositions and all other pertinent documents.  
21 Until such papers are received by the YOUTH PART OF THE superior court,  
22 the action is deemed to be still pending in the [local criminal court]  
23 COURT DESIGNATED BY THE APPELLATE DIVISION OF THE SUPREME COURT IN THE  
24 APPLICABLE DEPARTMENT TO ACT AS A YOUTH PART.

25 3. If there be a hearing, then at the conclusion of the hearing, the  
26 court must dispose of the felony complaint as follows:

27 (a) If there is reasonable cause to believe that the defendant commit-  
28 ted a crime for which a person under the age of [sixteen] 17 OR,  
29 COMMENCING JANUARY 1, 2018, A PERSON UNDER THE AGE OF 18 is criminally  
30 responsible, the court must [order that the defendant be held for the  
31 action of a grand jury of the appropriate superior court] TRANSFER THE  
32 ACTION TO THE YOUTH PART OF THE SUPERIOR COURT, and it must promptly  
33 transmit to such superior court the order, the felony complaint, the  
34 supporting depositions and all other pertinent documents. Until such  
35 papers are received by the superior court, the action is deemed to be  
36 still pending in the COURT DESIGNATED BY THE APPELLATE DIVISION OF THE  
37 SUPREME COURT IN THE APPLICABLE DEPARTMENT TO ACT AS A YOUTH PART [local  
38 criminal court]; or

39 (b) If there is not reasonable cause to believe that the defendant  
40 committed a crime for which a person under the age of [sixteen] 17, OR  
41 COMMENCING JANUARY 1, 2018, A PERSON UNDER THE AGE OF EIGHTEEN, is  
42 criminally responsible but there is reasonable cause to believe that the  
43 defendant is a "juvenile delinquent" as defined in subdivision one of  
44 section 301.2 of the family court act, the court must specify the act or  
45 acts it found reasonable cause to believe the defendant did and direct  
46 that the action be removed to the family court in accordance with the  
47 provisions of article seven hundred twenty-five of this chapter; or

48 (c) If there is not reasonable cause to believe that the defendant  
49 committed any criminal act, the court must dismiss the felony complaint  
50 and discharge the defendant from custody if he is in custody, or if he  
51 is at liberty on bail, it must exonerate the bail.

52 [4. Notwithstanding the provisions of subdivisions two and three of  
53 this section, a local criminal court shall, at the request of the  
54 district attorney, order removal of an action against a juvenile offen-  
55 der to the family court pursuant to the provisions of article seven  
56 hundred twenty-five of this chapter if, upon consideration of the crite-

1 ria specified in subdivision two of section 210.43 of this chapter, it  
2 is determined that to do so would be in the interests of justice.  
3 Where, however, the felony complaint charges the juvenile offender with  
4 murder in the second degree as defined in section 125.25 of the penal  
5 law, rape in the first degree as defined in subdivision one of section  
6 130.35 of the penal law, criminal sexual act in the first degree as  
7 defined in subdivision one of section 130.50 of the penal law, or an  
8 armed felony as defined in paragraph (a) of subdivision forty-one of  
9 section 1.20 of this chapter, a determination that such action be  
10 removed to the family court shall, in addition, be based upon a finding  
11 of one or more of the following factors: (i) mitigating circumstances  
12 that bear directly upon the manner in which the crime was committed; or  
13 (ii) where the defendant was not the sole participant in the crime, the  
14 defendant's participation was relatively minor although not so minor as  
15 to constitute a defense to the prosecution; or (iii) possible deficien-  
16 cies in proof of the crime.

17 5. Notwithstanding the provisions of subdivision two, three, or four,  
18 if a currently undetermined felony complaint against a juvenile offender  
19 is pending in a local criminal court, and the defendant has not waived a  
20 hearing pursuant to subdivision two and a hearing pursuant to subdivi-  
21 sion three has not commenced, the defendant may move in the superior  
22 court which would exercise the trial jurisdiction of the offense or  
23 offenses charged were an indictment therefor to result, to remove the  
24 action to family court. The procedural rules of subdivisions one and two  
25 of section 210.45 of this chapter are applicable to a motion pursuant to  
26 this subdivision. Upon such motion, the superior court shall be author-  
27 ized to sit as a local criminal court to exercise the preliminary juris-  
28 diction specified in subdivisions two and three of this section, and  
29 shall proceed and determine the motion as provided in section 210.43 of  
30 this chapter; provided, however, that the exception provisions of para-  
31 graph (b) of subdivision one of such section 210.43 shall not apply when  
32 there is not reasonable cause to believe that the juvenile offender  
33 committed one or more of the crimes enumerated therein, and in such  
34 event the provisions of paragraph (a) thereof shall apply.

35 6. (a) If the court orders removal of the action to family court, it  
36 shall state on the record the factor or factors upon which its determi-  
37 nation is based, and the court shall give its reasons for removal in  
38 detail and not in conclusory terms.

39 (b) the district attorney shall state upon the record the reasons for  
40 his consent to removal of the action to the family court where such  
41 consent is required. The reasons shall be stated in detail and not in  
42 conclusory terms.

43 (c) For the purpose of making a determination pursuant to subdivision  
44 four or five, the court may make such inquiry as it deems necessary. Any  
45 evidence which is not legally privileged may be introduced. If the  
46 defendant testifies, his testimony may not be introduced against him in  
47 any future proceeding, except to impeach his testimony at such future  
48 proceeding as inconsistent prior testimony.

49 (d) Where a motion for removal by the defendant pursuant to subdivi-  
50 sion five has been denied, no further motion pursuant to this section or  
51 section 210.43 of this chapter may be made by the juvenile offender with  
52 respect to the same offense or offenses.

53 (e) Except as provided by paragraph (f), this section shall not be  
54 construed to limit the powers of the grand jury.

55 (f) Where a motion by the defendant pursuant to subdivision five has  
56 been granted, there shall be no further proceedings against the juvenile

1 offender in any local or superior criminal court for the offense or  
2 offenses which were the subject of the removal order.]

3 S 68-a. The first undesignated paragraph of section 180.80 of the  
4 criminal procedure law, as amended by chapters 556 and 557 of the laws  
5 of 1982, are amended to read as follows:

6 Upon application of a defendant against whom a felony complaint has  
7 been filed with a local criminal court OR THE YOUTH PART OF A SUPERIOR  
8 COURT, and who, since the time of his arrest or subsequent thereto, has  
9 been held in custody pending disposition of such felony complaint, and  
10 who has been confined in such custody for a period of more than one  
11 hundred twenty hours or, in the event that a Saturday, Sunday or legal  
12 holiday occurs during such custody, one hundred forty-four hours, with-  
13 out either a disposition of the felony complaint or commencement of a  
14 hearing thereon, the [local criminal] court must release him on his own  
15 recognizance unless:

16 S 69. Subdivisions (a) and (b) of section 190.71 of the criminal  
17 procedure law, subdivision (a) as amended by chapter 7 of the laws of  
18 2007, subdivision (b) as added by chapter 481 of the laws of 1978, are  
19 amended to read as follows:

20 (a) Except as provided in subdivision six of section 200.20 of this  
21 chapter, a grand jury may not indict (i) a person thirteen years of age  
22 for any conduct or crime other than conduct constituting a crime defined  
23 in subdivisions one and two of section 125.25 (murder in the second  
24 degree) or such conduct as a sexually motivated felony, where authorized  
25 pursuant to section 130.91 of the penal law; (ii) a person fourteen  
26 [or], fifteen, SIXTEEN OR COMMENCING JANUARY FIRST, TWO THOUSAND EIGH-  
27 TEEN, SEVENTEEN years of age for any conduct or crime other than conduct  
28 constituting a crime defined in subdivisions one and two of section  
29 125.25 (murder in the second degree) and in subdivision three of such  
30 section provided that the underlying crime for the murder charge is one  
31 for which such person is criminally responsible; 135.25 (kidnapping in  
32 the first degree); 150.20 (arson in the first degree); subdivisions one  
33 and two of section 120.10 (assault in the first degree); 125.20  
34 (manslaughter in the first degree); subdivisions one and two of section  
35 130.35 (rape in the first degree); subdivisions one and two of section  
36 130.50 (criminal sexual act in the first degree); 130.70 (aggravated  
37 sexual abuse in the first degree); 140.30 (burglary in the first  
38 degree); subdivision one of section 140.25 (burglary in the second  
39 degree); 150.15 (arson in the second degree); 160.15 (robbery in the  
40 first degree); subdivision two of section 160.10 (robbery in the second  
41 degree) of the penal law; subdivision four of section 265.02 of the  
42 penal law, where such firearm is possessed on school grounds, as that  
43 phrase is defined in subdivision fourteen of section 220.00 of the penal  
44 law; or section 265.03 of the penal law, where such machine gun or such  
45 firearm is possessed on school grounds, as that phrase is defined in  
46 subdivision fourteen of section 220.00 of the penal law; or defined in  
47 the penal law as an attempt to commit murder in the second degree or  
48 kidnapping in the first degree, or such conduct as a sexually motivated  
49 felony, where authorized pursuant to section 130.91 of the penal law;  
50 (III) A PERSON SIXTEEN OR COMMENCING JANUARY FIRST, TWO THOUSAND EIGH-  
51 TEEN, SEVENTEEN YEARS OF AGE FOR ANY CONDUCT OR CRIME OTHER THAN CONDUCT  
52 CONSTITUTING A VIOLENT FELONY DEFINED IN SECTION 70.02 OF THE PENAL LAW;  
53 A CRIME THAT IS CLASSIFIED AS A CLASS A FELONY EXCEPTING THOSE CLASS A  
54 FELONIES WHICH REQUIRE, AS AN ELEMENT OF THE OFFENSE, THAT THE DEFENDANT  
55 BE EIGHTEEN YEARS OF AGE OR OLDER; A CRIME DEFINED IN THE FOLLOWING  
56 SECTIONS OF THE PENAL LAW: SECTION 120.03 (VEHICULAR ASSAULT IN THE

1 SECOND DEGREE); 120.04 (VEHICULAR ASSAULT IN THE FIRST DEGREE); 120.04-A  
2 (AGGRAVATED VEHICULAR ASSAULT); 125.10 (CRIMINALLY NEGLIGENT HOMICIDE);  
3 125.11 (AGGRAVATED CRIMINALLY NEGLIGENT HOMICIDE); 125.12 (VEHICULAR  
4 MANSLAUGHTER IN THE SECOND DEGREE); 125.13 (VEHICULAR MANSLAUGHTER IN  
5 THE FIRST DEGREE); 125.14 (AGGRAVATED VEHICULAR HOMICIDE); 125.15  
6 (MANSLAUGHTER IN THE SECOND DEGREE); 125.20 (MANSLAUGHTER IN THE FIRST  
7 DEGREE); 125.21 (AGGRAVATED MANSLAUGHTER IN THE SECOND DEGREE); 125.22  
8 (AGGRAVATED MANSLAUGHTER IN THE FIRST DEGREE); 215.11 (TAMPERING WITH A  
9 WITNESS IN THE THIRD DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN  
10 WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY  
11 RESPONSIBLE; 215.12 (TAMPERING WITH A WITNESS IN THE SECOND DEGREE)  
12 PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING  
13 IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.13 (TAMPER-  
14 ING WITH A WITNESS IN THE FIRST DEGREE) PROVIDED THAT THE CRIMINAL  
15 PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON  
16 IS CRIMINALLY RESPONSIBLE; 215.52 (AGGRAVATED CRIMINAL CONTEMPT); ACTS  
17 CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION TWO OF SECTION  
18 130.91 OF THE PENAL LAW WHEN COMMITTED AS A SEXUALLY MOTIVATED FELONY;  
19 ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION THREE OF  
20 SECTION 490.05 OF THE PENAL LAW WHEN COMMITTED AS AN ACT OF TERRORISM;  
21 ACTS CONSTITUTING A FELONY DEFINED IN ARTICLE FOUR HUNDRED NINETY OF THE  
22 PENAL LAW; AND ACTS CONSTITUTING A CRIME SET FORTH IN SUBDIVISION ONE OF  
23 SECTION 105.10 AND SECTION 105.15 OF THE PENAL LAW PROVIDED THAT THE  
24 UNDERLYING CRIME FOR THE CONSPIRACY CHARGE IS ONE FOR WHICH SUCH PERSON  
25 IS CRIMINALLY RESPONSIBLE.

26 (b) A grand jury may vote to file a request to remove a charge to the  
27 family court if it finds that a person [thirteen, fourteen or fifteen]  
28 SIXTEEN, OR COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, SEVENTEEN  
29 years of age OR YOUNGER did an act which, if done by a person over the  
30 age of sixteen, OR COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN,  
31 SEVENTEEN, would constitute a crime provided (1) such act is one for  
32 which it may not indict; (2) it does not indict such person for a crime;  
33 and (3) the evidence before it is legally sufficient to establish that  
34 such person did such act and competent and admissible evidence before it  
35 provides reasonable cause to believe that such person did such act.

36 S 70. Subdivision 6 of section 200.20 of the criminal procedure law,  
37 as added by chapter 136 of the laws of 1980, is amended to read as  
38 follows:

39 6. Where an indictment charges at least one offense against a defend-  
40 ant who was under the age of [sixteen] SEVENTEEN, OR COMMENCING JANUARY  
41 FIRST, TWO THOUSAND EIGHTEEN, EIGHTEEN at the time of the commission of  
42 the crime and who did not lack criminal responsibility for such crime by  
43 reason of infancy, the indictment may, in addition, charge in separate  
44 counts one or more other offenses for which such person would not have  
45 been criminally responsible by reason of infancy, if:

46 (a) the offense for which the defendant is criminally responsible and  
47 the one or more other offenses for which he OR SHE would not have been  
48 criminally responsible by reason of infancy are based upon the same act  
49 or upon the same criminal transaction, as that term is defined in subdi-  
50 vision two of section 40.10 of this chapter; or

51 (b) the offenses are of such nature that either proof of the first  
52 offense would be material and admissible as evidence in chief upon a  
53 trial of the second, or proof of the second would be material and admis-  
54 sible as evidence in chief upon a trial of the first.

1 S 71. The opening paragraph of subdivision 1 and subdivision 5 of  
2 section 210.43 of the criminal procedure law; as added by chapter 411 of  
3 the laws of 1979, are amended to read as follows:

4 After [a motion by a juvenile offender, pursuant to subdivision five  
5 of section 180.75 of this chapter, or after] arraignment of a juvenile  
6 offender upon an indictment, the superior court may, on motion of any  
7 party or on its own motion:

8 [5. a. If the court orders removal of the action to family court, it  
9 shall state on the record the factor or factors upon which its determi-  
10 nation is based, and, the court shall give its reasons for removal in  
11 detail and not in conclusory terms.

12 b. The district attorney shall state upon the record the reasons for  
13 his consent to removal of the action to the family court. The reasons  
14 shall be stated in detail and not in conclusory terms.]

15 S 72. Paragraph (g) of subdivision 5 of section 220.10 of the criminal  
16 procedure law, as amended by chapter 410 of the laws of 1979, subpara-  
17 graph (iii) as amended by chapter 264 of the laws of 2003, the second  
18 undesignated paragraph as amended by chapter 920 of the laws of the laws  
19 of 1982 and the closing paragraph as amended by chapter 411 of the laws  
20 of 1979, is amended to read as follows:

21 (g) Where the defendant is a juvenile offender, the provisions of  
22 paragraphs (a), (b), (c) and (d) of this subdivision shall not apply and  
23 any plea entered pursuant to subdivision three or four of this section,  
24 must be as follows:

25 (i) If the indictment charges a person fourteen [or], fifteen OR  
26 SIXTEEN, OR COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, SEVENTEEN  
27 years old with the crime of murder in the second degree any plea of  
28 guilty entered pursuant to subdivision three or four must be a plea of  
29 guilty of a crime for which the defendant is criminally responsible;

30 (ii) If the indictment does not charge a crime specified in subpara-  
31 graph (i) of this paragraph, then any plea of guilty entered pursuant to  
32 subdivision three or four of this section must be a plea of guilty of a  
33 crime for which the defendant is criminally responsible unless a plea of  
34 guilty is accepted pursuant to subparagraph (iii) of this paragraph;

35 (iii) Where the indictment does not charge a crime specified in  
36 subparagraph (i) of this paragraph, the district attorney may recommend  
37 removal of the action to the family court. Upon making such recommenda-  
38 tion the district attorney shall submit a subscribed memorandum setting  
39 forth: (1) a recommendation that the interests of justice would best be  
40 served by removal of the action to the family court; and (2) if the  
41 indictment charges a thirteen year old with the crime of murder in the  
42 second degree, or a fourteen [or], fifteen OR SIXTEEN YEAR OLD, OR  
43 COMMENCING JANUARY FIRST TWO THOUSAND EIGHTEEN, SEVENTEEN year old with  
44 the crimes of rape in the first degree as defined in subdivision one of  
45 section 130.35 of the penal law, or criminal sexual act in the first  
46 degree as defined in subdivision one of section 130.50 of the penal law,  
47 or an armed felony as defined in paragraph (a) of subdivision forty-one  
48 of section 1.20 of this chapter specific factors, one or more of which  
49 reasonably supports the recommendation, showing, (i) mitigating circum-  
50 stances that bear directly upon the manner in which the crime was  
51 committed, or (ii) where the defendant was not the sole participant in  
52 the crime, that the defendant's participation was relatively minor  
53 although not so minor as to constitute a defense to the prosecution, or  
54 (iii) possible deficiencies in proof of the crime, or (iv) where the  
55 juvenile offender has no previous adjudications of having committed a  
56 designated felony act, as defined in subdivision eight of section 301.2

1 of the family court act, regardless of the age of the offender at the  
2 time of commission of the act, that the criminal act was not part of a  
3 pattern of criminal behavior and, in view of the history of the offen-  
4 der, is not likely to be repeated.

5 If the court is of the opinion based on specific factors set forth in  
6 the district attorney's memorandum that the interests of justice would  
7 best be served by removal of the action to the family court, a plea of  
8 guilty of a crime or act for which the defendant is not criminally  
9 responsible may be entered pursuant to subdivision three or four of this  
10 section, except that a thirteen year old charged with the crime of  
11 murder in the second degree may only plead to a designated felony act,  
12 as defined in subdivision eight of section 301.2 of the family court  
13 act.

14 Upon accepting any such plea, the court must specify upon the record  
15 the portion or portions of the district attorney's statement the court  
16 is relying upon as the basis of its opinion and that it believes the  
17 interests of justice would best be served by removal of the proceeding  
18 to the family court. Such plea shall then be deemed to be a juvenile  
19 delinquency fact determination and the court upon entry thereof must  
20 direct that the action be removed to the family court in accordance with  
21 the provisions of article seven hundred twenty-five of this chapter.

22 S 72-a. Subdivision 2 of section 410.40 of the criminal procedure law  
23 is amended to read as follows:

24 2. Warrant. (A) Where the probation officer has requested that a  
25 probation warrant be issued, the court shall, within seventy-two hours  
26 of its receipt of the request, issue or deny the warrant or take any  
27 other lawful action including issuance of a notice to appear pursuant to  
28 subdivision one of this section. If at any time during the period of a  
29 sentence of probation or of conditional discharge the court has reason-  
30 able grounds to believe that the defendant has violated a condition of  
31 the sentence, the court may issue a warrant to a police officer or to an  
32 appropriate peace officer directing him or her to take the defendant  
33 into custody and bring the defendant before the court without unneces-  
34 sary delay; provided, however, if the court in which the warrant is  
35 returnable is a superior court, and such court is not available, and the  
36 warrant is addressed to a police officer or appropriate probation offi-  
37 cer certified as a peace officer, such executing officer may UNLESS  
38 OTHERWISE SPECIFIED UNDER PARAGRAPH (B) OF THIS SECTION, bring the  
39 defendant to the local correctional facility of the county in which such  
40 court sits, to be detained there until not later than the commencement  
41 of the next session of such court occurring on the next business day; or  
42 if the court in which the warrant is returnable is a local criminal  
43 court, and such court is not available, and the warrant is addressed to  
44 a police officer or appropriate probation officer certified as a peace  
45 officer, such executing officer must without unnecessary delay bring the  
46 defendant before an alternate local criminal court, as provided in  
47 subdivision five of section 120.90 of this chapter. A court which issues  
48 such a warrant may attach thereto a summary of the basis for the  
49 warrant. In any case where a defendant arrested upon the warrant is  
50 brought before a local criminal court other than the court in which the  
51 warrant is returnable, such local criminal court shall consider such  
52 summary before issuing a securing order with respect to the defendant.

53 (B) IF THE COURT IN WHICH THE WARRANT IS RETURNABLE IS A SUPERIOR  
54 COURT, AND SUCH COURT IS NOT AVAILABLE, AND THE WARRANT IS ADDRESSED TO  
55 A POLICE OFFICER OR APPROPRIATE PROBATION OFFICER CERTIFIED AS A PEACE  
56 OFFICER, SUCH EXECUTING OFFICER SHALL, WHERE A DEFENDANT IS SIXTEEN

1 YEARS OF AGE OR YOUNGER WHO ALLEGEDLY COMMITS AN OFFENSE OR A VIOLATION  
2 OF HIS OR HER PROBATION OR CONDITIONAL DISCHARGE IMPOSED FOR AN OFFENSE  
3 ON OR AFTER JANUARY 1, 2017, OR WHERE A DEFENDANT IS SEVENTEEN YEARS OF  
4 AGE OR YOUNGER WHO ALLEGEDLY COMMITS AN OFFENSE OR A VIOLATION OF HIS OR  
5 HER PROBATION OR CONDITIONAL DISCHARGE IMPOSED FOR AN OFFENSE ON OR  
6 AFTER JANUARY 1, 2018, BRING THE DEFENDANT TO A JUVENILE DETENTION  
7 FACILITY, TO BE DETAINED THERE UNTIL NOT LATER THAN THE COMMENCEMENT OF  
8 THE NEXT SESSION OF SUCH COURT OCCURRING ON THE NEXT BUSINESS DAY.

9 S 73. Section 410.60 of the criminal procedure law, as amended by  
10 chapter 652 of the laws of 2008, is amended to read as follows:

11 S 410.60 Appearance before court.

12 (A) A person who has been taken into custody pursuant to section  
13 410.40 or section 410.50 of this article for violation of a condition of  
14 a sentence of probation or a sentence of conditional discharge must  
15 forthwith be brought before the court that imposed the sentence. Where a  
16 violation of probation petition and report has been filed and the person  
17 has not been taken into custody nor has a warrant been issued, an  
18 initial court appearance shall occur within ten business days of the  
19 court's issuance of a notice to appear. If the court has reasonable  
20 cause to believe that such person has violated a condition of the  
21 sentence, it may commit him OR HER to the custody of the sheriff or fix  
22 bail or release such person on his OR HER own recognizance for future  
23 appearance at a hearing to be held in accordance with section 410.70 of  
24 this article. If the court does not have reasonable cause to believe  
25 that such person has violated a condition of the sentence, it must  
26 direct that he OR SHE be released.

27 (B) A JUVENILE OFFENDER WHO HAS BEEN TAKEN INTO CUSTODY PURSUANT TO  
28 SECTION 410.40 OR SECTION 410.50 OF THIS ARTICLE FOR VIOLATION OF A  
29 CONDITION OF A SENTENCE OF PROBATION OR A SENTENCE OF CONDITIONAL  
30 DISCHARGE MUST FORTHWITH BE BROUGHT BEFORE THE COURT THAT IMPOSED THE  
31 SENTENCE. WHERE A VIOLATION OF PROBATION PETITION AND REPORT HAS BEEN  
32 FILED AND THE PERSON HAS NOT BEEN TAKEN INTO CUSTODY NOR HAS A WARRANT  
33 BEEN ISSUED, AN INITIAL COURT APPEARANCE SHALL OCCUR WITHIN TEN BUSINESS  
34 DAYS OF THE COURT'S ISSUANCE OF A NOTICE TO APPEAR. IF THE COURT HAS  
35 REASONABLE CAUSE TO BELIEVE THAT SUCH PERSON HAS VIOLATED A CONDITION OF  
36 THE SENTENCE, IT MAY COMMIT HIM OR HER TO THE CUSTODY OF THE SHERIFF OR  
37 FIX BAIL OR RELEASE SUCH PERSON ON HIS OR HER OWN RECOGNIZANCE FOR  
38 FUTURE APPEARANCE AT A HEARING TO BE HELD IN ACCORDANCE WITH SECTION  
39 410.70 OF THIS ARTICLE. PROVIDED, HOWEVER, NOTHING HEREIN SHALL AUTHOR-  
40 IZE A JUVENILE TO BE DETAINED FOR A VIOLATION OF A CONDITION THAT WOULD  
41 NOT CONSTITUTE A CRIME IF COMMITTED BY AN ADULT UNLESS THE COURT DETER-  
42 MINES (I) THAT THE JUVENILE POSES A SPECIFIC IMMINENT THREAT TO PUBLIC  
43 SAFETY AND STATES THE REASONS FOR THE FINDING ON THE RECORD OR (II) THE  
44 JUVENILE IS ON PROBATION FOR AN ACT THAT WOULD CONSTITUTE A VIOLENT  
45 FELONY AS DEFINED IN SECTION 70.02 OF THE PENAL LAW IF COMMITTED BY AN  
46 ADULT AND THE USE OF GRADUATED SANCTIONS HAS BEEN EXHAUSTED WITHOUT  
47 SUCCESS. IF THE COURT DOES NOT HAVE REASONABLE CAUSE TO BELIEVE THAT  
48 SUCH PERSON HAS VIOLATED A CONDITION OF THE SENTENCE, IT MUST DIRECT  
49 THAT THE JUVENILE BE RELEASED.

50 S 74. Subdivision 5 of section 410.70 of the criminal procedure law,  
51 as amended by chapter 17 of the laws of 2014, is amended to read as  
52 follows:

53 5. Revocation; modification; continuation. (A) At the conclusion of  
54 the hearing the court may revoke, continue or modify the sentence of  
55 probation or conditional discharge. Where the court revokes the  
56 sentence, it must impose sentence as specified in subdivisions three and

1 four of section 60.01 of the penal law. Where the court continues or  
2 modifies the sentence, it must vacate the declaration of delinquency and  
3 direct that the defendant be released. If the alleged violation is  
4 sustained and the court continues or modifies the sentence, it may  
5 extend the sentence up to the period of interruption specified in subdi-  
6 vision two of section 65.15 of the penal law, but any time spent in  
7 custody in any correctional institution OR JUVENILE DETENTION FACILITY  
8 pursuant to section 410.40 OR 410.60 of this article shall be credited  
9 against the term of the sentence. Provided further, where the alleged  
10 violation is sustained and the court continues or modifies the sentence,  
11 the court may also extend the remaining period of probation up to the  
12 maximum term authorized by section 65.00 of the penal law. Provided,  
13 however, a defendant shall receive credit for the time during which he  
14 or she was supervised under the original probation sentence prior to any  
15 declaration of delinquency and for any time spent in custody pursuant to  
16 this article for an alleged violation of probation.

17 (B) NOTWITHSTANDING PARAGRAPH (A) OF THIS SUBDIVISION, NOTHING HEREIN  
18 SHALL AUTHORIZE THE PLACEMENT OF A JUVENILE FOR A VIOLATION OF A CONDI-  
19 TION THAT WOULD NOT CONSTITUTE A CRIME IF COMMITTED BY AN ADULT UNLESS  
20 THE COURT DETERMINES (I) THAT THE JUVENILE POSES A SPECIFIC IMMINENT  
21 THREAT TO PUBLIC SAFETY AND STATES THE REASONS FOR THE FINDING ON THE  
22 RECORD OR (II) THE JUVENILE IS ON PROBATION FOR AN ACT THAT WOULD  
23 CONSTITUTE A VIOLENT FELONY AS DEFINED IN SECTION 70.02 OF THE PENAL LAW  
24 IF COMMITTED BY AN ADULT AND THE USE OF GRADUATED SANCTIONS HAS BEEN  
25 EXHAUSTED WITHOUT SUCCESS.

26 S 75. The criminal procedure law is amended by adding a new section  
27 410.90-a to read as follows:

28 S 410.90-A SUPERIOR COURT; YOUTH PART.

29 NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ARTICLE, ALL PROCEEDINGS  
30 RELATING TO A JUVENILE OFFENDER SHALL BE HEARD IN THE YOUTH PART OF THE  
31 SUPERIOR COURT HAVING JURISDICTION AND ANY INTRASTATE TRANSFERS UNDER  
32 THIS ARTICLE SHALL BE BETWEEN COURTS DESIGNATED AS A YOUTH PART PURSUANT  
33 TO ARTICLE SEVEN HUNDRED TWENTY-TWO OF THIS CHAPTER.

34 S 76. Section 510.15 of the criminal procedure law, as amended by  
35 chapter 411 of the laws of 1979, subdivision 1 as designated and subdi-  
36 vision 2 as added by chapter 359 of the laws of 1980, is amended to read  
37 as follows:

38 S 510.15 Commitment of principal under [sixteen] SEVENTEEN OR EIGHTEEN.

39 1. When a principal who is (A) under the age of sixteen; OR (B)  
40 COMMENCING JANUARY 1, 2017 A PRINCIPAL WHO IS UNDER THE AGE OF SEVEN-  
41 TEEN; OR (C) COMMENCING JANUARY 1, 2018, A PRINCIPAL WHO IS UNDER THE  
42 AGE OF EIGHTEEN, is committed to the custody of the sheriff the court  
43 must direct that the principal be taken to and lodged in a place certi-  
44 fied by the state [division for youth] OFFICE OF CHILDREN AND FAMILY  
45 SERVICES as a juvenile detention facility for the reception of children.  
46 Where such a direction is made the sheriff shall deliver the principal  
47 in accordance therewith and such person shall although lodged and cared  
48 for in a juvenile detention facility continue to be deemed to be in the  
49 custody of the sheriff. No principal under the age [of sixteen] SPECI-  
50 FIED to whom the provisions of this section may apply shall be detained  
51 in any prison, jail, lockup, or other place used for adults convicted of  
52 a crime or under arrest and charged with the commission of a crime with-  
53 out the approval of the [state division for youth] OFFICE OF CHILDREN  
54 AND FAMILY SERVICES in the case of each principal and the statement of  
55 its reasons therefor. The sheriff shall not be liable for any acts done  
56 to or by such principal resulting from negligence in the detention of



1 and care for such principal, when the principal is not in the actual  
2 custody of the sheriff.

3 2. Except upon consent of the defendant or for good cause shown, in  
4 any case in which a new securing order is issued for a principal previ-  
5 ously committed to the custody of the sheriff pursuant to this section,  
6 such order shall further direct the sheriff to deliver the principal  
7 from a juvenile detention facility to the person or place specified in  
8 the order.

9 S 77. Subdivision 1 of section 720.10 of the criminal procedure law,  
10 as amended by chapter 411 of the laws of 1979, is amended to read as  
11 follows:

12 1. "Youth" means a person charged with a crime alleged to have been  
13 committed when he was at least sixteen years old and less than [nine-  
14 teen] TWENTY-ONE years old or a person charged with being a juvenile  
15 offender as defined in subdivision forty-two of section 1.20 of this  
16 chapter.

17 S 78. Subdivision 3 of section 720.15 of the criminal procedure law,  
18 as amended by chapter 774 of the laws of 1985, is amended to read as  
19 follows:

20 3. The provisions of subdivisions one and two of this section requir-  
21 ing or authorizing the accusatory instrument filed against a youth to be  
22 sealed, and the arraignment and all proceedings in the action to be  
23 conducted in private shall not apply in connection with a pending charge  
24 of committing any [felony] SEX offense as defined in the penal law. [The  
25 provisions of subdivision one requiring the accusatory instrument filed  
26 against a youth to be sealed shall not apply where such youth has previ-  
27 ously been adjudicated a youthful offender or convicted of a crime.]

28 S 79. Subdivision 1 of section 720.20 of the criminal procedure law,  
29 as amended by chapter 652 of the laws of 1974, is amended to read as  
30 follows:

31 1. Upon conviction of an eligible youth, the court must order a pre-  
32 sentence investigation of the defendant. After receipt of a written  
33 report of the investigation and at the time of pronouncing sentence the  
34 court must determine whether or not the eligible youth is a youthful  
35 offender. Such determination shall be in accordance with the following  
36 criteria:

37 (a) If in the opinion of the court the interest of justice would be  
38 served by relieving the eligible youth from the onus of a criminal  
39 record and by not imposing an indeterminate term of imprisonment of more  
40 than four years, the court may, in its discretion, find the eligible  
41 youth is a youthful offender; [and]

42 (b) Where the conviction is had in a local criminal court and the  
43 eligible youth had not prior to commencement of trial or entry of a plea  
44 of guilty been convicted of a crime or found a youthful offender, the  
45 court must find he is a youthful offender[.]; AND

46 (C) THERE SHALL BE A PRESUMPTION TO GRANT YOUTHFUL OFFENDER STATUS TO  
47 AN ELIGIBLE YOUTH WHO HAS NOT PREVIOUSLY BEEN CONVICTED AND SENTENCED OR  
48 ADJUDICATED FOR A FELONY, UNLESS THE DISTRICT ATTORNEY UPON MOTION WITH  
49 NOT LESS THAN SEVEN DAYS NOTICE TO SUCH PERSON OR HIS OR HER ATTORNEY  
50 DEMONSTRATES TO THE SATISFACTION OF THE COURT THAT THE INTERESTS OF  
51 JUSTICE REQUIRE OTHERWISE.

52 S 79-a. Subdivision 1 of section 720.35 of the criminal procedure law,  
53 as amended by chapter 402 of the laws of 2014, is amended to read as  
54 follows:

55 1. [A] EXCEPT AS PROVIDED IN SUBDIVISION THREE OF SECTION 60.10 OF THE  
56 PENAL LAW, A youthful offender adjudication is not a judgment of

1 conviction for a crime or any other offense, and does not operate as a  
2 disqualification of any person so adjudged to hold public office or  
3 public employment or to receive any license granted by public authority  
4 but shall be deemed a conviction only for the purposes of transfer of  
5 supervision and custody pursuant to section two hundred fifty-nine-[m]  
6 MM of the executive law. A defendant for whom a youthful offender adju-  
7 dication was substituted, who was originally charged with prostitution  
8 as defined in section 230.00 of the penal law or loitering for the  
9 purposes of prostitution as defined in subdivision two of section 240.37  
10 of the penal law provided that the person does not stand charged with  
11 loitering for the purpose of patronizing a prostitute, for an offense  
12 allegedly committed when he or she was sixteen or seventeen years of  
13 age, shall be deemed a "sexually exploited child" as defined in subdivi-  
14 sion one of section four hundred forty-seven-a of the social services  
15 law and therefore shall not be considered an adult for purposes related  
16 to the charges in the youthful offender proceeding or a proceeding under  
17 section 170.80 of this chapter.

18 S 80. The criminal procedure law is amended by adding a new article  
19 722 to read as follows:

20 ARTICLE 722

21 PROCEEDINGS AGAINST JUVENILE OFFENDERS; ESTABLISHMENT OF YOUTH  
22 PART AND RELATED PROCEDURES

23 SECTION 722.00 PROBATION CASE PLANNING AND SERVICES.

24 722.10 YOUTH PART OF THE SUPERIOR COURT ESTABLISHED.

25 722.20 PROCEEDINGS IN A YOUTH PART OF SUPERIOR COURT.

26 S 722.00 PROBATION CASE PLANNING AND SERVICES.

27 1. EVERY PROBATION DEPARTMENT SHALL CONDUCT A RISK AND NEEDS ASSESS-  
28 MENT WITH RESPECT TO ANY JUVENILE RELEASED ON RECOGNIZANCE, RELEASED  
29 UNDER SUPERVISION, OR POSTING BAIL FOLLOWING ARRAIGNMENT BY A YOUTH PART  
30 WITHIN ITS JURISDICTION. THE COURT SHALL ORDER ANY SUCH JUVENILE TO  
31 REPORT WITHIN SEVEN CALENDAR DAYS TO THE PROBATION DEPARTMENT FOR  
32 PURPOSES OF ASSESSMENT. BASED UPON THE ASSESSMENT FINDINGS, THE  
33 PROBATION DEPARTMENT SHALL REFER THE JUVENILE TO AVAILABLE SPECIALIZED  
34 AND EVIDENCE-BASED SERVICES TO MITIGATE ANY RISKS IDENTIFIED AND TO  
35 ADDRESS INDIVIDUAL NEEDS.

36 2. ANY JUVENILE UNDERGOING SERVICES SHALL EXECUTE APPROPRIATE AND  
37 NECESSARY CONSENT FORMS, WHERE APPLICABLE, TO ENSURE THAT THE PROBATION  
38 DEPARTMENT MAY COMMUNICATE WITH ANY SERVICE PROVIDER AND RECEIVE  
39 PROGRESS REPORTS WITH RESPECT TO SERVICES OFFERED AND/OR DELIVERED  
40 INCLUDING, BUT NOT LIMITED TO, DIAGNOSIS, TREATMENT, PROGNOSIS, TEST  
41 RESULTS, JUVENILE ATTENDANCE AND INFORMATION REGARDING JUVENILE COMPLI-  
42 ANCE OR NONCOMPLIANCE WITH PROGRAM SERVICE REQUIREMENTS, IF ANY.

43 3. NOTHING SHALL PRECLUDE THE PROBATION DEPARTMENT AND JUVENILE FROM  
44 ENTERING INTO A VOLUNTARY WRITTEN/FORMAL CASE PLAN AS TO TERMS AND  
45 CONDITIONS TO BE MET, INCLUDING, BUT NOT LIMITED TO, REPORTING TO THE  
46 PROBATION DEPARTMENT AND OTHER PROBATION DEPARTMENT CONTACTS, UNDERGOING  
47 ALCOHOL, SUBSTANCE ABUSE, OR MENTAL HEALTH TESTING, PARTICIPATING IN  
48 SPECIFIC SERVICES, ADHERING TO SERVICE PROGRAM REQUIREMENTS, AND SCHOOL  
49 ATTENDANCE, WHERE APPLICABLE.

50 4. WHEN PREPARING A PRE-SENTENCE INVESTIGATION REPORT OF ANY SUCH  
51 YOUTH, THE PROBATION DEPARTMENT SHALL INCORPORATE A SUMMARY OF THE  
52 ASSESSMENT FINDINGS, ANY REFERRALS AND PROGRESS WITH RESPECT TO MITIGAT-  
53 ING RISK AND ADDRESSING ANY IDENTIFIED JUVENILE NEEDS.

54 S 722.10 YOUTH PART OF THE SUPERIOR COURT ESTABLISHED.

55 THE CHIEF ADMINISTRATOR OF THE COURTS IS HEREBY DIRECTED TO ESTABLISH,  
56 IN A SUPERIOR COURT IN EACH COUNTY OF THE STATE THAT EXERCISES CRIMINAL

1 JURISDICTION, A PART OF COURT TO BE KNOWN AS THE YOUTH PART OF THE SUPE-  
2 RIOR COURT FOR THE COUNTY IN WHICH SUCH COURT PRESIDES. JUDGES PRESID-  
3 ING IN THE YOUTH PART SHALL RECEIVE TRAINING IN SPECIALIZED AREAS,  
4 INCLUDING, BUT NOT LIMITED TO, JUVENILE JUSTICE, ADOLESCENT DEVELOPMENT  
5 AND EFFECTIVE TREATMENT METHODS FOR REDUCING CRIME COMMISSION BY ADOLES-  
6 CENTS. THE YOUTH PART SHALL HAVE EXCLUSIVE JURISDICTION OF ALL  
7 PROCEEDINGS IN RELATION TO JUVENILE OFFENDERS, EXCEPT AS PROVIDED IN  
8 SECTION 180.75 OF THIS ARTICLE.

9 S 722.20 PROCEEDINGS IN A YOUTH PART OF SUPERIOR COURT.

10 1. WHEN A JUVENILE OFFENDER IS ARRAIGNED BEFORE A YOUTH PART OR TRANS-  
11 FERRED TO A YOUTH PART PURSUANT TO SECTION 180.75 OF THIS CHAPTER, THE  
12 PROVISIONS OF THIS SECTION SHALL APPLY.

13 2. THE YOUTH PART SHALL HOLD A HEARING ON THE COMPLAINT UNLESS THE  
14 DEFENDANT WAIVES A HEARING. IF THE DEFENDANT WAIVES A HEARING THE COURT  
15 MUST ORDER THAT THE DEFENDANT BE HELD FOR ACTION OF THE GRAND JURY. AT  
16 THE CONCLUSION OF THE HEARING, THE COURT MUST DISPOSE OF THE FELONY  
17 COMPLAINT AS FOLLOWS:

18 (A) IF THERE IS REASONABLE CAUSE TO BELIEVE THAT THE DEFENDANT COMMIT-  
19 TED A CRIME FOR WHICH A PERSON UNDER THE AGE OF SEVENTEEN OR, COMMENCING  
20 JANUARY 1, 2018, A PERSON UNDER EIGHTEEN IS CRIMINALLY RESPONSIBLE, THE  
21 COURT MUST ORDER THAT THE DEFENDANT BE HELD FOR THE ACTION OF A GRAND  
22 JURY; OR

23 (B) IF THERE IS NOT REASONABLE CAUSE TO BELIEVE THAT THE DEFENDANT  
24 COMMITTED A CRIME FOR WHICH A PERSON UNDER THE AGE OF SEVENTEEN OR,  
25 COMMENCING JANUARY 1, 2018, A PERSON UNDER THE AGE OF EIGHTEEN IS CRIMI-  
26 NALLY RESPONSIBLE BUT THERE IS REASONABLE CAUSE TO BELIEVE THAT THE  
27 DEFENDANT IS A "JUVENILE DELINQUENT", AS DEFINED IN SUBDIVISION ONE OF  
28 SECTION 301.2 OF THE FAMILY COURT ACT, THE COURT MUST SPECIFY THE ACT OR  
29 ACTS IT FOUND REASONABLE CAUSE TO BELIEVE THE DEFENDANT DID AND DIRECT  
30 THAT THE ACTION BE REMOVED TO THE FAMILY COURT IN ACCORDANCE WITH THE  
31 PROVISIONS OF ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THIS TITLE; OR

32 (C) IF THERE IS NOT REASONABLE CAUSE TO BELIEVE THAT THE DEFENDANT  
33 COMMITTED ANY CRIMINAL ACT, THE COURT MUST DISMISS THE FELONY COMPLAINT  
34 AND DISCHARGE THE DEFENDANT FROM CUSTODY IF HE OR SHE IS IN CUSTODY, OR  
35 IF HE OR SHE IS AT LIBERTY ON BAIL, IT MUST EXONERATE THE BAIL.

36 3. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION,  
37 A YOUTH PART SHALL, (A) ORDER REMOVAL OF AN ACTION AGAINST A JUVENILE  
38 OFFENDER ACCUSED OF ROBBERY IN THE SECOND DEGREE AS DEFINED IN SUBDIVI-  
39 SION TWO OF SECTION 160.10; AND A JUVENILE OFFENDER ACCUSED OF COMMIT-  
40 TING A VIOLENT FELONY OFFENSE AS DEFINED IN SECTION 70.02 OF THE PENAL  
41 LAW AT AGE SIXTEEN, OR AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN, AT  
42 AGE SIXTEEN OR SEVENTEEN, FOR WHICH A YOUTH AGE FIFTEEN OR YOUNGER IS  
43 NOT CRIMINALLY RESPONSIBLE, TO THE FAMILY COURT PURSUANT TO THE  
44 PROVISIONS OF ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THIS CHAPTER IF,  
45 AFTER CONSIDERATION OF THE FACTORS SET FORTH IN PARAGRAPH (C) OF THIS  
46 SUBDIVISION, THE COURT DETERMINES THAT TO DO SO WOULD BE IN THE INTER-  
47 ESTS OF JUSTICE. PROVIDED, HOWEVER, THAT THE COURT SHALL FIND THAT SUCH  
48 REMOVAL IS NOT IN THE INTERESTS OF JUSTICE IF THE DISTRICT ATTORNEY  
49 PROVES, BY A PREPONDERANCE OF THE EVIDENCE THAT THE YOUTH PLAYED A  
50 PRIMARY ROLE IN COMMISSION OF THE CRIME OR AGGRAVATING CIRCUMSTANCES,  
51 INCLUDING BUT NOT LIMITED TO THE YOUTH'S USE OF A WEAPON, ARE PRESENT.

52 (B) AT THE REQUEST OF THE DISTRICT ATTORNEY, ORDER REMOVAL OF AN ACTION  
53 AGAINST A JUVENILE OFFENDER, OTHER THAN AN ACTION SUBJECT TO PARAGRAPH  
54 (A) OF THIS SUBDIVISION, TO THE FAMILY COURT PURSUANT TO THE PROVISIONS  
55 OF ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THIS CHAPTER IF, UPON CONSIDER-  
56 ATION OF THE CRITERIA SET FORTH IN PARAGRAPH (C) OF THIS SUBDIVISION, IT

1 IS DETERMINED THAT TO DO SO WOULD BE IN THE INTERESTS OF JUSTICE. WHERE,  
2 HOWEVER, THE FELONY COMPLAINT CHARGES THE JUVENILE OFFENDER CHARGED WITH  
3 MURDER IN THE SECOND DEGREE AS DEFINED IN SECTION 125.25 OF THE PENAL  
4 LAW; RAPE IN THE FIRST DEGREE, AS DEFINED IN SUBDIVISION ONE OF SECTION  
5 130.35 OF THE PENAL LAW; CRIMINAL SEXUAL ACT IN THE FIRST DEGREE, AS  
6 DEFINED IN SUBDIVISION ONE OF SECTION 130.50 OF THE PENAL LAW; OR AN  
7 ARMED FELONY AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION FORTY-ONE OF  
8 SECTION 1.20 OF THIS CHAPTER, A DETERMINATION THAT SUCH ACTION BE  
9 REMOVED TO THE FAMILY COURT SHALL, IN ADDITION, BE BASED UPON A FINDING  
10 OF ONE OR MORE OF THE FOLLOWING FACTORS: (I) MITIGATING CIRCUMSTANCES  
11 THAT BEAR DIRECTLY UPON THE MANNER IN WHICH THE CRIME WAS COMMITTED;  
12 (II) WHERE THE DEFENDANT WAS NOT THE SOLE PARTICIPANT IN THE CRIME, THE  
13 DEFENDANT'S PARTICIPATION WAS RELATIVELY MINOR ALTHOUGH NOT SO MINOR AS  
14 TO CONSTITUTE A DEFENSE TO THE PROSECUTION; OR (III) POSSIBLE DEFICIEN-  
15 CIES IN THE PROOF OF THE CRIME.

16 (C) IN MAKING ITS DETERMINATION PURSUANT TO PARAGRAPH (A) OF THIS  
17 SUBDIVISION THE COURT SHALL, TO THE EXTENT APPLICABLE, EXAMINE INDIVID-  
18 UALLY AND COLLECTIVELY, THE FOLLOWING:

19 (I) THE SERIOUSNESS AND CIRCUMSTANCES OF THE OFFENSE;

20 (II) THE EXTENT OF HARM CAUSED BY THE OFFENSE;

21 (III) THE EVIDENCE OF GUILT, WHETHER ADMISSIBLE OR INADMISSIBLE AT  
22 TRIAL;

23 (IV) THE HISTORY, CHARACTER AND CONDITION OF THE DEFENDANT;

24 (V) THE PURPOSE AND EFFECT OF IMPOSING UPON THE DEFENDANT A SENTENCE  
25 AUTHORIZED FOR THE OFFENSE;

26 (VI) THE IMPACT OF A REMOVAL OF THE CASE TO THE FAMILY COURT ON THE  
27 SAFETY OR WELFARE OF THE COMMUNITY;

28 (VII) THE IMPACT OF A REMOVAL OF THE CASE TO THE FAMILY COURT UPON THE  
29 CONFIDENCE OF THE PUBLIC IN THE CRIMINAL JUSTICE SYSTEM;

30 (VIII) WHERE THE COURT DEEMS IT APPROPRIATE, THE ATTITUDE OF THE  
31 COMPLAINANT OR VICTIM WITH RESPECT TO THE MOTION; AND

32 (IX) ANY OTHER RELEVANT FACT INDICATING THAT A JUDGMENT OF CONVICTION  
33 IN THE CRIMINAL COURT WOULD SERVE NO USEFUL PURPOSE.

34 (D) FOR THE PURPOSE OF MAKING A DETERMINATION PURSUANT TO THIS  
35 SECTION, ANY EVIDENCE WHICH IS NOT LEGALLY PRIVILEGED MAY BE INTRODUCED.  
36 IF THE DEFENDANT TESTIFIES, HIS OR HER TESTIMONY MAY NOT BE INTRODUCED  
37 AGAINST HIM OR HER IN ANY FUTURE PROCEEDING, EXCEPT TO IMPEACH HIS OR  
38 HER TESTIMONY AT SUCH FUTURE PROCEEDING AS INCONSISTENT PRIOR TESTIMONY.

39 (E) THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT THE POWERS OF THE  
40 GRAND JURY.

41 4. IF AN ACTION IS NOT REMOVED TO THE FAMILY COURT PURSUANT TO SUBDI-  
42 VISION THREE OF THIS SECTION, THE YOUTH PART SHALL HEAR THE CASE SITTING  
43 AS A CRIMINAL COURT OR, IN ITS DISCRETION, WHEN THE DEFENDANT IS SIXTEEN  
44 OR COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, SEVENTEEN YEARS OF  
45 AGE THE YOUTH PART MAY RETAIN IT AS A JUVENILE DELINQUENCY PROCEEDING  
46 FOR ALL PURPOSES, AND SHALL MAKE SUCH PROCEEDING FULLY SUBJECT TO THE  
47 PROVISIONS AND GRANT ANY RELIEF AVAILABLE UNDER ARTICLE THREE OF THE  
48 FAMILY COURT ACT.

49 S 81. The opening paragraph and subdivisions 2 and 3 of section 725.05  
50 of the criminal procedure law, as added by chapter 481 of the laws of  
51 1978, are amended to read as follows:

52 When a [court] YOUTH PART directs that an action or charge is to be  
53 removed to the family court the [court] YOUTH PART must issue an order  
54 of removal in accordance with this section. Such order must be as  
55 follows:

1 2. Where the direction is authorized pursuant to paragraph (b) of  
2 subdivision [three] TWO of section [180.75] 722.20 of this [chapter]  
3 TITLE, it must specify the act or acts it found reasonable cause to  
4 believe the defendant did.

5 3. Where the direction is authorized pursuant to subdivision [four]  
6 THREE of section [180.75] 722.20 of this [chapter] TITLE, it must speci-  
7 fy the act or acts it found reasonable cause to allege.

8 S 82. Section 725.20 of the criminal procedure law, as added by chap-  
9 ter 481 of the laws of 1978, subdivisions 1 and 2 as amended by chapter  
10 411 of the laws of 1979, is amended to read as follows:

11 S 725.20 Record of certain actions removed.

12 1. The provisions of this section shall apply in any case where an  
13 order of removal to the family court is entered pursuant to a direction  
14 authorized by subdivision [four] THREE of section [180.75] 722.20 OF  
15 THIS TITLE, [or section 210.43,] or subparagraph (iii) of paragraph  
16 [(h)] (G) of subdivision five of section 220.10 of this chapter, or  
17 section 330.25 of this chapter.

18 2. When such an action is removed the court that directed the removal  
19 must cause the following additional records to be filed with the clerk  
20 of the county court or in the city of New York with the clerk of the  
21 supreme court of the county wherein the action was pending and with the  
22 division of criminal justice services:

23 (a) A certified copy of the order of removal;

24 (b) [Where the direction is one authorized by subdivision four of  
25 section 180.75 of this chapter, a copy of the statement of the district  
26 attorney made pursuant to paragraph (b) of subdivision six of section  
27 180.75 of this chapter;

28 (c) Where the direction is authorized by section 180.75, a copy of  
29 the portion of the minutes containing the statement by the court pursu-  
30 ant to paragraph (a) of subdivision six of such section 180.75;

31 (d) Where the direction is one authorized by subparagraph (iii) of  
32 paragraph [(h)] (G) of subdivision five of section 220.10 or section  
33 330.25 of this chapter, a copy of the minutes of the plea of guilty,  
34 including the minutes of the memorandum submitted by the district attor-  
35 ney and the court;

36 [(e) Where the direction is one authorized by subdivision one of  
37 section 210.43 of this chapter, a copy of that portion of the minutes  
38 containing the statement by the court pursuant to paragraph (a) of  
39 subdivision five of section 210.43;

40 (f) Where the direction is one authorized by paragraph (b) of subdi-  
41 vision one of section 210.43 of this chapter, a copy of that portion of  
42 the minutes containing the statement of the district attorney made  
43 pursuant to paragraph (b) of subdivision five of section 210.43;] and

44 [(g)] (C) In addition to the records specified in this subdivision,  
45 such further statement or submission of additional information pertain-  
46 ing to the proceeding in criminal court in accordance with standards  
47 established by the commissioner of the division of criminal justice  
48 services, subject to the provisions of subdivision three of this  
49 section.

50 3. It shall be the duty of said clerk to maintain a separate file for  
51 copies of orders and minutes filed pursuant to this section. Upon  
52 receipt of such orders and minutes the clerk must promptly delete such  
53 portions as would identify the defendant, but the clerk shall neverthe-  
54 less maintain a separate confidential system to enable correlation of  
55 the documents so filed with identification of the defendant. After  
56 making such deletions the orders and minutes shall be placed within the

1 file and must be available for public inspection. Information permit-  
2 ting correlation of any such record with the identity of any defendant  
3 shall not be divulged to any person except upon order of a justice of  
4 the supreme court based upon a finding that the public interest or the  
5 interests of justice warrant disclosure in a particular cause for a  
6 particular case or for a particular purpose or use.

7 S 83. Subdivision 1 of section 500-a of the correction law is amended  
8 by adding a new paragraph (h) to read as follows:

9 (H) NOTWITHSTANDING ANY OTHER PROVISION OF LAW COMMENCING JANUARY 1,  
10 2017, NO COUNTY JAIL SHALL BE USED FOR THE CONFINEMENT OF ANY PERSON  
11 UNDER THE AGE OF SEVENTEEN WHO IS SENTENCED FOR AN OFFENSE ON OR AFTER  
12 JANUARY 1, 2017, AND, COMMENCING JANUARY 1, 2018, NO COUNTY JAIL SHALL  
13 BE USED FOR THE CONFINEMENT OF ANY PERSON UNDER THE AGE OF EIGHTEEN WHO  
14 IS SENTENCED FOR AN OFFENSE ON OR AFTER JANUARY 1, 2018. PLACEMENT OF  
15 ANY PERSON WHO MAY NOT BE CONFINED TO A COUNTY JAIL PURSUANT TO THIS  
16 SUBDIVISION SHALL BE DETERMINED BY THE OFFICE OF CHILDREN AND FAMILY  
17 SERVICES.

18 S 84. Subdivision 4 of section 500-b of the correction law is  
19 REPEALED.

20 S 85. Subparagraph 3 of paragraph (c) of subdivision 8 of section  
21 500-b of the correction law is REPEALED.

22 S 86. Subdivision 13 of section 500-b of the correction law is  
23 REPEALED.

24 S 87. Subparagraph 8 of paragraph h of subdivision 4 of section 1950  
25 of the education law, as amended by section 1 of part G of chapter 58 of  
26 the laws of 2014, is amended to read as follows:

27 (8) To enter into contracts with the commissioner of the office of  
28 children and family services pursuant to subdivision six-a of section  
29 thirty-two hundred two of this chapter to provide to such office, for  
30 the benefit of youth in its custody, any special education programs,  
31 related services [and], career and technical education services AND ANY  
32 OTHER PROGRAMS provided by the board of cooperative educational services  
33 to component school districts. Any such proposed contract shall be  
34 subject to the review and approval of the commissioner to determine that  
35 it is an approved cooperative educational service. Services provided  
36 pursuant to such contracts shall be provided at cost, and the board of  
37 cooperative educational services shall not be authorized to charge any  
38 costs incurred in providing such services to its component school  
39 districts.

40 S 87-a. Subdivision 6-a of section 3202 of the education law, as  
41 amended by part G of chapter 58 of the Laws of 2014, is amended to read  
42 as follows:

43 6-a. Notwithstanding subdivision six of this section or any other law  
44 to the contrary, the commissioner of the office of children and family  
45 services shall be responsible for the secular education of youth under  
46 the jurisdiction of the office and may contract for such education with  
47 the trustees or board of education of the school district wherein a  
48 facility for the residential care of such youth is located or with the  
49 board of cooperative educational services at which any such school  
50 district is a component district [for special education programs,  
51 related services and career and technical education services] IN ACCORD-  
52 ANCE WITH SUBPARAGRAPH (8) OF PARAGRAPH (H) OF SUBDIVISION FOUR OF  
53 SECTION NINETEEN HUNDRED AND FIFTY OF THIS CHAPTER. A youth attending a  
54 local public school while in residence at such facility shall be deemed  
55 a resident of the school district where his parent or guardian resides  
56 at the commencement of each school year for the purpose of determining

1 which school district shall be responsible for the youth's tuition  
2 pursuant to section five hundred four of the executive law.

3 S 88. Subparagraph 1 of paragraph d of subdivision 3 of section 3214  
4 of the education law, as amended by chapter 425 of the laws of 2002, is  
5 amended to read as follows:

6 (1) Consistent with the federal gun-free schools act, any public  
7 school pupil who is determined under this subdivision to have brought a  
8 firearm to or possessed a firearm at a public school shall be suspended  
9 for a period of not less than one calendar year and any nonpublic school  
10 pupil participating in a program operated by a public school district  
11 using funds from the elementary and secondary education act of nineteen  
12 hundred sixty-five who is determined under this subdivision to have  
13 brought a firearm to or possessed a firearm at a public school or other  
14 premises used by the school district to provide such programs shall be  
15 suspended for a period of not less than one calendar year from partic-  
16 ipation in such program. The procedures of this subdivision shall apply  
17 to such a suspension of a nonpublic school pupil. A superintendent of  
18 schools, district superintendent of schools or community superintendent  
19 shall have the authority to modify this suspension requirement for each  
20 student on a case-by-case basis. The determination of a superintendent  
21 shall be subject to review by the board of education pursuant to para-  
22 graph c of this subdivision and the commissioner pursuant to section  
23 three hundred ten of this chapter. Nothing in this subdivision shall be  
24 deemed to authorize the suspension of a student with a disability in  
25 violation of the individuals with disabilities education act or article  
26 eighty-nine of this chapter. A superintendent shall refer the pupil  
27 under the age of sixteen who has been determined to have brought a weap-  
28 on or firearm to school in violation of this subdivision to a present-  
29 ment agency for a juvenile delinquency proceeding consistent with arti-  
30 cle three of the family court act except a student fourteen or fifteen  
31 years of age who qualifies for juvenile offender status under subdivi-  
32 sion forty-two of section 1.20 of the criminal procedure law; PROVIDED  
33 HOWEVER, THAT COMMENCING ON JANUARY FIRST, TWO THOUSAND SEVENTEEN, A  
34 SUPERINTENDENT SHALL REFER THE PUPIL UNDER THE AGE OF SEVENTEEN WHO HAS  
35 BEEN DETERMINED TO HAVE BROUGHT A WEAPON OR FIREARM TO SCHOOL IN  
36 VIOLATION OF THIS SUBDIVISION TO A PRESENTMENT AGENCY FOR A JUVENILE  
37 DELINQUENCY PROCEEDING CONSISTENT WITH ARTICLE THREE OF THE FAMILY COURT  
38 ACT EXCEPT A STUDENT WHO QUALIFIES FOR JUVENILE OFFENDER STATUS UNDER  
39 SUBDIVISION FORTY-TWO OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW; AND  
40 PROVIDED FURTHER THAT COMMENCING ON JANUARY FIRST, TWO THOUSAND EIGH-  
41 TEEN, A SUPERINTENDENT SHALL REFER THE PUPIL UNDER THE AGE OF EIGHTEEN  
42 WHO HAS BEEN DETERMINED TO HAVE BROUGHT A WEAPON OR FIREARM TO SCHOOL IN  
43 VIOLATION OF THIS SUBDIVISION TO A PRESENTMENT AGENCY FOR A JUVENILE  
44 DELINQUENCY PROCEEDING CONSISTENT WITH ARTICLE THREE OF THE FAMILY COURT  
45 ACT EXCEPT A STUDENT WHO QUALIFIES FOR JUVENILE OFFENDER STATUS UNDER  
46 SUBDIVISION FORTY-TWO OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW. A  
47 superintendent shall refer any pupil sixteen years of age or older or a  
48 student fourteen or fifteen years of age who qualifies for juvenile  
49 offender status under subdivision forty-two of section 1.20 of the crim-  
50 inal procedure law, who has been determined to have brought a weapon or  
51 firearm to school in violation of this subdivision to the appropriate  
52 law enforcement officials.

53 S 89. Paragraph e of subdivision 3 of section 3214 of the education  
54 law, as amended by chapter 170 of the laws of 2006, is amended to read  
55 as follows:

1 e. Procedure after suspension. Where a pupil has been suspended pursu-  
2 ant to this subdivision and said pupil is of compulsory attendance age,  
3 immediate steps shall be taken for his or her attendance upon instruc-  
4 tion elsewhere or for supervision [or detention] of said pupil pursuant  
5 to the provisions of article seven of the family court act. Where a  
6 pupil has been suspended for cause, the suspension may be revoked by the  
7 board of education whenever it appears to be for the best interest of  
8 the school and the pupil to do so. The board of education may also  
9 condition a student's early return to school and suspension revocation  
10 on the pupil's voluntary participation in counseling or specialized  
11 classes, including anger management or dispute resolution, where appli-  
12 cable.

13 S 90. Paragraph b of subdivision 4 of section 3214 of the education  
14 law, as amended by chapter 181 of the laws of 2000, is amended to read  
15 as follows:

16 b. The school authorities may institute proceedings before a court  
17 having jurisdiction to determine the liability of a person in parental  
18 relation to contribute towards the maintenance of a school delinquent  
19 under [sixteen] SEVENTEEN years of age ordered to attend upon instruc-  
20 tion under confinement. If the court shall find the person in parental  
21 relation able to contribute towards the maintenance of such a minor, it  
22 may issue an order fixing the amount to be paid weekly.

23 S 91. Subdivisions 3 and 4 of section 246 of the executive law, as  
24 amended by section 10 of part D of chapter 56 of the laws of 2010, are  
25 amended to read as follows:

26 3. Applications from counties or the city of New York for state aid  
27 under this section shall be made by filing with the division of criminal  
28 justice services, a detailed plan, including cost estimates covering  
29 probation services for the fiscal year or portion thereof for which aid  
30 is requested. Included in such estimates shall be clerical costs and  
31 maintenance and operation costs as well as salaries of probation person-  
32 nel, FAMILY ENGAGEMENT SPECIALISTS and such other pertinent information  
33 as the commissioner of the division of criminal justice services may  
34 require. Items for which state aid is requested under this section shall  
35 be duly designated in the estimates submitted. The commissioner of the  
36 division of criminal justice services, after consultation with the state  
37 probation commission and the director of the office of probation and  
38 correctional alternatives, shall approve such plan if it conforms to  
39 standards relating to the administration of probation services as speci-  
40 fied in the rules adopted by him or her.

41 4. A. An approved plan and compliance with standards relating to the  
42 administration of probation services promulgated by the commissioner of  
43 the division of criminal justice services shall be a prerequisite to  
44 eligibility for state aid.

45 The commissioner of the division of criminal justice services may take  
46 into consideration granting additional state aid from an appropriation  
47 made for state aid for county probation services for counties or the  
48 city of New York when a county or the city of New York demonstrates that  
49 additional probation services were dedicated to intensive supervision  
50 programs[,] AND intensive programs for sex offenders [or programs  
51 defined as juvenile risk intervention services]. THE COMMISSIONER SHALL  
52 GRANT ADDITIONAL STATE AID FROM AN APPROPRIATION DEDICATED TO JUVENILE  
53 RISK INTERVENTION SERVICES COORDINATION BY PROBATION DEPARTMENTS WHICH  
54 SHALL INCLUDE, BUT NOT BE LIMITED TO, PROBATION SERVICES PERFORMED UNDER  
55 ARTICLE THREE OF THE FAMILY COURT ACT OR ARTICLE SEVEN HUNDRED  
56 TWENTY-TWO OF THE CRIMINAL PROCEDURE LAW. The administration of such



1 additional grants shall be made according to rules and regulations  
2 promulgated by the commissioner of the division of criminal justice  
3 services. Each county and the city of New York shall certify the total  
4 amount collected pursuant to section two hundred fifty-seven-c of this  
5 chapter. The commissioner of the division of criminal justice services  
6 shall thereupon certify to the comptroller for payment by the state out  
7 of funds appropriated for that purpose, the amount to which the county  
8 or the city of New York shall be entitled under this section. THE  
9 COMMISSIONER SHALL, SUBJECT TO AN APPROPRIATION MADE AVAILABLE FOR SUCH  
10 PURPOSE, ESTABLISH AND PROVIDE FUNDING TO PROBATION DEPARTMENTS FOR A  
11 CONTINUUM OF EVIDENCE-BASED INTERVENTION SERVICES FOR YOUTH ALLEGED OR  
12 ADJUDICATED JUVENILE DELINQUENTS PURSUANT TO ARTICLE THREE OF THE FAMILY  
13 COURT ACT OR FOR ELIGIBLE YOUTH BEFORE OR SENTENCED UNDER THE YOUTH PART  
14 IN ACCORDANCE WITH ARTICLE SEVEN HUNDRED TWENTY-TWO OF THE CRIMINAL  
15 PROCEDURE LAW.

16 B. COMMENCING JANUARY FIRST, TWO THOUSAND SEVENTEEN, SUCH ADDITIONAL  
17 STATE AID SHALL BE MADE IN AN AMOUNT NECESSARY TO PAY ONE HUNDRED  
18 PERCENT OF THE EXPENDITURES FOR EVIDENCE-BASED PRACTICES AND JUVENILE  
19 RISK AND EVIDENCE-BASED INTERVENTION SERVICES PROVIDED TO YOUTH AGED  
20 SIXTEEN YEARS OF AGE OR OLDER WHEN SUCH SERVICES WOULD NOT OTHERWISE  
21 HAVE BEEN PROVIDED ABSENT THE PROVISIONS OF A CHAPTER OF THE LAWS OF TWO  
22 THOUSAND FIFTEEN THAT INCREASED THE AGE OF JUVENILE JURISDICTION.

23 S 91-a. The Executive Law is amended by adding a new section 259-p to  
24 read as follows:

25 S 259-P. INTERSTATE DETENTION. (1) (A) NOTWITHSTANDING ANY OTHER  
26 PROVISION OF LAW, A DEFENDANT SUBJECT TO SECTION 259-MM OF THIS CHAPTER,  
27 MAY BE DETAINED AS AUTHORIZED BY THE INTERSTATE COMPACT FOR ADULT OFFEN-  
28 DER SUPERVISION.

29 (B) A DEFENDANT SHALL BE DETAINED AT A LOCAL CORRECTIONAL FACILITY,  
30 EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (C) OF THIS SUBDIVISION.

31 (C) (I) A DEFENDANT SIXTEEN YEARS OF AGE OR YOUNGER, WHO ALLEGEDLY  
32 COMMITS A CRIMINAL ACT OR VIOLATION OF HIS OR HER SUPERVISION ON OR  
33 AFTER JANUARY 1, 2017 OR (II) A DEFENDANT SEVENTEEN YEARS OF AGE OR  
34 YOUNGER WHO ALLEGEDLY COMMITS A CRIMINAL ACT OR VIOLATION OF HIS OR HER  
35 SUPERVISION ON OR AFTER JANUARY 1, 2018, SHALL BE DETAINED IN A JUVENILE  
36 DETENTION FACILITY.

37 S 91-b. Subdivision 16 of section 296 of the executive law, as amended  
38 by chapter 56 of the laws of 2009, is amended to read as follows:

39 16. It shall be an unlawful discriminatory practice, unless specif-  
40 ically required or permitted by statute, for any person, agency, bureau,  
41 corporation or association, including the state and any political subdi-  
42 vision thereof, to make any inquiry about, whether in any form of appli-  
43 cation or otherwise, or to act upon adversely to the individual  
44 involved, any arrest or criminal accusation of such individual not then  
45 pending against that individual which was followed by a termination of  
46 that criminal action or proceeding in favor of such individual, as  
47 defined in subdivision two of section 160.50 of the criminal procedure  
48 law, or by a youthful offender adjudication, as defined in subdivision  
49 one of section 720.35 of the criminal procedure law, or by a conviction  
50 for a violation sealed pursuant to section 160.55 of the criminal proce-  
51 dure law or by a conviction which is sealed pursuant to [section]  
52 SECTIONS 160.56 OR 160.58 of the criminal procedure law, in connection  
53 with the licensing, employment or providing of credit or insurance to  
54 such individual; provided, further, that no person shall be required to  
55 divulge information pertaining to any arrest or criminal accusation of  
56 such individual not then pending against that individual which was

1 followed by a termination of that criminal action or proceeding in favor  
2 of such individual, as defined in subdivision two of section 160.50 of  
3 the criminal procedure law, or by a youthful offender adjudication, as  
4 defined in subdivision one of section 720.35 of the criminal procedure  
5 law, or by a conviction for a violation sealed pursuant to section  
6 160.55 of the criminal procedure law, or by a conviction which is sealed  
7 pursuant to [section] SECTIONS 160.56 OR 160.58 of the criminal proce-  
8 dure law. The provisions of this subdivision shall not apply to the  
9 licensing activities of governmental bodies in relation to the regu-  
10 lation of guns, firearms and other deadly weapons or in relation to an  
11 application for employment as a police officer or peace officer as those  
12 terms are defined in subdivisions thirty-three and thirty-four of  
13 section 1.20 of the criminal procedure law; provided further that the  
14 provisions of this subdivision shall not apply to an application for  
15 employment or membership in any law enforcement agency with respect to  
16 any arrest or criminal accusation which was followed by a youthful  
17 offender adjudication, as defined in subdivision one of section 720.35  
18 of the criminal procedure law, or by a conviction for a violation sealed  
19 pursuant to section 160.55 of the criminal procedure law, or by a  
20 conviction which is sealed pursuant to [section] SECTIONS 160.56 OR  
21 160.58 of the criminal procedure law.

22 S 92. Section 502 of the executive law, as added by chapter 465 of the  
23 laws of 1992, subdivision 3 as amended by section 1 of subpart B of part  
24 Q of chapter 58 of the laws of 2011, is amended to read as follows:

25 S 502. Definitions. Unless otherwise specified in this article:

26 1. "Director" means the [director of the division for youth] COMMIS-  
27 SIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES.

28 2. ["Division] "DIVISION", "OFFICE" OR "DIVISION FOR YOUTH" means the  
29 [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES.

30 3. "Detention" means the temporary care and maintenance of youth held  
31 away from their homes pursuant to article three or seven of the family  
32 court act, OR, COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, PURSUANT  
33 TO ARTICLE THREE OF THE FAMILY COURT ACT, or held pending a hearing for  
34 alleged violation of the conditions of release from an office of chil-  
35 dren and family services facility or authorized agency, or held pending  
36 a hearing for alleged violation of the condition of parole OR POST-RE-  
37 LEASE SUPERVISION as a juvenile offender, or held pending return to a  
38 jurisdiction other than the one in which the youth is held, or held  
39 pursuant to a securing order of a criminal court if the youth named  
40 therein as principal is charged as a juvenile offender or held pending a  
41 hearing on an extension of placement or held pending transfer to a  
42 facility upon commitment or placement by a court. Only alleged or  
43 convicted juvenile offenders who have not attained their eighteenth OR,  
44 COMMENCING JANUARY FIRST, TWO THOUSAND SEVENTEEN, THEIR TWENTY-FIRST  
45 birthday shall be subject to detention in a detention facility.

46 4. For purposes of this article, the term "youth" shall [be synonymous  
47 with the term "child" and means] MEAN a person not less than [seven] TEN  
48 years of age and not more than twenty OR COMMENCING JANUARY FIRST, TWO  
49 THOUSAND SEVENTEEN, NOT MORE THAN TWENTY-THREE years of age.

50 5. "Placement" means the transfer of a youth to the custody of the  
51 [division] OFFICE pursuant to the family court act.

52 6. "Commitment" means the transfer of a youth to the custody of the  
53 [division] OFFICE pursuant to the penal law.

54 7. "Conditional release" means the transfer of a youth from facility  
55 status to aftercare supervision under the continued custody of the  
56 [division] OFFICE.

1 8. "Discharge" means the termination of [division] OFFICE custody of a  
2 youth.

3 9. "Aftercare" means supervision of a youth on conditional release OR  
4 POST-RELEASE status under the continued custody of the division.

5 S 93. Subdivision 7 of section 503 of the executive law, as amended by  
6 section 2 of subpart B of part Q of chapter 58 of the laws of 2011, is  
7 amended to read as follows:

8 7. The person in charge of each detention facility shall keep a record  
9 of all time spent in such facility for each youth in care. The detention  
10 facility shall deliver a certified transcript of such record to the  
11 office, social services district, or other agency taking custody of the  
12 youth pursuant to article three [or seven] of the family court act,  
13 before, or at the same time as the youth is delivered to the office,  
14 district or other agency, as is appropriate.

15 S 94. Subdivision 1 of section 505 of the executive law, as amended by  
16 chapter 465 of the laws of 1992, is amended to read as follows:

17 1. There shall be a facility director of each [division for youth]  
18 OFFICE OF CHILDREN AND FAMILY SERVICES OPERATED facility. Such facility  
19 director shall be appointed by the [director] COMMISSIONER of the [divi-  
20 sion] OFFICE OF CHILDREN AND FAMILY SERVICES and THE POSITION shall be  
21 in the noncompetitive class and designated as confidential as defined by  
22 subdivision two-a of section forty-two of the civil service law. The  
23 facility director shall have [two years] SUCH experience [in appropriate  
24 titles in state government. Such facility director shall have such] AND  
25 other qualifications as may be prescribed by the director OF CLASSIFICA-  
26 TION AND COMPENSATION WITHIN THE DEPARTMENT OF CIVIL SERVICE IN CONSUL-  
27 TATION WITH THE COMMISSIONER of the [division,] OFFICE OF CHILDREN AND  
28 FAMILY SERVICES based on differences in duties, levels of responsibil-  
29 ity, size and character of the facility, knowledge, skills and abilities  
30 required, and other factors affecting the position [and]. SUCH FACILITY  
31 DIRECTOR shall serve at the pleasure of the [director] COMMISSIONER of  
32 the [division] OFFICE OF CHILDREN AND FAMILY SERVICES.

33 S 95. Section 507-a of the executive law, as amended by chapter 465 of  
34 the laws of 1992, paragraph (a) of subdivision 1 as amended by chapter  
35 309 of the laws of 1996, is amended to read as follows:

36 S 507-a. Placement and commitment; procedures. 1. Youth may be placed  
37 in or committed to the custody of the [division] OFFICE OF CHILDREN AND  
38 FAMILY SERVICES:

39 (a) for placement, as a juvenile delinquent pursuant to the family  
40 court act; or

41 (b) for commitment pursuant to the penal law.

42 2. (a) Consistent with other provisions of law, only those youth who  
43 have reached the age of [seven] TEN, but who have not reached the age of  
44 twenty-one may be placed in[, committed to or remain in] the [divi-  
45 sion's] custody OF THE OFFICE OF CHILDREN AND FAMILY SERVICES. EXCEPT AS  
46 PROVIDED FOR IN PARAGRAPH (A-1) OF THIS SUBDIVISION, NO YOUTH WHO HAS  
47 REACHED THE AGE OF TWENTY-ONE MAY REMAIN IN CUSTODY OF THE OFFICE OF  
48 CHILDREN AND FAMILY SERVICES.

49 (A-1) (I) A YOUTH WHO IS COMMITTED TO THE OFFICE OF CHILDREN AND FAMI-  
50 LY SERVICES AS A JUVENILE OFFENDER OR YOUTHFUL OFFENDER MAY REMAIN IN  
51 THE CUSTODY OF THE OFFICE DURING THE PERIOD OF HIS OR HER SENTENCE  
52 BEYOND THE AGE OF TWENTY-ONE IN ACCORDANCE WITH THE PROVISIONS OF SUBDI-  
53 VISION FIVE OF SECTION FIVE HUNDRED EIGHT OF THIS ARTICLE BUT IN NO  
54 EVENT MAY SUCH A YOUTH REMAIN IN THE CUSTODY OF THE OFFICE BEYOND HIS OR  
55 HER TWENTY-THIRD BIRTHDAY; AND (II) A YOUTH FOUND TO HAVE COMMITTED A  
56 DESIGNATED CLASS A FELONY ACT WHO IS RESTRICTIVELY PLACED WITH THE

1 OFFICE UNDER SUBDIVISION FOUR OF SECTION 353.5 OF THE FAMILY COURT ACT  
2 FOR COMMITTING AN ACT ON OR AFTER THE YOUTH'S SIXTEENTH BIRTHDAY MAY  
3 REMAIN IN THE CUSTODY OF THE OFFICE OF CHILDREN AND FAMILY SERVICES UP  
4 TO THE AGE OF TWENTY-THREE IN ACCORDANCE WITH HIS OR HER PLACEMENT  
5 ORDER.

6 (A-2) Whenever it shall appear to the satisfaction of the [division]  
7 OFFICE OF CHILDREN AND FAMILY SERVICES that any youth placed therewith  
8 is not of proper age to be so placed or is not properly placed, or is  
9 mentally or physically incapable of being materially benefited by the  
10 program of the [division] OFFICE, the [division] OFFICE shall cause the  
11 return of such youth to the county from which placement was made.

12 (b) The [division] OFFICE shall deliver such youth to the custody of  
13 the placing court, along with the records provided to the [division]  
14 OFFICE pursuant to section five hundred seven-b of this article, there  
15 to be dealt with by the court in all respects as though no placement had  
16 been made.

17 (c) The cost and expense of the care and return of such youth incurred  
18 by the [division] OFFICE shall be reimbursed to the state by the social  
19 services district from which such youth was placed in the manner  
20 provided by section five hundred twenty-nine of this article.

21 3. The [division] OFFICE may photograph any youth in its custody.  
22 Such photograph may be used only for the purpose of assisting in the  
23 return of conditionally released children and runaways pursuant to  
24 section five hundred ten-b of this article. Such photograph shall be  
25 destroyed immediately upon the discharge of the youth from [division]  
26 OFFICE custody.

27 4. (a) A youth placed with or committed to the [division] OFFICE may,  
28 immediately following placement or commitment, be remanded to an appro-  
29 priate detention facility.

30 (b) The [division] OFFICE shall admit a [child] YOUTH placed [with the  
31 division] UNDER ITS CARE to a facility of the [division] OFFICE within  
32 fifteen days of the date of the order of placement with the [division]  
33 OFFICE and shall admit a juvenile offender committed to the [division]  
34 OFFICE to a facility of the [division] OFFICE within ten days of the  
35 date of the order of commitment to the [division] OFFICE, except as  
36 provided in section five hundred seven-b of this article.

37 5. Consistent with other provisions of law, in the discretion of the  
38 [director, youth] COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY  
39 SERVICES, YOUTH PLACED WITHIN THE OFFICE UNDER THE FAMILY COURT ACT who  
40 attain the age of eighteen while in [division] custody OF THE OFFICE AND  
41 WHO ARE NOT REQUIRED TO REMAIN IN THE PLACEMENT WITH THE OFFICE AS A  
42 RESULT OF A DISPOSITIONAL ORDER OF THE FAMILY COURT may reside in a  
43 non-secure facility until the age of twenty-one, provided that such  
44 youth attend a full-time vocational or educational program and are like-  
45 ly to benefit from such program.

46 S 96. Section 508 of the executive law, as added by chapter 481 of the  
47 laws of 1978 and as renumbered by chapter 465 of the laws of 1992,  
48 subdivision 1 as amended by chapter 738 of the laws of 2004, subdivision  
49 2 as amended by chapter 572 of the laws of 1985, subdivisions 4, 5, 6  
50 and 7 as amended by section 97 of subpart B of part C of chapter 62 of  
51 the laws of 2011, subdivision 8 as added by chapter 560 of the laws of  
52 1984 and subdivision 9 as added by chapter 7 of the laws of 2007, is  
53 amended to read as follows:

54 S 508. Juvenile offender facilities. 1. The office of children and  
55 family services shall maintain [secure] facilities for the care and  
56 confinement of juvenile offenders committed [for an indeterminate,

1 determinate or definite sentence] TO THE OFFICE pursuant to the sentenc-  
2 ing provisions of the penal law. Such facilities shall provide appropri-  
3 ate services to juvenile offenders including but not limited to residen-  
4 tial care, educational and vocational training, physical and mental  
5 health services, and employment counseling.

6 1-A. ANY NEW FACILITIES DEVELOPED BY THE OFFICE OF CHILDREN AND FAMILY  
7 SERVICES TO SERVE THE ADDITIONAL YOUTH PLACED WITH THE OFFICE AS A  
8 RESULT OF RAISING THE AGE OF JUVENILE JURISDICTION SHALL, TO THE EXTENT  
9 PRACTICABLE, CONSIST OF SMALLER, MORE HOME-LIKE FACILITIES LOCATED NEAR  
10 THE YOUTHS' HOMES AND FAMILIES THAT PROVIDE GENDER-RESPONSIVE PROGRAM-  
11 MING, SERVICES AND TREATMENT IN SMALL, CLOSELY SUPERVISED GROUPS THAT  
12 OFFER EXTENSIVE AND ON-GOING INDIVIDUAL ATTENTION AND ENCOURAGE SUPPORT-  
13 IVE PEER RELATIONSHIPS.

14 2. Juvenile offenders COMMITTED TO THE OFFICE FOR COMMITTING CRIMES  
15 PRIOR TO THE AGE OF SIXTEEN shall be confined in such facilities [until  
16 the age of twenty-one] IN ACCORDANCE WITH THEIR SENTENCES, and shall not  
17 be released, discharged or permitted home visits except pursuant to the  
18 provisions of this section.

19 [(a) The director of the division for youth may authorize the transfer  
20 of a juvenile offender in his custody, who has been convicted of  
21 burglary or robbery, to a school or center established and operated  
22 pursuant to title three of this article at any time after the juvenile  
23 offender has been confined in a division for youth secure facility for  
24 one year or one-half of his minimum sentence, whichever is greater.

25 (b) The director of the division for youth may authorize the transfer  
26 of a juvenile offender in his custody, who has been convicted of  
27 burglary or robbery, and who is within ninety days of release as estab-  
28 lished by the board of parole, to any facility established and operated  
29 pursuant to this article.

30 (c) A juvenile offender may be transferred as provided in paragraphs  
31 (a) and (b) herein, only after the director determines that there is no  
32 danger to public safety and that the offender shall substantially bene-  
33 fit from the programs and services of another division facility. In  
34 determining whether there is a danger to public safety the director  
35 shall consider: (i) the nature and circumstances of the offense includ-  
36 ing whether any physical injury involved was inflicted by the offender  
37 or another participant; (ii) the record and background of the offender;  
38 and (iii) the adjustment of the offender at division facilities.

39 (d) For a period of six months after a juvenile offender has been  
40 transferred pursuant to paragraph (a) or (b) herein, the juvenile offen-  
41 der may have only accompanied home visits. After completing six months  
42 of confinement following transfer from a secure facility, a juvenile  
43 offender may not have an unaccompanied home visit unless two accompanied  
44 home visits have already occurred. An "accompanied home visit" shall  
45 mean a home visit during which the juvenile offender shall be accompa-  
46 nied at all times while outside the facility by appropriate personnel of  
47 the division for youth designated pursuant to regulations of the direc-  
48 tor of the division.

49 (e) The director of the division for youth shall promulgate rules and  
50 regulations including uniform standards and procedures governing the  
51 transfer of juvenile offenders from secure facilities to other facili-  
52 ties and the return of such offenders to secure facilities. The rules  
53 and regulations shall provide a procedure for the referral of proposed  
54 transfer cases by the secure facility director, and shall require a  
55 determination by the facility director that transfer of a juvenile  
56 offender to another facility is in the best interests of the division

1 for youth and the juvenile offender and that there is no danger to  
2 public safety.

3 The rules and regulations shall further provide for the establishment  
4 of a division central office transfer committee to review transfer cases  
5 referred by the secure facility directors. The committee shall recommend  
6 approval of a transfer request to the director of the division only upon  
7 a clear showing by the secure facility director that the transfer is in  
8 the best interests of the division for youth and the juvenile offender  
9 and that there is no danger to public safety. In the case of the denial  
10 of the transfer request by the transfer committee, the juvenile offender  
11 shall remain at a secure facility. Notwithstanding the recommendation  
12 for approval of transfer by the transfer committee, the director of the  
13 division may deny the request for transfer if there is a danger to  
14 public safety or if the transfer is not in the best interests of the  
15 division for youth or the juvenile offender.

16 The rules and regulations shall further provide a procedure for the  
17 immediate return to a secure facility, without a hearing, of a juvenile  
18 offender transferred to another facility upon a determination by that  
19 facility director that there is a danger to public safety.]

20 3. The [division] OFFICE OF CHILDREN AND FAMILY SERVICES shall report  
21 in writing to the sentencing court and district attorney, not less than  
22 once every six months during the period of confinement, on the status,  
23 adjustment, programs and progress of the offender.

24 4. [The office of children and family services may apply to the  
25 sentencing court for permission to transfer a youth not less than  
26 sixteen nor more than eighteen years of age to the department of  
27 corrections and community supervision. Such application shall be made  
28 upon notice to the youth, who shall be entitled to be heard upon the  
29 application and to be represented by counsel. The court shall grant the  
30 application if it is satisfied that there is no substantial likelihood  
31 that the youth will benefit from the programs offered by the office  
32 facilities.

33 5.] The office of children and family services may transfer an offen-  
34 der not less than eighteen [nor more than twenty-one] years of age to  
35 the department of corrections and community supervision if the commis-  
36 sioner of the office certifies to the commissioner of corrections and  
37 community supervision that there is no substantial likelihood that the  
38 youth will benefit from the programs offered by office facilities.

39 [6. At age twenty-one, all] 5. (A) ALL juvenile offenders COMMITTED TO  
40 THE OFFICE FOR COMMITTING A CRIME PRIOR TO THE YOUTH'S SIXTEENTH BIRTH-  
41 DAY WHO STILL HAVE TIME LEFT ON THEIR SENTENCES OF IMPRISONMENT shall be  
42 transferred AT AGE TWENTY-ONE to the custody of the department of  
43 corrections and community supervision for confinement pursuant to the  
44 correction law.

45 [7.] (B) ALL OFFENDERS COMMITTED TO THE OFFICE FOR COMMITTING A CRIME  
46 ON OR AFTER THEIR SIXTEENTH BIRTHDAY WHO STILL HAVE TIME LEFT ON THEIR  
47 SENTENCES OF IMPRISONMENT SHALL BE TRANSFERRED TO THE CUSTODY OF THE  
48 DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION FOR CONFINEMENT  
49 PURSUANT TO THE CORRECTION LAW AFTER COMPLETING TWO YEARS OF CARE IN  
50 OFFICE OF CHILDREN AND FAMILY SERVICES FACILITIES UNLESS THEY ARE WITHIN  
51 FOUR MONTHS OF COMPLETING THE IMPRISONMENT PORTION OF THEIR SENTENCE AND  
52 THE OFFICE DETERMINES, IN ITS DISCRETION, ON A CASE-BY-CASE BASIS THAT  
53 THE YOUTH SHOULD BE PERMITTED TO REMAIN WITH THE OFFICE FOR THE ADDI-  
54 TIONAL SHORT PERIOD OF TIME NECESSARY TO ENABLE THEM TO COMPLETE THEIR  
55 SENTENCE. IN MAKING SUCH A DETERMINATION, THE FACTORS THE OFFICE MAY  
56 CONSIDER INCLUDE, BUT ARE NOT LIMITED TO, THE AGE OF THE YOUTH, THE

1 AMOUNT OF TIME REMAINING ON THE YOUTH'S SENTENCE OF IMPRISONMENT, THE  
2 LEVEL OF THE YOUTH'S PARTICIPATION IN THE PROGRAM, THE YOUTH'S EDUCA-  
3 TIONAL AND VOCATIONAL PROGRESS, THE OPPORTUNITIES AVAILABLE TO THE YOUTH  
4 THROUGH THE OFFICE AND THROUGH THE DEPARTMENT, AND THE LENGTH OF THE  
5 YOUTH'S POST-RELEASE SUPERVISION SENTENCE. NOTHING IN THIS PARAGRAPH  
6 SHALL AUTHORIZE A YOUTH TO REMAIN IN AN OFFICE FACILITY BEYOND HIS OR  
7 HER TWENTY-THIRD BIRTHDAY.

8 (C) COMMENCING JANUARY 1, 2017, ALL JUVENILE OFFENDERS WHO ARE ELIGI-  
9 BLE TO BE RELEASED FROM AN OFFICE OF CHILDREN AND FAMILY SERVICES FACIL-  
10 ITY BEFORE THEY ARE REQUIRED TO BE TRANSFERRED TO THE DEPARTMENT OF  
11 CORRECTIONS AND COMMUNITY SUPERVISION AND WHO ARE ABLE TO COMPLETE THE  
12 FULL-TERM OF THEIR POST-RELEASE SUPERVISION SENTENCES BEFORE THEY TURN  
13 TWENTY-THREE YEARS OF AGE SHALL REMAIN WITH THE OFFICE OF CHILDREN AND  
14 FAMILY SERVICES FOR POST-RELEASE SUPERVISION.

15 (D) COMMENCING JANUARY 1, 2017, ALL JUVENILE OFFENDERS RELEASED FROM  
16 AN OFFICE OF CHILDREN AND FAMILY SERVICES FACILITY BEFORE THEY ARE  
17 TRANSFERRED TO THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
18 WHO ARE UNABLE TO COMPLETE THE FULL-TERM OF THEIR POST-RELEASE SUPER-  
19 VISION SENTENCES BEFORE THEY TURN TWENTY-THREE YEARS OF AGE SHALL BE  
20 UNDER THE SUPERVISION OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY  
21 SUPERVISION UNTIL EXPIRATION OF THE MAXIMUM TERM OR PERIOD OF SENTENCE,  
22 OR EXPIRATION OF SUPERVISION, INCLUDING ANY POST-RELEASE SUPERVISION AS  
23 THE CASE MAY BE PROVIDED, HOWEVER, THAT THE OFFICE SHALL ASSIST SUCH  
24 DEPARTMENT IN PLANNING FOR THE YOUTH'S POST-RELEASE SUPERVISION.

25 6. While in the custody of the office of children and family services,  
26 an offender shall be subject to the rules and regulations of the office,  
27 except that his OR HER parole, POST-RELEASE SUPERVISION, temporary  
28 release and discharge shall be governed by the laws applicable to  
29 inmates of state correctional facilities and his OR HER transfer to  
30 state hospitals in the office of mental health shall be governed by  
31 section five hundred nine of this chapter. The commissioner of the  
32 office of children and family services shall, however, establish and  
33 operate temporary release programs at office of children and family  
34 services facilities AND PROVIDE POST-RELEASE SUPERVISION for eligible  
35 juvenile offenders and [contract with the department of corrections and  
36 community supervision for the provision of parole] PROVIDE supervision  
37 [services] for temporary releasees AND JUVENILES ON POST-RELEASE SUPER-  
38 VISION. The rules and regulations for these programs shall not be  
39 inconsistent with the laws for temporary release AND POST-RELEASE SUPER-  
40 VISION applicable to inmates of state correctional facilities. For the  
41 purposes of temporary release programs for juvenile offenders only, when  
42 referred to or defined in article twenty-six of the correction law,  
43 "institution" shall mean any facility designated by the commissioner of  
44 the office of children and family services, "department" shall mean the  
45 office of children and family services, "inmate" shall mean a juvenile  
46 offender residing in an office of children and family services facility,  
47 and "commissioner" shall mean the [director] COMMISSIONER of the office  
48 of children and family services. FOR THE PURPOSES OF SUCH POST-RELEASE  
49 SUPERVISION FOR JUVENILE OFFENDERS UNDER PARAGRAPH (C) OF SUBDIVISION  
50 FIVE OF THIS SECTION ONLY, WHEN REFERRED TO IN SECTION 70.45 OF THE  
51 PENAL LAW OR ARTICLE TWELVE-B OF THE EXECUTIVE LAW, THE TERM "DEPARTMENT  
52 OF CORRECTIONS AND COMMUNITY SUPERVISION", "DEPARTMENT", "DIVISION OF  
53 PAROLE", "DIVISION", "BOARD OF PAROLE" AND "BOARD" SHALL MEAN THE OFFICE  
54 OF CHILDREN AND FAMILY SERVICES, AND THE TERM "COMMISSIONER" SHALL MEAN  
55 THE OFFICE OF CHILDREN AND FAMILY SERVICES. Time spent in office of  
56 children and family services facilities and in juvenile detention facil-

ities 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



1 social services district in which the juvenile offender resided at the  
2 time of commitment, in accordance with this section and the regulations  
3 of the [division,] OFFICE as follows: fifty percent of the amount  
4 expended for care, maintenance and supervision of local charges includ-  
5 ing juvenile offenders.

6 [4. Expenditures made by the division for youth] 3. THE COSTS for  
7 foster care PROVIDED BY VOLUNTARY AUTHORIZED AGENCIES TO JUVENILE DELIN-  
8 QUENTS PLACED IN THE CARE OF THE OFFICE OF CHILDREN AND FAMILY SERVICES  
9 shall be [subject to reimbursement to the state by] THE RESPONSIBILITY  
10 OF the social services district from which the youth was placed, AND  
11 SHALL BE SUBJECT TO REIMBURSEMENT FROM THE STATE in accordance with [the  
12 regulations of the division, as follows: fifty percent of the amount  
13 expended for care, maintenance and supervision of local charges] SECTION  
14 ONE HUNDRED FIFTY-THREE-K OF THE SOCIAL SERVICES LAW.

15 [5] 4. (a) [Expenditures] EXCEPT AS PROVIDED IN SUBDIVISION FIVE OF  
16 THIS SECTION, EXPENDITURES made by the [division for youth] OFFICE OF  
17 CHILDREN AND FAMILY SERVICES for aftercare supervision shall be subject  
18 to reimbursement to the state by the social services district from which  
19 the youth was placed, in accordance with regulations of the [division]  
20 OFFICE, as follows: fifty percent of the amount expended for aftercare  
21 supervision of local charges.

22 (b) Expenditures made by social services districts for aftercare  
23 supervision of adjudicated juvenile delinquents [and persons in need of  
24 supervision provided (prior to the expiration of the initial or extended  
25 period of placement or commitment) by the aftercare staff of the facili-  
26 ty from which the youth has been released or discharged, other than  
27 those under the jurisdiction of the division for youth, in which said  
28 youth was placed or committed, pursuant to directions of the family  
29 court,] shall be subject to reimbursement by the state[, upon approval  
30 by the division and in accordance with its regulations, as follows:

31 (1) the full amount expended by the district for aftercare supervision  
32 of state charges;

33 (2) fifty percent of the amount expended by the district for aftercare  
34 supervision of local charges] IN ACCORDANCE WITH SECTION ONE HUNDRED  
35 FIFTY-THREE-K OF THE SOCIAL SERVICES LAW.

36 (c) Expenditures made by the [division for youth] OFFICE OF CHILDREN  
37 AND FAMILY SERVICES for contracted programs and contracted services  
38 pursuant to subdivision seven of section five hundred one of this arti-  
39 cle, except with respect to urban homes and group homes, shall be  
40 subject to reimbursement to the state by the social services district  
41 from which the youth was placed, in accordance with this section and the  
42 regulations of the [division] OFFICE as follows: fifty percent of the  
43 amount expended for the operation and maintenance of such programs and  
44 services.

45 5. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO  
46 REIMBURSEMENT SHALL BE REQUIRED FROM A SOCIAL SERVICES DISTRICT FOR  
47 EXPENDITURES MADE BY THE OFFICE OF CHILDREN AND FAMILY SERVICES ON OR  
48 AFTER DECEMBER FIRST, TWO THOUSAND FIFTEEN FOR THE CARE, MAINTENANCE,  
49 SUPERVISION OR AFTERCARE SUPERVISION OF YOUTH AGE SIXTEEN YEARS OF AGE  
50 OR OLDER THAT WOULD NOT OTHERWISE HAVE BEEN MADE ABSENT THE PROVISIONS  
51 OF A CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT INCREASED THE AGE  
52 OF JUVENILE JURISDICTION ABOVE FIFTEEN YEARS OF AGE OR THAT AUTHORIZED  
53 THE PLACEMENT IN OFFICE OF CHILDREN AND FAMILY SERVICES FACILITIES OF  
54 CERTAIN OTHER YOUTH WHO COMMITTED A CRIME ON OR AFTER THEIR SIXTEENTH  
55 BIRTHDAYS.

1 5-a. The social services district responsible for reimbursement to the  
2 state shall remain the same if during a period of placement or extension  
3 thereof, a child commits a criminal act while in [a division] AN OFFICE  
4 OF CHILDREN AND FAMILY SERVICES facility, during an authorized absence  
5 therefrom or after absconding therefrom and is returned to the [divi-  
6 sion] OFFICE following adjudication or conviction for the act by a court  
7 with jurisdiction outside the boundaries of the social services district  
8 which was responsible for reimbursement to the state prior to such adju-  
9 dication or conviction.

10 S 98. Subdivision 1, the opening paragraph of subdivision 2 and  
11 subparagraphs (i) and (iii) of paragraph (a) of subdivision 3 of section  
12 529-b of the executive law, as added by section 3 of subpart B of part Q  
13 of chapter 58 of the laws of 2011, are amended to read as follows:

14 1. (a) Notwithstanding any provision of law to the contrary, eligible  
15 expenditures by an eligible municipality for services to divert youth at  
16 risk of, alleged to be, or adjudicated as juvenile delinquents [or  
17 persons alleged or adjudicated to be in need of supervision], or youth  
18 alleged to be or convicted as juvenile offenders from placement in  
19 detention or in residential care OR TO DIVERT PERSONS ALLEGED OR ADJUDI-  
20 CATED TO BE IN NEED OF SUPERVISION FROM BEING PLACED AWAY FROM THEIR  
21 HOMES, shall be subject to state reimbursement under the supervision and  
22 treatment services for juveniles program for up to sixty-two percent of  
23 the municipality's expenditures, subject to available appropriations and  
24 exclusive of any federal funds made available for such purposes, not to  
25 exceed the municipality's distribution under the supervision and treat-  
26 ment services for juveniles program.

27 (b) The state funds appropriated for the supervision and treatment  
28 services for juveniles program shall be distributed to eligible munici-  
29 palities by the office of children and family services based on a plan  
30 developed by the office which may consider historical information  
31 regarding the number of youth seen at probation intake for an alleged  
32 act of delinquency, THE NUMBER OF ALLEGED PERSONS IN NEED OF SUPERVISION  
33 RECEIVING DIVERSION SERVICES UNDER SECTION SEVEN HUNDRED THIRTY-FIVE OF  
34 THE FAMILY COURT ACT, the number of youth remanded to detention, the  
35 number of juvenile delinquents placed with the office, the number of  
36 juvenile delinquents [and persons in need of supervision] placed in  
37 residential care with the municipality, the municipality's reduction in  
38 the use of detention and residential placements, and other factors as  
39 determined by the office. Such plan developed by the office shall be  
40 subject to the approval of the director of the budget. The office is  
41 authorized, in its discretion, to make advance distributions to a muni-  
42 cipality in anticipation of state reimbursement.

43 As used in this section, the term "municipality" shall mean a county,  
44 or a city having a population of one million or more, and "supervision  
45 and treatment services for juveniles" shall mean community-based  
46 services or programs designed to safely maintain youth in the community  
47 pending a family court disposition or conviction in criminal court and  
48 services or programs provided to youth adjudicated as juvenile delin-  
49 quents [or persons in need of supervision,] or youth alleged to be juve-  
50 nile offenders to prevent residential placement of such youth or a  
51 return to placement where such youth have been released to the community  
52 from residential placement OR PROGRAMS PROVIDED TO YOUTH ADJUDICATED  
53 PERSONS IN NEED OF SUPERVISION TO MAINTAIN SUCH YOUTH IN THEIR HOMES.  
54 Supervision and treatment services for juveniles may include but are not  
55 limited to services or programs that:

1 (i) an analysis that identifies the neighborhoods or communities from  
2 which the greatest number of juvenile delinquents [and persons in need  
3 of supervision] are remanded to detention or residentially placed AND  
4 FROM WHICH THE GREATEST NUMBER OF ALLEGED PERSONS IN NEED OF SUPERVISION  
5 ARE OFFERED DIVERSION SERVICES;

6 (iii) a description of how the services and programs proposed for  
7 funding will reduce the number of youth from the municipality who are  
8 detained and residentially OR OTHERWISE placed; how such services and  
9 programs are family-focused; and whether such services and programs are  
10 capable of being replicated across multiple sites;

11 S 99. Subdivisions 2, 4, 5, 6 and 7 of section 530 of the executive  
12 law, subdivisions 2 and 4 as amended by section 4 of subpart B of part Q  
13 of chapter 58 of the laws of 2011, paragraphs (a) and (d) of subdivision  
14 2 as amended by section 1 of part M of chapter 57 of the laws of 2012,  
15 subdivision 5 as amended by chapter 920 of the laws of 1982, subpara-  
16 graphs 1, 2 and 4 of paragraph (a) and paragraph (b) of subdivision 5 as  
17 amended by section 5 of subpart B of part Q of chapter 58 of the laws of  
18 2011, subdivision 6 as amended by chapter 880 of the laws of 1976, and  
19 subdivision 7 as amended by section 6 of subpart B of part Q of chapter  
20 58 of the laws of 2011, are amended and a new subdivision 8 is added to  
21 read as follows:

22 2. [Expenditures] EXCEPT AS PROVIDED FOR IN SUBDIVISION EIGHT OF THIS  
23 SECTION, EXPENDITURES made by municipalities in providing care, mainte-  
24 nance and supervision to youth in detention facilities designated pursu-  
25 ant to sections seven hundred twenty and 305.2 of the family court act  
26 and certified by [the division for youth] OFFICE OF CHILDREN AND FAMILY  
27 SERVICES, shall be subject to reimbursement by the state, as follows:

28 (a) Notwithstanding any provision of law to the contrary, eligible  
29 expenditures by a municipality during a particular program year for the  
30 care, maintenance and supervision [in foster care programs certified by  
31 the office of children and family services, certified or approved family  
32 boarding homes, and non-secure detention facilities certified by the  
33 office for those youth alleged to be persons in need of supervision or  
34 adjudicated persons in need of supervision held pending transfer to a  
35 facility upon placement; and] in secure and non-secure detention facili-  
36 ties certified by the office in accordance with section five hundred  
37 three of this article for those youth alleged to be juvenile delin-  
38 quents; adjudicated juvenile delinquents held pending transfer to a  
39 facility upon placement, and juvenile delinquents held at the request of  
40 the office of children and family services pending extension of place-  
41 ment hearings or release revocation hearings or while awaiting disposi-  
42 tion of such hearings; and youth alleged to be or convicted as juvenile  
43 offenders AND, PRIOR TO JANUARY FIRST, TWO THOUSAND EIGHTEEN, YOUTH  
44 ALLEGED TO BE PERSONS IN NEED OF SUPERVISION OR ADJUDICATED PERSONS IN  
45 NEED OF SUPERVISION HELD PENDING TRANSFER TO A FACILITY UPON PLACEMENT  
46 IN FOSTER CARE PROGRAMS CERTIFIED BY THE OFFICE OF CHILDREN AND FAMILY  
47 SERVICES, CERTIFIED OR APPROVED FAMILY BOARDING HOMES, AND NON-SECURE  
48 DETENTION FACILITIES CERTIFIED BY THE OFFICE, shall be subject to state  
49 reimbursement for up to fifty percent of the municipality's expendi-  
50 tures, exclusive of any federal funds made available for such purposes,  
51 not to exceed the municipality's distribution from funds that have been  
52 appropriated specifically therefor for that program year. Municipalities  
53 shall implement the use of detention risk assessment instruments in a  
54 manner prescribed by the office so as to inform detention decisions.  
55 Notwithstanding any other provision of state law to the contrary, data  
56 necessary for completion of a detention risk assessment instrument may

1 be shared among law enforcement, probation, courts, detention adminis-  
2 trators, detention providers, and the attorney for the child upon  
3 retention or appointment; solely for the purpose of accurate completion  
4 of such risk assessment instrument, and a copy of the completed  
5 detention risk assessment instrument shall be made available to the  
6 applicable detention provider, the attorney for the child and the court.

7 (b) The state funds appropriated for juvenile detention services shall  
8 be distributed to eligible municipalities by the office of children and  
9 family services based on a plan developed by the office which may  
10 consider historical information regarding the number of youth remanded  
11 to detention, the municipality's reduction in the use of detention, the  
12 municipality's youth population, and other factors as determined by the  
13 office. Such plan developed by the office shall be subject to the  
14 approval of the director of the budget. The office is authorized, in its  
15 discretion, to make advance distributions to a municipality in antic-  
16 ipation of state reimbursement.

17 (c) A municipality may also use the funds distributed to it for juve-  
18 nile detention services under this section for a particular program year  
19 for sixty-two percent of a municipality's eligible expenditures for  
20 supervision and treatment services for juveniles programs approved under  
21 section five hundred twenty-nine-b of this title for services that were  
22 not reimbursed from a municipality's distribution under such program  
23 provided to at-risk, alleged or adjudicated juvenile delinquents or  
24 persons alleged or adjudicated to be in need of supervision, or alleged  
25 to be or convicted as juvenile offenders in community-based non-resident-  
26 tial settings. Any claims submitted by a municipality for reimbursement  
27 for detention services or supervision and treatment services for juve-  
28 niles provided during a particular program year for which the munic-  
29 ipality does not receive state reimbursement from the municipality's  
30 distribution of detention services funds for that program year may not  
31 be claimed against the municipality's distribution of funds available  
32 under this section for the next applicable program year. The office may  
33 require that such claims be submitted to the office electronically at  
34 such times and in the manner and format required by the office.

35 [(d)(i)] (2-A)(A) Notwithstanding any provision of law or regulation  
36 to the contrary, any information or data necessary for the development,  
37 validation or revalidation of the detention risk assessment instrument  
38 shall be shared among local probation departments, the office of  
39 probation and correctional alternatives and, where authorized by the  
40 division of criminal justice services, the entity under contract with  
41 the division to provide information technology services related to youth  
42 assessment and screening, the office of children and family services,  
43 and any entity under contract with the office of children and family  
44 services to provide services relating to the development, validation or  
45 revalidation of the detention risk assessment instrument. Any such  
46 information and data shall not be commingled with any criminal history  
47 database. Any information and data used and shared pursuant to this  
48 section shall only be used and shared for the purposes of this section  
49 and in accordance with this section. Such information shall be shared  
50 and received in a manner that protects the confidentiality of such  
51 information. The sharing, use, disclosure and redisclosure of such  
52 information to any person, office, or other entity not specifically  
53 authorized to receive it pursuant to this section or any other law is  
54 prohibited.

55 [(ii)] (B) The office of children and family services shall consult  
56 with individuals with professional research experience and expertise in

1 criminal justice; social work; juvenile justice; and applied mathemat-  
2 ics, psychometrics and/or statistics to assist the office in determining  
3 the method it will use to: develop, validate and revalidate such  
4 detention risk assessment instrument; and analyze the effectiveness of  
5 the use of such detention risk assessment instrument in accomplishing  
6 its intended goals; and analyze, to the greatest extent possible any  
7 disparate impact on detention outcomes for juveniles based on race, sex,  
8 national origin, economic status and any other constitutionally  
9 protected class, regarding the use of such instrument. The office shall  
10 consult with such individuals regarding whether it is appropriate to  
11 attempt to analyze whether there is any such disparate impact based on  
12 sexual orientation and, if so, the best methods to conduct such analy-  
13 sis. The office shall take into consideration any recommendations given  
14 by such individuals involving improvements that could be made to such  
15 instrument and process.

16 [(iii)] (C) Data collected for the purposes of completing the  
17 detention risk assessment instrument from any source other than an offi-  
18 cially documented record shall be confirmed as soon as practicable.  
19 Should any data originally utilized in completing the risk assessment  
20 instrument be found to conflict with the officially documented record,  
21 the risk assessment instrument shall be completed with the officially  
22 documented data and any corresponding revision to the risk categori-  
23 zation shall be made. The office shall periodically revalidate any  
24 approved risk assessment instrument. The office shall conspicuously post  
25 any approved detention risk assessment instrument on its website and  
26 shall confer with appropriate stakeholders, including but not limited  
27 to, attorneys for children, presentment agencies, probation, and the  
28 family court, prior to revising any validated risk assessment instru-  
29 ment. Any such revised risk assessment instrument shall be subject to  
30 periodic empirical validation.

31 4. (a) The municipality must notify the office of children and family  
32 services of state aid received under other state aid formulas by each  
33 detention facility for which the municipality is seeking reimbursement  
34 pursuant to this section, including but not limited to, aid for educa-  
35 tion, probation and mental health services.

36 (b) EXCEPT AS PROVIDED IN SUBDIVISION EIGHT OF THIS SECTION: (I) In  
37 computing reimbursement to the municipality pursuant to this section,  
38 the office shall insure that the aggregate of state aid under all state  
39 aid formulas shall not exceed fifty percent of the cost of care, mainte-  
40 nance and supervision provided to detainees eligible for state  
41 reimbursement under subdivision two of this section, exclusive of feder-  
42 al aid for such purposes not to exceed the amount of the municipality's  
43 distribution under the juvenile detention services program.

44 [(c)] (II) Reimbursement for administrative related expenditures as  
45 defined by the office of children and family services, for secure and  
46 nonsecure detention services shall not exceed seventeen percent of the  
47 total approved expenditures for facilities of twenty-five beds or more  
48 and shall not exceed twenty-one percent of the total approved expendi-  
49 tures for facilities with less than twenty-five beds.

50 5. (a) Except as provided in paragraph (b) of this subdivision, care,  
51 maintenance and supervision for the purpose of this section shall mean  
52 and include only:

53 (1) temporary care, maintenance and supervision provided TO alleged  
54 juvenile delinquents and persons in need of supervision in detention  
55 facilities certified pursuant to sections seven hundred twenty and 305.2  
56 of the family court act by the office of children and family services,

1 pending adjudication of alleged delinquency or alleged need of super-  
2 vision by the family court, or pending transfer to institutions to which  
3 committed or placed by such court or while awaiting disposition by such  
4 court after adjudication or held pursuant to a securing order of a crim-  
5 inal court if the person named therein as principal is under [sixteen]  
6 SEVENTEEN YEARS OF AGE; or[,]

7 (1-A) COMMENCING ON JANUARY FIRST, TWO THOUSAND EIGHTEEN, TEMPORARY  
8 CARE, MAINTENANCE, AND SUPERVISION PROVIDED TO ALLEGED JUVENILE DELIN-  
9 QUENTS IN DETENTION FACILITIES CERTIFIED BY THE OFFICE OF CHILDREN AND  
10 FAMILY SERVICES, PENDING ADJUDICATION OF ALLEGED DELINQUENCY BY THE  
11 FAMILY COURT, OR PENDING TRANSFER TO INSTITUTIONS TO WHICH COMMITTED OR  
12 PLACED BY SUCH COURT OR WHILE AWAITING DISPOSITION BY SUCH COURT AFTER  
13 ADJUDICATION OR HELD PURSUANT TO A SECURING ORDER OF A CRIMINAL COURT IF  
14 THE PERSON NAMED THEREIN AS PRINCIPAL IS UNDER TWENTY-ONE; OR

15 (2) temporary care, maintenance and supervision provided juvenile  
16 delinquents in approved detention facilities at the request of the  
17 office of children and family services pending release revocation hear-  
18 ings or while awaiting disposition after such hearings; or

19 (3) temporary care, maintenance and supervision in approved detention  
20 facilities for youth held pursuant to the family court act or the inter-  
21 state compact on juveniles, pending return to their place of residence  
22 or domicile[.]; OR

23 (4) PRIOR TO JANUARY FIRST, TWO THOUSAND EIGHTEEN, temporary care,  
24 maintenance and supervision provided youth detained in foster care  
25 facilities or certified or approved family boarding homes pursuant to  
26 article seven of the family court act.

27 (b) Payments made for reserved accommodations, whether or not in full  
28 time use, approved AND CERTIFIED by the office of children and family  
29 services [and certified pursuant to sections seven hundred twenty and  
30 305.2 of the family court act], in order to assure that adequate accom-  
31 modations will be available for the immediate reception and proper care  
32 therein of youth for which detention costs are reimbursable pursuant to  
33 paragraph (a) of this subdivision, shall be reimbursed as expenditures  
34 for care, maintenance and supervision under the provisions of this  
35 section, provided the office shall have given its prior approval for  
36 reserving such accommodations.

37 6. The [director of the division for youth] OFFICE OF CHILDREN AND  
38 FAMILY SERVICES may adopt, amend, or rescind all rules and regulations,  
39 subject to the approval of the director of the budget and certification  
40 to the chairmen of the senate finance and assembly ways and means  
41 committees, necessary to carry out the provisions of this section.

42 7. The agency administering detention for each county and the city of  
43 New York shall submit to the office of children and family services, at  
44 such times and in such form and manner and containing such information  
45 as required by the office of children and family services, an annual  
46 report on youth remanded pursuant to article three or seven of the fami-  
47 ly court act who are detained during each calendar year including,  
48 commencing January first, two thousand twelve, the risk level of each  
49 detained youth as assessed by a detention risk assessment instrument  
50 approved by the office of children and family services PROVIDED, HOWEV-  
51 ER, THAT THE REPORT DUE JANUARY FIRST, TWO THOUSAND NINETEEN AND THERE-  
52 AFTER SHALL NOT BE REQUIRED TO CONTAIN ANY INFORMATION ON YOUTH WHO ARE  
53 SUBJECT TO ARTICLE SEVEN OF THE FAMILY COURT ACT. The office may  
54 require that such data on detention use be submitted to the office elec-  
55 tronically. Such report shall include, but not be limited to, the reason  
56 for the court's determination in accordance with section 320.5 or seven

1 hundred thirty-nine of the family court act, IF APPLICABLE, to detain  
2 the youth; the offense or offenses with which the youth is charged; and  
3 all other reasons why the youth remains detained. The office shall  
4 submit a compilation of all the separate reports to the governor and the  
5 legislature.

6 8. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW TO THE CONTRARY,  
7 COMMENCING JANUARY FIRST, TWO THOUSAND SEVENTEEN, STATE REIMBURSEMENT  
8 SHALL BE MADE AVAILABLE FOR ONE HUNDRED PERCENT OF A MUNICIPALITY'S  
9 ELIGIBLE EXPENDITURES FOR THE CARE, MAINTENANCE AND SUPERVISION OF YOUTH  
10 SIXTEEN YEARS OF AGE OR OLDER IN NON-SECURE AND SECURE DETENTION FACILI-  
11 TIES WHEN SUCH DETENTION WOULD NOT OTHERWISE HAVE OCCURRED ABSENT THE  
12 PROVISIONS OF A CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT  
13 INCREASED THE AGE OF JUVENILE JURISDICTION ABOVE FIFTEEN YEARS OF AGE.

14 S 100. Section 4 of part K of chapter 57 of the laws of 2012, amending  
15 the education law, relating to authorizing the board of cooperative  
16 educational services to enter into contracts with the commissioner of  
17 children and family services to provide certain services, is amended to  
18 read as follows:

19 S 4. This act shall take effect July 1, 2012 [and shall expire June  
20 30, 2015 when upon such date the provisions of this act shall be deemed  
21 repealed].

22 S 100-a. Severability. If any clause, sentence, paragraph, subdivi-  
23 sion, section or part contained in any part of this act shall be  
24 adjudged by any court of competent jurisdiction to be invalid, such  
25 judgment shall not affect, impair, or invalidate the remainder thereof,  
26 but shall be confined in its operation to the clause, sentence, para-  
27 graph, subdivision, section or part contained in any part thereof  
28 directly involved in the controversy in which such judgment shall have  
29 been rendered. It is hereby declared to be the intent of the legislature  
30 that this act would have been enacted even if such invalid provisions  
31 had not been included herein.

32 S 101. This act shall take effect immediately; provided, however,  
33 that:

34 1. sections 1 through 31, 49, 52, 54 through 57, 60-a through 66, 68  
35 through 82, 83, 90, 91-a, 92, 95 and 99 shall take effect on January 1,  
36 2017; provided, however, that when the applicability of such provisions  
37 is dependent on the age of a youth that is alleged or adjudicated to  
38 have committed or is convicted of or pleads to a crime or an act that  
39 would constitute a crime if committed by an adult:

40 (a) effective January 1, 2017, such provisions shall be deemed to  
41 apply to youth (i) who have been alleged to have committed, adjudicated  
42 for, or convicted of an offense that occurred on or after such effective  
43 date and who were at least 12 years of age but under the age of 17 at  
44 the time such offense occurred, except that (ii) such provisions shall  
45 be deemed to apply to persons at least 10 years of age but under the age  
46 of 17 if such person is alleged to have committed, adjudicated for, or  
47 convicted of an act that would constitute a crime as defined in section  
48 125.27 (murder in the first degree) or 125.25 (murder in the second  
49 degree) of the penal law if committed by an adult where such act  
50 occurred on or after the effective date, and

51 (b) effective January 1, 2018, such provisions shall be deemed to  
52 apply to youth who have been alleged to have committed, adjudicated for  
53 or convicted of, an offense that occurred on or after such effective  
54 date and who were 17 years of age at the time such offense occurred;

55 2. sections 32 through 47, 51, 53, 89, 93 and 98 shall take effect  
56 January 1, 2018, provided, however, that:

1 (a) when the applicability of such provisions is dependent on the age  
2 of a person, such provisions shall be deemed to apply to youth (i) who  
3 have been alleged to have committed, been adjudicated for or convicted  
4 of an offense that occurred on or after such effective date and who were  
5 at least 12 years of age but under the age of 18 at the time such  
6 offense occurred; provided, however that (ii) such provisions shall be  
7 deemed to apply to youth at least 10 years of age but under the age of  
8 18 if such youth is alleged to have committed, adjudicated for, or  
9 convicted of an act that would constitute a crime as defined in section  
10 125.27 (murder in the first degree) or 125.25 (murder in the second  
11 degree) of the penal law if committed by an adult where such act  
12 occurred on or after the effective date; and

13 (b) sections 32 through 47 shall be deemed to be applicable to  
14 petitions filed, or attempted to be filed pursuant to Article seven of  
15 the Family Court Act on or after such date;

16 3. sections 58 and 60 shall take effect on December 1, 2015;

17 4. sections 59 and 84 through 86 shall take effect January 1, 2019;

18 5. sections 63-a through 63-p; sections 64-a and 64-b; and sections 68  
19 and 68-a shall take effect on January 1, 2017.

20 6. sections 67 and 91-b shall take effect 180 days after enactment;  
21 and

22 7. section 91 shall take effect April 1, 2016;

23 8. the amendments to subdivision 4 of section 353.5 of the family  
24 court act made by section twenty-four of this act shall not affect the  
25 expiration and reversion of such subdivision and shall expire and be  
26 deemed repealed therewith, when upon such date the provisions of section  
27 twenty-five of this act shall take effect;

28 9. the amendments to section 153-k of the social services law made by  
29 section forty-eight of this act shall not affect the expiration of such  
30 section and shall expire and be deemed repealed therewith;

31 10. the amendments to section 404 of the social services law made by  
32 section fifty-two of this act shall not affect the expiration of such  
33 section and shall expire and be deemed repealed therewith;

34 11. the amendments to subdivision 1 of section 70.20 of the penal law  
35 made by section fifty-eight of this act shall not affect the expiration  
36 of such subdivision and shall expire and be deemed repealed therewith;

37 12. the amendments to paragraph (f) of subdivision 1 of section 70.30  
38 of the penal law made by section sixty-a of this act shall not affect  
39 the expiration of such paragraph and shall be deemed to expire there-  
40 with;

41 13. the amendments to subparagraph 8 of paragraph h of subdivision 4  
42 of section 1950 of the education law made by section eighty-seven of  
43 this act shall not affect the repeal of such subparagraph and shall be  
44 deemed repealed therewith;

45 14. the amendments to subparagraph 1 of paragraph d of subdivision 3  
46 of section 3214 of the education law made by section eighty-eight of  
47 this act shall not affect the expiration of such paragraph and shall be  
48 deemed to expire therewith; and

49 15. the amendments to the second undesignated paragraph of subdivision  
50 4 of section 246 of the executive law made by section ninety-one of this  
51 act shall not affect the expiration of such paragraph and shall expire  
52 and be deemed repealed therewith.



1 Section 1. The section heading of section 456 of the social services  
2 law, as added by chapter 865 of the laws of 1977, is amended to read as  
3 follows:

4 State reimbursement AND PAYMENTS.

5 S 2. Paragraphs (c) and (d) of subdivision 1 of section 456 of the  
6 social services law, as amended by chapter 601 of the laws of 1994, are  
7 amended to read as follows:

8 [(c) one hundred per centum of such payments after first deducting  
9 therefrom any federal funds properly to be received on account of such  
10 payments, for children placed out for adoption by a voluntary authorized  
11 agency or for children being adopted after being placed out for adoption  
12 by a voluntary authorized agency in accordance with the provisions of  
13 this title,] or [(d)] (C) one hundred per centum of such payments after  
14 first deducting therefrom any federal funds properly to be received on  
15 account of such payments, for children placed out for adoption or being  
16 adopted after being placed out for adoption by an Indian tribe as refer-  
17 enced in subdivision seven of section four hundred fifty-one of this  
18 title.

19 S 3. Section 456 of the social services law is amended by adding a new  
20 subdivision 3 to read as follows:

21 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, FOR A  
22 CHILD WHO HAS BEEN PLACED FOR ADOPTION BY A VOLUNTARY AUTHORIZED AGENCY  
23 WITH GUARDIANSHIP AND CUSTODY OR CARE AND CUSTODY OF SUCH CHILD, AS  
24 REFERENCED IN SUBDIVISION ONE OF SECTION FOUR HUNDRED FIFTY-ONE OF THIS  
25 TITLE, PAYMENTS AVAILABLE UNDER SECTION FOUR HUNDRED FIFTY-THREE, FOUR  
26 HUNDRED FIFTY-THREE-A OR FOUR HUNDRED FIFTY-FOUR OF THIS TITLE SHALL BE  
27 MADE BY THE STATE PURSUANT TO A WRITTEN AGREEMENT BETWEEN AN OFFICIAL OF  
28 THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE PERSONS WHO APPLIED  
29 FOR SUCH PAYMENTS PRIOR TO ADOPTION. NOTWITHSTANDING ANY OTHER PROVISION  
30 OF LAW TO THE CONTRARY, THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL  
31 NOT ENTER INTO WRITTEN AGREEMENTS FOR, OR ISSUE, ANY SUCH PAYMENTS IN  
32 INSTANCES WHERE THE PERSON OR PERSONS APPLYING FOR SUCH PAYMENTS RESIDE  
33 OUTSIDE OF THE STATE OF NEW YORK AT THE TIME THE APPLICATION FOR SUCH  
34 PAYMENTS IS MADE.

35 S 4. This act shall take effect July 1, 2015 and shall only apply to  
36 applications for payments under sections 453, 453-a or 454 of the social  
37 services law that are made on or after such effective date; provided,  
38 however, that effective immediately the commissioner of the office of  
39 children and family services is authorized and directed to promulgate  
40 such rules and regulations as he or she deems necessary to implement the  
41 provisions of this act on or before its effective date.

42

#### PART L

43 Section 1. Section 458-a of the social services law is amended by  
44 adding three new subdivisions 6, 7 and 8 to read as follows:

45 6. "SUCCESSOR GUARDIAN" SHALL MEAN A PERSON OR PERSONS NAMED IN THE  
46 AGREEMENT IN EFFECT BETWEEN THE RELATIVE GUARDIAN AND SOCIAL SERVICES  
47 OFFICIAL FOR KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS PURSUANT TO THIS  
48 TITLE TO PROVIDE CARE AND GUARDIANSHIP FOR A CHILD IN THE EVENT OF DEATH  
49 OR INCAPACITY OF THE RELATIVE GUARDIAN, AS SET FORTH IN SECTION FOUR  
50 HUNDRED FIFTY-EIGHT-B OF THIS TITLE, WHO HAS ASSUMED CARE FOR AND IS THE  
51 GUARDIAN OR PERMANENT GUARDIAN OF SUCH CHILD, PROVIDED THAT SUCH PERSON  
52 WAS APPOINTED GUARDIAN OR PERMANENT GUARDIAN OF SUCH CHILD FOLLOWING, OR  
53 DUE TO, THE DEATH OR INCAPACITY OF THE RELATIVE GUARDIAN.

1 7. "PROSPECTIVE SUCCESSOR GUARDIAN" SHALL MEAN A PERSON OR PERSONS  
2 WHOM A PROSPECTIVE RELATIVE GUARDIAN OR A RELATIVE GUARDIAN SEEKS TO  
3 NAME IN THE ORIGINAL KINSHIP GUARDIANSHIP ASSISTANCE AGREEMENT, OR ANY  
4 AMENDMENT THERETO, AS SET FORTH IN SECTION FOUR HUNDRED FIFTY-EIGHT-B OF  
5 THIS TITLE, AS THE PERSON OR PERSONS TO PROVIDE CARE AND GUARDIANSHIP  
6 FOR A CHILD IN THE EVENT OF THE DEATH OR INCAPACITY OF A RELATIVE GUARD-  
7 IAN.

8 8. "INCAPACITY" SHALL MEAN A SUBSTANTIAL INABILITY TO CARE FOR A CHILD  
9 AS A RESULT OF: (A) A PHYSICALLY DEBILITATING ILLNESS, DISEASE OR INJU-  
10 RY; OR (B) A MENTAL IMPAIRMENT THAT RESULTS IN A SUBSTANTIAL INABILITY  
11 TO UNDERSTAND THE NATURE AND CONSEQUENCES OF DECISIONS CONCERNING THE  
12 CARE OF A CHILD.

13 S 2. Subdivision 4 of section 458-b of the social services law is  
14 amended by adding two new paragraphs (e) and (f) to read as follows:

15 (E) THE ORIGINAL KINSHIP GUARDIANSHIP ASSISTANCE AGREEMENT EXECUTED IN  
16 ACCORDANCE WITH THIS SECTION AND ANY AMENDMENTS THERETO MAY NAME AN  
17 APPROPRIATE PERSON TO ACT AS A SUCCESSOR GUARDIAN FOR THE PURPOSE OF  
18 PROVIDING CARE AND GUARDIANSHIP FOR A CHILD IN THE EVENT OF DEATH OR  
19 INCAPACITY OF THE RELATIVE GUARDIAN.

20 (F) A FULLY EXECUTED AGREEMENT BETWEEN A RELATIVE GUARDIAN AND A  
21 SOCIAL SERVICES OFFICIAL MAY BE AMENDED TO ADD OR MODIFY TERMS AND  
22 CONDITIONS MUTUALLY AGREEABLE TO THE RELATIVE GUARDIAN AND THE SOCIAL  
23 SERVICES OFFICIAL, INCLUDING THE NAMING OF AN APPROPRIATE PERSON TO  
24 PROVIDE CARE AND GUARDIANSHIP FOR A CHILD IN THE EVENT OF DEATH OR INCA-  
25 PACITY OF THE RELATIVE GUARDIAN.

26 S 3. Subdivision 5 of section 458-b of the social services law, as  
27 added by section 4 of part F of chapter 58 of the laws of 2010, is  
28 amended to read as follows:

29 5. (A) Once the prospective relative guardian with whom a social  
30 services official has entered into an agreement under subdivision four  
31 of this section has been issued letters of guardianship for the child  
32 and the child has been finally discharged from foster care to such rela-  
33 tive, a social services official shall make monthly kinship guardianship  
34 assistance payments for the care and maintenance of the child.

35 (B) A SOCIAL SERVICES DISTRICT SHALL MAKE MONTHLY KINSHIP GUARDIANSHIP  
36 ASSISTANCE PAYMENTS FOR THE CARE AND MAINTENANCE OF A CHILD TO A SUCCE-  
37 SSOR GUARDIAN IN THE EVENT OF DEATH OR INCAPACITY OF A RELATIVE GUARDIAN,  
38 PROVIDED HOWEVER THAT SUCH PAYMENTS SHALL NOT BE AUTHORIZED UNTIL THE  
39 SUCCESSOR GUARDIAN IS GRANTED GUARDIANSHIP OR PERMANENT GUARDIANSHIP OF  
40 A CHILD AND ASSUMES CARE OF SUCH CHILD; PROVIDED, FURTHER, HOWEVER, THAT  
41 IF THE SUCCESSOR GUARDIAN ASSUMES CARE OF THE CHILD PRIOR TO BEING  
42 GRANTED GUARDIANSHIP OR PERMANENT GUARDIANSHIP OF THE CHILD, PAYMENTS  
43 UNDER THIS TITLE SHALL BE MADE RETROACTIVELY FROM: (I) IN THE EVENT OF  
44 DEATH OF THE RELATIVE GUARDIAN, THE DATE THE SUCCESSOR GUARDIAN ASSUMED  
45 CARE OF THE CHILD OR THE DATE OF DEATH OF THE RELATIVE GUARDIAN, WHICH-  
46 EVER IS LATER; OR (II) IN THE EVENT OF INCAPACITY OF THE RELATIVE GUARD-  
47 IAN, THE DATE THE SUCCESSOR GUARDIAN ASSUMED CARE OF THE CHILD OR THE  
48 DATE OF INCAPACITY OF THE RELATIVE GUARDIAN, WHICHEVER IS LATER.

49 (C) IN THE EVENT THAT A SUCCESSOR GUARDIAN ASSUMED CARE AND WAS  
50 AWARDED GUARDIANSHIP OR PERMANENT GUARDIANSHIP OF A CHILD DUE TO THE  
51 INCAPACITY OF A RELATIVE GUARDIAN AND THE RELATIVE GUARDIAN IS SUBSE-  
52 QUENTLY AWARDED OR RESUMES GUARDIANSHIP OR PERMANENT GUARDIANSHIP OF  
53 SUCH CHILD AND ASSUMES CARE OF SUCH CHILD AFTER THE INCAPACITY ENDS, A  
54 SOCIAL SERVICES OFFICIAL SHALL MAKE MONTHLY KINSHIP GUARDIANSHIP ASSIST-  
55 ANCE PAYMENTS FOR THE CARE AND MAINTENANCE OF THE CHILD TO THE RELATIVE

1 GUARDIAN, IN ACCORDANCE WITH THE TERMS OF THE FULLY EXECUTED WRITTEN  
2 AGREEMENT.

3 S 4. Paragraph (b) of subdivision 7 of section 458-b of the social  
4 services law, as added by section 4 of part F of chapter 58 of the laws  
5 of 2010, is amended to read as follows:

6 (b) (I) Notwithstanding paragraph (a) of this subdivision, AND EXCEPT  
7 AS PROVIDED FOR IN PARAGRAPH (B) OF SUBDIVISION FIVE OF THIS SECTION, no  
8 kinship guardianship assistance payments may be made pursuant to this  
9 title if the social services official determines that the relative guar-  
10 dian is no longer legally responsible for the support of the child,  
11 including if the status of the legal guardian is terminated or the child  
12 is no longer receiving any support from such guardian. In accordance  
13 with the regulations of the office, a relative guardian who has been  
14 receiving kinship guardianship assistance payments on behalf of a child  
15 under this title must keep the social services official informed, on an  
16 annual basis, of any circumstances that would make the relative guardian  
17 ineligible for such payments or eligible for payments in a different  
18 amount.

19 (II) NOTWITHSTANDING PARAGRAPH (A) OF THIS SUBDIVISION, AND EXCEPT AS  
20 PROVIDED FOR IN PARAGRAPH (C) OF SUBDIVISION FIVE OF THIS SECTION, NO  
21 KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS MAY BE MADE PURSUANT TO THIS  
22 TITLE TO A SUCCESSOR GUARDIAN IF THE SOCIAL SERVICES OFFICIAL DETERMINES  
23 THAT THE SUCCESSOR GUARDIAN IS NO LONGER LEGALLY RESPONSIBLE FOR THE  
24 SUPPORT OF THE CHILD, INCLUDING IF THE STATUS OF THE SUCCESSOR GUARDIAN  
25 IS TERMINATED OR THE CHILD IS NO LONGER RECEIVING ANY SUPPORT FROM SUCH  
26 GUARDIAN. A SUCCESSOR GUARDIAN WHO HAS BEEN RECEIVING KINSHIP GUARDIAN-  
27 SHIP ASSISTANCE PAYMENTS ON BEHALF OF A CHILD UNDER THIS TITLE MUST KEEP  
28 THE SOCIAL SERVICES OFFICIAL INFORMED, ON AN ANNUAL BASIS, OF ANY  
29 CIRCUMSTANCES THAT WOULD MAKE THE SUCCESSOR GUARDIAN INELIGIBLE FOR SUCH  
30 PAYMENTS OR ELIGIBLE FOR PAYMENTS IN A DIFFERENT AMOUNT.

31 S 5. Subdivision 8 of section 458-b of the social services law, as  
32 added by section 4 of part F of chapter 58 of the laws of 2010, is  
33 amended to read as follows:

34 8. The placement of the child with the relative guardian OR SUCCESSOR  
35 GUARDIAN and any kinship guardianship assistance payments made on behalf  
36 of the child under this section shall be considered never to have been  
37 made when determining the eligibility for adoption subsidy payments  
38 under title nine of this article of a child in such legal guardianship  
39 arrangement.

40 S 6. Subdivision 2 of section 458-d of the social services law, as  
41 added by section 4 of part F of chapter 58 of the laws of 2010, is  
42 amended to read as follows:

43 2. In addition, a social services official shall make payments for the  
44 cost of care, services and supplies payable under the state's program of  
45 medical assistance for needy persons provided to any child for whom  
46 kinship guardianship assistance payments are being made under this title  
47 who is not eligible for medical assistance under subdivision one of this  
48 section and for whom the relative OR SUCCESSOR guardian is unable to  
49 obtain appropriate and affordable medical coverage through any other  
50 available means, regardless of whether the child otherwise qualifies for  
51 medical assistance for needy persons. Payments pursuant to this subdivi-  
52 sion shall be made only with respect to the cost of care, services, and  
53 supplies which are not otherwise covered or subject to payment or  
54 reimbursement by insurance, medical assistance or other sources.  
55 Payments made pursuant to this subdivision shall only be made if the  
56 relative OR SUCCESSOR guardian applies to obtain such medical coverage

1 for the child from all available sources, unless the social services  
2 official determines that the relative guardian has good cause for not  
3 applying for such coverage; which shall include that appropriate cover-  
4 age is not available or affordable.

5 S 7. Subdivisions 1 and 2 of section 458-f of the social services law,  
6 as added by section 4 of part F of chapter 58 of the laws of 2010, are  
7 amended to read as follows:

8 1. Any person aggrieved by the decision of a social services official  
9 not to make a payment or payments pursuant to this title or to make such  
10 payment or payments in an inadequate or inappropriate amount or the  
11 failure of a social services official to determine an application under  
12 this title within thirty days after filing, OR THE FAILURE OF A SOCIAL  
13 SERVICES DISTRICT TO APPROVE A PROSPECTIVE SUCCESSOR GUARDIAN, may  
14 appeal to the office of children and family services, which shall review  
15 the case and give such person an opportunity for a fair hearing thereon  
16 and render its decision within thirty days. All decisions of the office  
17 of children and family services shall be binding upon the social  
18 services district involved and shall be complied with by the social  
19 services official thereof.

20 2. The only issues which may be raised in a fair hearing under this  
21 section are: (a) whether the social services official has improperly  
22 denied an application for payments under this title; (b) whether the  
23 social services official has improperly discontinued payments under this  
24 title; (c) whether the social services official has determined the  
25 amount of the payments made or to be made in violation of the provisions  
26 of this title or the regulations of the office of children and family  
27 services promulgated hereunder; [or] (d) whether the social services  
28 official has failed to determine an application under this title within  
29 thirty days; OR (E) WHETHER THE SOCIAL SERVICES OFFICIAL HAS IMPROPERLY  
30 DENIED AN APPLICATION TO NAME A PROSPECTIVE SUCCESSOR GUARDIAN IN THE  
31 ORIGINAL KINSHIP GUARDIANSHIP ASSISTANCE AGREEMENT FOR PAYMENTS PURSUANT  
32 TO THIS TITLE OR ANY AMENDMENTS THERETO.

33 S 8. Paragraph (c) of subdivision 7 of section 353.3 of the family  
34 court act, as amended by section 6 of part G of chapter 58 of the laws  
35 of 2010, is amended to read as follows:

36 (c) Where the respondent is placed pursuant to subdivision two or  
37 three of this section, such report shall contain a plan for the release,  
38 or conditional release (pursuant to section five hundred ten-a of the  
39 executive law), of the respondent to the custody of his or her parent or  
40 other person legally responsible, [to independent living] or to another  
41 permanency alternative as provided in paragraph (d) of subdivision seven  
42 of section 355.5 of this part. If the respondent is subject to article  
43 sixty-five of the education law or elects to participate in an educa-  
44 tional program leading to a high school diploma, such plan shall  
45 include, but not be limited to, the steps that the agency with which the  
46 respondent is placed has taken and will be taking to facilitate the  
47 enrollment of the respondent in a school or educational program leading  
48 to a high school diploma following release, or, if such release occurs  
49 during the summer recess, upon the commencement of the next school term.  
50 If the respondent is not subject to article sixty-five of the education  
51 law and does not elect to participate in an educational program leading  
52 to a high school diploma, such plan shall include, but not be limited  
53 to, the steps that the agency with which the respondent is placed has  
54 taken and will be taking to assist the respondent to become gainfully  
55 employed or enrolled in a vocational program following release.

1 S 9. Paragraph (b) of subdivision 7 of section 355.5 of the family  
2 court act, as added by chapter 7 of the laws of 1999, is amended to read  
3 as follows:

4 (b) in the case of a respondent who has attained the age of [sixteen]  
5 FOURTEEN, the services needed, if any, to assist the respondent to make  
6 the transition from foster care to independent living;

7 S 10. Paragraph (d) of subdivision 7 of section 355.5 of the family  
8 court act, as amended by chapter 181 of the laws of 2000, is amended to  
9 read as follows:

10 (d) with regard to the completion of placement ordered by the court  
11 pursuant to section 353.3 or 355.3 of this [article] PART: whether and  
12 when the respondent: (i) will be returned to the parent; (ii) should be  
13 placed for adoption with the local commissioner of social services  
14 filing a petition for termination of parental rights; (iii) should be  
15 referred for legal guardianship; (iv) should be placed permanently with  
16 a fit and willing relative; or (v) should be placed in another planned  
17 permanent living arrangement WITH A SIGNIFICANT CONNECTION TO AN ADULT  
18 WILLING TO BE A PERMANENCY RESOURCE FOR THE RESPONDENT if THE RESPONDENT  
19 IS AGE SIXTEEN OR OLDER AND (A) the office of children and family  
20 services or the local commissioner of social services has documented to  
21 the court [a]: (1) THE INTENSIVE, ONGOING, AND, AS OF THE DATE OF THE  
22 HEARING, UNSUCCESSFUL EFFORTS MADE TO RETURN THE RESPONDENT HOME OR  
23 SECURE A PLACEMENT FOR THE RESPONDENT WITH A FIT AND WILLING RELATIVE  
24 INCLUDING ADULT SIBLINGS, A LEGAL GUARDIAN, OR AN ADOPTIVE PARENT,  
25 INCLUDING THROUGH EFFORTS THAT UTILIZE SEARCH TECHNOLOGY INCLUDING  
26 SOCIAL MEDIA TO FIND BIOLOGICAL FAMILY MEMBERS FOR CHILDREN, (2) THE  
27 STEPS BEING TAKEN TO ENSURE THAT (I) THE RESPONDENT'S FOSTER FAMILY HOME  
28 OR CHILD CARE FACILITY IS FOLLOWING THE REASONABLE AND PRUDENT PARENT  
29 STANDARD IN ACCORDANCE WITH GUIDANCE PROVIDED BY THE UNITED STATES  
30 DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND (II) THE RESPONDENT HAS  
31 REGULAR, ONGOING OPPORTUNITIES TO ENGAGE IN AGE OR DEVELOPMENTALLY  
32 APPROPRIATE ACTIVITIES INCLUDING BY CONSULTING WITH THE RESPONDENT IN AN  
33 AGE-APPROPRIATE MANNER ABOUT THE OPPORTUNITIES OF THE RESPONDENT TO  
34 PARTICIPATE IN ACTIVITIES; AND (B) THE OFFICE OF CHILDREN AND FAMILY  
35 SERVICES OR THE LOCAL COMMISSIONER OF SOCIAL SERVICES HAS DOCUMENTED TO  
36 THE COURT AND THE COURT HAS DETERMINED THAT THERE ARE compelling  
37 [reason] REASONS for determining that it [would] CONTINUES TO not be in  
38 the best interest of the respondent to return home, be referred for  
39 termination of parental rights and placed for adoption, placed with a  
40 fit and willing relative, or placed with a legal guardian; and (C) THE  
41 COURT HAS MADE A DETERMINATION EXPLAINING WHY, AS OF THE DATE OF THIS  
42 HEARING, ANOTHER PLANNED LIVING ARRANGEMENT WITH A SIGNIFICANT  
43 CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE  
44 RESPONDENT IS THE BEST PERMANENCY PLAN FOR THE RESPONDENT; AND

45 S 11. Subdivision 8 of section 355.5 of the family court act, as added  
46 by section 2 of part B of chapter 327 of the laws of 2007, is amended to  
47 read as follows:

48 8. At the permanency hearing, the court shall consult with the  
49 respondent in an age-appropriate manner regarding the permanency plan  
50 for the respondent; PROVIDED, HOWEVER, THAT IF THE RESPONDENT IS AGE  
51 SIXTEEN OR OLDER AND THE REQUESTED PERMANENCY PLAN FOR THE RESPONDENT IS  
52 PLACEMENT IN ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT WITH A SIGNIF-  
53 ICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE  
54 RESPONDENT, THE COURT MUST ASK THE RESPONDENT ABOUT THE DESIRED PERMAN-  
55 ENCY OUTCOME FOR THE RESPONDENT.

1 S 12. Subparagraph (ii) of paragraph (a) of subdivision 2 of section  
2 754 of the family court act, as amended by chapter 7 of the laws of  
3 1999, is amended to read as follows:

4 (ii) in the case of a child who has attained the age of [sixteen]  
5 FOURTEEN, the services needed, if any, to assist the child to make the  
6 transition from foster care to independent living. Nothing in this  
7 subdivision shall be construed to modify the standards for directing  
8 detention set forth in section seven hundred thirty-nine of this arti-  
9 cle.

10 S 13. The closing paragraph of paragraph (b) of subdivision 2 of  
11 section 754 of the family court act, as added by chapter 7 of the laws  
12 of 1999, is amended to read as follows:

13 If the court determines that reasonable efforts are not required  
14 because of one of the grounds set forth above, a permanency hearing  
15 shall be held within thirty days of the finding of the court that such  
16 efforts are not required. At the permanency hearing, the court shall  
17 determine the appropriateness of the permanency plan prepared by the  
18 social services official which shall include whether and when the child:  
19 (A) will be returned to the parent; (B) should be placed for adoption  
20 with the social services official filing a petition for termination of  
21 parental rights; (C) should be referred for legal guardianship; (D)  
22 should be placed permanently with a fit and willing relative; or (E)  
23 should be placed in another planned permanent living arrangement WITH A  
24 SIGNIFICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE  
25 FOR THE CHILD IF THE CHILD IS AGE SIXTEEN OR OLDER AND if the [social  
26 services official has documented to the court a compelling reason for  
27 determining that it would not be in the best interest of the child to  
28 return home, be referred for termination of parental rights and placed  
29 for adoption, placed with a fit and willing relative, or placed with a  
30 legal guardian] REQUIREMENTS OF SUBPARAGRAPH (E) OF PARAGRAPH (IV) OF  
31 SUBDIVISION (D) OF SECTION SEVEN HUNDRED FIFTY-SIX-A OF THIS PART HAVE  
32 BEEN MET. The social services official shall thereafter make reasonable  
33 efforts to place the child in a timely manner and to complete whatever  
34 steps are necessary to finalize the permanent placement of the child as  
35 set forth in the permanency plan approved by the court. If reasonable  
36 efforts are determined by the court not to be required because of one of  
37 the grounds set forth in this paragraph, the social services official  
38 may file a petition for termination of parental rights in accordance  
39 with section three hundred eighty-four-b of the social services law.

40 S 14. Paragraph (ii) of subdivision (d) of section 756-a of the family  
41 court act, as amended by section 4 of part B of chapter 327 of the laws  
42 of 2007, is amended to read as follows:

43 (ii) in the case of a child who has attained the age of [sixteen]  
44 FOURTEEN, the services needed, if any, to assist the child to make the  
45 transition from foster care to independent living;

46 S 15. Paragraphs (iii) and (iv) of subdivision (d) of section 756-a of  
47 the family court act, as amended by section 4 of part B of chapter 327  
48 of the laws of 2007, are amended to read as follows:

49 (iii) in the case of a child placed outside New York state, whether  
50 the out-of-state placement continues to be appropriate and in the best  
51 interests of the child; [and]

52 (iv) whether and when the child: (A) will be returned to the parent;  
53 (B) should be placed for adoption with the social services official  
54 filing a petition for termination of parental rights; (C) should be  
55 referred for legal guardianship; (D) should be placed permanently with a  
56 fit and willing relative; or (E) should be placed in another planned

1 permanent living arrangement WITH A SIGNIFICANT CONNECTION TO AN ADULT  
2 WILLING TO BE A PERMANENCY RESOURCE FOR THE CHILD if THE CHILD IS AGE  
3 SIXTEEN OR OLDER AND (1) the social services official has documented to  
4 the court [a]: (I) INTENSIVE, ONGOING, AND, AS OF THE DATE OF THE HEAR-  
5 ING, UNSUCCESSFUL EFFORTS MADE BY THE SOCIAL SERVICES DISTRICT TO RETURN  
6 THE CHILD HOME OR SECURE A PLACEMENT FOR THE CHILD WITH A FIT AND WILL-  
7 ING RELATIVE INCLUDING ADULT SIBLINGS, A LEGAL GUARDIAN, OR AN ADOPTIVE  
8 PARENT, INCLUDING THROUGH EFFORTS THAT UTILIZE SEARCH TECHNOLOGY INCLUD-  
9 ING SOCIAL MEDIA TO FIND BIOLOGICAL FAMILY MEMBERS FOR CHILDREN, (II)  
10 THE STEPS THE SOCIAL SERVICES DISTRICT IS TAKING TO ENSURE THAT (A) THE  
11 CHILD'S FOSTER FAMILY HOME OR CHILD CARE FACILITY IS FOLLOWING THE  
12 REASONABLE AND PRUDENT PARENT STANDARD IN ACCORDANCE WITH GUIDANCE  
13 PROVIDED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES,  
14 AND (B) THE CHILD HAS REGULAR, ONGOING OPPORTUNITIES TO ENGAGE IN AGE OR  
15 DEVELOPMENTALLY APPROPRIATE ACTIVITIES INCLUDING BY CONSULTING WITH THE  
16 CHILD IN AN AGE-APPROPRIATE MANNER ABOUT THE OPPORTUNITIES OF THE CHILD  
17 TO PARTICIPATE IN ACTIVITIES; AND (2) THE SOCIAL SERVICES DISTRICT HAS  
18 DOCUMENTED TO THE COURT AND THE COURT HAS DETERMINED THAT THERE ARE  
19 compelling [reason] REASONS for determining that it [would] CONTINUES TO  
20 not be in the best interest of the child to return home, be referred for  
21 termination of parental rights and placed for adoption, placed with a  
22 fit and willing relative, or placed with a legal guardian; and (3) THE  
23 COURT HAS MADE A DETERMINATION EXPLAINING WHY, AS OF THE DATE OF THE  
24 HEARING, ANOTHER PLANNED LIVING ARRANGEMENT WITH A SIGNIFICANT  
25 CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE CHILD  
26 IS THE BEST PERMANENCY PLAN FOR THE CHILD; AND

27 (V) where the child will not be returned home, consideration of appro-  
28 priate in-state and out-of-state placements.

29 S 16. Subdivision (d-1) of section 756-a of the family court act, as  
30 added by section 4 of part B of chapter 327 of the laws of 2007, is  
31 amended to read as follows:

32 (d-1) At the permanency hearing, the court shall consult with the  
33 respondent in an age-appropriate manner regarding the permanency plan;  
34 PROVIDED, HOWEVER, THAT IF THE RESPONDENT IS AGE SIXTEEN OR OLDER AND  
35 THE REQUESTED PERMANENCY PLAN FOR THE RESPONDENT IS PLACEMENT IN ANOTHER  
36 PLANNED PERMANENT LIVING ARRANGEMENT WITH A SIGNIFICANT CONNECTION TO AN  
37 ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE RESPONDENT, THE COURT  
38 MUST ASK THE RESPONDENT ABOUT THE DESIRED PERMANENCY OUTCOME FOR THE  
39 RESPONDENT.

40 S 17. Paragraph (v) of subdivision (c) of section 1039-b of the family  
41 court act, as amended by section 5 of part B of chapter 327 of the laws  
42 of 2007, is amended to read as follows:

43 (v) should be placed in another planned permanent living arrangement  
44 WITH A SIGNIFICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY  
45 RESOURCE FOR THE CHILD IF THE CHILD IS AGE SIXTEEN OR OLDER AND if the  
46 [social services official has documented to the court a compelling  
47 reason for determining that it would not be in the best interests of the  
48 child to return home, be referred for termination of parental rights and  
49 placed for adoption, placed with a fit and willing relative, or placed  
50 with a legal guardian] REQUIREMENTS OF CLAUSE (E) OF SUBPARAGRAPH (I) OF  
51 PARAGRAPH TWO OF SUBDIVISION (D) OF SECTION ONE THOUSAND EIGHTY-NINE OF  
52 THIS CHAPTER HAVE BEEN MET. The social services official shall there-  
53 after make reasonable efforts to place the child in a timely manner,  
54 including consideration of appropriate in-state and out-of-state place-  
55 ments, and to complete whatever steps are necessary to finalize the  
56 permanent placement of the child as set forth in the permanency plan

1 approved by the court. If reasonable efforts are determined by the court  
2 not to be required because of one of the grounds set forth in this para-  
3 graph, the social services official may file a petition for termination  
4 of parental rights in accordance with section three hundred  
5 eighty-four-b of the social services law.

6 S 18. Item (v) of clause 7 of subparagraph (A) of paragraph (i) of  
7 subdivision (b) of section 1052 of the family court act, as amended by  
8 section 7 of part B of chapter 327 of the laws of 2007, is amended to  
9 read as follows:

10 (v) should be placed in another planned permanent living arrangement  
11 that includes a significant connection to an adult [who is] willing to  
12 be a permanency resource for the child, IF THE CHILD IS AGE SIXTEEN OR  
13 OLDER AND if the [social services official has documented to the court a  
14 compelling reason for determining that it would not be in the best  
15 interest of the child to return home, be referred for termination of  
16 parental rights and placed for adoption, placed with a fit and willing  
17 relative, or placed with a legal guardian] REQUIREMENTS OF CLAUSE (E) OF  
18 SUBPARAGRAPH (I) OF PARAGRAPH TWO OF SUBDIVISION (D) OF SECTION ONE  
19 THOUSAND EIGHTY-NINE OF THE CHAPTER HAVE BEEN MET. The social services  
20 official shall thereafter make reasonable efforts to place the child in  
21 a timely manner, including consideration of appropriate in-state and  
22 out-of-state placements, and to complete whatever steps are necessary to  
23 finalize the permanent placement of the child as set forth in the  
24 permanency plan approved by the court. If reasonable efforts are deter-  
25 mined by the court not to be required because of one of the grounds set  
26 forth in this paragraph, the social services official may file a peti-  
27 tion for termination of parental rights in accordance with section three  
28 hundred eighty-four-b of the social services law.

29 S 19. Subparagraph (v) of paragraph 1 of subdivision (c) of section  
30 1089 of the family court act, as added by section 27 of part A of chap-  
31 ter 3 of the laws of 2005, is amended to read as follows:

32 (v) placement in another planned permanent living arrangement that  
33 includes a significant connection to an adult who is willing to be a  
34 permanency resource for the child IF THE CHILD IS AGE SIXTEEN OR OLDER,  
35 including documentation of: (A) INTENSIVE, ONGOING, AND, AS OF THE DATE  
36 OF THE HEARING, UNSUCCESSFUL EFFORTS TO RETURN THE CHILD HOME OR SECURE  
37 A PLACEMENT FOR THE CHILD WITH A FIT AND WILLING RELATIVE INCLUDING  
38 ADULT SIBLINGS, A LEGAL GUARDIAN, OR AN ADOPTIVE PARENT, INCLUDING  
39 THROUGH EFFORTS THAT UTILIZE SEARCH TECHNOLOGY INCLUDING SOCIAL MEDIA TO  
40 FIND BIOLOGICAL FAMILY MEMBERS FOR CHILDREN, (B) THE STEPS BEING TAKEN  
41 TO ENSURE THAT (I) THE CHILD'S FOSTER FAMILY HOME OR CHILD CARE FACILITY  
42 IS FOLLOWING THE REASONABLE AND PRUDENT PARENT STANDARD IN ACCORDANCE  
43 WITH THE GUIDANCE PROVIDED BY THE UNITED STATES DEPARTMENT OF HEALTH AND  
44 HUMAN SERVICES, AND (II) THE CHILD HAS REGULAR, ONGOING OPPORTUNITIES TO  
45 ENGAGE IN AGE OR DEVELOPMENTALLY APPROPRIATE ACTIVITIES INCLUDING BY  
46 CONSULTING WITH THE CHILD IN AN AGE-APPROPRIATE MANNER ABOUT THE OPPOR-  
47 TUNITIES OF THE CHILD TO PARTICIPATE IN ACTIVITIES, AND (C) the compel-  
48 ling [reason] REASONS for determining that it [would] CONTINUES TO not  
49 be in the best interests of the child to be returned home, placed for  
50 adoption, placed with a legal guardian, or placed with a fit and willing  
51 relative;

52 S 20. The opening paragraph of subdivision (d) of section 1089 of the  
53 family court act, as amended by chapter 334 of the laws of 2009, is  
54 amended to read as follows:

55 Evidence, court findings and order. The provisions of subdivisions (a)  
56 and (c) of section one thousand forty-six of this act shall apply to all



1 proceedings under this article. THE PERMANENCY HEARING SHALL INCLUDE AN  
2 AGE APPROPRIATE CONSULTATION WITH THE CHILD; PROVIDED, HOWEVER THAT IF  
3 THE CHILD IS AGE SIXTEEN OR OLDER AND THE REQUESTED PERMANENCY PLAN FOR  
4 THE CHILD IS PLACEMENT IN ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT  
5 WITH A SIGNIFICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY  
6 RESOURCE FOR THE CHILD, THE COURT MUST ASK THE CHILD ABOUT THE DESIRED  
7 PERMANENCY OUTCOME FOR THE CHILD. At the conclusion of each permanency  
8 hearing, the court shall, upon the proof adduced, [which shall include  
9 age-appropriate consultation with the child who is the subject of the  
10 permanency hearing,] and in accordance with the best interests and safe-  
11 ty of the child, including whether the child would be at risk of abuse  
12 or neglect if returned to the parent or other person legally responsi-  
13 ble, determine and issue its findings, and enter an order of disposition  
14 in writing:

15 S 21. Clause (E) of subparagraph (i) of paragraph 2 of subdivision (d)  
16 of section 1089 of the family court act, as added by section 27 of part  
17 A of chapter 3 of the laws of 2005, is amended to read as follows:

18 (E) placement in another planned permanent living arrangement that  
19 includes a significant connection to an adult willing to be a permanency  
20 resource for the child if the [local social services official has docu-  
21 mented to] CHILD IS AGE SIXTEEN OR OLDER AND the court [a] HAS DETER-  
22 MINED THAT AS OF THE DATE OF THE PERMANENCY HEARING, ANOTHER PLANNED  
23 PERMANENCY LIVING ARRANGEMENT WITH A SIGNIFICANT CONNECTION TO AN ADULT  
24 WILLING TO BE A PERMANENCY RESOURCE FOR THE CHILD IS THE BEST PERMANENCY  
25 PLAN FOR THE CHILD AND THERE ARE compelling [reason] REASONS for deter-  
26 mining that it [would] CONTINUES TO not be in the best interests of the  
27 child to return home, be referred for termination of parental rights and  
28 placed for adoption, placed with a fit and willing relative, or placed  
29 with a legal guardian;

30 S 22. Subdivision 2 of section 4173 of the public health law, as  
31 amended by chapter 644 of the laws of 1988, is amended to read as  
32 follows:

33 2. A certified copy or certified transcript of a birth record shall be  
34 issued only upon order of a court of competent jurisdiction or upon a  
35 specific request therefor by the person, if eighteen years of age or  
36 more, or by a parent or other lawful representative of the person to  
37 whom the record of birth relates INCLUDING AN AUTHORIZED REPRESENTATIVE  
38 OF THE OFFICE OF CHILDREN AND FAMILY SERVICES OR A LOCAL SOCIAL SERVICES  
39 DISTRICT IF THE PERSON IS IN THE CARE AND CUSTODY OR CUSTODY AND GUARDI-  
40 ANSHIP OF SUCH ENTITY.

41 S 23. Paragraph (b) of subdivision 1 of section 4174 of the public  
42 health law, as amended by chapter 396 of the laws of 1989, is amended to  
43 read as follows:

44 (b) issue certified copies or certified transcripts of birth certifi-  
45 cates only (1) upon order of a court of competent jurisdiction, or (2)  
46 upon specific request therefor by the person, if eighteen years of age  
47 or more, or by a parent or other lawful representative of the person, to  
48 whom the record of birth relates INCLUDING AUTHORIZED REPRESENTATIVES OF  
49 A LOCAL SOCIAL SERVICES DISTRICT IF THE PERSON IS IN THE CARE AND CUSTO-  
50 DY OR CUSTODY AND GUARDIANSHIP OF SUCH DISTRICT, or (3) upon specific  
51 request therefor by a department of a state or the federal government of  
52 the United States;

53 S 24. Subdivision 4 of section 4174 of the public health law, as  
54 amended by section 132 of subpart B of part C of chapter 62 of the laws  
55 of 2011, is amended to read as follows:

1 4. No fee shall be charged for a search, certification, certificate,  
2 certified copy or certified transcript of a record to be used for school  
3 entrance, employment certificate or for purposes of public relief or  
4 when required by the veterans administration to be used in determining  
5 the eligibility of any person to participate in the benefits made avail-  
6 able by the veterans administration or when required by a board of  
7 elections for the purposes of determining voter eligibility or when  
8 requested by the department of corrections and community supervision or  
9 a local correctional facility as defined in subdivision sixteen of  
10 section two of the correction law for the purpose of providing a certi-  
11 fied copy or certified transcript of birth to an inmate in anticipation  
12 of such inmate's release from custody or when requested by the office of  
13 children and family services or an authorized agency for the purpose of  
14 providing a certified copy or certified transcript of birth to a youth  
15 placed in the CARE AND custody OR CUSTODY AND GUARDIANSHIP of the local  
16 commissioner of social services or the CARE AND custody OR CUSTODY AND  
17 GUARDIANSHIP of the office of children and family services [pursuant to  
18 article three of the family court act] in anticipation of such youth's  
19 discharge from placement OR FOSTER CARE.

20 S 25. Subdivision 1 of section 837-e of the executive law, as amended  
21 by chapter 690 of the laws of 1994, is amended to read as follows:

22 1. There is hereby established through electronic data processing and  
23 related procedures, a statewide central register for missing children  
24 which shall be compatible with the national crime information center  
25 register maintained pursuant to the federal missing children act of  
26 nineteen hundred eighty-two[, such missing]. AS USED IN THIS ARTICLE,  
27 THE TERM MISSING child [hereinafter defined as] SHALL MEAN any person  
28 under the age of eighteen years, OR ANY YOUTH, UNDER THE AGE OF TWENTY-  
29 ONE YEARS, THAT THE OFFICE OF CHILDREN AND FAMILY SERVICES OR A LOCAL  
30 DEPARTMENT OF SOCIAL SERVICES HAS RESPONSIBILITY FOR PLACEMENT, CARE, OR  
31 SUPERVISION, OR WHO IS THE SUBJECT CHILD OF A CHILD PROTECTIVE INVESTI-  
32 GATION, IS RECEIVING SERVICES UNDER SECTION 477 OF THE SOCIAL SECURITY  
33 ACT, OR HAS RUN AWAY FROM FOSTER CARE, WHERE SUCH OFFICE OR DEPARTMENT  
34 HAS REASONABLE CAUSE TO BELIEVE THAT SUCH YOUTH IS, OR IS AT RISK OF  
35 BEING, A SEX TRAFFICKING VICTIM, WHO IS missing from his or her normal  
36 and ordinary place of residence and whose whereabouts cannot be deter-  
37 mined by a person responsible for the child's care and any child known  
38 to have been taken, enticed or concealed from the custody of his or her  
39 lawful guardian by a person who has no legal right to do so.

40 S 26. Severability. If any clause, sentence, paragraph, subdivision,  
41 section or part contained in any part of this act shall be adjudged by  
42 any court of competent jurisdiction to be invalid, such judgment shall  
43 not affect, impair, or invalidate the remainder thereof, but shall be  
44 confined in its operation to the clause, sentence, paragraph, subdivi-  
45 sion, section or part contained in any part thereof directly involved in  
46 the controversy in which such judgment shall have been rendered. It is  
47 hereby declared to be the intent of the legislature that this act would  
48 have been enacted even if such invalid provisions had not been included  
49 herein.

50 S 27. This act shall take effect immediately, provided however that  
51 sections eight through twenty-four of this act shall take effect Septem-  
52 ber 1, 2015 and section twenty-five of this act shall take effect Janu-  
53 ary 1, 2016.

1 Section 1. Notwithstanding any other provision of law, the housing  
2 trust fund corporation may provide, for purposes of the rural rental  
3 assistance program, a sum not to exceed twenty-one million six hundred  
4 forty-two thousand dollars for the fiscal year ending March 31, 2016.  
5 Notwithstanding any other provision of law, and subject to the approval  
6 of the New York state director of the budget, the board of directors of  
7 the state of New York mortgage agency shall authorize the transfer to  
8 the housing trust fund corporation, for the purposes of reimbursing any  
9 costs associated with rural rental assistance program contracts author-  
10 ized by this section, a total sum not to exceed twenty-one million six  
11 hundred forty-two thousand dollars, such transfer to be made from (i)  
12 the special account of the mortgage insurance fund created pursuant to  
13 section 2429-b of the public authorities law, in an amount not to exceed  
14 the actual excess balance in the special account of the mortgage insur-  
15 ance fund, as determined and certified by the state of New York mortgage  
16 agency for the fiscal year 2014-2015 in accordance with section 2429-b  
17 of the public authorities law, if any, and/or (ii) provided that the  
18 reserves in the project pool insurance account of the mortgage insurance  
19 fund created pursuant to section 2429-b of the public authorities law  
20 are sufficient to attain and maintain the credit rating (as determined  
21 by the state of New York mortgage agency) required to accomplish the  
22 purposes of such account, the project pool insurance account of the  
23 mortgage insurance fund, such transfer to be made as soon as practicable  
24 but no later than June 30, 2015. Notwithstanding any other provision of  
25 law, such funds may be used by the corporation in support of contracts  
26 scheduled to expire in the fiscal year ending March 31, 2016 for as many  
27 as 10 additional years; in support of contracts for new eligible  
28 projects for a period not to exceed 5 years; and in support of contracts  
29 which reach their 25 year maximum in and/or prior to the fiscal year  
30 ending March 31, 2016 for an additional one year period.

31 S 2. Notwithstanding any other provision of law, the housing finance  
32 agency may provide, for costs associated with the rehabilitation of  
33 Mitchell Lama housing projects, a sum not to exceed forty-two million  
34 dollars for the fiscal year ending March 31, 2016. Notwithstanding any  
35 other provision of law, and provided that the reserves in the project  
36 pool insurance account of the mortgage insurance fund created pursuant  
37 to section 2429-b of the public authorities law are sufficient to attain  
38 and maintain the credit rating (as determined by the state of New York  
39 mortgage agency) required to accomplish the purposes of such account,  
40 the board of directors of the state of New York mortgage agency shall  
41 authorize the transfer from the project pool insurance account of the  
42 mortgage insurance fund to the housing finance agency, for the purposes  
43 of reimbursing any costs associated with Mitchell Lama housing projects  
44 authorized by this section, a total sum not to exceed forty-two million  
45 dollars as soon as practicable but no later than March 31, 2016.

46 S 3. Notwithstanding any other provision of law, the housing trust  
47 fund corporation may provide, for purposes of the neighborhood preserva-  
48 tion program, a sum not to exceed eight million four hundred seventy-  
49 nine thousand dollars for the fiscal year ending March 31, 2016.  
50 Notwithstanding any other provision of law, and subject to the approval  
51 of the New York state director of the budget, the board of directors of  
52 the state of New York mortgage agency shall authorize the transfer to  
53 the housing trust fund corporation, for the purposes of reimbursing any  
54 costs associated with neighborhood preservation program contracts  
55 authorized by this section, a total sum not to exceed eight million four  
56 hundred seventy-nine thousand dollars, such transfer to be made from (i)

1 the special account of the mortgage insurance fund created pursuant to  
2 section 2429-b of the public authorities law, in an amount not to exceed  
3 the actual excess balance in the special account of the mortgage insur-  
4 ance fund, as determined and certified by the state of New York mortgage  
5 agency for the fiscal year 2014-2015 in accordance with section 2429-b  
6 of the public authorities law, if any, and/or (ii) provided that the  
7 reserves in the project pool insurance account of the mortgage insurance  
8 fund created pursuant to section 2429-b of the public authorities law  
9 are sufficient to attain and maintain the credit rating (as determined  
10 by the state of New York mortgage agency) required to accomplish the  
11 purposes of such account, the project pool insurance account of the  
12 mortgage insurance fund, such transfer to be made as soon as practicable  
13 but no later than June 30, 2015.

14 S 4. Notwithstanding any other provision of law, the housing trust  
15 fund corporation may provide, for purposes of the rural preservation  
16 program, a sum not to exceed three million five hundred thirty-nine  
17 thousand dollars for the fiscal year ending March 31, 2016. Notwith-  
18 standing any other provision of law, and subject to the approval of the  
19 New York state director of the budget, the board of directors of the  
20 state of New York mortgage agency shall authorize the transfer to the  
21 housing trust fund corporation, for the purposes of reimbursing any  
22 costs associated with rural preservation program contracts authorized by  
23 this section, a total sum not to exceed three million five hundred thir-  
24 ty-nine thousand dollars, such transfer to be made from (i) the special  
25 account of the mortgage insurance fund created pursuant to section  
26 2429-b of the public authorities law, in an amount not to exceed the  
27 actual excess balance in the special account of the mortgage insurance  
28 fund, as determined and certified by the state of New York mortgage  
29 agency for the fiscal year 2014-2015 in accordance with section 2429-b  
30 of the public authorities law, if any, and/or (ii) provided that the  
31 reserves in the project pool insurance account of the mortgage insurance  
32 fund created pursuant to section 2429-b of the public authorities law  
33 are sufficient to attain and maintain the credit rating (as determined  
34 by the state of New York mortgage agency) required to accomplish the  
35 purposes of such account, the project pool insurance account of the  
36 mortgage insurance fund, such transfer to be made as soon as practicable  
37 but no later than June 30, 2015.

38 S 5. Notwithstanding any other provision of law, the housing trust  
39 fund corporation may provide, for purposes of the rural and urban commu-  
40 nity investment fund program created pursuant to article XXVII of the  
41 private housing finance law, a sum not to exceed seventeen million  
42 dollars for the fiscal year ending March 31, 2016. Notwithstanding any  
43 other provision of law, and provided that the reserves in the project  
44 pool insurance account of the mortgage insurance fund created pursuant  
45 to section 2429-b of the public authorities law are sufficient to attain  
46 and maintain the credit rating (as determined by the state of New York  
47 mortgage agency) required to accomplish the purposes of such account,  
48 the board of directors of the state of New York mortgage agency shall  
49 authorize the transfer from the project pool insurance account of the  
50 mortgage insurance fund to the housing trust fund corporation, for the  
51 purposes of reimbursing any costs associated with rural and urban commu-  
52 nity investment fund program contracts authorized by this section, a  
53 total sum not to exceed seventeen million dollars as soon as practicable  
54 but not later than March 31, 2016.

55 S 6. Notwithstanding any other provision of law, the housing trust  
56 fund corporation may provide, for the purposes of carrying out the

1 provisions of the low income housing trust fund program created pursuant  
2 to article XVIII of the private housing finance law, a sum not to exceed  
3 seven million five hundred thousand dollars for the fiscal year ending  
4 March 31, 2016. Notwithstanding any other provision of law, and provided  
5 that reserves in the project pool insurance account of the mortgage  
6 insurance fund created pursuant to section 2429-b of the public authori-  
7 ties law are sufficient to attain and maintain the credit rating (as  
8 determined by the state of New York mortgage agency) required to accom-  
9 plish the purposes of such account, the board of directors of the state  
10 of New York mortgage agency shall authorize the transfer from the  
11 project pool insurance account of the mortgage insurance fund to the  
12 housing trust fund corporation, for the purposes of carrying out the  
13 provisions of the low income housing trust fund program created pursuant  
14 to article XVIII of the private housing finance law authorized by this  
15 section, a total sum not to exceed seven million five hundred thousand  
16 dollars as soon as practicable but no later than March 31, 2016.

17 S 7. Notwithstanding any other provision of law, the housing trust  
18 fund corporation may provide, for purposes of the homes for working  
19 families program for deposit in the housing trust fund created pursuant  
20 to section 59-a of the private housing finance law and subject to the  
21 provisions of article XVIII of the private housing finance law, a sum  
22 not to exceed eight million five hundred thousand dollars for the fiscal  
23 year ending March 31, 2016. Notwithstanding any other provision of law,  
24 and provided that the reserves in the project pool insurance account of  
25 the mortgage insurance fund created pursuant to section 2429-b of the  
26 public authorities law are sufficient to attain and maintain the credit  
27 rating (as determined by the state of New York mortgage agency) required  
28 to accomplish the purposes of such account, the board of directors of  
29 the state of New York mortgage agency shall authorize the transfer from  
30 the project pool insurance account of the mortgage insurance fund to the  
31 housing trust fund corporation, for the purposes of reimbursing any  
32 costs associated with homes for working families program contracts  
33 authorized by this section, a total sum not to exceed eight million five  
34 hundred thousand dollars as soon as practicable but no later than March  
35 31, 2016.

36 S 8. Notwithstanding any other provision of law, the homeless housing  
37 and assistance corporation may provide, for purposes of the New York  
38 state supportive housing program, the solutions to end homelessness  
39 program or the operational support for AIDS housing program, or to qual-  
40 ified grantees under those programs, in accordance with the requirements  
41 of those programs, a sum not to exceed sixteen million three hundred  
42 forty thousand dollars for the fiscal year ending March 31, 2016. The  
43 homeless housing and assistance corporation may enter into an agreement  
44 with the office of temporary and disability assistance to administer  
45 such sum in accordance with the requirements of the programs. Notwith-  
46 standing any other provision of law, and subject to the approval of the  
47 director of the budget, the board of directors of the state of New York  
48 mortgage agency shall authorize the transfer to the homeless housing and  
49 assistance corporation, a total sum not to exceed sixteen million three  
50 hundred forty thousand dollars, such transfer to be made from (i) the  
51 special account of the mortgage insurance fund created pursuant to  
52 section 2429-b of the public authorities law, in an amount not to exceed  
53 the actual excess balance in the special account of the mortgage insur-  
54 ance fund, as determined and certified by the state of New York mortgage  
55 agency for the fiscal year 2014-2015 in accordance with section 2429-b  
56 of the public authorities law, if any, and/or (ii) provided that the

1 reserves in the project pool insurance account of the mortgage insurance  
2 fund created pursuant to section 2429-b of the public authorities law  
3 are sufficient to attain and maintain the credit rating (as determined  
4 by the state of New York mortgage agency) required to accomplish the  
5 purposes of such account, the project pool insurance account of the  
6 mortgage insurance fund, such transfer to be made as soon as practicable  
7 but no later than March 31, 2016.

8 S 9. This act shall take effect immediately.

9

PART N

10 Section 1. Subdivision 1 of section 652 of the labor law, as amended  
11 by section 1 of part P of chapter 57 of the laws of 2013, is amended to  
12 read as follows:

13 1. Statutory. Every employer shall pay to each of its employees for  
14 each hour worked a wage of not less than:

15 \$4.25 on and after April 1, 1991,  
16 \$5.15 on and after March 31, 2000,  
17 \$6.00 on and after January 1, 2005,  
18 \$6.75 on and after January 1, 2006,  
19 \$7.15 on and after January 1, 2007,  
20 \$8.00 on and after December 31, 2013,  
21 \$8.75 on and after December 31, 2014,  
22 \$9.00 on and after December 31, 2015,

23 \$11.50 IN A CITY WITH A POPULATION IN EXCESS OF ONE MILLION AND \$10.50  
24 IN THE REMAINDER OF THE STATE ON AND AFTER DECEMBER 31, 2016 or, if  
25 greater, such other wage as may be established by federal law pursuant  
26 to 29 U.S.C. section 206 or its successors  
27 or such other wage as may be established in accordance with the  
28 provisions of this article.

29 S 2. The labor law is amended to add a new section 525 to read as  
30 follows:

31 S 525. HIGH QUARTER THRESHOLD. FOR PURPOSES OF THIS ARTICLE, "HIGH  
32 QUARTER THRESHOLD" SHALL EQUAL TWO HUNDRED TWENTY-ONE TIMES THE MINIMUM  
33 WAGE RATE SPECIFIED BELOW ROUNDED DOWN TO THE NEAREST ONE HUNDRED  
34 DOLLARS. THE MINIMUM WAGE RATE REFERENCED ABOVE SHALL BE A SINGLE HOURLY  
35 RATE THAT: (I) IS LISTED IN SUBDIVISION ONE OF SECTION SIX HUNDRED  
36 FIFTY-TWO OF THIS CHAPTER; (II) IS A GENERAL RATE THAT IS NOT RESTRICTED  
37 TO SPECIFIED LOCALITIES, INDUSTRIES, OCCUPATIONS OR EMPLOYMENTS AND;  
38 (III) WAS IN EFFECT 18 MONTHS BEFORE THE MONDAY OF THE WEEK THAT THE  
39 CLAIM WAS FILED, AS DETERMINED BY THE COMMISSIONER.

40 S 3. Subdivisions 1 and 2 of section 527 of the labor law, subdivision  
41 1 as amended by section 2 of part O of chapter 57 of the laws of 2013  
42 and subdivision 2 as amended by section 5 of chapter 589 of the laws of  
43 1998, are amended to read as follows:

44 S 527. Valid original claim. 1. Basic condition. "Valid original  
45 claim" is a claim filed by a claimant who meets the following qualifica-  
46 tions: (a) is able to work, and available for work; (b) is not subject  
47 to any disqualification or suspension under this article; (c) his or her  
48 previously established benefit year, if any, has expired; (d) has been  
49 paid remuneration by employers liable for contributions or for payments  
50 in lieu of contributions under this article, other than employers from  
51 whom the claimant lost employment and for which the commissioner makes a  
52 determination disqualifying the claimant for misconduct pursuant to  
53 subdivisions three and six of section five hundred ninety-three of this  
54 article, for employment during at least two calendar quarters of the

1 base period, with remuneration of one and one-half times the high calen-  
2 dar quarter remuneration within the base period and with REMUNERATION  
3 DURING THE HIGH CALENDAR QUARTER OF NO LESS THAN THE HIGH QUARTER THRES-  
4 HOLD [at least two hundred twenty-one times the minimum wage established  
5 under subdivision one of section six hundred fifty-two of this chapter  
6 rounded down to the nearest one hundred dollars of such remuneration  
7 being paid during the high calendar quarter of such base period]. For  
8 purposes of this section, the remuneration in the high calendar quarter  
9 of the base period used in determining a valid original claim shall not  
10 exceed an amount equal to twenty-two times the maximum benefit rate as  
11 set forth in subdivision five of section five hundred ninety of this  
12 article for all individuals.

13 2. Alternate condition. (a) An individual who is unable to file a  
14 valid original claim in accordance with subdivision one of this section,  
15 files a valid original claim by meeting the qualifications enumerated in  
16 paragraphs (a), (b) and (c) of subdivision one of this section and by  
17 having been paid remuneration by employers liable for contributions or  
18 for payments in lieu of contributions under this article, other than  
19 employers from whom the claimant lost employment and for which the  
20 commissioner makes a determination disqualifying the claimant for  
21 misconduct pursuant to subdivisions three and six of section five  
22 hundred ninety-three of this article, for employment during at least two  
23 calendar quarters of the base period, with remuneration of one and one-  
24 half times the high calendar quarter remuneration within the base period  
25 and with REMUNERATION DURING THE HIGH CALENDAR QUARTER OF NO LESS THAN  
26 THE HIGH QUARTER THRESHOLD [at least two hundred twenty-one times the  
27 minimum wage established under subdivision one of section six hundred  
28 fifty-two of this chapter rounded down to the nearest one hundred  
29 dollars of such remuneration being paid during the high calendar quarter  
30 of such base period]. For purposes of this section, the remuneration in  
31 the high calendar quarter of the base period used in determining a valid  
32 original claim shall not exceed an amount equal to twenty-two times the  
33 maximum benefit rate as set forth in subdivision five of section five  
34 hundred ninety of this article for all individuals.

35 S 4. This act shall take effect immediately provided, however, that  
36 sections two and three of this act shall take effect December 31, 2016.

37

## PART O

38 Section 1. The labor law is amended by adding a new section 202-m to  
39 read as follows:

40 S 202-M. HEALTHCARE PROFESSIONALS WHO VOLUNTEER TO FIGHT THE EBOLA  
41 VIRUS DISEASE OVERSEAS. 1. FINDINGS AND POLICY OF THE STATE. IT IS HERE-  
42 BY FOUND AND DECLARED THAT THE EBOLA VIRUS DISEASE IS A RARE AND POTEN-  
43 Tially DEADLY DISEASE CAUSED BY INFECTION WITH ONE OF FOUR EBOLA VIRUS  
44 STRAINS KNOWN TO CAUSE DISEASE IN HUMANS, THAT THE WORLD HEALTH ORGAN-  
45 IZATION HAS DECLARED THAT THE CURRENT EBOLA VIRUS DISEASE OUTBREAK IN  
46 WEST AFRICA CONSTITUTES A PUBLIC HEALTH EMERGENCY OF INTERNATIONAL  
47 CONCERN, AND THAT THE CENTERS FOR DISEASE CONTROL AND PREVENTION OF THE  
48 UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES HAS REPORTED THAT  
49 THE NUMBER OF FUTURE EBOLA VIRUS DISEASE CASES WILL REACH EXTRAORDINARY  
50 LEVELS WITHOUT A SCALE-UP OF INTERVENTIONS. IT IS HEREBY DECLARED TO BE  
51 THE POLICY OF THE STATE TO WORK WITH ITS INTERNATIONAL PARTNERS TO HELP  
52 ERADICATE THE EBOLA VIRUS DISEASE BY SUPPORTING THE DEDICATED NEW YORK  
53 STATE HEALTHCARE PROFESSIONALS WHO SEEK TO PROVIDE INVALUABLE HELP TO  
54 THIS EFFORT.

1 2. BILL OF RIGHTS. A HEALTHCARE PROFESSIONAL WHO VOLUNTEERS TO FIGHT  
2 EBOLA IS PROTECTED BY EXISTING STATE LAWS THAT PROHIBIT DISCRIMINATION  
3 ON THE BASIS OF AN ACTUAL OR PERCEIVED DISABILITY. UPON RETURN FROM  
4 FIGHTING EBOLA OVERSEAS, A HEALTHCARE PROFESSIONAL WILL BE PROVIDED WITH  
5 A BILL OF RIGHTS OUTLINING THESE EXISTING ANTI-DISCRIMINATION LAWS. IN  
6 ADDITION TO THESE EXISTING ANTI-DISCRIMINATION LAWS, AND IN ACCORDANCE  
7 WITH THE PROVISIONS OF THIS SECTION, HEALTHCARE PROFESSIONALS SHALL HAVE  
8 THE RIGHT TO SEEK A LEAVE OF ABSENCE TO VOLUNTEER TO FIGHT EBOLA OVER-  
9 SEAS WITHOUT ADVERSE EMPLOYMENT CONSEQUENCES.

10 3. DEFINITIONS. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS  
11 SHALL HAVE THE FOLLOWING MEANINGS:

12 (A) "EMPLOYEE" MEANS ANY INDIVIDUAL HEALTHCARE PROFESSIONAL WHO  
13 PERFORMS SERVICES FOR HIRE FOR AN EMPLOYER BUT SHALL NOT INCLUDE AN  
14 INDEPENDENT CONTRACTOR.

15 (B) "EMPLOYER" MEANS A PERSON OR ENTITY THAT EMPLOYS A HEALTHCARE  
16 PROFESSIONAL AND INCLUDES AN INDIVIDUAL, CORPORATION, LIMITED LIABILITY  
17 COMPANY, PARTNERSHIP, ASSOCIATION, NONPROFIT ORGANIZATION, GROUP OF  
18 PERSONS, COUNTY, TOWN, CITY, SCHOOL DISTRICT, PUBLIC AUTHORITY, STATE  
19 AGENCY, OR OTHER GOVERNMENTAL SUBDIVISION OF ANY KIND.

20 (C) "FIGHT EBOLA" MEANS TO SERVE AS A HEALTHCARE PROFESSIONAL IN A  
21 COUNTRY THAT HAS BEEN CLASSIFIED AS HAVING WIDESPREAD TRANSMISSION OF  
22 THE EBOLA VIRUS DISEASE BY THE CENTERS FOR DISEASE CONTROL AND  
23 PREVENTION OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

24 (D) "HEALTHCARE PROFESSIONAL" MEANS:

25 (I) A PHYSICIAN LICENSED PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE OF  
26 THE EDUCATION LAW;

27 (II) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO ARTICLE ONE HUNDRED  
28 THIRTY-ONE-B OF THE EDUCATION LAW;

29 (III) A NURSE PRACTITIONER LICENSED PURSUANT TO ARTICLE ONE HUNDRED  
30 THIRTY-NINE OF THE EDUCATION LAW;

31 (IV) A REGISTERED PROFESSIONAL NURSE LICENSED PURSUANT TO ARTICLE ONE  
32 HUNDRED THIRTY-NINE OF THE EDUCATION LAW; AND

33 (V) OTHER HEALTHCARE PROFESSIONS AS ADDED BY THE COMMISSIONER.

34 (E) "LEAVE OF ABSENCE" MEANS TIME AWAY FROM WORK THAT IS EXCUSED. SUCH  
35 TIME SHALL BE UNPAID, UNLESS THE EMPLOYEE REQUESTS THAT SUCH TIME, OR A  
36 PORTION THEREOF, BE PAID PURSUANT TO A CHARGE AGAINST PAID LEAVE THAT  
37 HAS ACCRUED TO SUCH EMPLOYEE.

38 (F) "UNDUE HARDSHIP" MEANS AN ABSENCE REQUIRING SIGNIFICANT EXPENSE OR  
39 DIFFICULTY, INCLUDING A SIGNIFICANT INTERFERENCE WITH THE SAFE OR EFFI-  
40 CIENT OPERATION OF THE WORKPLACE OR A VIOLATION OF A BONA FIDE SENIORITY  
41 SYSTEM. FACTORS TO BE CONSIDERED IN DETERMINING WHETHER AN ABSENCE  
42 CONSTITUTES AN UNDUE ECONOMIC HARDSHIP SHALL INCLUDE, BUT NOT BE LIMITED  
43 TO THE IDENTIFIABLE COST OF THE ABSENCE, INCLUDING THE COSTS OF LOSS OF  
44 PRODUCTIVITY AND OF RETRAINING, HIRING OR TRANSFER OF EMPLOYEES, IN  
45 RELATION TO THE SIZE AND OPERATING COSTS OF THE EMPLOYER AND OTHER KNOWN  
46 OR REASONABLY FORESEEABLE ABSENCES, THE OVERALL FINANCIAL RESOURCES OF  
47 THE EMPLOYER, THE NUMBER OF EMPLOYEES AT THE EMPLOYEE'S FACILITY, THE  
48 EMPLOYEE'S ROLE WITHIN THE FACILITY, THE TYPE OF OPERATION OF THE  
49 EMPLOYER, INCLUDING THE STRUCTURE AND FUNCTIONS OF THE EMPLOYEE WITHIN  
50 IT, THE IMPACT ON THE OPERATION OF THE EMPLOYER, AND THE EMPLOYER'S  
51 ABILITY TO HIRE TEMPORARY OR NEW EMPLOYEES WITH THE REQUISITE SKILLS TO  
52 ENSURE THE EMPLOYER'S CONTINUED OPERATIONS.

53 (G) "VOLUNTEER" MEANS TO FREELY OFFER SERVICES TO FIGHT EBOLA AND  
54 INCLUDES SUCH SERVICES WITHOUT REGARD TO WHETHER THEY ARE COMPENSATED.

55 4. LEAVE OF ABSENCE BY HEALTHCARE PROFESSIONALS WHO VOLUNTEER TO FIGHT  
56 EBOLA. AN EMPLOYEE COVERED BY THIS SECTION HAS THE RIGHT TO REQUEST A



1 LEAVE OF ABSENCE TO VOLUNTEER TO FIGHT EBOLA FROM HIS OR HER EMPLOYER AS  
2 HEREIN PROVIDED. AN EMPLOYER SHALL GRANT SUCH REQUEST FOR A LEAVE OF  
3 ABSENCE TO VOLUNTEER TO FIGHT EBOLA, UNLESS THE EMPLOYEE'S ABSENCE  
4 IMPOSES AN UNDUE HARDSHIP ON THE EMPLOYER'S BUSINESS OR OPERATIONS.

5 5. DURATION OF THE LEAVE OF ABSENCE. (A) THE DURATION OF THE LEAVE OF  
6 ABSENCE SHALL BE THE FULL TIME PERIOD REQUESTED BY THE EMPLOYEE, WHICH  
7 SHALL INCLUDE TRAVEL TIME, SERVICE VOLUNTEERING TO FIGHT EBOLA, AND A  
8 REASONABLE PERIOD OF REST AND RECOVERY. IF THE EMPLOYER DETERMINES THAT  
9 AN ABSENCE FOR THAT FULL PERIOD OF TIME WOULD CONSTITUTE AN UNDUE HARD-  
10 SHIP, THE EMPLOYER AND EMPLOYEE SHALL WORK TOGETHER TO DETERMINE WHETHER  
11 THERE IS A SHORTER PERIOD OF TIME THAT WOULD NOT CONSTITUTE AN UNDUE  
12 HARDSHIP THAT WOULD STILL ALLOW THE EMPLOYEE TO VOLUNTEER TO FIGHT  
13 EBOLA. IF THE EMPLOYER AND EMPLOYEE AGREE ON A SHORTER PERIOD, THAT  
14 SHALL BE THE DURATION OF THE LEAVE OF ABSENCE UNDER THIS PARAGRAPH.  
15 OTHERWISE, IF THEY ARE UNABLE TO AGREE ON A SHORTER PERIOD, THE LEAVE OF  
16 ABSENCE SHALL BE DEEMED DENIED.

17 (B) THE DURATION OF LEAVE OF ABSENCE, AS DETERMINED PURSUANT TO PARA-  
18 GRAPH (A) OF THIS SUBDIVISION SHALL BE EXTENDED TO INCLUDE ANY ADDI-  
19 TIONAL PERIOD OF TIME THAT THE EMPLOYEE BECOMES SUBJECT TO A MANDATORY  
20 QUARANTINE PERIOD IMPOSED AT THE END OF THE EMPLOYEE'S VOLUNTARY SERVICE  
21 TO FIGHT EBOLA.

22 6. LEAVE OF ABSENCE REQUEST. AN EMPLOYEE'S REQUEST FOR A LEAVE OF  
23 ABSENCE PURSUANT TO THIS SECTION SHALL BE MADE, IN WRITING, TO HIS OR  
24 HER EMPLOYER AT LEAST TWENTY-ONE DAYS PRIOR TO THE EMPLOYEE'S PROPOSED  
25 START DATE OF SUCH LEAVE OF ABSENCE. THE EMPLOYEE'S REQUEST SHALL, AT A  
26 MINIMUM:

27 (A) IDENTIFY THE DURATION OF LEAVE SOUGHT, INCLUDING THE ANTICIPATED  
28 START AND END DATES OF THE VOLUNTEER SERVICE, TOGETHER WITH ANY ADDI-  
29 TIONAL TIME SOUGHT FOR TRANSPORTATION AND FOR REST PRIOR TO RETURNING TO  
30 WORK;

31 (B) IDENTIFY THE SERVICE TO BE VOLUNTEERED, INCLUDING THE COUNTRY AND  
32 THE ORGANIZATION WITH WHOM THE EMPLOYEE WILL BE VOLUNTEERING; AND

33 (C) CERTIFY THAT SUCH SERVICE CONSTITUTES VOLUNTEERING TO FIGHT EBOLA,  
34 WITHIN THE MEANING OF THIS SECTION.

35 7. NOTARIZATION. UPON THE EMPLOYER'S REQUEST, AN EMPLOYEE WHO HAS BEEN  
36 GRANTED A LEAVE OF ABSENCE IN ACCORDANCE WITH THIS SECTION SHALL PROVIDE  
37 HIS OR HER EMPLOYER WITH A NOTARIZED STATEMENT FROM THE ORGANIZATION OR  
38 ENTITY WITH WHOM THE EMPLOYEE WILL BE VOLUNTEERING. THE STATEMENT SHALL:

39 (A) IDENTIFY THE ANTICIPATED START AND END DATES OF THE VOLUNTEER  
40 SERVICE AND THE TERMS OF SERVICE, INCLUDING ANY COMPENSATION AND BENE-  
41 FITS TO BE PROVIDED;

42 (B) IDENTIFY THE SERVICE TO BE VOLUNTEERED, INCLUDING THE COUNTRY AND  
43 THE ORGANIZATION WITH WHOM THE EMPLOYEE WILL BE VOLUNTEERING; AND

44 (C) CERTIFY THAT SUCH SERVICE CONSTITUTES VOLUNTEERING TO FIGHT EBOLA,  
45 WITHIN THE MEANING OF THIS SECTION.

46 8. BENEFITS DURING LEAVE. EMPLOYEES WHO TAKE LEAVE UNDER THIS SECTION  
47 SHALL BE RESTORED AT THE COMPLETION OF SUCH LEAVE TO THE SAME OR COMPA-  
48 RABLE POSITION WITHOUT LOSS OF SENIORITY, SHALL BE ENTITLED TO PARTIC-  
49 IPATE IN INSURANCE OR OTHER BENEFITS OFFERED BY THE EMPLOYER PURSUANT TO  
50 ESTABLISHED RULES AND PRACTICES RELATING TO EMPLOYEES ON FURLOUGH OR  
51 LEAVE OF ABSENCE IN EFFECT WITH THE EMPLOYER AT THE TIME SUCH EMPLOYEE  
52 MADE REQUEST TO TAKE LEAVE OF ABSENCE AS PROVIDED IN THIS SECTION.

53 9. RETALIATION PROHIBITED. AN EMPLOYER SHALL NOT RETALIATE AGAINST AN  
54 EMPLOYEE FOR REQUESTING OR OBTAINING A LEAVE OF ABSENCE AS PROVIDED BY  
55 THIS SECTION.

1 10. RETENTION OF BENEFITS. THE PROVISIONS OF THIS SECTION SHALL NOT  
2 AFFECT OR PREVENT AN EMPLOYER FROM PROVIDING LEAVE IN ADDITION TO LEAVE  
3 ALLOWED UNDER ANY OTHER PROVISION OF LAW. THE PROVISIONS OF THIS SECTION  
4 SHALL NOT AFFECT AN EMPLOYEE'S RIGHTS WITH RESPECT TO ANY OTHER EMPLOYEE  
5 BENEFIT PROVIDED BY LAW, RULE OR REGULATION.

6 11. COLLECTIVE BARGAINING. NOTHING SET FORTH IN THIS SECTION SHALL BE  
7 CONSTRUED TO IMPEDE, INFRINGE, OR DIMINISH THE RIGHTS AND BENEFITS THAT  
8 ACCRUE TO EMPLOYEES THROUGH BONA FIDE COLLECTIVE BARGAINING AGREEMENTS,  
9 OR OTHERWISE DIMINISH THE INTEGRITY OF AN EXISTING COLLECTIVE BARGAINING  
10 AGREEMENT.

11 12. REVIEW OF DENIAL OF LEAVE. AN EMPLOYEE WHOSE REQUEST FOR LEAVE  
12 UNDER THIS SECTION HAS BEEN DENIED MAY PETITION THE COMMISSIONER FOR  
13 REVIEW OF SUCH DENIAL, WHICH REVIEW SHALL BE EXPEDITIOUSLY CONDUCTED.

14 13. RULES AND REGULATIONS. THE COMMISSIONER MAY PROMULGATE SUCH RULES  
15 AND REGULATIONS AS MAY BE NECESSARY FOR THE PURPOSES OF CARRYING OUT THE  
16 PROVISIONS OF THIS SECTION.

17 S 2. This act shall take effect on the thirtieth day after it shall  
18 have become a law; provided, however, that subdivision four of section  
19 202-m of the labor law, as added by section one of this act, shall  
20 expire and be deemed repealed December 1, 2016, and provided, further  
21 that this act shall expire and be deemed repealed December 1, 2017.

22 PART P

23 Section 1. Subdivision 3 of section 204 of the labor law, as amended  
24 by section 2 of part A of chapter 57 of the laws of 2004, is amended to  
25 read as follows:

26 3. Fees. A fee of two hundred dollars shall be charged the owner or  
27 lessee of each boiler internally inspected and seventy-five dollars for  
28 each boiler externally inspected by the commissioner, provided however,  
29 that the external inspection of multiple boilers connected to a common  
30 header or of separate systems owned or leased by the same party and  
31 located in the same building, with a combined input which is 300,000  
32 BTU/hour or less, shall be charged a single inspection fee, and further  
33 provided that, not more than two hundred seventy-five dollars shall be  
34 charged for the inspection of any one boiler for any year; except that  
35 [in the case] NO FEE SHALL BE CHARGED FOR INTERNAL OR EXTERNAL  
36 INSPECTIONS BY THE COMMISSIONER of an antique steam engine maintained as  
37 a hobby and displayed at agricultural fairs and other gatherings[, a fee  
38 of twenty-five dollars only shall be charged the owner or lessee thereof  
39 for each boiler internally inspected by the commissioner and a fee of  
40 twenty-five dollars only shall be charged for each boiler externally  
41 inspected by the commissioner, but not more than fifty dollars shall be  
42 charged for the inspection of any one such boiler for any year, and  
43 except that in the case] OR of a miniature boiler [a fee of fifty  
44 dollars only shall be charged for the inspection of any one such boiler  
45 for any year. Such fee shall be payable within thirty days after  
46 inspection].

47 S 2. Subdivision 1 of section 212-b of the labor law, as amended by  
48 section 6 of part A of chapter 57 of the laws of 2004, is amended to  
49 read as follows:

50 1. No person shall operate a farm labor camp commissary, or cause or  
51 allow the operation of a farm labor camp commissary, without a permit  
52 from the commissioner to do so, and unless such permit is in full force  
53 and effect. Application for such permit shall be made on a form

1 prescribed by the commissioner [and shall be accompanied by a non-re-  
2 fundable fee of forty dollars].

3 S 3. Subdivision 1 of section 74 of chapter 784 of the laws of 1951,  
4 constituting the New York state defense emergency act, as amended by  
5 section 12 of part A of chapter 57 of the laws of 2004, is amended to  
6 read as follows:

7 1. Employers in defense work may make applications for dispensation  
8 pursuant to this article in such manner and upon such forms as the  
9 commissioner of labor shall prescribe. [Each application shall be  
10 accompanied by a non-refundable fee of forty dollars payable to the  
11 commissioner.] The commissioner of labor may, after hearing upon due  
12 notice, revoke dispensations not necessary to maintain maximum possible  
13 production in defense work.

14 S 4. Subdivision 5 of section 161 of the labor law, as amended by  
15 section 1 of part A of chapter 57 of the laws of 2004, is amended to  
16 read as follows:

17 5. If there shall be practical difficulties or unnecessary hardship in  
18 carrying out the provisions of this section or the rules promulgated  
19 hereunder, the commissioner may make a variation therefrom if the spirit  
20 of the act be observed and substantial justice done. Such variation  
21 shall describe the conditions under which it shall be permitted and  
22 shall apply to substantially similar conditions. A properly indexed  
23 record of variations shall be kept by the department. [Each application  
24 for a variation shall be accompanied by a non-refundable fee of forty  
25 dollars.]

26 S 5. Paragraph b of subdivision 4 of section 212-a of the labor law,  
27 as amended by section 5 of part A of chapter 57 of the laws of 2004, is  
28 amended to read as follows:

29 b. The application for such registration shall be made on a form  
30 prescribed by the commissioner, shall contain information on wages,  
31 working conditions, housing, and on such other matters as the commis-  
32 sioner may prescribe [and shall be accompanied by a non-refundable fee  
33 of forty dollars]. Copies of the application, or summaries thereof  
34 containing the above information, shall be made available by the commis-  
35 sioner to the registrant, and the registrant shall give a copy to each  
36 worker, preferably at the time of recruitment, but in no event later  
37 than the time of arrival in this state. A copy shall also be kept posted  
38 at all times in a conspicuous place in any camp in which such workers  
39 are housed.

40 S 6. Paragraph b of subdivision 2 of section 212-a of the labor law,  
41 as amended by section 4 of part A of chapter 57 of the laws of 2004, is  
42 amended to read as follows:

43 b. The application for such certificate of registration shall be made  
44 on a form prescribed by the commissioner, shall contain information on  
45 wages, working conditions, housing and on such other matters as the  
46 commissioner may prescribe [and shall be accompanied by a non-refundable  
47 fee of two hundred dollars]. It shall be countersigned by each grower or  
48 processor who utilizes the services of such farm labor contractor, as  
49 provided in subdivision three of this section. Copies of the applica-  
50 tion, or summaries thereof containing the above information, shall be  
51 made available by the commissioner to the registrant, and the registrant  
52 shall give a copy to each worker, preferably at the time of recruitment,  
53 but in no event later than the time of arrival in this state if the  
54 worker comes from outside of the state, or the time of commencement of  
55 work if the worker does not come from outside of the state. A copy shall  
56 also be kept posted at all times in a conspicuous place in any camp in

1 which such workers are housed. Each applicant shall submit his OR HER  
2 fingerprints with his OR HER application for a certificate of registra-  
3 tion. Such fingerprints shall be submitted to the division of criminal  
4 justice services for a state criminal history record check, as defined  
5 in subdivision one of section three thousand thirty-five of the educa-  
6 tion law, and may be submitted to the federal bureau of investigation  
7 for a national criminal history record check.

8 S 7. Subdivision 2 of section 352 of the labor law is REPEALED.

9 S 8. Subdivisions 5 and 6 of section 919 of the labor law, as added by  
10 chapter 565 of the laws of 2002, are amended to read as follows:

11 5. A professional employer organization shall be exempt from the  
12 registration requirements specified in this section [and from the fees  
13 specified in section nine hundred twenty of this article] if such  
14 professional employer organization:

15 (a) submits a properly executed request for registration and exemption  
16 on a form provided by the department;

17 (b) is domiciled outside this state and is licensed or registered as a  
18 professional employer organization in another state that has the same or  
19 greater requirements as this article;

20 (c) does not maintain an office in this state or solicit in any manner  
21 clients located or domiciled within this state; and

22 (d) does not have more than twenty-five worksite employees in this  
23 state.

24 6. The registration and exemption of a professional employer organiza-  
25 tion under subdivision five of this section shall be valid for one year.  
26 [Each de minimis registrant shall pay to the department upon initial  
27 registration, and upon each annual renewal thereafter, a registration  
28 fee in the amount of two hundred fifty dollars.]

29 S 9. Section 920 of the labor law is REPEALED.

30 S 10. Subdivision 4 of section 134 of the workers' compensation law,  
31 as amended by chapter 6 of the laws of 2007, is amended to read as  
32 follows:

33 4. Employers required to participate in the workplace safety and loss  
34 prevention program established by this section shall be permitted to  
35 utilize the services of either the department of labor, or a private  
36 safety and loss consultant which has been certified by the department of  
37 labor [and has paid the appropriate certification fee prescribed by  
38 rules and regulations promulgated under this section]. Private safety  
39 and loss consultants may charge employers a fee for their services[, and  
40 where employers elect to have the services provided by the department of  
41 labor, they shall pay for such services in accordance with fee schedules  
42 established by the department of labor's rules and regulations].

43 S 11. Subdivision 5 of section 134 of the workers' compensation law is  
44 REPEALED.

45 S 12. Subdivision 10 of section 134 of the workers' compensation law,  
46 as amended by chapter 6 of the laws of 2007 and as further amended by  
47 section 104 of part A of chapter 62 of the laws of 2011, is amended to  
48 read as follows:

49 10. The commissioner of labor, in consultation with the superintendent  
50 of financial services, shall promulgate rules and regulations for the  
51 certification of safety and loss management specialists. Such rules and  
52 regulations shall include provisions that outline the minimum qualifica-  
53 tions for safety and loss management specialists, procedures for certifi-  
54 cation, causes for revocation or suspension of certification and appro-  
55 priate administrative and judicial review procedures, AND violations and  
56 penalties for misuse of certification by certified safety and loss

1 management specialists[, and fees for certificate and certificate  
2 renewal].

3 S 13. Subdivision 2 of section 345-a of the labor law, as added by  
4 chapter 503 of the laws of 1998, is amended to read as follows:

5 2. For the purposes of this section, the exercise of reasonable care  
6 or diligence by a manufacturer or contractor shall be presumed if, prior  
7 to the execution of such contract or subcontract, and annually thereaft-  
8 er, such manufacturer or contractor receives from the department written  
9 assurance of compliance with section three hundred forty-one of this  
10 article. [The department may charge a reasonable fee for providing such  
11 assurance to a manufacturer or contractor.]

12 S 14. Subdivisions 6 and 7 of section 819 of the labor law are  
13 REPEALED and subdivision 5, as amended by chapter 319 of the laws of  
14 2004, is amended to read as follows:

15 5. The entity possesses a tag issued by the department with an iden-  
16 tification number affixed and identifying each machine[;].

17 S 15. Section 204-a of the labor law is REPEALED.

18 S 16. This act shall take effect immediately.

19

#### PART Q

20 Section 1. Subdivision 2 of section 355 of the education law is  
21 amended by adding a new paragraph f-1 to read as follows:

22 F-1. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, THE  
23 STATE UNIVERSITY OF NEW YORK BOARD OF TRUSTEES SHALL PASS A RESOLUTION  
24 BY DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, PROVIDING THAT STUDENTS  
25 ENROLLED IN AN ACADEMIC PROGRAM OF THE STATE UNIVERSITY OF NEW YORK  
26 SHALL BE REQUIRED TO PARTICIPATE IN AN APPROVED EXPERIENTIAL OR APPLIED  
27 LEARNING ACTIVITY AS A DEGREE REQUIREMENT. SUCH RESOLUTION SHALL DEFINE  
28 APPROVED EXPERIENTIAL OR APPLIED LEARNING ACTIVITIES, METHODS OF FACULTY  
29 OVERSIGHT AND ASSESSMENT, RESPONSIBILITIES OF BUSINESS, CORPORATE, NON-  
30 PROFIT OR OTHER ENTITIES HOSTING STUDENTS, AND A PLAN FOR FULL IMPLEMEN-  
31 TATION OF THIS REQUIREMENT.

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

34 18. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, THE  
35 CITY UNIVERSITY OF NEW YORK BOARD OF TRUSTEES SHALL PASS A RESOLUTION BY  
36 DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, PROVIDING THAT STUDENTS  
37 ENROLLED IN AN ACADEMIC PROGRAM OF THE CITY UNIVERSITY OF NEW YORK SHALL  
38 BE REQUIRED TO PARTICIPATE IN AN APPROVED EXPERIENTIAL OR APPLIED LEARN-  
39 ING ACTIVITY AS A DEGREE REQUIREMENT. SUCH RESOLUTION SHALL DEFINE  
40 APPROVED EXPERIENTIAL OR APPLIED LEARNING ACTIVITIES, METHODS OF FACULTY  
41 OVERSIGHT AND ASSESSMENT, RESPONSIBILITIES OF BUSINESS, CORPORATE, NON-  
42 PROFIT OR OTHER ENTITIES HOSTING STUDENTS, AND A PLAN FOR FULL IMPLEMEN-  
43 TATION OF THIS REQUIREMENT.

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

46

#### PART R

47 Section 1. Paragraph (a) of subdivision 1 of section 1 of part U of  
48 chapter 57 of the laws of 2005, relating to the New York state higher  
49 education capital matching grant program for independent colleges, as  
50 amended by section 1 of part H of chapter 56 of the laws of 2014, is  
51 amended to read as follows:

1 (a) The New York state higher education capital matching grant board  
2 is hereby created to have and exercise the powers, duties and preroga-  
3 tives provided by the provisions of this section and any other provision  
4 of law. The board shall remain in existence during the period of the New  
5 York state higher education capital matching grant program from the  
6 effective date of this section through [March 31, 2017, or] the date on  
7 which the last of the funds available for grants under this section  
8 shall have been disbursed[, whichever is earlier]; provided, however,  
9 that the termination of the existence of the board shall not affect the  
10 power and authority of the dormitory authority to perform its obli-  
11 gations with respect to any bonds, notes, or other indebtedness issued  
12 or incurred pursuant to authority granted in this section.

13 S 2. Paragraph (h) of subdivision 4 of section 1 of part U of chapter  
14 57 of the laws of 2005, relating to the New York state higher education  
15 capital matching grant program for independent colleges, as amended by  
16 section 2 of part H of chapter 56 of the laws of 2014, is amended to  
17 read as follows:

18 (h) In the event that any colleges do not apply for higher education  
19 capital matching grants by March 31, 2009, or in the event they apply  
20 for and are awarded, but do not use the full amount of such grants, the  
21 unused funds associated with such grants and any additional funds that  
22 become available shall thereafter be awarded to colleges on a compet-  
23 itive basis. The dormitory authority shall develop a request for  
24 proposals and application process, in consultation with the board, for  
25 higher education capital matching grants awarded pursuant to this para-  
26 graph, and shall develop criteria, subject to review by the board, for  
27 the awarding of such grants. Such criteria may include, but not be  
28 limited to the matching criteria contained in paragraph (c) of this  
29 subdivision, and application criteria set forth in paragraph (e) of this  
30 subdivision. [The dormitory authority shall require all applications in  
31 response to the request for proposals to be submitted by September 1,  
32 2014, and the board shall act on each application for such matching  
33 grants by November 1, 2014.]

34 S 3. Subclause (A) of clause (ii) of paragraph (j) of subdivision 4 of  
35 section 1 of part U of chapter 57 of the laws of 2005, relating to the  
36 New York state higher education capital matching grant program for inde-  
37 pendent colleges, as amended by section 3 of part H of chapter 56 of the  
38 laws of 2014, is amended to read as follows:

39 (A) Notwithstanding the provision of any general or special law to the  
40 contrary, and subject to the provisions of chapter 59 of the laws of  
41 2000 and to the making of annual appropriations therefor by the legisla-  
42 ture, in order to assist the dormitory authority in providing such high-  
43 er education capital matching grants, the director of the budget is  
44 authorized in any state fiscal year commencing April 1, 2005 or any  
45 state fiscal year thereafter [for a period ending on March 31, 2017], to  
46 enter into one or more service contracts, none of which shall exceed 30  
47 years in duration, with the dormitory authority, upon such terms as the  
48 director of the budget and the dormitory authority agree.

49 S 4. Paragraph (b) of subdivision 7 of section 1 of part U of chapter  
50 57 of the laws of 2005, relating to the New York state higher education  
51 capital matching grant program for independent colleges, as amended by  
52 section 4 of part H of chapter 56 of the laws of 2014, is amended to  
53 read as follows:

54 (b) Any eligible institution receiving a grant pursuant to this arti-  
55 cle shall report to the dormitory authority [no later than June 1,  
56 2018,] on the use of funding received and its programmatic and economic

1 impact NO LATER THAN TWELVE MONTHS AFTER THE COMPLETION OF THE PROJECT.  
2 The dormitory authority shall submit a report [no later than November 1,  
3 2018] to the governor, the director of the budget, the temporary presi-  
4 dent of the senate, and the speaker of the assembly on the aggregate  
5 impact of the higher education [matching] capital MATCHING grant program  
6 NO LATER THAN EIGHTEEN MONTHS AFTER THE COMPLETION OF THE LAST PROJECT.  
7 Such report shall provide information on the progress and economic  
8 impact of such [project] PROJECTS.

9 S 5. This act shall take effect immediately and shall be deemed to  
10 have been in full force and effect on and after April 1, 2015.

11 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
12 sion, section or part of this act shall be adjudged by any court of  
13 competent jurisdiction to be invalid, such judgment shall not affect,  
14 impair, or invalidate the remainder thereof, but shall be confined in  
15 its operation to the clause, sentence, paragraph, subdivision, section  
16 or part thereof directly involved in the controversy in which such judg-  
17 ment shall have been rendered. It is hereby declared to be the intent of  
18 the legislature that this act would have been enacted even if such  
19 invalid provisions had not been included herein.

20 S 3. This act shall take effect immediately provided, however, that  
21 the applicable effective date of Parts A through R of this act shall be  
22 as specifically set forth in the last section of such Parts.