

6405--B

I N S E N A T E

January 14, 2016

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

AN ACT intentionally omitted (Part A); intentionally omitted (Part B); to amend the tax law, in relation to suspending the transfer of monies into the emergency services revolving loan fund from the public safety communications account (Part C); to amend the executive law, in relation to establishing the bureau of criminal investigation (BCI), the bureau of counterterrorism and intelligence (BCTI), and the bureau of cyber security (BCS) under the division of state police, in relation to salary schedules of individuals in the new bureaus, in relation to appointment of individuals to bureaus (Subpart A); to amend the executive law, in relation to the office of counterterrorism, intelligence and cyber security (Subpart B); to amend the executive law, the correction law, the penal law, and the state finance law, in relation to the establishment of the New York state terrorist registry (Subpart C); to amend the executive law, in relation to a cyber security report (Subpart D); to amend the executive law, in relation to a cyber security initiative (Subpart E); to amend the penal law and the state technology law, in relation to the personal information protection act (Subpart F); to amend the Iran divestment act of 2012, the state finance law, and chapter 481 of the laws of 2013 amending the insurance law relating to investments in foreign states sponsoring terrorism, in relation to the divestment of Iran; and to repeal certain provisions of the insurance law relating thereto (Subpart G); Intentionally omitted (Subpart H); and to amend the executive law and the general municipal law, in relation to creating the NY Cares Act (Subpart I); and relating to the transfer of state police civilian personnel (Subpart J)(Part D); to amend chapter 268 of the laws of 1996, amending the education law and the state finance law relating to providing a recruitment incentive and retention program for certain active members of the New York army national guard, New York air national guard, and New York naval militia, in relation to the effectiveness of such chapter (Part E); to amend chapter 83 of the

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

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laws of 1995 amending the state finance law and other laws relating to bonds, notes, and revenues, in relation to extending certain provisions thereof; and to amend chapter 1 of the laws of 2005 amending the state finance law relating to restricting contacts in the procurement process and the recording of contacts relating thereto, in relation to extending certain provisions thereof (Part F); intentionally omitted (Part G); to amend the workers' compensation law and the insurance law, in relation to provide paid family leave benefits; and to repeal sections 223 and 224 of the workers' compensation law, relating to disability benefits (Part H); intentionally omitted (Part I); intentionally omitted (Part J); intentionally omitted (Part K); to amend the civil service law, in relation to the expiration of public arbitration panels (Part L); to amend the state finance law, in relation to the dedicated infrastructure investment fund (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); to amend the retirement and social security law, in relation to providing credit to members of public retirement systems of the state for military service; and making an appropriation therefor (Part Q); to amend the correction law, in relation to parole violators (Part R); to amend the correction law, in relation to duties of certain parole officers (Part S); to amend the penal law, in relation to authorizing the sale and possession of sparkling devices outside of cities with a population of one million or more (Part T); to amend the penal law, in relation to assault on a member of the military or reserves and to murder in the first degree (Part U); to amend the penal law and the correction law, in relation to establishing "Brittany's law" (Part V); to amend the penal law, in relation to establishing the crimes of failure to register or verify as a domestic abuse offender in the first and second degrees; to amend the correction law, in relation to enacting "Danielle DiMedici, Jessica Tush and Brittany Passalacqua's Law"; and to amend the criminal procedure law, in relation to domestic abuse offenders (Part W); to direct the commissioner of general services and the commissioner of the office for people with developmental disabilities to study and report on the most appropriate uses of the J.N. Adam developmental center (Part X); authorizing the commissioner of general services to convey real property at the St. Lawrence psychiatric center to the city of Ogdensburg (Part Y); to amend the volunteer firefighters' benefit law, in relation to the expansion of coverage to include cancer of the digestive, hematological, lymphatic, urinary, prostate, neurological, breast and reproductive systems; and providing for the repeal of such provisions upon expiration thereof (Part Z); to amend the volunteer firefighters' benefit law, in relation to the payment of benefits (Part AA); to amend the local finance law, in relation to refunding bonds issued by a municipality authorized to create a community preservation fund (Part BB); to amend the state finance law, in relation to the sharing of revenue from gaming devices located within the county of Niagara; and to amend chapter 747 of the laws of 2006 amending the state finance law, relating to the tribal-state compact revenue account, in relation to extending the effectiveness thereof (Part CC); to amend the workers' compensation law, in relation to benefits payable from the uninsured employers' fund to volunteers who participated in the World Trade Center rescue (Part DD); to amend the banking law, in relation to community reinvestment evaluations (Part EE); to amend the banking law, in relation to examinations (Part FF); to amend the banking law, in relation to deposits under the community bank deposit

program (Part GG); to amend the banking law, in relation to community bank service corporations (Part HH); to amend the general municipal law, in relation to creating a state-wide, uniform, minimum accidental disability benefit of three-quarters of final average salary for all police officers (Part II); and to amend the administrative code of the city of New York and the retirement and social security law, in relation to the disability benefits of members of the New York city fire pension funds and the disability benefits of sanitation and correction members and uniformed court officers of the New York city employees' retirement system (Part JJ)

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 2016-2017
 3 state fiscal year. Each component is wholly contained within a Part
 4 identified as Parts A through JJ. The effective date for each particular
 5 provision contained within such Part is set forth in the last section of
 6 such Part. Any provision in any section contained within a Part, includ-
 7 ing the effective date of the Part, which makes a reference to a section
 8 "of this act", when used in connection with that particular component,
 9 shall be deemed to mean and refer to the corresponding section of the
 10 Part in which it is found. Section three of this act sets forth the
 11 general effective date of this act.

12 PART A

13 Intentionally Omitted

14 PART B

15 Intentionally Omitted

16 PART C

17 Section 1. Paragraph (b) of subdivision 6 of section 186-f of the tax
 18 law, as amended by section 1 of part D of chapter 55 of the laws of
 19 2014, is amended to read as follows:

20 (b) The sum of one million five hundred thousand dollars must be
 21 deposited into the New York state emergency services revolving loan fund
 22 annually; provided, however, that such sums shall not be deposited for
 23 state fiscal years two thousand eleven--two thousand twelve, two thou-
 24 sand twelve--two thousand thirteen, two thousand fourteen--two thousand
 25 fifteen [and], two thousand fifteen--two thousand sixteen, TWO THOUSAND
 26 SIXTEEN--TWO THOUSAND SEVENTEEN AND TWO THOUSAND SEVENTEEN--TWO THOUSAND
 27 EIGHTEEN;

28 S 2. This act shall take effect immediately.

29 PART D

30 Section 1. This act enacts into law major components of legislation in
 31 relation to homeland security. Each component is wholly contained within
 32 a Subpart identified as Subparts A through J. The effective date for
 33 each particular provision contained within such Subpart is set forth in

1 the last section of such Subpart. Any provision in any section contained
 2 within a Subpart, including the effective date of the Subpart, which
 3 makes a reference to a section "of this act", when used in connection
 4 with that particular component, shall be deemed to mean and refer to the
 5 corresponding section of the Subpart in which it is found. Section three
 6 of this act sets forth the general effective date of this act.

7

SUBPART A

8 Section 1. Section 210 of the executive law is amended by adding a new
 9 closing paragraph to read as follows:

10 IN ADDITION TO ALL OTHER OPERATIONS AND FUNCTIONS OF THE DIVISION OF
 11 STATE POLICE, IT SHALL ALSO CONTAIN THREE BUREAUS TO ADDRESS SPECIFIC
 12 OPERATIONS AND FUNCTIONS WITHIN THE STATE OF NEW YORK. SUCH BUREAUS
 13 SHALL INCLUDE, THE BUREAU OF CRIMINAL INVESTIGATION (BCI), THE BUREAU OF
 14 COUNTERTERRORISM AND INTELLIGENCE (BCTI), AND THE BUREAU OF CYBER SECU-
 15 RITY (BCS).

16 S 2. Subparagraphs 6, 7 and 9 of paragraph a of subdivision 1 of
 17 section 215 of the executive law, as amended by chapter 21 of the laws
 18 of 1996, are amended to read as follows:

19 (6) [one counsel] THREE DEPUTY SUPERINTENDENT BUREAU COMMANDERS, ONE
 20 OF WHOM SHALL BE ASSIGNED TO THE BUREAU OF CRIMINAL INVESTIGATION, ONE
 21 OF WHOM SHALL BE ASSIGNED TO THE BUREAU OF COUNTERTERRORISM AND INTELLI-
 22 GENCE, AND ONE OF WHOM SHALL BE ASSIGNED TO THE BUREAU OF CYBER
 23 SECURITY;

24 (7) [seven] SIX assistant deputy superintendents, one of whom shall be
 25 assigned to the uniform force, [one to the bureau of criminal investi-
 26 gation,] two for administrative services, one for employee relations,
 27 training and human resources, and two who shall serve as deputy chief
 28 inspectors;

29 (9) ONE COUNSEL, AND one first assistant counsel and such assistant
 30 counsels and staff attorneys as the [superintendent] SUPERINTENDENT may
 31 appoint;

32 S 3. Subparagraph 1 of paragraph b of subdivision 1 of section 215 of
 33 the executive law, as amended by chapter 21 of the laws of 1996, is
 34 amended to read as follows:

35 (1) [one major] FOUR MAJORS, NOT LESS THAN ONE OF EACH SHALL BE
 36 ASSIGNED TO EACH OF THE BUREAUS OF THE STATE POLICE;

37 S 4. The opening paragraph of paragraph a of subdivision 2 of section
 38 215 of the executive law, as added by chapter 69 of the laws of 2009, is
 39 amended to read as follows:

40 Salary schedules for the titles of trooper, sergeant, technical
 41 sergeant, station commander, zone sergeant, first sergeant, staff
 42 sergeant, chief technical sergeant, lieutenant, technical lieutenant,
 43 lieutenant BCI, LIEUTENANT BCTI, LIEUTENANT BCS, captain, captain BCI,
 44 CAPTAIN BCTI, CAPTAIN BCS, and major, MAJOR BCI, MAJOR BCTI, AND MAJOR
 45 BCS:

46 S 5. Subparagraphs 7 and 8 of paragraph a of subdivision 2 of section
 47 215 of the executive law, as added by chapter 235 of the laws of 2015,
 48 are amended to read as follows:

49 (7) Effective April first, two thousand sixteen, members of the
 50 collective negotiating unit consisting of commissioned and non-commis-
 51 sioned officers in the division of state police shall receive a basic
 52 annual salary pursuant to the following schedule:

53	Orange,	City of New	Nassau and	All Other
54	Putnam and	York, Rockland	Suffolk	Locations

	Dutchess Counties	and Westchester Counties		
1				
2				
3	Sergeant and			
4	Technical			
5	Sergeant	\$105,650	\$106,776	\$107,071
6	Station			\$105,441
7	Commander	\$109,064	\$110,190	\$110,485
8	Zone			\$108,857
9	Sergeant	\$110,806	\$111,927	\$112,222
10	First,			
11	Staff			
12	and			
13	Chief T/			
14	Sgt	\$116,506	\$117,629	\$117,924
15	Lieutenant			\$116,296
16	and			
17	Technical			
18	Lieutenant	\$126,258	\$127,381	\$127,676
19	Lieutenant			\$126,050
20	BCI			
21	LIEUTENANT			
22	BCTI AND			
23	LIEUTENANT	\$128,731	\$129,855	\$130,150
24	BCS			\$128,520
25	Captain	\$134,650	\$135,774	\$136,072
26	Captain BCI			\$134,441
27	CAPTAIN BCTI			
28	AND CAPTAIN			
29	BCS	\$137,161	\$138,282	\$138,578
30	Major	\$143,475	\$144,599	\$144,894
31	MAJOR BCI			\$136,949
32	MAJOR BCTI			\$143,264
33	AND MAJOR	\$146,475	\$147,599	\$147,894
34	BCS			\$146,264
35	(8) Effective April first, two thousand seventeen, members of the			
36	collective negotiating unit consisting of commissioned and non-commis-			
37	sioned officers in the division of state police shall receive a basic			
38	annual salary pursuant to the following schedule:			
39	Orange,	City of New	Nassau and	All Other
40	Putnam and	York, Rockland	Suffolk	Locations
41	Dutchess	and Westchester	Counties	
42	Counties	Counties		
43	Sergeant and			
44	Technical			
45	Sergeant	\$107,235	\$108,378	\$108,677
46	Station			\$107,023
47	Commander	\$110,700	\$111,843	\$112,142
48	Zone			\$110,490
49	Sergeant	\$112,468	\$113,606	\$113,905
50	First,			\$112,255
51	Staff			
52	and			
53	Chief T/			
54	Sgt	\$118,254	\$119,393	\$119,693
55	Lieutenant			\$118,040
56	and			

1	Technical				
2	Lieutenant	\$128,152	\$129,292	\$129,591	\$127,941
3	Lieutenant				
4	BCI				
5	LIEUTENANT				
6	BCTI AND				
7	LIEUTENANT				
8	BCS	\$130,662	\$131,803	\$132,102	\$130,448
9	Captain	\$136,670	\$137,811	\$138,113	\$136,458
10	Captain BCI				
11	CAPTAIN				
12	BCTI AND				
13	CAPTAIN				
14	BCS	\$139,218	\$140,356	\$140,657	\$139,003
15	Major	\$145,627	\$146,768	\$147,067	\$145,413
16	MAJOR BCI				
17	MAJOR BCTI				
18	AND MAJOR BCS	\$148,627	\$149,768	\$150,067	\$148,413

19 S 6. Subdivision 3 of section 215 of the executive law, as amended by
 20 chapter 478 of the laws of 2004, is amended to read as follows:

21 3. The sworn members of the New York state police shall be appointed
 22 by the superintendent and permanent appointees may be removed by the
 23 superintendent only after a hearing. No person shall be appointed to the
 24 New York state police force as a sworn member unless he or she shall be
 25 a citizen of the United States, between the ages of twenty-one and twen-
 26 ty-nine years except that in the superintendent's discretion, the maxi-
 27 mum age may be extended to thirty-five years. Notwithstanding any other
 28 provision of law or any general or special law to the contrary the time
 29 spent on military duty, not exceeding a total of six years, shall be
 30 subtracted from the age of any applicant who has passed his or her twen-
 31 ty-ninth birthday, solely for the purpose of permitting qualification as
 32 to age and for no other purpose. Such limitations as to age however
 33 shall not apply to persons appointed to the positions of counsel, first
 34 assistant counsel, assistant counsel, and assistant deputy superinten-
 35 dent for employee relations nor to any person appointed to the bureau of
 36 criminal investigation, THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE,
 37 OR THE BUREAU OF CYBER SECURITY, pursuant to section two hundred sixteen
 38 of this article nor shall any person be appointed unless he or she has
 39 fitness and good moral character and shall have passed a physical and
 40 mental examination based upon standards provided by the rules and regu-
 41 lations of the superintendent. Appointments shall be made for a proba-
 42 tionary period which, in the case of appointees required to attend and
 43 complete a basic training program at the state police academy, shall
 44 include such time spent attending the basic school and terminate one
 45 year after successful completion thereof. All other sworn members shall
 46 be subject to a probationary period of one year from the date of
 47 appointment. Following satisfactory completion of the probationary peri-
 48 od the member shall be a permanent appointee. Voluntary resignation or
 49 withdrawal from the New York state police during such appointment shall
 50 be submitted to the superintendent for approval. Reasonable time shall
 51 be required to account for all equipment issued or for debts or obli-
 52 gations to the state to be satisfied. Resignation or withdrawal from the
 53 division during a time of emergency, so declared by the governor, shall
 54 not be approved if contrary to the best interest of the state and shall
 55 be a misdemeanor. No sworn member removed from the New York state police
 56 shall be eligible for reappointment. The superintendent shall make rules

1 and regulations subject to approval by the governor for the discipline
2 and control of the New York state police and for the examination and
3 qualifications of applicants for appointment as members thereto and such
4 examinations shall be held and conducted by the superintendent subject
5 to such rules and regulations. The superintendent is authorized to
6 charge a fee of twenty dollars as an application fee for any person
7 applying to take a competitive examination for the position of trooper,
8 and a fee of five dollars for any competitive examination for a civilian
9 position. The superintendent shall promulgate regulations subject to the
10 approval of the director of the budget, to provide for a waiver of the
11 application fee when the fee would cause an unreasonable hardship on the
12 applicant and to establish a fee schedule and charge fees for the use of
13 state police facilities.

14 S 7. Section 216 of the executive law, as amended by chapter 128 of
15 the laws of 1968, subdivision 2 as added by chapter 335 of the laws of
16 1969 and paragraph (a) of subdivision 2 as added by chapter 70 of the
17 laws of 2009, is amended to read as follows:

18 S 216. [Bureau of criminal investigation] BUREAUS OF THE STATE POLICE.
19 1. THE DIVISION OF STATE POLICE SHALL CONTAIN THREE BUREAUS TO ADDRESS
20 SPECIFIC OPERATIONS AND FUNCTIONS WITHIN THE STATE OF NEW YORK. SUCH
21 BUREAUS SHALL INCLUDE, THE BUREAU OF CRIMINAL INVESTIGATION (BCI), THE
22 BUREAU OF COUNTERTERRORISM AND INTELLIGENCE (BCTI), AND THE BUREAU OF
23 CYBER SECURITY (BCS).

24 2. BUREAU OF CRIMINAL INVESTIGATION. A. ESTABLISHMENT. The superinten-
25 dent [may] SHALL ESTABLISH AND continue, within the New York state
26 police, a bureau of criminal investigation and assign to it members of
27 the New York state police in such numbers and appoint to it such inves-
28 tigative specialists, AND SUCH OTHER EMPLOYEES in such numbers as may be
29 required for the purpose of [preventing, investigating and detecting]
30 SUCH BUREAU.

31 B. PURPOSE. IT SHALL BE THE PURPOSE OF THE BUREAU OF CRIMINAL INVESTI-
32 GATION TO PREVENT, INVESTIGATE AND DETECT violations of the criminal
33 laws of the state, and [conducting] TO CONDUCT such other investigations
34 as may be DIRECTED BY THE SUPERINTENDENT, OR AS MAY BE provided for by
35 law.

36 C. CLASSIFICATION AND APPOINTMENT. Members of the New York state
37 police assigned to the bureau of criminal investigation and investi-
38 gative specialists appointed to the bureau by the superintendent shall
39 be classified as [(a)] (I) investigators; [(b)] (II) senior investi-
40 gators; [(c)] (III) lieutenants; [(d)] (IV) captains; (V) MAJORS;
41 provided, however, that investigative specialists appointed to the
42 bureau of criminal investigation may be appointed as investigators or
43 senior investigators at salaries to be determined by the superintendent
44 with the approval of the director of the budget within the range from
45 minimum to maximum provided for in this section for the positions to
46 which appointments are made. Investigative specialists appointed to the
47 bureau of criminal investigation shall be deemed to be members of the
48 New York state police upon the filing by them of the constitutional oath
49 of office, but shall not be eligible for transfer to the uniform force
50 unless otherwise qualified under section two hundred fifteen of this
51 article.

52 D. CIVILIAN APPOINTMENTS. The superintendent may employ, from time to
53 time, within the appropriation, such skilled experts, scientists, tech-
54 nicians or other specially qualified persons as he deems necessary to
55 aid the bureau OF CRIMINAL INVESTIGATION and the New York state police
56 TO FULFILL THE PURPOSE OF THIS SUBDIVISION, AND/OR in preventing or

1 detecting crime, apprehending criminals, or preparing and presenting
2 evidence of violations of the criminal laws of the state.

3 E. ASSIGNMENT OF BUREAU PERSONNEL. Upon request of the head of any
4 state department, or of any police agency or of any district attorney
5 within the state, the superintendent may assign to such requesting
6 authority members of the state police, OR CIVILIAN APPOINTMENTS,
7 attached to the bureau of criminal investigation in such numbers and for
8 such periods of time as he may deem necessary for the purpose of inves-
9 tigating and detecting felonies committed within the state. Members of
10 the state police, OR CIVILIAN APPOINTMENTS, assigned or appointed to the
11 bureau of criminal investigation are empowered to cooperate with depart-
12 ments of the United States government in the investigation of violations
13 of the federal laws of the grade of felony within this state.

14 F. OFFICES OF THE BUREAU OF CRIMINAL INVESTIGATION. The superintendent
15 may, from time to time, establish headquarters or stations in such
16 localities of the state as he shall deem most suitable for the efficient
17 operation of the bureau of criminal investigation.

18 [2. a.] G. Salary schedules for investigators, senior investigators,
19 and investigative specialists in the division of state police.

20 (1) Effective April first, two thousand seven, members assigned to the
21 bureau of criminal investigation and investigative specialists appointed
22 to the bureau by the superintendent, shall receive a basic annual salary
23 pursuant to the following schedule:

	Senior Investigator	Investigator
24 Nassau and Suffolk	\$82,698	\$86,898
25 New York City, Rockland, Westchester	\$82,444	\$86,646
26 Orange, Putnam, Dutchess	\$81,479	\$85,680
27 All other locations	\$81,300	\$85,500

28 (2) Effective April first, two thousand eight, members assigned to the
29 bureau of criminal investigation and investigative specialists appointed
30 to the bureau by the superintendent, shall receive a basic annual salary
31 pursuant to the following schedule:

	Senior Investigator	Investigator
32 Nassau and Suffolk	\$85,179	\$89,505
33 New York City, Rockland, Westchester	\$84,917	\$89,245
34 Orange, Putnam, Dutchess	\$83,923	\$88,250
35 All other locations	\$83,739	\$88,065

36 (3) Effective April first, two thousand nine, members assigned to the
37 bureau of criminal investigation and investigative specialists appointed
38 to the bureau by the superintendent, shall receive a basic annual salary
39 pursuant to the following schedule:

	Senior Investigator	Investigator
40 Nassau and Suffolk	\$87,734	\$92,190
41 New York City, Rockland, Westchester	\$87,465	\$91,922
42 Orange, Putnam, Dutchess	\$86,441	\$90,898
43 All other locations	\$86,251	\$90,707

44 (4) Effective April first, two thousand ten, members assigned to the
45 bureau of criminal investigation and investigative specialists appointed
46 to the bureau by the superintendent, shall receive a basic annual salary
47 pursuant to the following schedule:

	Senior Investigator	Investigator
48 Nassau and Suffolk	\$91,243	\$95,878

1	New York City, Rockland, Westchester	\$90,964	\$95,599
2	Orange, Putnam, Dutchess	\$89,899	\$94,534
3	All other locations	\$89,701	\$94,335
4	(5) Effective March thirty-first, two thousand eleven, members		
5	assigned to the bureau of criminal investigation and investigative		
6	specialists appointed to the bureau by the superintendent, shall receive		
7	a basic annual salary pursuant to the following schedule:		
8		Senior	
9		Investigator	Investigator
10	Nassau and Suffolk	\$106,157	\$95,878
11	New York City, Rockland, Westchester	\$105,878	\$95,599
12	Orange, Putnam, Dutchess	\$104,813	\$94,534
13	All other locations	\$104,615	\$94,335

14 3. BUREAU OF COUNTERTERRORISM AND INTELLIGENCE. A. ESTABLISHMENT. THE
 15 SUPERINTENDENT SHALL ESTABLISH AND CONTINUE, WITHIN THE NEW YORK STATE
 16 POLICE, A BUREAU OF COUNTERTERRORISM AND INTELLIGENCE AND ASSIGN TO IT
 17 MEMBERS OF THE NEW YORK STATE POLICE IN SUCH NUMBERS AND APPOINT TO IT
 18 SUCH COUNTERTERRORISM AND INTELLIGENCE SPECIALISTS, AND OTHER EMPLOYEES
 19 IN SUCH NUMBERS AS MAY BE REQUIRED FOR THE PURPOSE OF SUCH BUREAU.

20 B. PURPOSE. IT SHALL BE THE PURPOSE OF THE BUREAU OF COUNTERTERRORISM
 21 AND INTELLIGENCE TO COLLECT, ANALYZE AND SHARE INFORMATION RELATING TO
 22 TERRORIST THREATS, TERRORIST ACTIVITIES, AND TERRORIST ATTACKS THROUGH-
 23 OUT THE STATE, AND TO CONDUCT INVESTIGATIONS NECESSARY TO PREVENT,
 24 INVESTIGATE, DETECT AND RESPOND TO TERRORIST THREATS, TERRORIST ACTIV-
 25 ITIES, AND TERRORIST ATTACKS THROUGHOUT THE STATE, TOGETHER WITH THE
 26 CONDUCT OF SUCH OTHER INVESTIGATIONS AS MAY BE DIRECTED BY THE SUPER-
 27 INTENDENT, OR AS MAY BE PROVIDED FOR BY LAW.

28 C. CLASSIFICATION AND APPOINTMENT. MEMBERS OF THE NEW YORK STATE
 29 POLICE ASSIGNED TO THE BUREAU OF CRIMINAL COUNTERTERRORISM AND INTELLI-
 30 GENCE, AND INTELLIGENCE SPECIALISTS APPOINTED TO THE BUREAU BY THE
 31 SUPERINTENDENT, SHALL BE CLASSIFIED AS (I) INTELLIGENCE SPECIALISTS;
 32 (II) SENIOR INTELLIGENCE SPECIALISTS; (III) LIEUTENANTS; (IV) CAPTAINS;
 33 (V) MAJORS; PROVIDED, HOWEVER, THAT INTELLIGENCE SPECIALISTS APPOINTED
 34 TO THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE MAY BE APPOINTED AS
 35 INTELLIGENCE SPECIALISTS OR SENIOR INTELLIGENCE SPECIALISTS AT SALARIES
 36 TO BE DETERMINED BY THE SUPERINTENDENT WITH THE APPROVAL OF THE DIRECTOR
 37 OF THE BUDGET WITHIN THE RANGE FROM MINIMUM TO MAXIMUM PROVIDED FOR IN
 38 THIS SECTION FOR THE POSITIONS TO WHICH APPOINTMENTS ARE MADE. INTELLI-
 39 GENCE SPECIALISTS APPOINTED TO THE BUREAU OF COUNTERTERRORISM AND INTEL-
 40 LIGENCE SHALL BE DEEMED TO BE MEMBERS OF THE NEW YORK STATE POLICE UPON
 41 THE FILING BY THEM OF THE CONSTITUTIONAL OATH OF OFFICE, BUT SHALL NOT
 42 BE ELIGIBLE FOR TRANSFER TO THE UNIFORM FORCE UNLESS OTHERWISE QUALIFIED
 43 UNDER SECTION TWO HUNDRED FIFTEEN OF THIS ARTICLE.

44 D. CIVILIAN APPOINTMENTS. THE SUPERINTENDENT MAY EMPLOY, FROM TIME TO
 45 TIME, WITHIN THE APPROPRIATION, SUCH SKILLED EXPERTS, SCIENTISTS,
 46 ANALYSTS, TECHNICIANS OR OTHER SPECIALLY QUALIFIED PERSONS AS HE DEEMS
 47 NECESSARY TO AID THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE AND THE
 48 NEW YORK STATE POLICE TO FULFILL THE PURPOSE OF THIS SUBDIVISION, AND/OR
 49 TO COLLECT, ANALYZE AND SHARE INFORMATION RELATING TO TERRORIST THREATS,
 50 TERRORIST ACTIVITIES, AND TERRORIST ATTACKS THROUGHOUT THE STATE, AND TO
 51 CONDUCT INVESTIGATIONS NECESSARY TO PREVENT, INVESTIGATE, DETECT AND
 52 RESPOND TO TERRORIST THREATS, TERRORIST ACTIVITIES, AND TERRORIST
 53 ATTACKS THROUGHOUT THE STATE, AND/OR TO CONDUCT SUCH OTHER INVESTI-
 54 GATIONS AS MAY BE DIRECTED BY THE SUPERINTENDENT, OR AS MAY BE PROVIDED
 55 FOR BY LAW.

1 E. ASSIGNMENT OF BUREAU PERSONNEL. UPON REQUEST OF THE HEAD OF ANY
 2 STATE DEPARTMENT, OR OF ANY POLICE AGENCY, OR OF ANY DISTRICT ATTORNEY
 3 WITHIN THE STATE, OR UPON REQUEST OF THE SECRETARY OF THE UNITED STATES
 4 DEPARTMENT OF HOMELAND SECURITY, THE ATTORNEY GENERAL OF THE UNITED
 5 STATES, THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION, THE OFFICE
 6 OF THE DIRECTOR OF NATIONAL INTELLIGENCE, THE DIRECTOR OF THE CENTRAL
 7 INTELLIGENCE AGENCY, OR THE SECRETARY OF THE DEPARTMENT OF DEFENSE, THE
 8 SUPERINTENDENT MAY ASSIGN TO SUCH REQUESTING AUTHORITY MEMBERS OF THE
 9 STATE POLICE, OR CIVILIAN APPOINTMENTS, ATTACHED TO THE BUREAU OF COUN-
 10 TERTERRORISM AND INTELLIGENCE IN SUCH NUMBERS AND FOR SUCH PERIODS OF
 11 TIME AS HE MAY DEEM NECESSARY TO FACILITATE THE PURPOSE OF THE BUREAU OF
 12 COUNTERTERRORISM AND INTELLIGENCE. MEMBERS OF THE STATE POLICE, OR
 13 CIVILIAN APPOINTMENTS, ASSIGNED OR APPOINTED TO THE BUREAU OF COUNTER-
 14 TERRORISM AND INTELLIGENCE ARE EMPOWERED TO COOPERATE WITH DEPARTMENTS,
 15 DIVISIONS, AGENCIES AND OFFICES OF THE GOVERNMENT OF THE STATE OF NEW
 16 YORK, AND/OR ITS LOCAL SUBDIVISIONS THEREOF, AND/OR THE GOVERNMENT OF
 17 THE UNITED STATES TO FACILITATE THE PURPOSE OF THE BUREAU OF COUNTERTER-
 18 RORISM AND INTELLIGENCE.

19 F. SHARING OF INTELLIGENCE INFORMATION. THE BUREAU OF COUNTERTERRORISM
 20 AND INTELLIGENCE SHALL SHARE COUNTERTERRORISM, INTELLIGENCE AND INVESTI-
 21 GATION INFORMATION WITH, AND MAY RECEIVE COUNTERTERRORISM, INTELLIGENCE,
 22 AND INVESTIGATION INFORMATION FROM, THE DIVISION OF HOMELAND SECURITY
 23 AND EMERGENCY SERVICES, LOCAL LAW ENFORCEMENT ENTITIES, THE UNITED
 24 STATES DEPARTMENT OF HOMELAND SECURITY, THE UNITED STATES DEPARTMENT OF
 25 JUSTICE, THE FEDERAL BUREAU OF INVESTIGATION, THE CENTRAL INTELLIGENCE
 26 AGENCY, THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, THE UNITED
 27 STATES DEPARTMENT OF DEFENSE, AND ANY OTHER FEDERAL, STATE OR LOCAL
 28 ENTITY THAT THE SUPERINTENDENT DEEMS PRUDENT FOR THE PURPOSE OF FULFILL-
 29 ING THE PURPOSE OF THE BUREAU. SUCH INTELLIGENCE AND COUNTERTERRORISM
 30 INFORMATION AND INVESTIGATIONS SHALL BE SHARED, AND MAY BE RECEIVED,
 31 PURSUANT TO SECURITY PROTOCOLS DEVELOPED BETWEEN THE BUREAU AND THE
 32 ENTITY WITH WHICH SUCH INFORMATION AND/OR INVESTIGATIONS ARE SHARED OR
 33 FROM WHICH SUCH INFORMATION AND/OR INVESTIGATIONS ARE RECEIVED.

34 G. OPERATION OF THE NEW YORK STATE INTELLIGENCE CENTER. THE BUREAU OF
 35 COUNTERTERRORISM AND INTELLIGENCE SHALL BE RESPONSIBLE FOR THE MANAGE-
 36 MENT AND OPERATION OF THE NEW YORK STATE INTELLIGENCE CENTER (NYSIC).
 37 SUCH NEW YORK STATE INTELLIGENCE CENTER SHALL SERVE AS THE NEW YORK
 38 STATE FUSION CENTER, AND SHALL BRING TOGETHER FEDERAL, STATE AND LOCAL
 39 AGENCIES TO ANALYZE AND SHARE INFORMATION RELATED TO TERRORISM AND OTHER
 40 CRIMES.

41 H. OFFICES OF THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE. THE
 42 SUPERINTENDENT MAY, FROM TIME TO TIME, ESTABLISH HEADQUARTERS OR
 43 STATIONS IN SUCH LOCALITIES OF THE STATE AS HE SHALL DEEM MOST SUITABLE
 44 FOR THE EFFICIENT OPERATION OF THE BUREAU OF COUNTERTERRORISM AND INTEL-
 45 LIGENCE.

46 I. SALARY SCHEDULES FOR INTELLIGENCE SPECIALISTS AND SENIOR INTELLI-
 47 GENCE SPECIALISTS IN THE DIVISION OF STATE POLICE. EFFECTIVE APRIL
 48 FIRST, TWO THOUSAND SIXTEEN, MEMBERS ASSIGNED TO THE BUREAU OF COUNTER-
 49 TERRORISM AND INTELLIGENCE, AND INTELLIGENCE SPECIALISTS APPOINTED TO
 50 THE BUREAU BY THE SUPERINTENDENT, SHALL RECEIVE A BASIC ANNUAL SALARY
 51 PURSUANT TO THE FOLLOWING SCHEDULE:

	SENIOR	INTELLIGENCE
	INTELLIGENCE	INTELLIGENCE
	SPECIALIST	SPECIALIST
55 NASSAU AND SUFFOLK	\$106,157	\$95,878
56 NEW YORK CITY, ROCKLAND, WESTCHESTER	\$105,878	\$95,599

1	ORANGE, PUTNAM, DUTCHESS	\$104,813	\$94,534
2	ALL OTHER LOCATIONS	\$104,615	\$94,335

3 4. BUREAU OF CYBER SECURITY. A. ESTABLISHMENT. THE SUPERINTENDENT
4 SHALL ESTABLISH AND CONTINUE, WITHIN THE NEW YORK STATE POLICE, A BUREAU
5 OF CYBER SECURITY AND ASSIGN TO IT MEMBERS OF THE NEW YORK STATE POLICE
6 IN SUCH NUMBERS AND APPOINT TO IT SUCH CYBER SECURITY SPECIALISTS, AND
7 OTHER EMPLOYEES IN SUCH NUMBERS AS MAY BE REQUIRED FOR THE PURPOSE OF
8 SUCH BUREAU.

9 B. PURPOSE. IT SHALL BE THE PURPOSE OF THE BUREAU OF CYBER SECURITY
10 TO:

11 (I) PROTECT THE STATE'S CYBER SECURITY INFRASTRUCTURE, INCLUDING, BUT
12 NOT LIMITED TO:

13 (1) IDENTIFYING AND MITIGATING COMPUTER, NETWORK AND SYSTEM VULNER-
14 ABILITIES;

15 (2) DETERRING AND RESPONDING TO CYBER EVENTS AGAINST THE STATE OF NEW
16 YORK AND ITS CITIZENS AND BUSINESSES; AND

17 (3) PROMOTING CYBER SECURITY AWARENESS WITHIN THE STATE;

18 (II) CONDUCT INVESTIGATIONS NECESSARY TO PREVENT, INVESTIGATE, DETECT
19 AND RESPOND TO CYBER THREATS, CYBER ACTIVITIES, AND CYBER ATTACKS
20 THROUGHOUT THE STATE, AND

21 (III) CONDUCT OF SUCH OTHER INVESTIGATIONS AS MAY BE DIRECTED BY THE
22 SUPERINTENDENT, OR AS MAY BE PROVIDED FOR BY LAW.

23 C. CLASSIFICATION AND APPOINTMENT. MEMBERS OF THE NEW YORK STATE
24 POLICE ASSIGNED TO THE BUREAU OF CYBER SECURITY AND CYBER SPECIALISTS
25 APPOINTED TO THE BUREAU BY THE SUPERINTENDENT SHALL BE CLASSIFIED AS (I)
26 CYBER SECURITY SPECIALISTS; (II) SENIOR CYBER SECURITY SPECIALISTS;
27 (III) LIEUTENANTS; (IV) CAPTAINS; (V) MAJORS; PROVIDED, HOWEVER, THAT
28 CYBER SECURITY SPECIALISTS APPOINTED TO THE BUREAU OF CYBER SECURITY MAY
29 BE APPOINTED AS CYBER SECURITY SPECIALISTS OR SENIOR CYBER SECURITY
30 SPECIALISTS AT SALARIES TO BE DETERMINED BY THE SUPERINTENDENT WITH THE
31 APPROVAL OF THE DIRECTOR OF THE BUDGET WITHIN THE RANGE FROM MINIMUM TO
32 MAXIMUM PROVIDED FOR IN THIS SECTION FOR THE POSITIONS TO WHICH APPOINT-
33 MENTS ARE MADE. CYBER SECURITY SPECIALISTS APPOINTED TO THE BUREAU OF
34 CYBER SECURITY SHALL BE DEEMED TO BE MEMBERS OF THE NEW YORK STATE
35 POLICE UPON THE FILING BY THEM OF THE CONSTITUTIONAL OATH OF OFFICE, BUT
36 SHALL NOT BE ELIGIBLE FOR TRANSFER TO THE UNIFORM FORCE UNLESS OTHERWISE
37 QUALIFIED UNDER SECTION TWO HUNDRED FIFTEEN OF THIS ARTICLE.

38 D. CIVILIAN APPOINTMENTS. THE SUPERINTENDENT MAY EMPLOY, FROM TIME TO
39 TIME, WITHIN THE APPROPRIATION, SUCH SKILLED EXPERTS, SCIENTISTS,
40 ANALYSTS, TECHNICIANS OR OTHER SPECIALLY QUALIFIED PERSONS AS HE DEEMS
41 NECESSARY TO AID THE BUREAU OF CYBER SECURITY AND THE NEW YORK STATE
42 POLICE TO COLLECT, ANALYZE AND SHARE INFORMATION RELATING TO CYBER
43 THREATS, CYBER ACTIVITIES, AND CYBER ATTACKS THROUGHOUT THE STATE, AND
44 TO CONDUCT INVESTIGATIONS NECESSARY TO PREVENT, INVESTIGATE, DETECT AND
45 RESPOND TO CYBER THREATS, CYBER ACTIVITIES, AND CYBER ATTACKS THROUGHOUT
46 THE STATE, AND TO CONDUCT SUCH OTHER INVESTIGATIONS AS MAY BE DIRECTED
47 BY THE SUPERINTENDENT, OR AS MAY BE PROVIDED FOR BY LAW.

48 E. ASSIGNMENT OF BUREAU PERSONNEL. UPON REQUEST OF THE HEAD OF ANY
49 STATE DEPARTMENT, OR OF ANY POLICE AGENCY OR OF ANY DISTRICT ATTORNEY
50 WITHIN THE STATE, THE SUPERINTENDENT MAY ASSIGN TO SUCH REQUESTING
51 AUTHORITY MEMBERS OF THE STATE POLICE, OR CIVILIAN APPOINTMENTS,
52 ATTACHED TO THE BUREAU OF CYBER SECURITY IN SUCH NUMBERS AND FOR SUCH
53 PERIODS OF TIME AS HE MAY DEEM NECESSARY TO FACILITATE THE PURPOSE OF
54 THE BUREAU OF CYBER SECURITY. MEMBERS OF THE STATE POLICE, OR CIVILIAN
55 APPOINTMENTS, ASSIGNED OR APPOINTED TO THE BUREAU OF CYBER SECURITY ARE
56 EMPOWERED TO COOPERATE WITH DEPARTMENTS, DIVISIONS, AGENCIES AND OFFICES

1 OF THE STATE OF NEW YORK, AND/OR OF ITS LOCAL SUBDIVISIONS THEREOF,
2 AND/OR THE GOVERNMENT OF THE UNITED STATES TO FACILITATE THE PURPOSE OF
3 THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE.

4 F. SHARING OF INTELLIGENCE INFORMATION. THE BUREAU OF CYBER SECURITY
5 SHALL SHARE CYBER SECURITY, INTELLIGENCE, AND INVESTIGATION INFORMATION
6 WITH, AND MAY RECEIVE CYBER SECURITY, INTELLIGENCE, AND INVESTIGATION
7 INFORMATION FROM, THE DIVISION OF HOMELAND SECURITY AND EMERGENCY
8 SERVICES, THE STATE OFFICE OF INFORMATION TECHNOLOGY SERVICES, LOCAL LAW
9 ENFORCEMENT ENTITIES, THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
10 THE UNITED STATES DEPARTMENT OF JUSTICE, THE FEDERAL BUREAU OF INVESTI-
11 GATION, THE CENTRAL INTELLIGENCE AGENCY, THE OFFICE OF THE DIRECTOR OF
12 NATIONAL INTELLIGENCE, THE UNITED STATES DEPARTMENT OF DEFENSE, AND ANY
13 OTHER FEDERAL, STATE OR LOCAL ENTITY THAT THE SUPERINTENDENT DEEMS
14 PRUDENT FOR THE PURPOSE OF FULFILLING THE PURPOSE OF THE BUREAU. SUCH
15 CYBER SECURITY, INTELLIGENCE, AND INVESTIGATIONS INFORMATION SHALL BE
16 SHARED, AND MAY BE RECEIVED, PURSUANT TO SECURITY PROTOCOLS DEVELOPED
17 BETWEEN THE BUREAU AND THE ENTITY WITH WHICH SUCH INFORMATION AND/OR
18 INVESTIGATIONS ARE SHARED OR FROM WHICH SUCH INFORMATION AND/OR INVESTI-
19 GATIONS ARE RECEIVED.

20 G. OFFICES OF THE BUREAU OF CYBER SECURITY. THE SUPERINTENDENT MAY,
21 FROM TIME TO TIME, ESTABLISH HEADQUARTERS OR STATIONS IN SUCH LOCALITIES
22 OF THE STATE AS HE SHALL DEEM MOST SUITABLE FOR THE EFFICIENT OPERATION
23 OF THE BUREAU OF CYBER SECURITY.

24 H. SALARY SCHEDULES FOR CYBER SECURITY SPECIALISTS AND SENIOR CYBER
25 SECURITY SPECIALISTS IN THE DIVISION OF STATE POLICE. EFFECTIVE APRIL
26 FIRST, TWO THOUSAND SIXTEEN, MEMBERS ASSIGNED TO THE BUREAU OF CYBER
27 SECURITY AND CYBER SECURITY SPECIALISTS APPOINTED TO THE BUREAU BY THE
28 SUPERINTENDENT, SHALL RECEIVE A BASIC ANNUAL SALARY PURSUANT TO THE
29 FOLLOWING SCHEDULE:

	SENIOR	
	CYBER SECURITY	CYBER SECURITY
	SPECIALIST	SPECIALIST
33 NASSAU AND SUFFOLK	\$106,157	\$95,878
34 NEW YORK CITY, ROCKLAND, WESTCHESTER	\$105,878	\$95,599
35 ORANGE, PUTNAM, DUTCHESS	\$104,813	\$94,534
36 ALL OTHER LOCATIONS	\$104,615	\$94,335

37 S 8. This act shall take effect immediately.

38 SUBPART B

39 Section 1. Section 709-a of the executive law, as added by section
40 15-a of part B of chapter 56 of the laws of 2010, is amended to read as
41 follows:

42 S 709-a. Office of counterterrorism, INTELLIGENCE AND CYBER SECURITY.
43 THERE SHALL BE ESTABLISHED AND MAINTAINED WITHIN THE DIVISION, AN OFFICE
44 OF COUNTERTERRORISM, INTELLIGENCE AND CYBER SECURITY. THE OFFICE OF
45 COUNTERTERRORISM, INTELLIGENCE AND CYBER SECURITY SHALL BE THE ENTITY OF
46 STATE GOVERNMENT RESPONSIBLE FOR ESTABLISHING AND MAINTAINING THE
47 STATE'S POLICIES, PROTOCOLS AND STRATEGIES, RELATING TO THE PREVENTION
48 OF, RESPONSE TO, AND RECOVERY FROM, TERRORIST ATTACKS AND CYBER ATTACKS.

49 1. PURPOSE. The office of counterterrorism, INTELLIGENCE AND CYBER
50 SECURITY shall develop, ESTABLISH, MAINTAIN and analyze the state's
51 policies, protocols and strategies relating to the prevention and
52 detection of terrorist acts [and], terrorist threats, CYBER ACTS AND
53 CYBER THREATS.

1 2. COUNTERTERRORISM AND INTELLIGENCE. The office shall also [be
2 responsible] MAINTAIN POLICY, PROTOCOL AND STRATEGIC OVERSIGHT RESPONSIBI-
3 BILITY OF, AND WORK COOPERATIVELY WITH, THE BUREAU OF COUNTERTERRORISM
4 AND INTELLIGENCE OF THE STATE POLICE, for:

5 (A) THE ESTABLISHMENT AND MAINTENANCE OF THE STATE'S POLICIES, PROTO-
6 COLS AND STRATEGIES RELATING TO THE PREVENTION AND DETECTION OF TERROR-
7 IST THREATS OR TERRORIST ATTACKS THAT WOULD ENDANGER THE PEOPLE, BUSI-
8 NESSES OR PROPERTY OF THE STATE OF NEW YORK;

9 (B) the collection, analysis and sharing of information relating to
10 terrorist threats [and], terrorist activities, AND TERRORIST ATTACKS
11 throughout the state; [coordinating]

12 (C) THE COORDINATION, DEVELOPMENT AND MAINTENANCE OF strategies,
13 protocols and first responder equipment needs NECESSARY to detect,
14 PREVENT AND/OR RESPOND TO a biological, chemical [or], radiological, OR
15 OTHER TYPE OF terrorist act or threat; [working]

16 (D) THE CONDUCT OF ASSESSMENTS, IN COOPERATION with private entities
17 and local, state and federal agencies [to conduct assessments], of the
18 vulnerability of critical infrastructure to terrorist attack; and
19 [consulting]

20 (E) THE CONSULTATION with appropriate state and local governments and
21 private entities, AND THE GOVERNMENT OF THE UNITED STATES to facilitate
22 and foster cooperation to better prepare the state to prevent and detect
23 threats and acts of terrorism.

24 3. CYBER SECURITY. THE OFFICE SHALL ALSO MAINTAIN POLICY, PROTOCOL AND
25 STRATEGIC OVERSIGHT RESPONSIBILITY OF, AND WORK COOPERATIVELY WITH, THE
26 BUREAU OF CYBER SECURITY OF THE STATE POLICE, AND THE STATE OFFICE OF
27 INFORMATION TECHNOLOGY SERVICES, FOR:

28 (A) THE ESTABLISHMENT AND MAINTENANCE OF THE STATE'S POLICIES, PROTO-
29 COLS AND STRATEGIES RELATING TO THE PREVENTION AND DETECTION OF CYBER
30 THREATS OR CYBER ATTACKS THAT WOULD ENDANGER THE PEOPLE, BUSINESSES OR
31 PROPERTY OF THE STATE OF NEW YORK;

32 (B) THE COLLECTION, ANALYSIS AND SHARING OF INFORMATION RELATING TO
33 CYBER THREATS, CYBER ACTIVITIES AND CYBER ATTACKS THROUGHOUT THE STATE;

34 (C) THE DEVELOPMENT AND IMPLEMENTATION OF INFORMATION SHARING PROGRAMS
35 AND CYBER DEFENSE MEASURES TO PROTECT COMPUTERS, SYSTEMS AND NETWORKS;

36 (D) THE COORDINATION, DEVELOPMENT AND MAINTENANCE OF STRATEGIES,
37 PROTOCOLS AND RESPONSE NEEDS TO DETECT, PREVENT AND/OR RESPOND TO A
38 CYBER ATTACK OR CYBER THREAT;

39 (E) THE CONDUCT OF ASSESSMENTS, IN COOPERATION WITH PRIVATE ENTITIES
40 AND LOCAL, STATE AND FEDERAL AGENCIES, OF THE VULNERABILITY OF CRITICAL
41 INFRASTRUCTURE TO CYBER ATTACK;

42 (F) THE CONDUCT OF ASSESSMENTS, IN COOPERATION WITH PRIVATE ENTITIES
43 AND LOCAL, STATE AND FEDERAL AGENCIES TO PROVIDE STATE-WIDE COORDINATION
44 OF GEOGRAPHICALLY REFERENCED CRITICAL INFRASTRUCTURE, AND THE PROMOTION
45 AND DEVELOPMENT OF PROGRAMS TO PREVENT SUCH INFRASTRUCTURE FROM CYBER
46 ATTACK; AND

47 (G) THE CONSULTATION WITH APPROPRIATE STATE AND LOCAL GOVERNMENTS AND
48 PRIVATE ENTITIES, AND THE GOVERNMENT OF THE UNITED STATES, TO FACILITATE
49 AND FOSTER COOPERATION TO BETTER PREPARE THE STATE TO PREVENT, DETECT
50 AND RESPOND TO CYBER THREATS AND CYBER ATTACKS.

51 4. INFORMATION SHARING. THE OFFICE OF COUNTERTERRORISM, INTELLIGENCE
52 AND CYBER SECURITY SHALL ENGAGE IN THE SHARING OF INFORMATION TO FACILI-
53 TATE THE PURPOSES OF THIS SECTION.

54 (A) THE OFFICE SHALL SHARE COUNTERTERRORISM, INTELLIGENCE AND INVESTI-
55 GATION INFORMATION WITH, AND MAY RECEIVE COUNTERTERRORISM, INTELLIGENCE,
56 AND INVESTIGATION INFORMATION FROM, THE BUREAU OF COUNTERTERRORISM AND

1 INTELLIGENCE OF THE STATE POLICE, LOCAL LAW ENFORCEMENT ENTITIES, THE
2 UNITED STATES DEPARTMENT OF HOMELAND SECURITY, THE UNITED STATES DEPART-
3 MENT OF JUSTICE, THE FEDERAL BUREAU OF INVESTIGATION, THE CENTRAL INTEL-
4 LIGENCE AGENCY, THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, THE
5 UNITED STATES DEPARTMENT OF DEFENSE, AND ANY OTHER FEDERAL, STATE OR
6 LOCAL ENTITY THAT THE COMMISSIONER DEEMS PRUDENT FOR THE PURPOSE OF
7 FULFILLING THE PURPOSE OF THIS SECTION. SUCH COUNTERTERRORISM, INTELLI-
8 GENCE AND INVESTIGATION INFORMATION SHALL BE SHARED, AND MAY BE
9 RECEIVED, PURSUANT TO SECURITY PROTOCOLS DEVELOPED BETWEEN THE DIVISION
10 AND THE ENTITY WITH WHICH SUCH INFORMATION AND/OR INVESTIGATIONS ARE
11 SHARED OR FROM WHICH SUCH INFORMATION AND/OR INVESTIGATIONS ARE
12 RECEIVED.

13 (B) THE OFFICE SHALL SHARE CYBER SECURITY, INTELLIGENCE AND INVESTI-
14 GATION INFORMATION WITH, AND MAY RECEIVE CYBER SECURITY, INTELLIGENCE,
15 AND INVESTIGATION INFORMATION FROM, THE BUREAU OF CYBER SECURITY OF THE
16 STATE POLICE, THE STATE OFFICE OF INFORMATION TECHNOLOGY SERVICES, LOCAL
17 LAW ENFORCEMENT ENTITIES, THE UNITED STATES DEPARTMENT OF HOMELAND SECU-
18 RITY, THE UNITED STATES DEPARTMENT OF JUSTICE, THE FEDERAL BUREAU OF
19 INVESTIGATION, THE CENTRAL INTELLIGENCE AGENCY, THE OFFICE OF THE DIREC-
20 TOR OF NATIONAL INTELLIGENCE, THE UNITED STATES DEPARTMENT OF DEFENSE,
21 AND ANY OTHER FEDERAL, STATE OR LOCAL ENTITY THAT THE COMMISSIONER DEEMS
22 PRUDENT FOR THE PURPOSE OF FULFILLING THE PURPOSE OF THIS SECTION. SUCH
23 CYBER SECURITY, INTELLIGENCE AND INVESTIGATION INFORMATION SHALL BE
24 SHARED, AND MAY BE RECEIVED, PURSUANT TO SECURITY PROTOCOLS DEVELOPED
25 BETWEEN THE DIVISION AND THE ENTITY WITH WHICH SUCH INFORMATION AND/OR
26 INVESTIGATIONS ARE SHARED OR FROM WHICH SUCH INFORMATION AND/OR INVESTI-
27 GATIONS ARE RECEIVED.

28 S 2. This act shall take effect immediately.

29

SUBPART C

30 Section 1. This act shall be known and may be cited as the "New York
31 state terrorist registry act".

32 S 2. The executive law is amended by adding a new section 719 to read
33 as follows:

34 S 719. TERRORIST REGISTRY INFORMATION SHARING. 1. UPON REQUEST, THE
35 DIVISION OF CRIMINAL JUSTICE SERVICES SHALL PROVIDE ANY AND ALL INFORMA-
36 TION IT OBTAINS, ON ANY TERRORIST REQUIRED TO BE REGISTERED PURSUANT TO
37 ARTICLE SIX-D OF THE CORRECTION LAW, TO THE DIVISION OF HOMELAND SECURI-
38 TY AND EMERGENCY SERVICES, AND THE PROVISION OF SUCH INFORMATION SHALL
39 BE IN THE FORM AND MANNER AS THE DIVISION OF HOMELAND SECURITY AND EMER-
40 GENY SERVICES MAY SO REQUEST.

41 2. UPON REQUEST, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL
42 FURTHER REGULARLY SUPPLEMENT THE INFORMATION PROVIDED PURSUANT TO SUBDI-
43 VISION ONE OF THIS SECTION, SO AS TO DELIVER ANY NEW, DIFFERENT OR ADDI-
44 TIONAL INFORMATION NOT PREVIOUSLY PROVIDED TO THE DIVISION OF HOMELAND
45 SECURITY AND EMERGENCY SERVICES.

46 3. THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES SHALL
47 PROVIDE THE DIVISION OF CRIMINAL JUSTICE SERVICES WITH ANY AND ALL
48 INFORMATION THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL REQUIRE, IN
49 ORDER TO MAINTAIN AN ACCURATE AND COMPLETE REGISTRATION OF TERRORISTS
50 PURSUANT TO ARTICLE SIX-D OF THE CORRECTION LAW, AND THE PROVISION OF
51 SUCH INFORMATION SHALL BE IN THE FORM AND MANNER AS THE DIVISION OF
52 CRIMINAL JUSTICE SERVICES SHALL SO REQUEST.

53 S 3. The executive law is amended by adding a new section 233 to read
54 as follows:

1 S 233. TERRORIST REGISTRY INFORMATION SHARING. 1. UPON REQUEST, THE
 2 DIVISION OF CRIMINAL JUSTICE SERVICES SHALL PROVIDE ANY AND ALL INFORMA-
 3 TION IT OBTAINS, ON ANY TERRORIST REQUIRED TO BE REGISTERED PURSUANT TO
 4 ARTICLE SIX-D OF THE CORRECTION LAW, TO THE DIVISION OF STATE POLICE,
 5 AND THE PROVISION OF SUCH INFORMATION SHALL BE IN THE FORM AND MANNER AS
 6 THE DIVISION OF STATE POLICE MAY SO REQUEST.

7 2. UPON REQUEST, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL
 8 FURTHER REGULARLY SUPPLEMENT THE INFORMATION PROVIDED PURSUANT TO SUBDI-
 9 VISION ONE OF THIS SECTION, SO AS TO DELIVER ANY NEW, DIFFERENT, OR
 10 ADDITIONAL INFORMATION NOT PREVIOUSLY PROVIDED TO THE DIVISION OF STATE
 11 POLICE.

12 3. THE DIVISION OF STATE POLICE SHALL PROVIDE THE DIVISION OF CRIMINAL
 13 JUSTICE SERVICES WITH ANY AND ALL INFORMATION THE DIVISION OF CRIMINAL
 14 JUSTICE SERVICES SHALL REQUIRE, IN ORDER TO MAINTAIN AN ACCURATE AND
 15 COMPLETE REGISTRATION OF TERRORISTS PURSUANT TO ARTICLE SIX-D OF THE
 16 CORRECTION LAW, AND THE PROVISION OF SUCH INFORMATION SHALL BE IN THE
 17 FORM AND MANNER AS THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL SO
 18 REQUEST.

19 S 4. The correction law is amended by adding a new article 6-D to read
 20 as follows:

21 ARTICLE 6-D
 22 TERRORIST REGISTRY

- 23 SECTION 169-A. LEGISLATIVE FINDINGS.
- 24 169-B. DEFINITIONS.
- 25 169-C. DUTIES OF THE DIVISION.
- 26 169-D. REGISTRATION INFORMATION.
- 27 169-E. REGISTRANT NOTIFICATION; STANDARDIZED REGISTRATION AND
- 28 VERIFICATION FORMS.
- 29 169-F. EXAMINATION OF POTENTIAL REGISTRANTS.
- 30 169-G. INITIAL ASSEMBLY OF THE REGISTRY.
- 31 169-H. REGISTRATION AND VERIFICATION OF TERRORISTS.
- 32 169-I. DUTIES OF THE COURT.
- 33 169-J. RESPONSIBILITIES OF A CONFINEMENT ENTITY PRIOR TO
- 34 DISCHARGE OF A TERRORIST.
- 35 169-K. RESPONSIBILITIES DURING COMMUNITY SUPERVISION OR
- 36 PROBATION.
- 37 169-L. DURATION OF REGISTRATION AND VERIFICATION.
- 38 169-M. NOTIFICATION OF CHANGE OF ADDRESS.
- 39 169-N. REGISTRY INFORMATION SHARING.
- 40 169-O. DNA AND FINGERPRINT CUSTODY AND ANALYSIS.
- 41 169-P. REGISTRY AND VERIFICATION FEES.
- 42 169-Q. SPECIAL TELEPHONE NUMBER.
- 43 169-R. INTERNET DIRECTORY.
- 44 169-S. IMMUNITY FROM LIABILITY.
- 45 169-T. ANNUAL REPORT.
- 46 169-U. PENALTY.
- 47 169-V. UNAUTHORIZED RELEASE OF INFORMATION.
- 48 169-W. EXPENSES INCURRED BY GOVERNMENTAL ENTITIES.
- 49 169-X. SEPARABILITY.

50 S 169-A. LEGISLATIVE FINDINGS. THE LEGISLATURE FINDS AND DETERMINES
 51 THAT TERRORISM IS A SERIOUS THREAT TO THE PUBLIC SAFETY OF THE PEOPLE OF
 52 THE STATE OF NEW YORK.

53 THE LEGISLATURE ADDITIONALLY FINDS AND DETERMINES, THAT IT IS THE
 54 FIRST RESPONSIBILITY OF ANY GOVERNMENT TO PROVIDE FOR THE PUBLIC
 55 PROTECTION AND SAFETY OF ITS CITIZENS, AND THAT IN ORDER TO ASSURE SUCH
 56 PUBLIC PROTECTION AND SAFETY, NEW YORK MUST TAKE ACTIVE STEPS TO ADVANCE

1 A PROGRAM OF PREVENTION OF, RESPONSE TO, AND RECOVERY FROM, TERRORIST
2 ATTACKS.

3 THE LEGISLATURE ALSO FINDS AND DETERMINES, THAT IN ORDER TO ADVANCE A
4 PROGRAM TO PREVENT TERRORIST ATTACKS, WHILE STILL PRESERVING THE ESSEN-
5 TIAL CIVIL LIBERTIES AND FREEDOMS THAT NEW YORK'S CITIZENS HOLD DEAR AS
6 AN IRREPLACEABLE, FOUNDATIONAL ELEMENT OF SOCIETY, THE STATE MUST TAKE
7 RESPONSIBLE ACTION TO REGISTER THOSE INDIVIDUALS, WHO HAVE DEMONSTRATED
8 THROUGH THEIR PAST ACTIONS, THAT THEY WOULD COMMIT AN ACT OF TERRORISM.

9 THE LEGISLATURE FURTHER FINDS AND DETERMINES, THAT THE PURPOSE OF THE
10 NEW YORK STATE TERRORIST REGISTRY ESTABLISHED BY THIS ARTICLE, IS TO
11 MONITOR THOSE INDIVIDUALS, WHO HAVE DEMONSTRATED THROUGH THEIR PAST
12 ACTIONS, THAT THEY WOULD COMMIT AN ACT OF TERRORISM, SO THAT THROUGH
13 SUCH MONITORING, SUCH PERSONS WILL BE DISCOURAGED AND/OR PREVENTED FROM
14 COMMITTING ANY NEW ACTS OF TERRORISM, AGAINST THE PEOPLE AND PROPERTY OF
15 THE STATE OF NEW YORK.

16 S 169-B. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING DEFI-
17 NITIONS SHALL APPLY:

18 1. "TERRORIST" MEANS ANY PERSON WHO IS CONVICTED OF ANY TERRORIST
19 OFFENSE SET FORTH IN SUBDIVISION TWO OF THIS SECTION, AND/OR WHO HAS
20 ENGAGED IN ANY VERIFIABLE ACT OF TERRORISM PURSUANT TO SUBDIVISION THREE
21 OF THIS SECTION.

22 2. "TERRORIST OFFENSE" MEANS ANY OFFENSE:

23 (A) SET FORTH IN ARTICLE FOUR HUNDRED NINETY OF THE PENAL LAW;

24 (B) IN ANY OTHER JURISDICTION, WHETHER WITHIN THE UNITED STATES OR A
25 FOREIGN COUNTRY, WHICH INCLUDES ALL OF THE ESSENTIAL ELEMENTS OF ANY
26 OFFENSE SET FORTH IN ARTICLE FOUR HUNDRED NINETY OF THE PENAL LAW;

27 (C) SET FORTH IN SECTIONS 32, 37, 81, 175, 175B, 229, 351, 831, 844
28 (F), 844 (I), 930 (C), 956, 1038, 1114, 1116, 1203, 1362, 1363, 1366,
29 1751, 1992, 1993, 2155, 2280, 2281, 2332, 2332A, 2332B, 2332C, 2332D,
30 2332E, 2332F, 2332G, 2332H, 2339, 2339A, 2339B, 2339C, AND/OR 2339D OF
31 TITLE 18 OF THE UNITED STATES CODE;

32 (D) SET FORTH IN SECTION 2284 OF TITLE 42 OF THE UNITED STATES CODE;

33 (E) SET FORTH IN SECTION 46504, 46505 (B) (3), 46506, AND/OR 60123 (B)
34 OF TITLE 49 OF THE UNITED STATES CODE; AND/OR

35 (F) IN ANY OTHER JURISDICTION, WHETHER WITHIN THE UNITED STATES OR A
36 FOREIGN COUNTRY, OF ANY OFFENSE WHICH INCLUDES ALL OF THE ESSENTIAL
37 ELEMENTS OF ANY OFFENSE SET FORTH WITHIN PARAGRAPHS (C), (D) OR (E) OF
38 THIS SUBDIVISION.

39 3. "VERIFIABLE ACT OF TERRORISM" MEANS ANY ACT COMMITTED BY A PERSON
40 OR PERSONS THAT HAS RESULTED IN SUCH PERSON OR PERSONS BEING:

41 (A) CONVICTED BY A COMBAT STATUS REVIEW TRIBUNAL OR MILITARY COMMIS-
42 SION OF ANY ACT OF TERRORISM, TERRORIST ACTIVITIES, OR THE HARBORING,
43 SUPPORT AND/OR PROMOTION OF TERRORISTS OF TERRORIST ACTIVITIES;

44 (B) CONVICTED BY A MILITARY OR CIVILIAN COURT OF COMPETENT JURISDIC-
45 TION OF ANY ACT OF TERRORISM, TERRORIST ACTIVITIES, OR THE HARBORING,
46 SUPPORT AND/OR PROMOTION OF TERRORISTS OR TERRORIST ACTIVITIES IN
47 VIOLATION OF THE UNIFORM CODE OF MILITARY JUSTICE;

48 (C) SUBJECT TO AN ORDER OF DETENTION BY THE ARMED FORCES OF THE UNITED
49 STATES, ANY OTHER GOVERNMENT AGENCY OF THE UNITED STATES, OR ANY
50 CONTRACTOR OF THE GOVERNMENT OF THE UNITED STATES THAT IS AUTHORIZED BY
51 THE GOVERNMENT OF THE UNITED STATES TO MAKE SUCH DETENTIONS, UPON A
52 DETERMINATION THAT SUCH PERSON WAS AT ANY TIME, A FOREIGN ENEMY COMBA-
53 TANT OR AN ILLEGAL ENEMY COMBATANT;

54 (D) DEPORTED OR TRANSPORTED, TO A COUNTRY, OTHER THAN THE UNITED
55 STATES, BY THE GOVERNMENT OF THE UNITED STATES, OR ANY DEPARTMENT OR
56 AGENCY THEREOF, UPON A DETERMINATION OF INVOLVEMENT IN TERRORIST ACTIV-

1 ITIES, OR THE HARBORING, SUPPORT AND/OR PROMOTION OF TERRORISTS OR
2 TERRORIST ACTIVITIES; OR

3 (E) DESIGNATED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
4 THE UNITED STATES DEPARTMENT OF STATE, THE UNITED STATES DEPARTMENT OF
5 JUSTICE, THE UNITED STATES DEPARTMENT OF DEFENSE OR ANY OF ITS ARMED
6 SERVICES, THE UNITED STATES CENTRAL INTELLIGENCE AGENCY, AND/OR THE
7 OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, AS A PERSON WHO HAS
8 COMMITTED A TERRORIST ACT AGAINST THE UNITED STATES OR ANY OF ITS CITI-
9 ZENS, AND/OR WHO IS A MEMBER OF A DESIGNATED TERRORIST ORGANIZATION
10 PURSUANT TO SECTION 1189 OF TITLE 8 OF THE UNITED STATES CODE.

11 4. "TERRORIST INCIDENT" MEANS ANY INCIDENT WHICH WAS THE BASIS OF A
12 CONVICTION FOR ANY TERRORIST OFFENSE, AS DEFINED BY SUBDIVISION TWO OF
13 THIS SECTION, OR ANY INCIDENT WHICH WAS THE BASIS FOR A VERIFIABLE ACT
14 OF TERRORISM, AS DEFINED BY SUBDIVISION THREE OF THIS SECTION.

15 5. "LAW ENFORCEMENT AGENCY HAVING JURISDICTION" MEANS:

16 (A) THE CHIEF LAW ENFORCEMENT OFFICER IN THE VILLAGE, TOWN OR CITY IN
17 WHICH THE TERRORIST EXPECTS TO RESIDE, OR ACTUALLY RESIDES, UPON HIS OR
18 HER DISCHARGE, PROBATION, PAROLE, RELEASE TO POST-RELEASE SUPERVISION,
19 OR UPON ANY OTHER FORM OF FEDERAL, STATE OR LOCAL CONDITIONAL RELEASE;
20 OR

21 (B) IF THE TERRORIST DOES NOT RECEIVE DISCHARGE, PROBATION, PAROLE,
22 RELEASE TO POST-RELEASE SUPERVISION, OR ANY OTHER FORM OF FEDERAL, STATE
23 OR LOCAL CONDITIONAL RELEASE, THEN THE CHIEF LAW ENFORCEMENT OFFICER IN
24 THE VILLAGE, TOWN OR CITY IN WHICH THE TERRORIST ACTUALLY RESIDES; OR

25 (C) IF THERE IS NO CHIEF LAW ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN
26 OR CITY, THE CHIEF LAW ENFORCEMENT OFFICER OF THE COUNTY; OR

27 (D) IF THERE IS NO CHIEF ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN,
28 CITY OR COUNTY, THE DIVISION OF STATE POLICE.

29 6. "DIVISION" MEANS THE DIVISION OF CRIMINAL JUSTICE SERVICES AS
30 DEFINED BY SECTION EIGHT HUNDRED THIRTY-SEVEN OF THE EXECUTIVE LAW.

31 7. "DEPARTMENT" MEANS THE DEPARTMENT OF CORRECTIONS AND COMMUNITY
32 SUPERVISION, AS DEFINED IN SUBDIVISION ONE OF SECTION TWO, AND SECTION
33 FIVE, OF THIS CHAPTER.

34 8. "OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES" MEANS THE
35 OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES AS DESCRIBED IN
36 SECTION TWO HUNDRED FORTY OF THE EXECUTIVE LAW.

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

41 10. "LOCAL CORRECTIONAL FACILITY" MEANS THE LOCAL CORRECTIONAL FACILI-
42 TY AS THAT TERM IS DEFINED IN SUBDIVISION SIXTEEN OF SECTION TWO OF THIS
43 CHAPTER.

44 11. "PROBATION" MEANS A SENTENCE OF PROBATION IMPOSED PURSUANT TO
45 ARTICLE SIXTY-FIVE OF THE PENAL LAW AND SHALL INCLUDE A SENTENCE OF
46 IMPRISONMENT IMPOSED IN CONJUNCTION WITH A SENTENCE OF PROBATION.

47 12. "INTERNET ACCESS PROVIDER" MEANS ANY BUSINESS, ORGANIZATION OR
48 OTHER ENTITY ENGAGED IN THE BUSINESS OF PROVIDING A COMPUTER AND COMMU-
49 NICATIONS FACILITY THROUGH WHICH A CUSTOMER MAY OBTAIN ACCESS TO THE
50 INTERNET.

51 13. "INTERNET SERVICE PROVIDER" MEANS ANY BUSINESS, ORGANIZATION OR
52 OTHER ENTITY ENGAGED IN THE BUSINESS OF PROVIDING TELECOMMUNICATION,
53 CABLE AND/OR BROADBAND SERVICES TO CONNECT TO, AND COMMUNICATE ON, THE
54 INTERNET, OR ANY OTHER BROAD MULTI-USER COMPUTER SYSTEM.

1 14. "INTERNET IDENTIFIERS" MEANS ANY ELECTRONIC MAIL ADDRESSES AND
2 DESIGNATIONS USED FOR THE PURPOSES OF CHAT, INSTANT MESSAGING, SOCIAL
3 NETWORKING OR OTHER SIMILAR INTERNET COMMUNICATION.

4 15. "CELLULAR SERVICE PROVIDER" MEANS ANY BUSINESS, ORGANIZATION OR
5 OTHER ENTITY ENGAGED IN THE BUSINESS OF PROVIDING CELLULAR TELEPHONE OR
6 DEVICE SERVICE THROUGH WHICH A CUSTOMER MAY MAKE CELLULAR TELEPHONE
7 CALLS OR OBTAIN ACCESS TO THE INTERNET, BUT DOES NOT INCLUDE A BUSINESS,
8 ORGANIZATION OR OTHER ENTITY TO THE EXTENT THAT IT PROVIDES ONLY LAND
9 LINE OR CABLE TELECOMMUNICATIONS SERVICES.

10 16. "REGISTRY" MEANS THE NEW YORK STATE TERRORIST REGISTRY ESTABLISHED
11 AND MAINTAINED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO
12 THIS ARTICLE.

13 17. "REGISTRANT" MEANS A TERRORIST, THAT UPON EXAMINATION, PURSUANT TO
14 SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, THE DIVISION HAS
15 DETERMINED SHALL BE REQUIRED TO REGISTER WITH, AND BE ADDED TO, THE NEW
16 YORK STATE TERRORIST REGISTRY.

17 18. "CONFINEMENT ENTITY" MEANS THE DEPARTMENT, OR ANY OTHER OFFICE,
18 AGENCY, GOVERNMENT, CORPORATION OR OTHER INSTITUTION WHICH MAINTAINS THE
19 CORRECTIONAL FACILITY, HOSPITAL, LOCAL CORRECTIONAL FACILITY, OR ANY
20 OTHER SIMILAR TYPE OF SECURE FACILITY, AT WHICH A TERRORIST, AS DEFINED
21 IN SUBDIVISION ONE OF THIS SECTION, IS CONFINED.

22 S 169-C. DUTIES OF THE DIVISION. 1. TERRORIST REGISTRY. THE DIVISION
23 SHALL ESTABLISH AND MAINTAIN AN INFORMATION FILE ON ALL TERRORISTS
24 REQUIRED TO REGISTER PURSUANT TO THE PROVISIONS OF THIS ARTICLE, WHICH
25 SHALL INCLUDE ALL THE INFORMATION SET FORTH IN SECTION ONE HUNDRED
26 SIXTY-NINE-D OF THIS ARTICLE, AND WHICH SHALL BE KNOWN AS THE NEW YORK
27 STATE TERRORIST REGISTRY.

28 2. REGISTRANT NOTIFICATION. THE DIVISION SHALL NOTIFY EVERY TERRORIST
29 REQUIRED TO BE REGISTERED UNDER THIS ARTICLE, PURSUANT TO THE PROVISIONS
30 OF SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE, BUT IN NO EVENT
31 SHALL THE FAILURE OF A TERRORIST TO RECEIVE SUCH NOTICE, OR THE DIVI-
32 SION'S FAILURE TO PROVIDE SUCH NOTICE, RELIEVE SUCH TERRORIST FROM ANY
33 OBLIGATION REQUIRED BY THIS ARTICLE.

34 3. INITIAL ASSEMBLY OF THE REGISTRY. THE DIVISION, PURSUANT TO SECTION
35 ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, SHALL CONDUCT EXAMINATIONS TO
36 DETERMINE WHAT TERRORISTS SHALL BE INITIALLY ADDED TO THE REGISTRY, AND
37 UPON SUCH EXAMINATIONS AND DETERMINATIONS, IN ACCORDANCE WITH SECTION
38 ONE HUNDRED SIXTY-NINE-G OF THIS ARTICLE, SHALL ADD SUCH TERRORISTS TO
39 THE NEW YORK STATE TERRORIST REGISTRY.

40 4. EXAMINATIONS OF POTENTIAL REGISTRANTS. THE DIVISION, IN ACCORDANCE
41 WITH SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, SHALL MAKE REGU-
42 LAR EXAMINATIONS TO DETERMINE WHAT TERRORISTS SHALL BE ADDED TO THE
43 REGISTRY.

44 5. STANDARDIZED REGISTRATION INFORMATION FORM, PERSONALIZED REGISTRA-
45 TION INFORMATION FORM AND STANDARDIZED REGISTRATION FORM. THE DIVISION
46 SHALL DEVELOP A STANDARDIZED REGISTRATION INFORMATION FORM, A PERSONAL-
47 IZED REGISTRATION INFORMATION FORM AND A STANDARDIZED REGISTRATION FORM,
48 PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

49 6. STANDARDIZED VERIFICATION INFORMATION FORM, PERSONALIZED VERIFICA-
50 TION FORM AND STANDARDIZED VERIFICATION FORM. THE DIVISION SHALL DEVELOP
51 A STANDARDIZED VERIFICATION INFORMATION FORM, A PERSONALIZED VERIFICA-
52 TION FORM AND A STANDARDIZED VERIFICATION FORM, PURSUANT TO SECTION ONE
53 HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

54 7. REGISTRATION AND VERIFICATION OF TERRORISTS. THE DIVISION, PURSUANT
55 TO SECTION ONE HUNDRED SIXTY-NINE-H OF THIS ARTICLE, SHALL PROVIDE FOR

1 THE REGISTRATION AND VERIFICATION OF TERRORISTS ADDED TO THE NEW YORK
2 STATE TERRORIST REGISTRY.

3 8. NOTIFICATION OF CHANGE OF ADDRESS. THE DIVISION, PURSUANT TO
4 SECTION ONE HUNDRED SIXTY-NINE-M OF THIS ARTICLE, SHALL PROVIDE FOR THE
5 NOTIFICATION OF LAW ENFORCEMENT AGENCIES HAVING JURISDICTION, WHEN A
6 REGISTRANT NOTIFIES THE DIVISION OF A CHANGE OF ADDRESS.

7 9. REGISTRY INFORMATION SHARING. THE DIVISION, PURSUANT TO SECTION ONE
8 HUNDRED SIXTY-NINE-N OF THIS ARTICLE, IS AUTHORIZED TO SHARE THE NEW
9 YORK STATE TERRORIST REGISTRY, AND ALL THE INFORMATION CONTAINED THERE-
10 IN, TO ADVANCE THE PURPOSES OF THIS ARTICLE.

11 10. SECURE INFORMATION. THE DIVISION, PURSUANT TO SECTION ONE HUNDRED
12 SIXTY-NINE-N OF THIS ARTICLE, IN CONSULTATION WITH THE DIVISION OF HOME-
13 LAND SECURITY AND EMERGENCY SERVICES AND THE DIVISION OF STATE POLICE,
14 SHALL REVIEW THE INFORMATION CONTAINED ON THE REGISTRY, AND SHALL DETER-
15 MINE WHETHER THE DISCLOSURE OF ANY PARTICULAR INFORMATION CONTAINED ON
16 THE REGISTRY MAY CAUSE A SECURITY RISK TO THE PEOPLE OR PROPERTY OF THE
17 STATE OF NEW YORK, AND UPON SUCH DETERMINATION THAT SUCH PARTICULAR
18 INFORMATION NEEDS TO BE DEEMED SECURE, THE DIVISION SHALL REMOVE SUCH
19 SECURE INFORMATION FROM PUBLIC ACCESSIBILITY.

20 11. DNA CUSTODY AND ANALYSIS. THE DIVISION, PURSUANT TO SECTION ONE
21 HUNDRED SIXTY-NINE-O OF THIS ARTICLE, SHALL PROVIDE FOR THE SECURE,
22 CUSTODIAL TRANSFER OF THE DNA SAMPLE COLLECTED FROM THE REGISTRANT, FOR
23 THE PRESERVATION, STORAGE AND ANALYSIS OF SUCH DNA SAMPLE, AND SHALL
24 FURTHER PROVIDE FOR THE SUBSEQUENT SECURE CUSTODIAL TRANSFER OF THE DNA
25 SAMPLE, AND/OR THE ANALYSIS PRODUCED THEREFROM, TO THE STATE DNA IDEN-
26 TIFICATION INDEX, MAINTAINED PURSUANT TO SECTION NINE HUNDRED
27 NINETY-FIVE-C OF THE EXECUTIVE LAW.

28 12. FINGERPRINT CUSTODY AND ANALYSIS. THE DIVISION, PURSUANT TO
29 SECTION ONE HUNDRED SIXTY-NINE-O OF THIS ARTICLE, SHALL PROVIDE FOR THE
30 SECURE, CUSTODIAL TRANSFER OF THE FINGERPRINTS COLLECTED FROM THE REGIS-
31 TRANT, TO THE LABORATORY MAINTAINED BY THE DIVISION OF STATE POLICE, OR
32 ANOTHER APPROVED FINGERPRINT ANALYSIS ENTITY AS CONTRACTED WITH BY THE
33 DIVISION, FOR THE PRESERVATION, STORAGE AND ANALYSIS OF SUCH FINGER-
34 PRINTS.

35 13. REGISTRY AND VERIFICATION FEES. THE DIVISION, PURSUANT TO SECTION
36 ONE HUNDRED SIXTY-NINE-P OF THIS ARTICLE, SHALL BE AUTHORIZED TO CHARGE
37 REGISTRATION AND VERIFICATION FEES TO BE PAID TO THE DIVISION BY THE
38 REGISTRANT, AT THE TIME AND MANNER PRESCRIBED BY THE DIVISION, WITH THE
39 STATE COMPTROLLER BEING AUTHORIZED TO DEPOSIT SUCH FEES INTO THE GENERAL
40 FUND.

41 14. SPECIAL TELEPHONE NUMBER. THE DIVISION SHALL ESTABLISH AND OPERATE
42 A SPECIAL TELEPHONE NUMBER PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-Q
43 OF THIS ARTICLE.

44 15. INTERNET DIRECTORY. THE DIVISION SHALL ESTABLISH AN INTERNET
45 DIRECTORY PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-R OF THIS ARTICLE.

46 S 169-D. REGISTRATION INFORMATION. THE DIVISION, PURSUANT TO SUBDIVI-
47 SION ONE OF SECTION ONE HUNDRED SIXTY-NINE-C OF THIS ARTICLE, SHALL
48 ESTABLISH AND MAINTAIN AN INFORMATION FILE ON ALL TERRORISTS REQUIRED TO
49 REGISTER PURSUANT TO THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-NINE-H
50 OF THIS ARTICLE, WHICH SHALL BE KNOWN AS THE NEW YORK STATE TERRORIST
51 REGISTRY, AND WHICH SHALL INCLUDE THE FOLLOWING INFORMATION ON EACH SUCH
52 REGISTRANT:

53 1. PERSONAL INFORMATION, INCLUDING:

54 (A) THE TERRORIST'S NAME;

55 (B) ALL ALIASES CURRENTLY OR EVER USED BY THE TERRORIST;

56 (C) THE DATE OF BIRTH OF THE TERRORIST;

- 1 (D) THE SEX OF THE TERRORIST;
2 (E) THE RACE OF THE TERRORIST;
3 (F) THE HEIGHT, WEIGHT, EYE COLOR, DISTINCTIVE MARKINGS, AND BUILD OF
4 THE TERRORIST;
5 (G) THE NATION OF ORIGIN AND COUNTRY OR COUNTRIES OF CITIZENSHIP OF
6 THE TERRORIST;
7 (H) THE DRIVER'S LICENSE NUMBER OR NON-DRIVER'S IDENTIFICATION CARD
8 NUMBER OF THE TERRORIST;
9 (I) THE PASSPORT NUMBER OF THE MOST RECENT PASSPORT OF THE TERRORIST;
10 (J) THE HOME ADDRESS AND/OR EXPECTED PLACE OF DOMICILE AND/OR ACTUAL
11 PLACE OF DOMICILE OF THE TERRORIST;
12 (K) THE SOCIAL SECURITY NUMBER, OR TAXPAYER IDENTIFICATION NUMBER, OF
13 THE TERRORIST;
14 (L) ANY AND ALL INTERNET ACCOUNTS WITH INTERNET SERVICE/ACCESS PROVID-
15 ERS BELONGING TO SUCH TERRORIST;
16 (M) ANY AND ALL INTERNET IDENTIFIERS THAT SUCH TERRORIST USES, OR HAS
17 USED; AND
18 (N) ANY AND ALL CELLULAR ACCOUNTS AND CELLULAR TELEPHONE NUMBERS WITH
19 CELLULAR SERVICE PROVIDERS BELONGING TO THE TERRORIST, OR ANY AND ALL
20 CELLULAR ACCOUNTS AND CELLULAR TELEPHONE NUMBERS WITH CELLULAR SERVICE
21 OF WHICH THE TERRORIST HAS AUTHORIZED USE;
- 22 2. FORENSIC INFORMATION, INCLUDING:
23 (A) A PHOTOGRAPH OF THE TERRORIST, TAKEN IN ACCORDANCE WITH THE
24 PROVISIONS OF THIS ARTICLE, WHICH SHALL BE UPDATED ANNUALLY;
25 (B) A COMPLETE SET OF FINGERPRINTS OF THE TERRORIST, COLLECTED IN
26 ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE;
27 (C) A DNA SAMPLE, COLLECTED IN ACCORDANCE WITH THE PROVISIONS OF THIS
28 ARTICLE, WITH SUCH SAMPLE BEING COMPLIANT WITH TESTING FOR THE COMBINED
29 DNA INDEX SYSTEM (CODIS), AND WITH SUCH SAMPLE CAPABLE OF PROVIDING A
30 REPORT AND ANALYSIS OF AUTOSOMAL DNA (ATDNA), MITOCHONDRIAL DNA (MTDNA)
31 AND Y-CHROMOSOME DNA (Y-DNA), TOGETHER WITH ANY OTHER SCREENING OR DNA
32 TESTING AS MAY BE REQUIRED BY THE DIVISION; AND
33 (D) A DNA ANALYSIS OF THE DNA SAMPLE COLLECTED FROM THE TERRORIST,
34 PERFORMED BY A LABORATORY APPROVED BY THE DIVISION, WITH SUCH ANALYSIS
35 BEING COMPLIANT WITH THE COMBINED DNA INDEX SYSTEM (CODIS), AND WITH
36 SUCH ANALYSIS CAPABLE OF PROVIDING A REPORT AND ANALYSIS OF AUTOSOMAL
37 DNA (ATDNA), MITOCHONDRIAL DNA (MTDNA) AND Y-CHROMOSOME DNA (Y-DNA),
38 TOGETHER WITH ANY OTHER SCREENING OR DNA TESTING AS MAY BE REQUIRED BY
39 THE DIVISION;
- 40 3. TERRORIST INCIDENT INFORMATION, INCLUDING, FOR EACH AND EVERY
41 TERRORIST INCIDENT INVOLVING THE TERRORIST:
42 (A) A COMPLETE DESCRIPTION OF THE INCIDENT AND ITS SURROUNDING EVENTS
43 FOR WHICH THE TERRORIST WAS CONVICTED, DETAINED, DEPORTED, TRANSPORTED,
44 OR DESIGNATED;
45 (B) THE DATE OF THE INCIDENT AND ITS SURROUNDING EVENTS FOR WHICH THE
46 TERRORIST WAS CONVICTED, DETAINED, DEPORTED, TRANSPORTED, OR DESIGNATED;
47 (C) A COMPLETE DESCRIPTION OF EACH AND EVERY CONSEQUENCE OF THE INCI-
48 DENT AND ITS SURROUNDING EVENTS FOR WHICH THE TERRORIST WAS CONVICTED,
49 DETAINED, DEPORTED, TRANSPORTED, OR DESIGNATED, INCLUDING EACH AND EVERY
50 SENTENCE, FINE, PUNISHMENT AND/OR SANCTION IMPOSED AS A RESULT OF THE
51 INCIDENT; AND
52 (D) THE DATE OF EACH AND EVERY CONVICTION, DETAINMENT, DEPORTATION,
53 TRANSPORTATION, AND/OR DESIGNATION THAT OCCURRED AS A RESULT OF THE
54 INCIDENT, AND EACH AND EVERY SENTENCE, FINE, PUNISHMENT AND/OR SANCTION
55 IMPOSED AS A RESULT OF THE INCIDENT;
- 56 4. EMPLOYMENT INFORMATION OF THE TERRORIST, INCLUDING:

1 (A) IN THE CASE OF A TERRORIST WHO IS EMPLOYED, OR WHO EXPECTS TO BE
2 EMPLOYED:

3 (I) THE NAME AND ADDRESS OF THE TERRORIST'S CURRENT OR EXPECTED
4 EMPLOYER;

5 (II) A COMPLETE DESCRIPTION OF THE TERRORIST'S EMPLOYMENT DUTIES, WORK
6 LOCATIONS, JOB TITLES AND TOOLS AND MATERIALS UTILIZED DURING THE COURSE
7 OF EMPLOYMENT; AND

8 (III) A COMPLETE LIST OF THE TERRORIST'S SUPERVISORS; AND

9 (B) IN THE CASE OF A TERRORIST WHO IS A STUDENT, OR WHO EXPECTS TO BE
10 A STUDENT:

11 (I) THE NAME AND ADDRESS OF THE TERRORIST'S EDUCATIONAL INSTITUTION OR
12 EXPECTED EDUCATIONAL INSTITUTION;

13 (II) A COMPLETE DESCRIPTION OF THE TERRORIST'S CLASSES TAKEN, OR
14 EXPECTED TO BE TAKEN, CLASSROOM LOCATIONS, AND EDUCATIONAL CREDITS; AND

15 (III) A COMPLETE LIST OF THE TERRORIST'S PROFESSORS.

16 5. SUPPLEMENTAL AND VERIFICATION INFORMATION OF THE TERRORIST, INCLUD-
17 ING:

18 (A) AN ANNUAL UPDATE OF THE TERRORIST'S PHOTOGRAPH; AND

19 (B) ANY OTHER ADDITIONAL AND FURTHER INFORMATION DEEMED PERTINENT BY
20 THE DIVISION.

21 S 169-E. REGISTRANT NOTIFICATION; STANDARDIZED REGISTRATION AND
22 VERIFICATION FORMS. 1. REGISTRATION PACKET. THE DIVISION SHALL CREATE A
23 NON-FORWARDABLE REGISTRATION PACKET, WHICH SHALL CONSIST OF A STANDARD-
24 IZED REGISTRATION INFORMATION FORM, A PERSONALIZED REGISTRATION INFORMA-
25 TION FORM, AND A STANDARDIZED REGISTRATION FORM.

26 2. STANDARDIZED REGISTRATION INFORMATION FORM. THE DIVISION SHALL
27 CREATE A STANDARDIZED REGISTRATION INFORMATION FORM, IN CLEAR AND
28 CONCISE LANGUAGE, WITH THE PURPOSE OF PROVIDING INFORMATION TO EVERY
29 TERRORIST, REQUIRED TO REGISTER WITH THE NEW YORK STATE TERRORIST REGIS-
30 TRY, ON THE FOLLOWING:

31 (A) DUTY AND OBLIGATION TO REGISTER. THE STANDARDIZED REGISTRATION
32 INFORMATION FORM SHALL PROVIDE INFORMATION CONCERNING THE REGISTRANT'S
33 DUTY AND OBLIGATION TO REGISTER WITH THE DIVISION;

34 (B) FURTHER DUTIES AND OBLIGATIONS OF REGISTRANTS. THE STANDARDIZED
35 REGISTRATION INFORMATION FORM SHALL ALSO PROVIDE INFORMATION ADVISING
36 THE REGISTRANT OF HIS OR HER DUTIES AND OBLIGATIONS UNDER THIS ARTICLE;
37 AND

38 (C) MANNER OF REGISTRATION. THE STANDARDIZED REGISTRATION INFORMATION
39 FORM SHALL ADDITIONALLY PROVIDE INFORMATION CONCERNING THE MANNER AND
40 PROCEDURES THAT A REGISTRANT SHALL BE REQUIRED TO FOLLOW, IN ORDER TO
41 PROPERLY REGISTER IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE,
42 INCLUDING:

43 (I) DETAILED DIRECTIONS AND INFORMATION AS TO HOW TO COMPLETE THE
44 STANDARDIZED REGISTRATION FORM;

45 (II) DETAILED DIRECTIONS AND INFORMATION AS TO HOW THE REGISTRANT MUST
46 APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, AS WELL AS
47 INFORMATION CONCERNING THE REGISTRANT'S REQUIREMENT TO PROVIDE HIS OR
48 HER PHOTOGRAPH, FINGERPRINTS AND A DNA SAMPLE TO SUCH LAW ENFORCEMENT
49 AGENCY; AND

50 (III) DETAILED DIRECTIONS AND INFORMATION CONCERNING THE REGISTRANT'S
51 RESPONSIBILITY TO PAY A ONE HUNDRED DOLLAR REGISTRATION FEE TO THE DIVI-
52 SION, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-P OF THIS ARTICLE, AND
53 THE AVAILABLE MEANS AND MANNER IN WHICH SUCH FEE SHALL BE PAID.

54 3. PERSONALIZED REGISTRATION INFORMATION FORM. THE DIVISION SHALL
55 CREATE A PERSONALIZED REGISTRATION INFORMATION FORM, IN CLEAR AND
56 CONCISE LANGUAGE, WITH THE PURPOSE OF PROVIDING INFORMATION TO EVERY

1 TERRORIST REQUIRED TO REGISTER WITH THE NEW YORK STATE TERRORIST REGIS-
2 TRY WITH DETAILED DIRECTIONS AND INFORMATION AS TO WHERE THE REGISTRANT
3 MUST APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, WHICH
4 SHALL SPECIFY THE ADDRESS, TELEPHONE NUMBER AND DESIGNATED CONTACT
5 PERSON OF SUCH LAW ENFORCEMENT AGENCY.

6 4. STANDARDIZED REGISTRATION FORM. THE DIVISION SHALL CREATE A STAND-
7 ARDIZED REGISTRATION FORM, IN CLEAR AND CONCISE LANGUAGE, WITH THE
8 PURPOSE OF COLLECTING THE REGISTRATION INFORMATION IDENTIFIED IN SECTION
9 ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE, FROM EVERY TERRORIST REQUIRED
10 TO REGISTER WITH THE NEW YORK STATE TERRORIST REGISTRY.

11 5. VERIFICATION PACKET. THE DIVISION SHALL CREATE A NON-FORWARDABLE
12 VERIFICATION PACKET, WHICH SHALL CONSIST OF A STANDARDIZED VERIFICATION
13 INFORMATION FORM, A PERSONALIZED VERIFICATION INFORMATION FORM, AND A
14 STANDARDIZED VERIFICATION FORM.

15 6. STANDARDIZED VERIFICATION INFORMATION FORM. THE DIVISION SHALL
16 CREATE A STANDARDIZED VERIFICATION INFORMATION FORM, IN CLEAR AND
17 CONCISE LANGUAGE, WITH THE PURPOSE OF PROVIDING INFORMATION TO EVERY
18 TERRORIST, REQUIRED TO REGISTER WITH THE NEW YORK STATE TERRORIST REGIS-
19 TRY, ON THE FOLLOWING:

20 (A) DUTY AND OBLIGATION TO PROVIDE VERIFICATION. THE STANDARDIZED
21 VERIFICATION INFORMATION FORM SHALL PROVIDE INFORMATION CONCERNING THE
22 REGISTRANT'S DUTY AND OBLIGATION TO PROVIDE QUARTERLY VERIFICATION WITH
23 THE DIVISION;

24 (B) FURTHER DUTIES AND OBLIGATIONS OF REGISTRANTS. THE STANDARDIZED
25 VERIFICATION INFORMATION FORM SHALL ALSO PROVIDE INFORMATION ADVISING
26 THE REGISTRANT OF HIS OR HER DUTIES AND OBLIGATIONS UNDER THIS ARTICLE;
27 AND

28 (C) MANNER OF REGISTRATION. THE STANDARDIZED VERIFICATION INFORMATION
29 FORM SHALL ADDITIONALLY PROVIDE INFORMATION CONCERNING THE MANNER AND
30 PROCEDURES THAT A REGISTRANT SHALL BE REQUIRED TO FOLLOW, IN ORDER TO
31 PROPERLY PROVIDE VERIFICATION IN ACCORDANCE WITH THE PROVISIONS OF THIS
32 ARTICLE, INCLUDING:

33 (I) DETAILED DIRECTIONS AND INFORMATION AS TO HOW TO COMPLETE THE
34 STANDARDIZED VERIFICATION FORM;

35 (II) DETAILED DIRECTIONS AND INFORMATION AS TO HOW TO APPEAR BEFORE
36 THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, CONCERNING THE REGIS-
37 TRANT'S REQUIREMENT TO ANNUALLY UPDATE HIS OR HER PHOTOGRAPH WITH SUCH
38 LAW ENFORCEMENT AGENCY; AND

39 (III) DETAILED DIRECTIONS AND INFORMATION CONCERNING THE TERRORIST'S
40 RESPONSIBILITY TO PAY A TEN DOLLAR CHANGE OF ADDRESS FEE TO THE DIVI-
41 SION, AS WELL AS A TEN DOLLAR ANNUAL UPDATED PHOTOGRAPH FEE, PURSUANT TO
42 SECTION ONE HUNDRED SIXTY-NINE-P OF THIS ARTICLE, AND THE AVAILABLE
43 MEANS AND MANNER IN WHICH SUCH FEE OR FEES SHALL BE PAID.

44 7. PERSONALIZED VERIFICATION INFORMATION FORM. THE DIVISION SHALL
45 CREATE A PERSONALIZED VERIFICATION INFORMATION FORM, IN CLEAR AND
46 CONCISE LANGUAGE, WITH THE PURPOSE OF PROVIDING INFORMATION TO EVERY
47 TERRORIST REQUIRED TO REGISTER WITH THE NEW YORK STATE TERRORIST REGIS-
48 TRY WITH DETAILED DIRECTIONS AND INFORMATION AS TO WHERE THE REGISTRANT
49 MUST APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, WHICH
50 SHALL SPECIFY THE ADDRESS, TELEPHONE NUMBER AND DESIGNATED CONTACT
51 PERSON OF SUCH LAW ENFORCEMENT AGENCY. SUCH PERSONAL VERIFICATION INFOR-
52 MATION INFORMATION FORM SHALL FURTHER INDICATE THE DATE BY WHICH THE
53 REGISTRANT MUST APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURIS-
54 DICTION TO PROVIDE SUCH UPDATED PHOTOGRAPH.

55 8. STANDARDIZED VERIFICATION FORM. THE DIVISION SHALL CREATE A STAND-
56 ARDIZED VERIFICATION FORM, IN CLEAR AND CONCISE LANGUAGE, WITH THE

1 PURPOSE OF COLLECTING THE QUARTERLY SUPPLEMENTAL AND VERIFICATION INFOR-
2 MATION IDENTIFIED IN SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE,
3 FROM EVERY TERRORIST REQUIRED TO REGISTER WITH THE NEW YORK STATE
4 TERRORIST REGISTRY.

5 9. AVAILABILITY OF INFORMATION AND FORMS. IN ADDITION TO THE OTHER
6 PROVISIONS OF THIS SECTION, THE DIVISION SHALL FURTHER MAKE INFORMATION
7 AND FORMS AVAILABLE AS FOLLOWS:

8 (A) THE DIVISION SHALL MAKE PAPER COPIES OF THE STANDARDIZED REGISTRA-
9 TION INFORMATION FORM, THE STANDARDIZED REGISTRATION FORM, THE STANDARD-
10 IZED VERIFICATION INFORMATION FORM AND THE STANDARDIZED VERIFICATION
11 FORM AVAILABLE TO REGISTRANTS, ATTORNEYS REPRESENTING REGISTRANTS, THE
12 UNIFIED COURT SYSTEM, THE DEPARTMENT, FEDERAL, STATE AND LOCAL LAW
13 ENFORCEMENT, AND SUCH OTHER AND FURTHER INDIVIDUALS AND ENTITIES AS THE
14 DIVISION DEEMS APPROPRIATE;

15 (B) THE DIVISION SHALL FURTHER POST ELECTRONIC COPIES OF THE STANDARD-
16 IZED REGISTRATION INFORMATION FORM, THE STANDARDIZED REGISTRATION FORM,
17 THE STANDARDIZED VERIFICATION INFORMATION FORM AND THE STANDARDIZED
18 VERIFICATION FORM, PRODUCED IN ACCORDANCE WITH THIS SECTION, ON THE
19 OFFICIAL WEBSITE OF THE DIVISION, AND SUCH ELECTRONIC FORMS SHALL ALL BE
20 IN A DOWNLOADABLE FORMAT, TO ALLOW FOR THE SUBMISSION OF A COMPLETED
21 COPY OF SUCH FORM OR FORMS TO THE DIVISION, REGARDLESS OF WHETHER ANY
22 SUCH FORM OR FORMS HAVE BEEN PROVIDED TO, OR RECEIVED BY, THE REGIS-
23 TRANT, OR REGARDLESS OF WHETHER SUCH REGISTRANT HAS IN FACT RECEIVED
24 NOTICE OF HIS OR HER DUTY AND OBLIGATION TO REGISTER AS REQUIRED BY THIS
25 ARTICLE; AND

26 (C) THE DIVISION SHALL ALSO MAINTAIN A TOLL FREE TELEPHONE NUMBER,
27 WHICH SHALL BE DISPLAYED ON THE OFFICIAL WEBSITE OF THE DIVISION, TO
28 PROVIDE, UPON REQUEST OF ANY PERSON REQUIRED TO REGISTER WITH THE NEW
29 YORK STATE TERRORIST REGISTRY, OR THEIR REPRESENTATIVE, ALL INFORMATION
30 THAT IS NECESSARY FOR A REGISTRANT TO COMPLETE THEIR REGISTRATION WITH
31 THE NEW YORK STATE TERRORIST REGISTRY, OR FOR A REGISTRANT TO COMPLETE
32 THEIR VERIFICATION, INCLUDING INFORMATION THAT WOULD BE PROVIDED IN A
33 PERSONALIZED REGISTRATION INFORMATION FORM OR A PERSONALIZED VERIFICA-
34 TION INFORMATION FORM.

35 10. ADVERTISEMENT. THE DIVISION SHALL ADVERTISE ON ITS OFFICIAL
36 WEBSITE THAT ALL TERRORISTS ADDED TO THE NEW YORK STATE TERRORIST REGIS-
37 TRY SHALL BE REQUIRED TO REGISTER AND PROVIDE VERIFICATION UNDER PENALTY
38 OF LAW, AND THAT THE INFORMATION AND FORMS NECESSARY TO COMPLETE SUCH
39 REGISTRATION AND PROVIDE SUCH VERIFICATION ARE AVAILABLE FOR DOWNLOAD ON
40 THE DIVISION'S WEBSITE AND THAT FURTHER INFORMATION CAN BE OBTAINED FROM
41 THE TOLL FREE TELEPHONE NUMBER ESTABLISHED IN ACCORDANCE WITH PARAGRAPH
42 (C) OF SUBDIVISION NINE OF THIS SECTION.

43 11. PURPOSE OF THE REGISTRATION PACKET. THE PURPOSE OF THE NON-FOR-
44 FORWARDABLE REGISTRATION PACKET CREATED IN ACCORDANCE WITH SUBDIVISION ONE
45 OF THIS SECTION, SHALL BE TO INFORM EVERY TERRORIST ADDED TO THE NEW
46 YORK STATE TERRORIST REGISTRY OF SUCH TERRORIST'S DUTY AND OBLIGATION TO
47 REGISTER AS REQUIRED BY THIS ARTICLE, AND TO COLLECT THE NECESSARY
48 INFORMATION FROM SUCH TERRORIST AS REQUIRED BY THIS ARTICLE.

49 12. MAILING OF REGISTRATION PACKET. THE NON-FORWARDABLE REGISTRATION
50 PACKET, AS DEFINED IN SUBDIVISION ONE OF THIS SECTION, SHALL BE MAILED
51 BY THE DIVISION, BY FIRST CLASS MAIL, TO THE LAST KNOWN ADDRESS OF SUCH
52 TERRORIST, IN ACCORDANCE WITH THE TIMELINES ESTABLISHED BY SUBDIVISION
53 FIFTEEN OF THIS SECTION.

54 13. PURPOSE OF THE VERIFICATION PACKET. THE PURPOSE OF THE NON-FOR-
55 FORWARDABLE VERIFICATION PACKET, CREATED IN ACCORDANCE WITH SUBDIVISION
56 FIVE OF THIS SECTION, SHALL BE TO INFORM EVERY REGISTRANT ADDED TO THE

1 NEW YORK STATE TERRORIST REGISTRY OF SUCH REGISTRANT'S DUTY AND OBLI-
2 GATION TO PROVIDE VERIFICATION AS REQUIRED BY THIS ARTICLE, AND TO
3 COLLECT THE NECESSARY VERIFICATION INFORMATION FROM SUCH REGISTRANT AS
4 REQUIRED BY THIS ARTICLE.

5 14. MAILING OF VERIFICATION PACKET. THE NON-FORWARDABLE VERIFICATION
6 PACKET, AS DEFINED IN SUBDIVISION FIVE OF THIS SECTION, SHALL BE MAILED
7 BY THE DIVISION, BY FIRST CLASS MAIL, TO THE LAST KNOWN ADDRESS OF SUCH
8 REGISTRANT, IN ACCORDANCE WITH THE TIMELINES ESTABLISHED BY SUBDIVISION
9 FIFTEEN OF THIS SECTION.

10 15. TIMELINES. WITH RESPECT TO THE REQUIREMENTS OF THIS ARTICLE, THE
11 FOLLOWING TIMELINES SHALL APPLY:

12 (A) THE MAILING REQUIRED IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVI-
13 SION TWELVE OF THIS SECTION SHALL BE COMPLETED BY THE DIVISION WITHIN
14 TEN CALENDAR DAYS OF THE DATE ON WHICH THE DIVISION ADDS THE TERRORIST
15 TO WHOM THE MAILING IS DIRECTED TO THE NEW YORK STATE TERRORIST REGIS-
16 TRY;

17 (B) THE MAILING REQUIRED IN ACCORDANCE WITH SUBDIVISION FOURTEEN OF
18 THIS SECTION SHALL BE COMPLETED BY THE DIVISION WITHIN SEVENTY-FIVE
19 CALENDAR DAYS OF THE DATE ON WHICH THE REGISTRANT TO WHOM THE MAILING IS
20 DIRECTED PROVIDES THE DIVISION WITH ALL THE INFORMATION REQUIRED IN THE
21 STANDARDIZED REGISTRATION FORM, AND THEN AGAIN, EVERY NINETY DAYS THERE-
22 AFTER;

23 (C) THE REGISTRANT, WITHIN TEN CALENDAR DAYS OF THE RECEIPT OF THE
24 REGISTRATION PACKET FROM THE DIVISION, OR WITHIN THIRTY CALENDAR DAYS OF
25 THE MAILING OF REGISTRATION PACKET BY THE DIVISION, OR WITHIN FIVE
26 CALENDAR DAYS OF DOWNLOADING THE STANDARDIZED REGISTRATION FORM FROM THE
27 DIVISION'S WEBSITE, OR WITHIN FIVE DAYS OF BEING PERSONALLY NOTIFIED BY
28 THE DIVISION OR ITS REPRESENTATIVE, WHICHEVER IS EARLIER, SHALL RETURN A
29 FULLY EXECUTED, SIGNED AND COMPLETED COPY OF THE STANDARDIZED REGISTRA-
30 TION FORM TO THE DIVISION, EITHER BY MEANS OF UNITED STATES FIRST CLASS
31 MAIL, OR BY MEANS OF PERSONAL DELIVERY TO THE LAW ENFORCEMENT AGENCY
32 HAVING JURISDICTION;

33 (D) THE REGISTRANT, WITHIN TEN CALENDAR DAYS OF THE RECEIPT OF THE
34 VERIFICATION PACKET FROM THE DIVISION, OR WITHIN FIFTEEN CALENDAR DAYS
35 OF THE MAILING OF VERIFICATION PACKET BY THE DIVISION, OR WITHIN FIVE
36 CALENDAR DAYS OF DOWNLOADING THE STANDARDIZED VERIFICATION FORM FROM THE
37 DIVISION'S WEBSITE, OR WITHIN FIVE CALENDAR DAYS OF BEING PERSONALLY
38 NOTIFIED BY THE DIVISION OR ITS REPRESENTATIVE, WHICHEVER IS EARLIER,
39 SHALL RETURN A FULLY EXECUTED, SIGNED AND COMPLETED COPY OF THE STAND-
40 ARDIZED VERIFICATION FORM TO THE DIVISION, EITHER BY MEANS OF UNITED
41 STATES FIRST CLASS MAIL, OR BY MEANS OF PERSONAL DELIVERY TO THE LAW
42 ENFORCEMENT AGENCY HAVING JURISDICTION;

43 (E) THE REGISTRANT, WITHIN FIFTEEN CALENDAR DAYS OF THE RECEIPT OF THE
44 REGISTRATION PACKET FROM THE DIVISION, OR WITHIN THIRTY-FIVE CALENDAR
45 DAYS OF THE MAILING OF REGISTRATION PACKET BY THE DIVISION, OR WITHIN
46 TEN CALENDAR DAYS OF DOWNLOADING THE STANDARDIZED REGISTRATION FORM FROM
47 THE DIVISION'S WEBSITE, OR WITHIN FIVE CALENDAR DAYS OF BEING PERSONALLY
48 NOTIFIED BY THE DIVISION OR ITS REPRESENTATIVE, WHICHEVER IS EARLIER,
49 SHALL APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, TO
50 PROVIDE FINGERPRINTS, AN INITIAL PHOTOGRAPH AND A DNA SAMPLE, UNLESS
51 SUCH REGISTRANT HAS PREVIOUSLY HAD THEIR INITIAL PHOTOGRAPH PREVIOUSLY
52 TAKEN, AND THEIR FINGERPRINTS AND DNA SAMPLE PREVIOUSLY COLLECTED, IN
53 ACCORDANCE WITH SUBDIVISIONS THREE AND FIVE OF SECTION ONE HUNDRED
54 SIXTY-NINE-J OF THIS ARTICLE, OR IN ACCORDANCE WITH SUBDIVISIONS THREE
55 AND FIVE OF SECTION ONE HUNDRED SIXTY-NINE-K OF THIS ARTICLE; AND

1 (F) THE REGISTRANT SHALL ANNUALLY APPEAR BEFORE THE LAW ENFORCEMENT
2 AGENCY HAVING JURISDICTION, NOT LATER THAN ONE YEAR AFTER, AND NOT PRIOR
3 TO THREE HUNDRED THIRTY DAYS BEFORE, THE ANNIVERSARY DATE OF THE TAKING
4 OR HIS OR HER INITIAL PHOTOGRAPH IN ORDER TO PROVIDE THE DIVISION WITHIN
5 AN UPDATED PHOTOGRAPH.

6 16. DUTY AND OBLIGATION TO REGISTER AND PROVIDE VERIFICATION ABSOLUTE.
7 IN NO EVENT SHALL THE FAILURE OF A TERRORIST TO RECEIVE ANY NOTICE,
8 REGISTRATION PACKET OR VERIFICATION PACKET, OR OF THE DIVISION TO FAIL
9 TO PROVIDE SUCH NOTICE, REGISTRATION PACKET OR VERIFICATION PACKET, OR
10 OF THE FAILURE OF THE DIVISION TO PROVIDE SUCH NOTICE, REGISTRATION
11 PACKET OR VERIFICATION PACKET WITHIN THE TIME REQUIRED PURSUANT TO THIS
12 SECTION, RELIEVE ANY SUCH TERRORIST FROM ANY DUTY OR OBLIGATION REQUIRED
13 BY THIS ARTICLE.

14 17. VIOLATIONS. IN THE EVENT THAT A COMPLETED STANDARDIZED REGISTRA-
15 TION FORM OR A COMPLETED STANDARDIZED VERIFICATION FORM IS NOT RETURNED
16 TO THE DIVISION BY A REGISTRANT WITHIN THE TIMELINES REQUIRED PURSUANT
17 TO SUBDIVISION FIFTEEN OF THIS SECTION, THE DIVISION SHALL IMMEDIATELY
18 NOTIFY THE DIVISION OF STATE POLICE, THE STATE DIVISION OF HOMELAND
19 SECURITY AND EMERGENCY SERVICES, AND THE UNITED STATES DEPARTMENT OF
20 HOMELAND SECURITY, WHEREUPON THE DIVISION OF STATE POLICE SHALL IMME-
21 DIATELY CAUSE SUCH TERRORIST TO BE ARRESTED AND CHARGED WITH A FAILURE
22 TO REGISTER IN ACCORDANCE WITH THIS ARTICLE, AND PURSUANT TO SECTION
23 490.23 OF THE PENAL LAW.

24 18. LATE FILINGS. THE DIVISION MAY BY REGULATION IDENTIFY CERTAIN
25 CIRCUMSTANCES WHEN THE COMMISSIONER MAY AUTHORIZE THE LATE SUBMISSION OF
26 A STANDARDIZED REGISTRATION FORM, A STANDARDIZED VERIFICATION FORM, OR
27 THE LATE COLLECTION OF FINGERPRINTS, DNA SAMPLE, INITIAL PHOTOGRAPH OR
28 UPDATED PHOTOGRAPH, BUT IN NO EVENT SHALL A LATE SUBMISSION OR LATE
29 COLLECTION BE AUTHORIZED MORE THAN NINETY DAYS AFTER THE REGISTRANT, IF
30 OF LEGAL CAPACITY, RECEIVED ACTUAL NOTICE, OF THEIR DUTY AND OBLIGATION
31 TO SUBMIT OR HAVE COLLECTED SUCH STANDARDIZED REGISTRATION FORM, STAND-
32 ARDIZED VERIFICATION FORM, FINGERPRINTS, DNA SAMPLE, INITIAL PHOTOGRAPH
33 OR UPDATED PHOTOGRAPH.

34 19. REGULATIONS. THE DIVISION SHALL PROMULGATE RULES AND REGULATIONS
35 TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

36 S 169-F. EXAMINATION OF POTENTIAL REGISTRANTS. 1. GENERALLY. THE
37 DIVISION SHALL MAKE REGULAR EXAMINATIONS TO DETERMINE WHETHER TERRORISTS
38 SHALL BE ADDED TO THE REGISTRY, AND UPON ANY SUCH EXAMINATION AND DETER-
39 MINATION THAT A TERRORIST SHALL BE ADDED TO THE REGISTRY, IN ACCORDANCE
40 WITH THE PROVISIONS OF THIS SECTION, THE DIVISION SHALL ADD SUCH TERROR-
41 IST TO THE REGISTRY, AND SHALL NOTIFY SUCH TERRORIST PURSUANT TO SECTION
42 ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

43 2. RELEASE NOTIFICATION. IN THE CASE OF ANY TERRORIST, IT SHALL BE THE
44 DUTY OF THE CONFINEMENT ENTITY IN WHOSE CUSTODY SUCH TERRORIST IS HELD,
45 AT LEAST SIXTY CALENDAR DAYS PRIOR TO THE RELEASE OF SUCH TERRORIST FROM
46 SUCH CUSTODY, TO NOTIFY THE DIVISION, IN A FORM AND MANNER PROVIDED BY
47 THE DIVISION, OF THE CONTEMPLATED RELEASE OR DISCHARGE OF SUCH TERROR-
48 IST. THE NOTIFICATION PROVIDED SHALL INCLUDE THE ADDRESS AT WHICH SUCH
49 TERRORIST PROPOSES TO RESIDE. IF SUCH TERRORIST CHANGES HIS OR HER PLACE
50 OF RESIDENCE WHILE ON PAROLE, SUCH NOTIFICATION OF THE CHANGE OF RESI-
51 DENCE SHALL BE SENT BY THE TERRORIST'S PAROLE OFFICER WITHIN FORTY-EIGHT
52 HOURS TO THE DIVISION, ON A FORM AND IN A MANNER PROVIDED BY THE DIVI-
53 SION. IN THE EVENT THAT THE CONFINEMENT ENTITY IS UNABLE TO NOTIFY THE
54 DIVISION OF THE CONTEMPLATED RELEASE OR DISCHARGE OF SUCH TERRORIST AT
55 LEAST SIXTY DAYS PRIOR TO SUCH RELEASE, THE CONFINEMENT ENTITY MUST

1 PROVIDE AN EMERGENCY NOTIFICATION TO THE DIVISION, IN A FORM AND MANNER
2 PROVIDED BY THE DIVISION.

3 3. PROBATION NOTIFICATION. IN THE CASE OF ANY TERRORIST ON PROBATION,
4 IT SHALL BE THE DUTY OF THE TERRORIST'S PROBATION OFFICER TO NOTIFY THE
5 DIVISION, WITHIN FORTY-EIGHT HOURS, OF ANY INITIAL OR CHANGED PLACE OF
6 RESIDENCE OF SUCH TERRORIST, IN THE FORM AND MANNER PROVIDED BY THE
7 DIVISION.

8 4. ESCAPE NOTIFICATION. IN THE EVENT THAT ANY TERRORIST ESCAPES FROM
9 THE CUSTODY OF ANY CONFINEMENT ENTITY, THE DESIGNATED OFFICIAL OF THE
10 CONFINEMENT ENTITY, SHALL IMMEDIATELY NOTIFY, BY TELEPHONE AND/OR EMAIL,
11 THE DIVISION OF SUCH ESCAPE. WITHIN TWENTY-FOUR HOURS, THE CONFINEMENT
12 ENTITY SHALL FURTHER PROVIDE THE DIVISION AND THE LAW ENFORCEMENT AGENCY
13 HAVING JURISDICTION AT, AND IMMEDIATELY PRIOR TO, THE TIME OF THE
14 TERRORIST'S CONFINEMENT, WITH:

15 (A) THE NAME AND ALIASES OF THE TERRORIST;

16 (B) THE ADDRESS AT WHICH THE TERRORIST RESIDED AT THE TIME OF HIS OR
17 HER CONFINEMENT;

18 (C) THE AMOUNT OF TIME REMAINING ON THE TERRORIST'S CONFINEMENT TO BE
19 SERVED, IF ANY;

20 (D) THE NATURE OF THE OFFENSE FOR WHICH THE TERRORIST WAS CONFINED;

21 (E) A RECENT PHOTOGRAPH OF THE TERRORIST; AND

22 (F) THE FINGERPRINTS OF THE TERRORIST.

23 5. PURPOSE. IT SHALL BE THE PURPOSE OF THE DIVISION'S EXAMINATIONS
24 UNDER THIS SECTION TO DETERMINE WHAT TERRORISTS ARE OR WILL BE RESIDING,
25 WORKING, OR ATTENDING EDUCATIONAL INSTITUTIONS, IN NEW YORK STATE, AND
26 WHETHER, PURSUANT TO THE PROVISIONS OF THIS ARTICLE, SUCH TERRORISTS
27 SHOULD BE ADDED TO THE NEW YORK STATE TERRORIST REGISTRY.

28 6. COMMUNICATION WITH OTHER ENTITIES. (A) IN CONDUCTING ITS EXAMINA-
29 TIONS, PURSUANT TO THIS SECTION, TO DETERMINE WHAT TERRORISTS ARE OR
30 WILL BE RESIDING, WORKING, OR ATTENDING EDUCATIONAL INSTITUTIONS IN NEW
31 YORK STATE, THE DIVISION SHALL COMMUNICATE WITH THE FOLLOWING STATE
32 ENTITIES:

33 (I) THE DEPARTMENT;

34 (II) THE DIVISION OF PAROLE;

35 (III) THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES;

36 (IV) THE DEPARTMENT OF HEALTH;

37 (V) THE DEPARTMENT OF EDUCATION;

38 (VI) THE OFFICE OF COURT ADMINISTRATION, AND ANY COURT OF THE UNIFIED
39 COURT SYSTEM;

40 (VII) THE DIVISION OF STATE POLICE;

41 (VIII) THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES;
42 AND/OR

43 (IX) ANY OTHER STATE OR LOCAL ENTITY THE DIVISION DEEMS APPROPRIATE.

44 (B) IN FURTHER CONDUCTING ITS EXAMINATIONS, PURSUANT TO THIS SECTION,
45 TO DETERMINE WHAT TERRORISTS ARE OR WILL BE RESIDING, WORKING, OR
46 ATTENDING EDUCATIONAL INSTITUTIONS, IN NEW YORK STATE, THE DIVISION
47 SHALL ALSO COMMUNICATE WITH THE FOLLOWING FEDERAL, INTERSTATE OR INTER-
48 NATIONAL ENTITIES:

49 (I) THE FEDERAL BUREAU OF PRISONS;

50 (II) THE UNITED STATE DEPARTMENT OF DEFENSE, AND ITS ARMED SERVICES
51 BRANCHES;

52 (III) THE UNITED STATE DEPARTMENT OF STATE;

53 (IV) THE UNITED STATES DEPARTMENT OF JUSTICE;

54 (V) THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY;

55 (VI) THE CENTRAL INTELLIGENCE AGENCY;

56 (VII) THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE;

1 (VIII) THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION (INTERPOL); AND
2 (IX) ANY OTHER FEDERAL, INTERSTATE, OR INTERNATIONAL ENTITY THE DIVI-
3 SION DEEMS APPROPRIATE.

4 7. GROUNDS TO ADD A TERRORIST TO THE REGISTRY. UPON EXAMINATION IN
5 ACCORDANCE WITH THIS SECTION, THE DIVISION SHALL ADD A TERRORIST, AS
6 DEFINED BY SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS
7 ARTICLE, TO THE NEW YORK STATE TERRORIST REGISTRY, AND PROVIDE SUCH
8 TERRORIST WITH NOTIFICATION THAT THEY HAVE BEEN SO ADDED TO THE REGISTRY
9 IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE, IF
10 THE DIVISION DETERMINES THAT SUCH TERRORIST IS:

11 (A) NOT PRESENTLY SUBJECT TO CONFINEMENT BUT IS CURRENTLY, HAS BEEN,
12 OR WILL BE WITHIN THE NEXT NINETY DAYS, LIVING, WORKING OR ATTENDING AN
13 EDUCATIONAL INSTITUTION WITHIN NEW YORK STATE, OR

14 (B) IS PRESENTLY IN THE CUSTODY OF A CONFINEMENT ENTITY, OR IS SUBJECT
15 TO COMMUNITY SUPERVISION OR PROBATION, AND IS SCHEDULED FOR A CONDI-
16 TIONAL RELEASE OR ANY OTHER DISCHARGE IN NEW YORK STATE, OR

17 (C) IS PRESENTLY IN THE CUSTODY OF A CONFINEMENT ENTITY, OR IS SUBJECT
18 TO COMMUNITY SUPERVISION OR PROBATION, AND IS SCHEDULED FOR A CONDI-
19 TIONAL RELEASE OR ANY OTHER DISCHARGE OUTSIDE OF NEW YORK STATE AND SUCH
20 TERRORIST HAS EVIDENCED ANY INTENTION TO RESIDE, WORK OR ATTEND AN
21 EDUCATIONAL INSTITUTION IN NEW YORK STATE.

22 8. COURT APPLICATION TO ADD A PERSON TO THE REGISTRY. UPON EXAMINATION
23 IN ACCORDANCE WITH THIS SECTION, AND UPON A FINDING THAT THE PERSON
24 EXAMINED MAY NOT HAVE COMMITTED A TERRORIST OFFENSE AS DEFINED IN SUBDI-
25 VISION TWO OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, OR A
26 VERIFIABLE ACT OF TERRORISM, AS DEFINED IN SUBDIVISION THREE OF SECTION
27 ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, BUT IN THE JOINT DETERMINATION
28 OF THE DIVISION AND THE DIVISION OF HOMELAND SECURITY AND EMERGENCY
29 SERVICES, THAT SUCH PERSON NONETHELESS STILL PRESENTS A SERIOUS AND
30 IMMEDIATE RISK OF PERFORMING, PROMOTING, SUPPORTING AND/OR FACILITATING
31 A TERRORIST ACT AGAINST THE PEOPLE AND/OR PROPERTY OF THE STATE OF NEW
32 YORK, THEN THE DIVISION MAY MAKE AN APPLICATION TO A SUPREME COURT, IN
33 ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-I OF THIS ARTICLE, TO ADD
34 SUCH PERSON TO THE NEW YORK STATE TERRORIST REGISTRY, AND IF SUCH COURT
35 ISSUES THE CERTIFICATION, THEN THE DIVISION SHALL ADD SUCH PERSON TO THE
36 REGISTRY, AND PROVIDE SUCH PERSON WITH NOTIFICATION IN ACCORDANCE WITH
37 SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

38 9. ADDITION TO THE REGISTRY BY COURT ORDER. WHERE A COURT OF THE
39 UNIFIED COURT SYSTEM IN NEW YORK, ISSUES A CERTIFICATION TO ADD A PERSON
40 TO THE NEW YORK STATE TERRORIST REGISTRY, IN ACCORDANCE WITH SECTION ONE
41 HUNDRED SIXTY-NINE-I OF THIS ARTICLE, THEN THE DIVISION SHALL ADD SUCH
42 PERSON TO THE REGISTRY, AND PROVIDE SUCH PERSON WITH NOTIFICATION IN
43 ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

44 10. REMOVAL FROM THE REGISTRY BY COURT ORDER. WHERE THE SUPREME COURT
45 IN THE COUNTY WHERE A REGISTRANT RESIDES, OR THE SUPREME COURT OF ALBANY
46 COUNTY WHERE A PERSON DOES NOT RESIDE IN NEW YORK STATE, ISSUES A DECI-
47 SION AND/OR ORDER TO REMOVE A PERSON FROM THE NEW YORK STATE TERRORIST
48 REGISTRY, IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-I OF THIS
49 ARTICLE, THEN THE DIVISION SHALL REMOVE SUCH PERSON FROM THE REGISTRY,
50 AND PROVIDE SUCH PERSON WITH NOTIFICATION OF THEIR REMOVAL FROM THE
51 REGISTRY, BUT THE DIVISION MAY APPEAL SUCH DECISION AND/OR ORDER, AND
52 SUCH REMOVAL SHALL NOT BE PERFORMED BY THE DIVISION UNTIL THE FINAL
53 APPEAL IS DECIDED IN FAVOR OF THE PERSON SEEKING REMOVAL FROM THE REGIS-
54 TRY.

55 S 169-G. INITIAL ASSEMBLY OF THE REGISTRY. THE DIVISION, WITHIN SIXTY
56 DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE, SHALL COMMENCE EXAMINATIONS

1 AND MAKE DETERMINATIONS, IN ACCORDANCE WITH SECTION ONE HUNDRED
2 SIXTY-NINE-F OF THIS ARTICLE, TO DETERMINE WHAT TERRORISTS SHALL BE
3 INITIALLY ADDED TO THE REGISTRY, AND UPON SUCH EXAMINATIONS AND DETERMI-
4 NATIONS, SHALL ADD SUCH TERRORISTS TO THE REGISTRY, AND SHALL THEREAFTER
5 NOTIFY SUCH TERRORISTS THAT THEY HAVE BEEN ADDED TO THE REGISTRY PURSU-
6 ANT TO SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

7 S 169-H. REGISTRATION AND VERIFICATION OF TERRORISTS. 1. DUTY AND
8 OBLIGATION TO REGISTER AND VERIFY. ANY PERSON ADDED TO THE NEW YORK
9 STATE TERRORIST REGISTRY BY THE DIVISION, IN ACCORDANCE WITH SECTION ONE
10 HUNDRED SIXTY-NINE-F OF THIS ARTICLE, SHALL BE REQUIRED, AND HAVE THE
11 DUTY AND OBLIGATION TO REGISTER AND VERIFY, AND SHALL FURTHER BE
12 REQUIRED AND HAVE THE DUTY AND OBLIGATION TO PROVIDE THE REQUIRED REGIS-
13 TRATION AND QUARTERLY VERIFICATION INFORMATION, IN ACCORDANCE WITH THIS
14 ARTICLE.

15 2. SPECIFIC DUTIES AND OBLIGATIONS. ANY TERRORIST ADDED TO THE NEW
16 YORK STATE TERRORIST REGISTRY BY THE DIVISION SHALL BE REQUIRED, AND
17 SHALL HAVE THE DUTY AND OBLIGATION TO:

18 (A) REGISTER UNDER THIS ARTICLE;

19 (B) PROVIDE THE DIVISION WITH A COMPLETED, SIGNED, STANDARDIZED REGIS-
20 TRATION FORM, CONTAINING ALL THE REQUIRED REGISTRATION INFORMATION IN
21 ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE, WITHIN
22 THE TIMES, AND PURSUANT TO THE MEANS OF DELIVERY, REQUIRED BY THIS ARTI-
23 CLE;

24 (C) UNLESS SUCH TERRORIST HAS PREVIOUSLY HAD THEIR INITIAL PHOTOGRAPH
25 PREVIOUSLY TAKEN, IN ACCORDANCE WITH SUBDIVISIONS THREE AND FIVE OF
26 SECTION ONE HUNDRED SIXTY-NINE-J OF THIS ARTICLE, OR IN ACCORDANCE WITH
27 SUBDIVISIONS THREE AND FIVE OF SECTION ONE HUNDRED SIXTY-NINE-K OF THIS
28 ARTICLE, APPEAR TO, AND BE PHOTOGRAPHED BY, THE SPECIFIED LAW ENFORCE-
29 MENT AGENCY HAVING JURISDICTION, WITHIN THE TIMES, AND AT THE LOCATIONS,
30 REQUIRED PURSUANT TO THIS ARTICLE;

31 (D) UNLESS SUCH TERRORIST HAS PREVIOUSLY HAD THEIR FINGERPRINTS
32 COLLECTED, IN ACCORDANCE WITH SUBDIVISIONS THREE AND FIVE OF SECTION ONE
33 HUNDRED SIXTY-NINE-J OF THIS ARTICLE, OR IN ACCORDANCE WITH SUBDIVISIONS
34 THREE AND FIVE OF SECTION ONE HUNDRED SIXTY-NINE-K OF THIS ARTICLE,
35 APPEAR TO, AND BE FINGERPRINTED BY, THE SPECIFIED LAW ENFORCEMENT AGENCY
36 HAVING JURISDICTION, WITHIN THE TIMES, AND AT THE LOCATIONS, REQUIRED
37 PURSUANT TO THIS ARTICLE;

38 (E) UNLESS SUCH TERRORIST HAS PREVIOUSLY HAD THEIR DNA SAMPLE
39 COLLECTED, IN ACCORDANCE WITH SUBDIVISIONS THREE AND FIVE OF SECTION ONE
40 HUNDRED SIXTY-NINE-J OF THIS ARTICLE, OR IN ACCORDANCE WITH SUBDIVISIONS
41 THREE AND FIVE OF SECTION ONE HUNDRED SIXTY-NINE-K OF THIS ARTICLE,
42 APPEAR TO, AND SUBMIT TO A DNA SAMPLE TAKEN BY THE SPECIFIED LAW
43 ENFORCEMENT AGENCY HAVING JURISDICTION, WITHIN THE TIMES, AND AT THE
44 LOCATIONS, REQUIRED PURSUANT TO THIS ARTICLE; AND

45 (F) PROVIDE THE DIVISION WITH ANY OTHER AND FURTHER REGISTRATION
46 INFORMATION REQUIRED BY THIS ARTICLE.

47 3. CONTINUING DUTIES AND OBLIGATIONS. ANY TERRORIST ADDED TO THE NEW
48 YORK STATE TERRORIST REGISTRY BY THE DIVISION SHALL FURTHER BE REQUIRED,
49 AND SHALL HAVE THE CONTINUING DUTY TO:

50 (A) VERIFY UNDER THIS ARTICLE;

51 (B) PROVIDE THE DIVISION WITH A COMPLETED, SIGNED, STANDARD VERIFICA-
52 TION FORM, CONTAINING ALL THE REQUIRED VERIFICATION INFORMATION IN
53 ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE, WITHIN
54 THE TIMES, AND PURSUANT TO THE MEANS OF DELIVERY, REQUIRED BY THIS ARTI-
55 CLE;

1 (C) APPEAR TO, AND BE ANNUALLY PHOTOGRAPHED BY, THE SPECIFIED LAW
2 ENFORCEMENT AGENCY HAVING JURISDICTION, WITHIN THE TIMES, AND AT THE
3 LOCATIONS, REQUIRED PURSUANT TO THIS ARTICLE; AND

4 (D) PROVIDE THE DIVISION WITH ANY OTHER AND FURTHER VERIFICATION
5 INFORMATION REQUIRED BY THIS ARTICLE.

6 4. DISCONTINUED DUTIES AND OBLIGATIONS. THE DUTY TO REGISTER AND/OR
7 VERIFY UNDER THE PROVISIONS OF THIS ARTICLE SHALL NOT BE APPLICABLE TO
8 ANY PERSON WHOSE CONVICTION WAS REVERSED UPON APPEAL OR WHO WAS PARDONED
9 BY THE GOVERNOR OR THE PRESIDENT FOR THE OFFENSE WHICH WAS THE REASON
10 THE DIVISION ADDED SUCH PERSON TO THE NEW YORK STATE TERRORIST REGISTRY.

11 5. CHANGE OF ADDRESS. ANY TERRORIST ADDED TO THE NEW YORK STATE
12 TERRORIST REGISTRY SHALL, IN ADDITION TO ANY OTHER INFORMATION REQUIRED
13 BY THIS ARTICLE, REGISTER HIS OR HER CURRENT RESIDENTIAL ADDRESS, AND
14 THE ADDRESS OF HIS OR HER PLACE OF EMPLOYMENT OR EDUCATIONAL INSTITUTION
15 ATTENDED, WITH THE DIVISION, AND SHALL NOTIFY THE DIVISION OF ANY CHANGE
16 OF RESIDENCE, EMPLOYMENT OR EDUCATIONAL INSTITUTION ADDRESS IN ACCORD-
17 ANCE WITH THE PROVISIONS OF THIS ARTICLE.

18 S 169-I. DUTIES OF THE COURT. 1. CERTIFICATION OF TERRORIST. (A) UPON
19 CONVICTION OF ANY OF THE OFFENSES SET FORTH IN ARTICLE FOUR HUNDRED
20 NINETY OF THE PENAL LAW, THE COURT SHALL CERTIFY THAT THE PERSON IS A
21 TERRORIST, AND SHALL INCLUDE THE CERTIFICATION IN THE ORDER OF COMMIT-
22 MENT, IF ANY, AND JUDGMENT OF CONVICTION, AND SHALL ADDITIONALLY DIRECT
23 THE DIVISION TO ADD SUCH PERSON, SO CONVICTED, TO THE NEW YORK STATE
24 TERRORIST REGISTRY.

25 (B) IF THE PERSON CERTIFIED AS THE REGISTRANT IS PRESENT IN COURT,
26 THEN THE COURT SHALL ADVISE SUCH PERSON OF HIS OR HER DUTIES AND OBLI-
27 GATIONS UNDER THIS ARTICLE, BUT IN THE EVENT OF HIS OR HER ABSENCE FROM
28 COURT, THE COURT SHALL DIRECT THE DIVISION TO MAIL SUCH TERRORIST A
29 REGISTRATION PACKET IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE
30 HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

31 (C) ANY FAILURE OF THE COURT TO INCLUDE THE CERTIFICATION IN THE ORDER
32 OF COMMITMENT OR THE JUDGMENT OF CONVICTION SHALL NOT RELIEVE A TERROR-
33 IST OF THE DUTIES AND OBLIGATIONS IMPOSED BY THIS ARTICLE, NOR PROHIBIT
34 THE DIVISION FROM ADDING SUCH PERSON TO THE NEW YORK STATE TERRORIST
35 REGISTRY IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

36 (D) ANY PERSON WHO A COURT CERTIFIES AS A REGISTRANT, WHO IS RELEASED
37 ON PROBATION OR DISCHARGED UPON PAYMENT OF A FINE, CONDITIONAL DISCHARGE
38 OR UNCONDITIONAL DISCHARGE, SHALL, PRIOR TO SUCH RELEASE OR DISCHARGE,
39 BE INFORMED OF HIS OR HER DUTY AND OBLIGATION TO REGISTER UNDER THIS
40 ARTICLE BY THE COURT IN WHICH HE OR SHE WAS CONVICTED, AND AT THE TIME
41 SENTENCE IS IMPOSED, SUCH TERRORIST SHALL REGISTER WITH THE DIVISION ON
42 THE STANDARDIZED REGISTRATION FORM PREPARED BY THE DIVISION IN ACCORD-
43 ANCE WITH THIS ARTICLE AS FOLLOWS:

44 (I) THE COURT SHALL REQUIRE THE TERRORIST TO READ AND COMPLETE THE
45 STANDARDIZED REGISTRATION FORM, SIGN THE SAME IN THE PRESENCE OF THE
46 COURT, AND SUBMIT SUCH COMPLETED DOCUMENT BACK TO THE COURT;

47 (II) UPON COMPLETION OF THE STANDARDIZED REGISTRATION FORM, THE COURT
48 SHALL GIVE ONE COPY OF SUCH FORM TO THE TERRORIST, AND SHALL DIRECT THE
49 IMMEDIATE TRANSMISSION OF THE ORIGINAL COMPLETED AND SIGNED STANDARDIZED
50 REGISTRATION FORM TO THE DIVISION, WHICH SHALL, UPON RECEIPT OF SUCH
51 FORM, ADD SUCH PERSON TO THE REGISTRY AND FORWARD THE INFORMATION
52 COLLECTED TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION, IN
53 ACCORDANCE WITH THIS ARTICLE;

54 (III) THE COURT SHALL FURTHER NOTIFY THE TERRORIST THAT WITHIN FIVE
55 CALENDAR DAYS, SUCH TERRORIST SHALL APPEAR BEFORE THE LAW ENFORCEMENT
56 AGENCY HAVING JURISDICTION, OR THE OFFICE OF PROBATION AND CORRECTIONAL

1 ALTERNATIVES, TO PROVIDE FINGERPRINTS, AN INITIAL PHOTOGRAPH AND A DNA
2 SAMPLE; AND

3 (IV) FROM THE COMPLETED STANDARDIZED REGISTRATION FORM, THE COURT
4 SHALL PLACE UPON THE RECORD THE FACT THAT THE TERRORIST SHALL BE ADDED
5 TO THE NEW YORK STATE TERRORIST REGISTRY, AND THE ADDRESS WHERE THE
6 TERRORIST WILL BE DEEMED TO RESIDE UPON HIS OR HER RELEASE.

7 (E) ANY PERSON WHO A COURT CERTIFIES AS A REGISTRANT, WHO IS NOT PRES-
8 ENT IN THE COURT AT THE TIME OF THE ISSUANCE OF ORDER PROVIDING FOR SUCH
9 CERTIFICATION, SHALL BE ADDED BY THE DIVISION TO THE NEW YORK STATE
10 TERRORIST REGISTRY, AND SHALL REGISTER WITH THE DIVISION, AND PROVIDE
11 ALL REQUIRED INFORMATION, TOGETHER WITH THE DNA SAMPLE, FINGERPRINTS AND
12 INITIAL PHOTOGRAPH, IN ACCORDANCE WITH THE PROVISIONS AND TIMELINES OF
13 SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

14 2. APPLICATION TO ADD A PERSON TO THE REGISTRY. (A) COURT ORDER. IN
15 ACCORDANCE WITH SUBDIVISION EIGHT OF SECTION ONE HUNDRED SIXTY-NINE-F OF
16 THIS ARTICLE, THE DIVISION, AFTER EXAMINATION, MAY PETITION THE SUPREME
17 COURT, ON NOTICE TO THE PERSON WHO IS THE SUBJECT OF THE INVESTIGATION
18 BY MAILING A COPY OF THE PETITION TO THE LAST KNOWN ADDRESS OF SUCH
19 PERSON, FOR A CERTIFICATION THAT SUCH PERSON THAT IS THE SUBJECT OF SUCH
20 EXAMINATION IN THE JOINT DETERMINATION OF THE DIVISION AND THE DIVISION
21 OF HOMELAND SECURITY AND EMERGENCY SERVICES, PRESENTS A SERIOUS AND
22 IMMEDIATE RISK OF PERFORMING, PROMOTING, SUPPORTING AND/OR FACILITATING
23 A TERRORIST ACT AGAINST THE PEOPLE AND/OR PROPERTY OF THE STATE OF NEW
24 YORK, AND THAT A CERTIFICATION SHOULD BE ISSUED TO ADD SUCH PERSON TO
25 THE NEW YORK STATE TERRORIST REGISTRY. IF THE COURT ISSUES THE CERTIF-
26 ICATION REQUESTED UNDER THIS SUBDIVISION, THEN THE DIVISION SHALL ADD
27 SUCH PERSON TO THE NEW YORK STATE TERRORIST REGISTRY, AND PROVIDE SUCH
28 PERSON WITH NOTIFICATION IN ACCORDANCE WITH SECTION ONE HUNDRED
29 SIXTY-NINE-E OF THIS ARTICLE.

30 (B) APPEALS. THE DIVISION MAY APPEAL ANY DECISION AND/OR ORDER WHERE
31 THE COURT DENIES A CERTIFICATION SOUGHT UNDER THIS SUBDIVISION AND FAILS
32 TO DIRECT THE DIVISION TO ADD THE PERSON WHO IS THE SUBJECT OF THE
33 APPLICATION TO THE NEW YORK STATE TERRORIST REGISTRY. AN APPEAL OF SUCH
34 DENIAL SHALL GO, AS OF RIGHT, TO THE COURT OF APPEALS, WHICH SHALL HEAR
35 SUCH APPEAL WITHIN NINETY DAYS OF THE ISSUANCE OF THE DECISION OR THE
36 ENTRY OF THE ORDER DENYING THE CERTIFICATION SOUGHT BY THE DIVISION IN
37 ACCORDANCE WITH THIS SUBDIVISION, WHICHEVER IS EARLIER. ANY PERSON WHOM
38 THE COURT DIRECTS SHALL HAVE THEIR NAME ADDED TO THE REGISTRY MAY ALSO
39 APPEAL SUCH DECISION AND/OR ORDER. AN APPEAL OF SUCH DECISION AND/OR
40 ORDER ADDING SUCH PERSON TO THE REGISTRY BY THE PERSON WHOSE NAME WOULD
41 BE SO ADDED SHALL GO, AS OF RIGHT, TO THE APPELLATE DIVISION IN THE
42 DEPARTMENT IN WHICH SUCH PERSON SO RESIDES, OR IF SUCH PERSON DOES NOT
43 RESIDE IN NEW YORK STATE, TO THE APPELLATE DIVISION OF THE THIRD DEPART-
44 MENT, WHICH SUCH APPELLATE DIVISION SHALL HEAR SUCH APPEAL WITHIN NINETY
45 DAYS OF THE ISSUANCE OF THE DECISION OR THE ENTRY OF THE ORDER ISSUING
46 THE CERTIFICATION SOUGHT IN ACCORDANCE WITH THIS SECTION, WHICHEVER IS
47 EARLIER.

48 3. APPLICATION TO REMOVE A PERSON FROM THE REGISTRY. ANY PERSON ADDED
49 BY THE DIVISION TO THE NEW YORK STATE TERRORIST REGISTRY MAY SEEK AN
50 ORDER OF THE SUPREME COURT IN THE COUNTY WHERE SUCH REGISTRANT RESIDES,
51 OR THE SUPREME COURT OF THE COUNTY OF ALBANY IF SUCH REGISTRANT DOES NOT
52 RESIDE IN THE STATE OF NEW YORK, TO HAVE THEIR NAME AND INFORMATION
53 REMOVED FROM THE REGISTRY AS FOLLOWS:

54 (A) GROUNDS FOR ORDER OF REMOVAL. THAT IN ORDER TO ISSUE AN ORDER TO
55 REMOVE THE REGISTRANT AND THEIR INFORMATION FROM THE NEW YORK STATE
56 TERRORIST REGISTRY, THE COURT MUST FIND CONSIDERABLE GROUNDS THAT:

1 (I) THE NATURE AND CIRCUMSTANCES OF THE OFFENSE OR INCIDENT CAUSING
2 THE PERSON TO BE DEFINED AS A TERRORIST DOES NOT MERIT THE PERSON'S NAME
3 AND INFORMATION BEING ADDED TO THE REGISTRY;

4 (II) THE HISTORY AND CHARACTER OF SUCH PERSON DOES NOT MERIT THE
5 PERSON'S NAME AND INFORMATION BEING ADDED TO THE REGISTRY;

6 (III) THE DIVISION, IN ADDING SUCH PERSON'S NAME TO THE REGISTRY ACTED
7 IN AN ARBITRARY AND CAPRICIOUS MANNER, FAILED TO COMPLY WITH THE
8 PROVISIONS OF THIS ARTICLE AND/OR THE PAST ACTIONS AND CURRENT BEHAVIOR
9 OF THE REGISTRANT DOES NOT MERIT HIS OR HER REGISTRATION FOR ANY REASON;
10 AND

11 (IV) THE COURT IS OF THE OPINION THAT SUCH REGISTRATION WOULD BE UNDU-
12 LY HARSH AND INAPPROPRIATE.

13 (B) REMOVAL OF PERSON FROM THE REGISTRY. THAT WHERE THE SUPREME COURT
14 FINDS THE CONSIDERABLE GROUNDS REQUIRED IN PARAGRAPH (A) OF THIS SUBDI-
15 VISION, AND ISSUES AN ORDER TO REMOVE A PERSON FROM THE NEW YORK STATE
16 TERRORIST REGISTRY, THE DIVISION SHALL, IN ACCORDANCE WITH THIS PARA-
17 GRAPH AND PARAGRAPH (C) OF THIS SUBDIVISION, REMOVE SUCH PERSON FROM THE
18 REGISTRY, AND PROVIDE SUCH PERSON WITH NOTIFICATION OF THEIR REMOVAL
19 FROM THE REGISTRY.

20 (C) APPEALS. THE DIVISION MAY APPEAL ANY DECISION AND/OR ORDER WHERE
21 THE COURT DIRECTS THE DIVISION TO REMOVE A PERSON FROM THE NEW YORK
22 STATE TERRORIST REGISTRY. AN APPEAL OF SUCH DECISION AND/OR ORDER SHALL
23 GO, AS OF RIGHT, TO THE COURT OF APPEALS WHICH SHALL HEAR SUCH APPEAL
24 WITHIN NINETY DAYS OF THE ISSUANCE OF THE DECISION OR THE ENTRY OF THE
25 ORDER DIRECTING THE DIVISION TO REMOVE SUCH PERSON FROM THE REGISTRY,
26 WHICHEVER IS EARLIER. WHERE THE DIVISION APPEALS AN ORDER TO REMOVE A
27 PERSON FROM THE NEW YORK STATE TERRORIST REGISTRY, SUCH REMOVAL SHALL
28 NOT BE PERFORMED BY THE DIVISION UNTIL THE FINAL APPEAL IS DECIDED IN
29 FAVOR OF THE PERSON SEEKING SUCH REMOVAL. ANY PERSON TO WHOM THE COURT
30 DENIES A PETITION TO HAVE THEIR NAME REMOVED FROM THE NEW YORK STATE
31 TERRORIST REGISTRY MAY ALSO APPEAL SUCH DECISION AND/OR ORDER. AN APPEAL
32 OF SUCH DECISION AND/OR ORDER DENYING THE PETITION TO REMOVE SUCH PERSON
33 FROM THE REGISTRY BY THE PERSON SEEKING TO HAVE THEIR NAME REMOVED SHALL
34 GO, AS OF RIGHT, TO THE APPELLATE DIVISION IN THE DEPARTMENT IN WHICH
35 SUCH PERSON SO RESIDES, OR IF SUCH PERSON DOES NOT RESIDE IN NEW YORK
36 STATE, TO THE APPELLATE DIVISION OF THE THIRD DEPARTMENT, WHICH SUCH
37 APPELLATE DIVISION SHALL HEAR SUCH APPEAL WITHIN NINETY DAYS OF THE
38 ISSUANCE OF THE DECISION OR ENTRY OF THE ORDER DENYING THE PETITION
39 SOUGHT IN ACCORDANCE WITH THIS SECTION, WHICHEVER IS EARLIER.

40 S 169-J. RESPONSIBILITIES OF A CONFINEMENT ENTITY PRIOR TO DISCHARGE
41 OF A TERRORIST. 1. NOTIFICATION OF THE DIVISION. FOR EVERY TERRORIST,
42 AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B OF
43 THIS ARTICLE, WITHIN ITS CUSTODY, THE CONFINEMENT ENTITY, AS DEFINED IN
44 SUBDIVISION EIGHTEEN OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTI-
45 CLE, SHALL NOTIFY THE DIVISION, IN A FORM AND MANNER PROVIDED FOR BY THE
46 DIVISION, OF CERTAIN INFORMATION ON SUCH TERRORIST, INCLUDING, BUT NOT
47 LIMITED TO, THE TERRORIST'S NAME, THE ADDRESS OF THE TERRORIST PRIOR TO
48 CONFINEMENT, THE EXPECTED LENGTH OF CONFINEMENT OF THE TERRORIST, AND
49 THE DATE OF EXPECTED RELEASE OF THE TERRORIST FROM THE FACILITY MAIN-
50 TAINED BY THE CONFINEMENT ENTITY. THE NOTIFICATION REQUIRED BY THIS
51 SUBDIVISION SHALL TAKE PLACE WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF
52 THIS ARTICLE, OR IF THE CONFINEMENT ENTITY TAKES CUSTODY OF SUCH TERROR-
53 IST AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THEN SUCH NOTICE SHALL
54 TAKE PLACE WITHIN THIRTY DAYS OF THE COMMENCEMENT OF THE DATE OF SUCH
55 CUSTODY OF SUCH TERRORIST.

1 2. NOTIFICATION OF DUTY AND OBLIGATION TO REGISTER. FOR EVERY TERROR-
2 IST, AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B
3 OF THIS ARTICLE, WITHIN ITS CUSTODY, THE CONFINEMENT ENTITY, AS DEFINED
4 IN SUBDIVISION EIGHTEEN OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS
5 ARTICLE, SHALL INFORM SUCH TERRORIST OF THEIR DUTY AND OBLIGATION TO
6 REGISTER UNDER THIS ARTICLE. SUCH NOTIFICATION SHALL BE IN A FORM AND
7 MANNER PROVIDED BY THE DIVISION. THE FAILURE OF THE DIVISION, OR OF THE
8 CONFINEMENT ENTITY, TO PROVIDE, OR THE FAILURE OF THE TERRORIST TO
9 RECEIVE, SUCH NOTICE, SHALL NOT RELIEVE THE TERRORIST OF ANY DUTY AND/OR
10 OBLIGATION UNDER THIS ARTICLE. THE NOTIFICATION REQUIRED BY THIS SUBDI-
11 VISION SHALL TAKE PLACE NOT LESS THAN SIXTY CALENDAR DAYS PRIOR TO THE
12 RELEASE, DISCHARGE, PAROLE, RELEASE TO POST-RELEASE SUPERVISION OR ANY
13 OTHER RELEASE, OF THE TERRORIST, FROM THE CUSTODY OF THE CONFINEMENT
14 ENTITY, BUT IN THE EVENT THE CONFINEMENT ENTITY IS UNABLE TO NOTIFY THE
15 TERRORIST AT LEAST SIXTY DAYS PRIOR TO SUCH RELEASE, DISCHARGE, PAROLE,
16 RELEASE TO POST-RELEASE SUPERVISION OR ANY OTHER RELEASE, AS REQUIRED BY
17 THIS SUBDIVISION, THE CONFINEMENT ENTITY SHALL PROVIDE AN EMERGENCY
18 NOTIFICATION TO THE TERRORIST, IN A FORM AND MANNER BY THE DIVISION.

19 3. REGISTRATION AT THE FACILITY. IMMEDIATELY AFTER PROVIDING THE
20 TERRORIST WITH THE NOTIFICATION REQUIRED PURSUANT TO SUBDIVISION TWO OF
21 THIS SECTION, THE CONFINEMENT ENTITY SHALL PRESENT EVERY TERRORIST IN
22 THEIR CUSTODY WHO HAS NOT PREVIOUSLY REGISTERED WITH THE NEW YORK STATE
23 TERRORIST REGISTRY WITH A REGISTRATION PACKET AS DEFINED IN SUBDIVISION
24 ONE OF SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE, AS PROVIDED BY
25 THE DIVISION, AND SHALL FURTHER ARRANGE TO HAVE SUCH PACKET READ AND
26 EXPLAINED TO THE TERRORIST, AND AFTER SUCH READING AND EXPLANATION,
27 SHALL ADDITIONALLY REQUIRE THE TERRORIST TO:

28 (A) COMPLETE AND SIGN THE STANDARDIZED REGISTRATION FORM CONTAINED
29 WITHIN SUCH REGISTRATION PACKET;

30 (B) PRESENT HIMSELF OR HERSELF FOR THE TAKING OF AN INITIAL REGISTRA-
31 TION PHOTOGRAPH;

32 (C) PRESENT HIMSELF OR HERSELF FOR THE TAKING OF A COMPLETE SET OF
33 FINGERPRINTS; AND

34 (D) PRESENT HIMSELF OR HERSELF FOR THE TAKING OF A DNA SAMPLE.

35 4. FAILURE OF A TERRORIST TO REGISTER. NO CONFINEMENT ENTITY SHALL
36 RELEASE, DISCHARGE, PAROLE, RELEASE TO POST-RELEASE SUPERVISION, OR
37 PROVIDE ANY OTHER RELEASE FOR ANY TERRORIST REQUIRED TO REGISTER UNDER
38 THIS ARTICLE, WHO HAS NOT PREVIOUSLY REGISTERED WITH THE NEW YORK STATE
39 TERRORIST REGISTRY, WITHOUT FIRST OBTAINING A COMPLETED AND SIGNED
40 STANDARDIZED REGISTRATION FORM, AN INITIAL PHOTOGRAPH, A COMPLETE SET OF
41 FINGERPRINTS, AND A DNA SAMPLE FROM SUCH TERRORIST PURSUANT TO SUBDIVI-
42 SION THREE OF THIS SECTION.

43 5. SATISFACTION OF DUTY TO INITIALLY APPEAR BEFORE LAW ENFORCEMENT
44 AGENCY HAVING JURISDICTION. THE COLLECTION BY THE CONFINEMENT ENTITY OF
45 THE INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA
46 SAMPLE FROM THE TERRORIST IN ACCORDANCE WITH SUBDIVISION THREE OF THIS
47 SECTION, SHALL RELIEVE THE TERRORIST FROM THEIR DUTY TO INITIALLY APPEAR
48 BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION FOR THE COLLECTION
49 OF THE INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA
50 SAMPLE, BUT SHALL NOT RELIEVE SUCH TERRORIST FROM THEIR DUTY TO PAY,
51 WITHIN FIFTEEN DAYS OF RELEASE FROM THE CONFINEMENT ENTITY, THE ONE
52 HUNDRED DOLLAR FEE REQUIRED PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-P
53 OF THIS ARTICLE, OR THE DUTY TO APPEAR BEFORE SUCH LAW ENFORCEMENT AGEN-
54 CY HAVING JURISDICTION FOR THE PURPOSE OF PROVIDING A CHANGE OF ADDRESS
55 FORM, OR THE DUTY TO APPEAR OR RE-APPEAR BEFORE SUCH LAW ENFORCEMENT

1 AGENCY HAVING JURISDICTION FOR THE PURPOSE OF PROVIDING AN ANNUAL UPDATE
2 TO THE TERRORIST'S INITIAL PHOTOGRAPH.

3 6. RECORDING OF ADDRESS. UPON THE COMPLETION OF THE STANDARDIZED
4 REGISTRATION FORM BY THE TERRORIST, THE CONFINEMENT ENTITY SHALL IMME-
5 DIATELY RECORD FROM SUCH STANDARDIZED REGISTRATION FORM, THE ADDRESS
6 WHERE THE TERRORIST EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE, PAROLE,
7 RELEASE TO POST-RELEASE SUPERVISION OR ANY OTHER RELEASE, AND SHALL KEEP
8 AND MAINTAIN A RECORD OF SUCH ADDRESS.

9 7. TRANSMISSION OF THE STANDARDIZED REGISTRATION FORM. UPON THE
10 COMPLETION OF THE STANDARDIZED REGISTRATION FORM BY THE TERRORIST IN
11 ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, THE CONFINEMENT ENTI-
12 TY SHALL IMMEDIATELY GIVE ONE COPY OF THE COMPLETED AND SIGNED STANDARD-
13 IZED REGISTRATION FORM TO THE TERRORIST, MAINTAIN ONE COPY OF SUCH
14 COMPLETED AND SIGNED FORM FOR THE CONFINEMENT ENTITY'S OWN RECORDS, AND
15 SHALL FURTHER IMMEDIATELY TRANSMIT TO THE DIVISION, BY THE MEANS AND
16 MANNER PROVIDED BY THE DIVISION, THE ORIGINAL COMPLETED AND SIGNED
17 STANDARDIZED REGISTRATION FORM.

18 8. TRANSMISSION OF THE REGISTRATION MATERIALS. UPON THE COLLECTION OF
19 THE INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA
20 SAMPLE FROM THE TERRORIST IN ACCORDANCE WITH SUBDIVISION THREE OF THIS
21 SECTION, THE CONFINEMENT ENTITY SHALL IMMEDIATELY TRANSMIT TO THE DIVI-
22 SION THE INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE
23 DNA SAMPLE, BY THE MEANS AND MANNER PROVIDED BY THE DIVISION.

24 9. CONVICTION DATA AND PERSONAL INFORMATION. AT ANY TIME AFTER THE
25 EFFECTIVE DATE OF THIS ARTICLE, THE DIVISION MAY REQUEST, AND THE
26 CONFINEMENT ENTITY SHALL THEN IMMEDIATELY PROVIDE AND TRANSMIT TO THE
27 DIVISION, ANY AND ALL THE CONVICTION DATA AND PERSONAL INFORMATION OF
28 ANY TERRORIST, AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED
29 SIXTY-NINE-B OF THIS ARTICLE, WITHIN THE CUSTODY OF THE CONFINEMENT
30 ENTITY.

31 10. SHARING OF CONVICTION DATA AND PERSONAL INFORMATION. UPON RECEIPT
32 OF THE CONVICTION DATA AND PERSONAL INFORMATION OF THE TERRORIST IN
33 ACCORDANCE WITH SUBDIVISION NINE OF THIS SECTION, THE DIVISION SHALL
34 IMMEDIATELY TRANSMIT SUCH CONVICTION DATA AND PERSONAL INFORMATION TO
35 THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THE FEDERAL
36 BUREAU OF INVESTIGATION, AND THE UNITED STATES DEPARTMENT OF HOMELAND
37 SECURITY.

38 S 169-K. RESPONSIBILITIES DURING COMMUNITY SUPERVISION OR PROBATION.

39 1. NOTIFICATION OF THE DIVISION. FOR EVERY TERRORIST, AS DEFINED IN
40 SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, ON
41 COMMUNITY SUPERVISION OR PROBATION, THE DEPARTMENT OR OFFICE OF
42 PROBATION AND CORRECTIONAL ALTERNATIVES SHALL NOTIFY THE DIVISION, IN A
43 FORM AND MANNER PROVIDED FOR BY THE DIVISION, OF CERTAIN INFORMATION ON
44 SUCH TERRORIST, INCLUDING, BUT NOT LIMITED TO, THE TERRORIST'S NAME, THE
45 ADDRESS OF THE TERRORIST PRIOR TO THE COMMUNITY SUPERVISION OR
46 PROBATION, THE CURRENT ADDRESS OF THE TERRORIST, THE EXPECTED LENGTH OF
47 COMMUNITY SUPERVISION OR PROBATION OF THE TERRORIST, AND THE DATE OF
48 EXPECTED RELEASE OF THE TERRORIST FROM THE COMMUNITY SUPERVISION OR
49 PROBATION. THE NOTIFICATION REQUIRED BY THIS SUBDIVISION SHALL TAKE
50 PLACE WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE, OR IF
51 THE TERRORIST COMMENCES COMMUNITY SUPERVISION OR PROBATION AFTER THE
52 EFFECTIVE DATE OF THIS ARTICLE, THEN SUCH NOTICE SHALL TAKE PLACE WITHIN
53 THIRTY DAYS OF THE COMMENCEMENT OF THE DATE OF SUCH COMMUNITY SUPER-
54 VISION OR PROBATION.

55 2. NOTIFICATION OF DUTY AND OBLIGATION TO REGISTER. FOR EVERY TERROR-
56 IST, AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B

1 OF THIS ARTICLE, ON COMMUNITY SUPERVISION OR PROBATION, THE DEPARTMENT
2 OR OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL INFORM SUCH
3 TERRORIST OF THEIR DUTY AND OBLIGATION TO REGISTER UNDER THIS ARTICLE.
4 SUCH NOTIFICATION SHALL BE IN A FORM AND MANNER PROVIDED BY THE DIVI-
5 SION. THE FAILURE OF THE DIVISION, OR OF THE DEPARTMENT OR OFFICE OF
6 PROBATION AND CORRECTIONAL ALTERNATIVES, TO PROVIDE, OR THE FAILURE OF
7 THE TERRORIST TO RECEIVE, SUCH NOTICE, SHALL NOT RELIEVE THE TERRORIST
8 OF ANY DUTY AND/OR OBLIGATION UNDER THIS ARTICLE. THE NOTIFICATION
9 REQUIRED BY THIS SUBDIVISION SHALL TAKE PLACE NOT LESS THAN THIRTY
10 CALENDAR DAYS AFTER THE EFFECTIVE DATE OF THIS ARTICLE, BUT IN THE EVENT
11 THE DEPARTMENT OR OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES IS
12 UNABLE TO NOTIFY THE TERRORIST AS REQUIRED BY THIS SUBDIVISION, THE
13 DEPARTMENT OR OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL
14 PROVIDE AN EMERGENCY NOTIFICATION TO THE TERRORIST, IN A FORM AND MANNER
15 PROVIDED BY THE DIVISION.

16 3. REGISTRATION BY THE DEPARTMENT OR OFFICE OF PROBATION AND CORREC-
17 TIONAL ALTERNATIVES. IMMEDIATELY AFTER PROVIDING THE TERRORIST WITH THE
18 NOTIFICATION REQUIRED PURSUANT TO SUBDIVISION TWO OF THIS SECTION, THE
19 DEPARTMENT OR OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL
20 PRESENT EVERY TERRORIST, AS DEFINED IN SUBDIVISION ONE OF SECTION ONE
21 HUNDRED SIXTY-NINE-B OF THIS ARTICLE, ON COMMUNITY SUPERVISION OR
22 PROBATION, WHO HAS NOT PREVIOUSLY REGISTERED WITH THE NEW YORK STATE
23 TERRORIST REGISTRY, WITH A REGISTRATION PACKET, AS DEFINED IN SUBDIVI-
24 SION ONE OF SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE, AS
25 PROVIDED BY THE DIVISION, AND SHALL FURTHER ARRANGE TO HAVE SUCH PACKET
26 READ AND EXPLAINED TO THE TERRORIST, AND AFTER SUCH READING AND EXPLANA-
27 TION, SHALL ADDITIONALLY REQUIRE THE TERRORIST TO:

28 (A) COMPLETE AND SIGN THE STANDARDIZED REGISTRATION FORM CONTAINED
29 WITHIN SUCH REGISTRATION PACKET;

30 (B) PRESENT HIMSELF OR HERSELF FOR THE TAKING OF AN INITIAL REGISTRA-
31 TION PHOTOGRAPH;

32 (C) PRESENT HIMSELF OR HERSELF FOR THE TAKING OF A COMPLETE SET OF
33 FINGERPRINTS; AND

34 (D) PRESENT HIMSELF OR HERSELF FOR THE TAKING OF A DNA SAMPLE.

35 4. FAILURE OF A TERRORIST TO REGISTER. NEITHER THE DEPARTMENT NOR THE
36 OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL RELEASE OR
37 DISCHARGE FROM PROBATION OR COMMUNITY SUPERVISION ANY TERRORIST REQUIRED
38 TO REGISTER UNDER THIS ARTICLE WHO HAS NOT PREVIOUSLY REGISTERED WITH
39 THE NEW YORK STATE TERRORIST REGISTRY, WITHOUT FIRST OBTAINING A
40 COMPLETED AND SIGNED STANDARDIZED REGISTRATION FORM, AN INITIAL PHOTO-
41 GRAPH, A COMPLETE SET OF FINGERPRINTS, AND A DNA SAMPLE, FROM SUCH
42 TERRORIST PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

43 5. SATISFACTION OF DUTY TO INITIALLY APPEAR BEFORE LAW ENFORCEMENT
44 AGENCY HAVING JURISDICTION. THE COLLECTION BY THE DEPARTMENT OR THE
45 OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES, OF THE INITIAL PHOTO-
46 GRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA SAMPLE, FROM THE
47 TERRORIST, IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, SHALL
48 RELIEVE THE TERRORIST FROM THEIR DUTY TO INITIALLY APPEAR BEFORE THE LAW
49 ENFORCEMENT AGENCY HAVING JURISDICTION, FOR THE COLLECTION OF THE
50 INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA
51 SAMPLE, BUT SHALL NOT RELIEVE SUCH TERRORIST FROM THEIR DUTY TO PAY,
52 WITHIN FIFTEEN DAYS OF RELEASE FROM PROBATION OR COMMUNITY SUPERVISION,
53 THE ONE HUNDRED DOLLAR FEE REQUIRED PURSUANT TO SECTION ONE HUNDRED
54 SIXTY-NINE-P OF THIS ARTICLE, OR THE DUTY TO APPEAR BEFORE SUCH LAW
55 ENFORCEMENT AGENCY HAVING JURISDICTION FOR THE PURPOSE OF PROVIDING A
56 CHANGE OF ADDRESS FORM, OR THE DUTY TO APPEAR OR RE-APPEAR BEFORE SUCH

1 LAW ENFORCEMENT AGENCY HAVING JURISDICTION FOR THE PURPOSE OF PROVIDING
2 AN ANNUAL UPDATE TO THE TERRORIST'S INITIAL PHOTOGRAPH.

3 6. RECORDING OF ADDRESS. UPON THE COMPLETION OF THE STANDARDIZED
4 REGISTRATION FORM BY THE TERRORIST, THE DEPARTMENT OR THE OFFICE OF
5 PROBATION AND CORRECTIONAL ALTERNATIVES SHALL IMMEDIATELY RECORD FROM
6 SUCH STANDARDIZED REGISTRATION FORM, THE ADDRESS WHERE THE TERRORIST
7 EXPECTS TO RESIDE UPON HIS OR HER RELEASE OR DISCHARGE FROM COMMUNITY
8 SUPERVISION OR PROBATION, AND SHALL KEEP AND MAINTAIN A RECORD OF SUCH
9 ADDRESS.

10 7. TRANSMISSION OF THE STANDARDIZED REGISTRATION FORM. UPON THE
11 COMPLETION OF THE STANDARDIZED REGISTRATION FORM BY THE TERRORIST, IN
12 ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, THE DEPARTMENT OR THE
13 OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL IMMEDIATELY GIVE
14 ONE COPY OF THE COMPLETED AND SIGNED STANDARDIZED REGISTRATION FORM TO
15 THE TERRORIST, MAINTAIN ONE COPY OF SUCH COMPLETED AND SIGNED FORM FOR
16 THE CONFINEMENT ENTITY'S OWN RECORDS, AND SHALL FURTHER IMMEDIATELY
17 TRANSMIT TO THE DIVISION, BY THE MEANS AND MANNER PROVIDED BY THE DIVI-
18 SION, THE ORIGINAL COMPLETED AND SIGNED STANDARDIZED REGISTRATION FORM.

19 8. TRANSMISSION OF THE REGISTRATION MATERIALS. UPON THE COLLECTION OF
20 THE INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA
21 SAMPLE, FROM THE TERRORIST, IN ACCORDANCE WITH SUBDIVISION THREE OF THIS
22 SECTION, THE DEPARTMENT OR THE OFFICE OF PROBATION AND CORRECTIONAL
23 ALTERNATIVES SHALL IMMEDIATELY TRANSMIT TO THE DIVISION, THE INITIAL
24 PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA SAMPLE, BY THE
25 MEANS AND MANNER PROVIDED BY THE DIVISION.

26 9. CONVICTION DATA AND PERSONAL INFORMATION. AT ANY TIME AFTER THE
27 EFFECTIVE DATE OF THIS ARTICLE, THE DIVISION MAY REQUEST, AND THE
28 DEPARTMENT OR THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES
29 SHALL THEN IMMEDIATELY PROVIDE AND TRANSMIT TO THE DIVISION, ANY AND ALL
30 THE CONVICTION DATA AND PERSONAL INFORMATION OF ANY TERRORIST, AS
31 DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS
32 ARTICLE, ON COMMUNITY SUPERVISION OR PROBATION.

33 10. SHARING OF CONVICTION DATA AND PERSONAL INFORMATION. UPON RECEIPT
34 OF THE CONVICTION DATA AND PERSONAL INFORMATION OF THE TERRORIST, IN
35 ACCORDANCE WITH SUBDIVISION NINE OF THIS SECTION, THE DIVISION SHALL
36 IMMEDIATELY TRANSMIT SUCH CONVICTION DATA AND PERSONAL INFORMATION TO
37 THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THE FEDERAL
38 BUREAU OF INVESTIGATION, AND THE UNITED STATE DEPARTMENT OF HOMELAND
39 SECURITY.

40 S 169-L. DURATION OF REGISTRATION AND VERIFICATION. THE DURATION OF
41 REGISTRATION OF A TERRORIST ADDED TO THE NEW YORK STATE TERRORIST REGIS-
42 TRY SHALL BE FOR LIFE, AND THE DUTY AND OBLIGATION TO PROVIDE VERIFICA-
43 TION BY SUCH TERRORIST SHALL BE QUARTERLY FOR LIFE.

44 S 169-M. NOTIFICATION OF CHANGE OF ADDRESS. 1. DUTY AND OBLIGATION TO
45 NOTIFY DIVISION OF CHANGE OF ADDRESS. IN ACCORDANCE WITH SUBDIVISION
46 FIVE OF SECTION ONE HUNDRED SIXTY-NINE-H OF THIS ARTICLE, ANY TERRORIST
47 ADDED TO THE NEW YORK STATE TERRORIST REGISTRY WHO IS A RESIDENT OF NEW
48 YORK STATE SHALL, IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY THIS
49 ARTICLE, REGISTER HIS OR HER CURRENT RESIDENTIAL ADDRESS AND THE ADDRESS
50 OF HIS OR HER PLACE OF EMPLOYMENT OR EDUCATIONAL INSTITUTION ATTENDED
51 WITH THE DIVISION, AND SHALL NOTIFY THE DIVISION OF ANY CHANGE OF RESI-
52 DENCE, EMPLOYMENT OR EDUCATIONAL INSTITUTION ADDRESS IN ACCORDANCE WITH
53 THE PROVISIONS OF THIS ARTICLE.

54 2. NOTIFICATION OF LOCAL LAW ENFORCEMENT. UPON RECEIPT OF A CHANGE OF
55 ADDRESS BY A TERRORIST REQUIRED TO REGISTER UNDER THIS ARTICLE, IN
56 ACCORDANCE WITH SUBDIVISION ONE OF THIS SECTION, THE DIVISION SHALL

1 IMMEDIATELY NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION
2 OF THE NEW PLACE OF RESIDENCE, PLACE OF EMPLOYMENT OR PLACE OF EDUCA-
3 TIONAL INSTITUTION ATTENDED, AND THE LOCAL LAW ENFORCEMENT AGENCY HAVING
4 JURISDICTION WHERE THE TERRORIST LAST RESIDED, WORKED OR ATTENDED EDUCA-
5 TIONAL INSTRUCTION, OF SUCH CHANGE OF ADDRESS.

6 3. REQUIREMENTS OF LOCAL LAW ENFORCEMENT. UPON RECEIPT OF THE CHANGE
7 OF ADDRESS INFORMATION FROM THE DIVISION, SENT TO THE LAW ENFORCEMENT
8 AGENCY HAVING JURISDICTION, IN ACCORDANCE WITH SUBDIVISION TWO OF THIS
9 SECTION, THE LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION SHALL
10 ADHERE TO ALL THE PROVISIONS AND REQUIREMENTS SET FORTH IN THIS ARTICLE.

11 4. NOTIFICATION OF OTHER JURISDICTIONS. THE DIVISION SHALL, IF THE
12 TERRORIST CHANGES HIS OR HER RESIDENCE TO ANOTHER STATE OR NATION, NOTI-
13 FY THE APPROPRIATE AGENCY WITHIN THAT STATE OR NATION OF THE NEW PLACE
14 OF RESIDENCE.

15 S 169-N. REGISTRY INFORMATION SHARING. 1. SHARING OF INFORMATION WITH
16 NEW YORK AND FEDERAL ENTITIES. THE DIVISION, PURSUANT TO THIS SECTION,
17 IS AUTHORIZED TO SHARE THE NEW YORK STATE TERRORIST REGISTRY, AND ALL OF
18 ITS INFORMATION CONTAINED THEREIN, WITH THE DIVISION OF HOMELAND SECURI-
19 TY AND EMERGENCY SERVICES, THE DIVISION OF STATE POLICE, THE DEPARTMENT,
20 ANY COURT OF THE UNIFIED COURT SYSTEM, THE NEW YORK CITY POLICE DEPART-
21 MENT, THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, THE UNITED
22 STATES DEPARTMENT OF JUSTICE, THE UNITED STATES DEPARTMENT OF STATE, THE
23 OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, THE UNITED STATES
24 CENTRAL INTELLIGENCE AGENCY, AND ANY LOCAL, STATE, NATIONAL AND INTERNA-
25 TIONAL LAW ENFORCEMENT ENTITY, AND/OR ANY OTHER ENTITY THAT THE DIVISION
26 DEEMS APPROPRIATE TO ADVANCE THE PURPOSES OF THIS ARTICLE. FOR THE
27 PURPOSES OF THIS SECTION, THE SHARING OF INFORMATION SHALL INCLUDE THE
28 PROVISION OF INFORMATION FROM THE NEW YORK STATE TERRORIST REGISTRY TO
29 THE ENTITIES AUTHORIZED UNDER THIS SECTION, AS WELL AS THE RECEIPT AND
30 INCORPORATION OF INFORMATION INTO NEW YORK STATE TERRORIST REGISTRY FROM
31 THE ENTITIES AUTHORIZED UNDER THIS SECTION.

32 2. SHARING OF INFORMATION WITH OTHER REGISTRY ENTITIES. THE DIVISION,
33 PURSUANT TO THIS SECTION, IS FURTHER AUTHORIZED TO SHARE THE NEW YORK
34 STATE TERRORIST REGISTRY, AND ALL OF ITS INFORMATION CONTAINED THEREIN,
35 WITH ANY OTHER STATE, REGIONAL OR NATIONAL REGISTRY OF TERRORISTS,
36 INCLUDING BUT NOT LIMITED TO, THE TERRORIST SCREENING DATABASE MAIN-
37 TAINED BY THE FEDERAL BUREAU OF INVESTIGATION'S TERRORIST SCREENING
38 CENTER, AND/OR ANY AND ALL OTHER DATABASES MAINTAINED BY THE DIVISION OF
39 THE STATE POLICE, AND/OR ANY AND ALL OTHER DATABASES MAINTAINED BY ANY
40 LOCAL, STATE, NATIONAL AND INTERNATIONAL LAW ENFORCEMENT ENTITIES,
41 AND/OR ANY OTHER ENTITY THAT MAINTAINS A CRIMINAL JUSTICE OR TERRORIST
42 DATABASE THAT THE DIVISION DEEMS APPROPRIATE TO ADVANCE THE PURPOSES OF
43 THIS ARTICLE. FOR THE PURPOSES OF THIS SECTION, THE SHARING OF INFORMA-
44 TION SHALL INCLUDE THE PROVISION OF INFORMATION FROM THE NEW YORK STATE
45 TERRORIST REGISTRY TO THE ENTITIES AUTHORIZED UNDER THIS SECTION, AS
46 WELL AS THE RECEIPT AND INCORPORATION OF INFORMATION INTO NEW YORK STATE
47 TERRORIST REGISTRY FROM THE ENTITIES AUTHORIZED UNDER THIS SECTION.

48 3. REVIEW OF REGISTRY FOR SECURE INFORMATION. THE DIVISION OF HOMELAND
49 SECURITY AND EMERGENCY SERVICES, PURSUANT TO THIS SECTION, IN CONSULTA-
50 TION WITH THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES AND
51 THE DIVISION OF STATE POLICE, SHALL REVIEW THE INFORMATION CONTAINED ON
52 THE NEW YORK STATE TERRORIST REGISTRY, AND SHALL DETERMINE WHETHER THE
53 DISCLOSURE OF ANY PARTICULAR INFORMATION CONTAINED ON THE REGISTRY MAY
54 CAUSE A SECURITY RISK TO THE PEOPLE OR PROPERTY OF THE STATE OF NEW
55 YORK. UPON THE REVIEW MADE IN ACCORDANCE WITH THIS SUBDIVISION, AND UPON
56 A DETERMINATION THAT ANY PARTICULAR INFORMATION NEEDS TO BE DEEMED

1 SECURE, THE DIVISION SHALL REMOVE SUCH SECURE INFORMATION FROM PUBLIC
2 ACCESSIBILITY, INCLUDING EXEMPTING SUCH INFORMATION FROM THE REQUIRE-
3 MENTS OF THE POSTING ON THE DIVISION'S WEBSITE, PURSUANT TO SECTION ONE
4 HUNDRED SIXTY-NINE-R OF THIS ARTICLE, OR PROVIDING OF SUCH INFORMATION
5 THROUGH THE SPECIAL TELEPHONE NUMBER IN ACCORDANCE WITH SECTION ONE
6 HUNDRED SIXTY-NINE-Q OF THIS ARTICLE. ANY INFORMATION DEEMED SECURE
7 PURSUANT TO THIS SUBDIVISION SHALL NOT BE SUBJECT TO THE PROVISIONS OF
8 THE NEW YORK STATE FREEDOM OF INFORMATION LAW PURSUANT TO ARTICLE SIX OF
9 THE PUBLIC OFFICERS LAW.

10 4. SECURE INFORMATION SHARABLE. IN NO EVENT SHALL A DETERMINATION MADE
11 BY THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THAT
12 PARTICULAR INFORMATION SHALL BE DEEMED SECURE, PURSUANT TO SUBDIVISION
13 THREE OF THIS SECTION, PREVENT THE DIVISION FROM SHARING SUCH SECURE
14 INFORMATION WITH ANY ENTITY IDENTIFIED FOR THE REGISTRY INFORMATION
15 SHARING PURSUANT TO THIS SECTION, BUT THE DIVISION MAY PLACE SHARING
16 RESTRICTIONS ON SUCH SECURE INFORMATION, AS DETERMINED BY THE DIVISION
17 OF HOMELAND SECURITY AND EMERGENCY SERVICES, WHEN SHARING SUCH SECURE
18 INFORMATION WITH OTHER AUTHORIZED SHARING ENTITIES, IN ACCORDANCE WITH
19 SUBDIVISION ONE AND TWO OF THIS SECTION, COULD RESULT IN THE INAPPROPRI-
20 ATE DISCLOSURE OF SUCH SECURE INFORMATION.

21 S 169-O. DNA AND FINGERPRINT CUSTODY AND ANALYSIS. 1. SECURE CUSTODIAL
22 COLLECTION. THE DIVISION, PURSUANT TO THIS SECTION, SHALL PROVIDE FOR
23 THE SECURE CUSTODIAL COLLECTION OF THE DNA SAMPLE AND FINGERPRINTS TAKEN
24 FROM THE TERRORIST BY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION,
25 THE CONFINEMENT ENTITY, OR THE DEPARTMENT OR OFFICE OF PROBATION AND
26 CORRECTIONAL ALTERNATIVES, IN ACCORDANCE WITH THE PROVISIONS OF THIS
27 ARTICLE. THE DIVISION SHALL FURTHER DEVELOP BY REGULATION, PROTOCOLS FOR
28 SUCH SECURE CUSTODIAL COLLECTION OF THE DNA SAMPLE AND FINGERPRINTS
29 COLLECTED FROM THE TERRORIST, AND SHALL MAKE AVAILABLE AN INFORMATION
30 PACKET TO EXPLAIN THE SECURE PROTOCOLS TO ALL LAW ENFORCEMENT AGENCIES
31 HAVING JURISDICTION, ALL CONFINEMENT ENTITIES, THE DEPARTMENT AND THE
32 OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES.

33 2. SECURE CUSTODIAL TRANSFER OF DNA. THE DIVISION, PURSUANT TO THIS
34 SECTION, SHALL PROVIDE FOR THE SECURE CUSTODIAL TRANSFER OF THE DNA
35 SAMPLE COLLECTED FROM THE TERRORIST BY THE LAW ENFORCEMENT AGENCY HAVING
36 JURISDICTION, THE CONFINEMENT ENTITY, THE DEPARTMENT, OR THE OFFICE OF
37 PROBATION AND CORRECTIONAL ALTERNATIVES, IN ACCORDANCE WITH THE
38 PROVISIONS OF THIS ARTICLE, TO THE LABORATORY MAINTAINED BY THE DIVISION
39 OF STATE POLICE, AND/OR ANY OTHER APPROVED DNA ANALYSIS ENTITY, AS
40 CONTRACTED WITH BY THE DIVISION, FOR THE PRESERVATION, STORAGE AND ANAL-
41 YSIS OF SUCH DNA SAMPLE.

42 3. SECURE CUSTODIAL TRANSFER OF FINGERPRINTS. THE DIVISION, PURSUANT
43 TO THIS SECTION, SHALL PROVIDE FOR THE SECURE CUSTODIAL TRANSFER OF THE
44 FINGERPRINTS COLLECTED FROM THE TERRORIST BY THE LAW ENFORCEMENT AGENCY
45 HAVING JURISDICTION, THE CONFINEMENT ENTITY, THE DEPARTMENT, OR THE
46 OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES, IN ACCORDANCE WITH
47 THE PROVISIONS OF THIS ARTICLE, TO THE LABORATORY MAINTAINED BY THE
48 DIVISION OF STATE POLICE, AND/OR ANY OTHER APPROVED FINGERPRINT ANALYSIS
49 ENTITY, AS CONTRACTED WITH BY THE DIVISION, FOR THE PRESERVATION, STOR-
50 AGE AND ANALYSIS OF SUCH FINGERPRINTS.

51 4. STATE DNA IDENTIFICATION INDEX. THE DIVISION SHALL FURTHER PROVIDE
52 FOR THE SUBSEQUENT SECURE CUSTODIAL TRANSFER OF THE DNA SAMPLE, AND/OR
53 THE ANALYSIS PRODUCED, TO THE STATE DNA IDENTIFICATION INDEX, MAINTAINED
54 PURSUANT TO SECTION NINE HUNDRED NINETY-FIVE-C OF THE EXECUTIVE LAW.

55 S 169-P. REGISTRY AND VERIFICATION FEES. 1. CHARGING OF FEES. THE
56 DIVISION, PURSUANT TO THIS SECTION, SHALL:

- 1 (A) CHARGE A FEE OF ONE HUNDRED DOLLARS FOR THE INITIAL REGISTRATION
2 OF THE TERRORIST;
- 3 (B) CHARGE A FEE OF TEN DOLLARS EACH TIME A TERRORIST REGISTERS ANY
4 CHANGE OF ADDRESS; AND
- 5 (C) CHARGE A FEE OF TEN DOLLARS EACH TIME A TERRORIST APPEARS TO
6 PERMIT THE TAKING OF AN UPDATED ANNUAL PHOTOGRAPH.
- 7 2. PAYMENT OF FEES. ALL FEES CHARGED PURSUANT TO THIS SECTION SHALL BE
8 PAID TO THE DIVISION BY THE TERRORIST AT THE TIME AND MANNER PRESCRIBED
9 BY THE DIVISION.
- 10 3. WAIVER OF FEES. THE DIVISION MAY PROVIDE, ON A CASE BY CASE BASIS,
11 FOR A WAIVER OF ANY FEE TO BE CHARGED PURSUANT TO THIS SECTION, OR MAY
12 FURTHER AUTHORIZE, ON A CASE BY CASE BASIS, FOR A DELAYED OR INSTALLMENT
13 PAYMENT OF A FEE TO BE CHARGED PURSUANT TO THIS SECTION.
- 14 4. DEPOSIT AUTHORIZATION. THE STATE COMPTROLLER IS HEREBY AUTHORIZED
15 TO DEPOSIT ANY AND ALL FEES COLLECTED PURSUANT TO THIS SECTION INTO THE
16 GENERAL FUND.
- 17 S 169-Q. SPECIAL TELEPHONE NUMBER. 1. TOLL FREE NUMBER. THE DIVISION
18 SHALL OPERATE A TELEPHONE NUMBER THAT MEMBERS OF THE PUBLIC MAY CALL
19 FREE OF CHARGE TO INQUIRE WHETHER A NAMED INDIVIDUAL REQUIRED TO REGIS-
20 TER PURSUANT TO THIS ARTICLE IS LISTED ON THE NEW YORK STATE TERRORIST
21 REGISTRY, AND TO OBTAIN PUBLICLY AVAILABLE REGISTRY INFORMATION WITH
22 RESPECT TO SUCH TERRORIST.
- 23 2. RECEIPT OF, AND RESPONSE TO, CALLS TO THE SPECIAL TELEPHONE NUMBER.
24 UPON THE RECEIPT OF A CALL TO THE SPECIAL TELEPHONE NUMBER PROVIDED FOR
25 IN THIS SECTION, THE DIVISION SHALL:
- 26 (A) ASK THE CALLER FOR A NAME OF AN INDIVIDUAL ON WHICH THE CALLER
27 WOULD LIKE TO OBTAIN INFORMATION.
- 28 (B) ASCERTAIN WHETHER SUCH NAMED INDIVIDUAL REASONABLY APPEARS TO BE A
29 PERSON LISTED ON THE REGISTRY, AND IN DECIDING WHETHER SUCH NAMED INDI-
30 VIDUAL REASONABLY APPEARS TO BE A PERSON LISTED ON THE REGISTRY, THE
31 DIVISION SHALL REQUIRE THE CALLER TO PROVIDE INFORMATION ON ANY THREE OF
32 THE FOLLOWING:
- 33 (I) AN EXACT STREET ADDRESS, INCLUDING APARTMENT NUMBER, IF ANY, OF
34 THE TERRORIST;
- 35 (II) THE DRIVER'S LICENSE NUMBER OR NON-DRIVER'S IDENTIFICATION CARD
36 NUMBER OF THE TERRORIST;
- 37 (III) THE DATE OF BIRTH OF THE TERRORIST;
- 38 (IV) THE SOCIAL SECURITY NUMBER OR TAXPAYER IDENTIFICATION NUMBER OF
39 THE TERRORIST;
- 40 (V) THE COUNTRY OF ORIGIN OF THE TERRORIST;
- 41 (VI) THE CRIME OF TERRORISM OR VERIFIABLE TERRORIST ACT COMMITTED BY
42 THE TERRORIST;
- 43 (VII) THE HAIR COLOR OR EYE COLOR OF THE TERRORIST;
- 44 (VIII) THE HEIGHT, WEIGHT, OR BUILD OF THE TERRORIST;
- 45 (IX) ANY DISTINCTIVE MARKINGS OR THE ETHNICITY OF THE TERRORIST;
46 AND/OR
- 47 (X) THE NAME AND STREET ADDRESS OF THE TERRORIST'S EMPLOYER.
- 48 (C) UPON ASCERTAINING THAT THE NAMED INDIVIDUAL REASONABLY APPEARS TO
49 BE A PERSON LISTED ON THE NEW YORK STATE TERRORIST REGISTRY BASED UPON
50 THE INFORMATION PROVIDED FROM THE CALLER IN ACCORDANCE WITH PARAGRAPH
51 (B) OF THIS SUBDIVISION, PROVIDE THE CALLER WITH THE FOLLOWING INFORMA-
52 TION:
- 53 (I) THE NAME OF THE TERRORIST;
- 54 (II) THE AGE, PHYSICAL DESCRIPTION AND ANY DISTINCTIVE MARKINGS OF THE
55 TERRORIST;
- 56 (III) THE EXACT RESIDENTIAL ADDRESS OF THE TERRORIST;

1 (IV) IF THE TERRORIST IS EMPLOYED, THE EXACT ADDRESS OF THE TERROR-
2 IST'S PLACE OF EMPLOYMENT;

3 (V) IF THE TERRORIST IS A STUDENT, THE EXACT ADDRESS OF THE EDUCA-
4 TIONAL INSTITUTION THE TERRORIST IS ATTENDING; AND

5 (VI) BACKGROUND INFORMATION ON THE TERRORIST, INCLUDING FOR EACH AND
6 EVERY TERRORIST INCIDENT INVOLVING THE TERRORIST, THE TERRORIST'S CRIME
7 OF CONVICTION, VERIFIABLE ACT OF TERRORISM, MODUS OF OPERATION, AND ANY
8 OTHER INFORMATION THE DIVISION DEEMS RELEVANT TO PROVIDE.

9 (D) PLAY, BEFORE A LIVE OPERATOR SPEAKS WITH THE CALLER, A RECORDED
10 PREAMBLE WHICH SHALL PROVIDE THE FOLLOWING NOTICES:

11 (I) THAT THE CALLER'S TELEPHONE NUMBER WILL BE RECORDED;

12 (II) THAT THERE WILL BE NO CHARGE TO THE CALLER FOR USE OF THE SPECIAL
13 TELEPHONE NUMBER;

14 (III) THAT THE CALLER SHALL BE REQUIRED TO PROVIDE THEIR NAME AND
15 ADDRESS TO THE OPERATOR AND THAT SUCH SHALL BE MAINTAINED IN A WRITTEN
16 RECORD;

17 (IV) THAT THE CALLER IS REQUIRED TO BE NOT LESS THAN EIGHTEEN YEARS OF
18 AGE;

19 (V) THAT IT IS ILLEGAL TO USE INFORMATION OBTAINED THROUGH THE TELE-
20 PHONE NUMBER TO COMMIT A CRIME AGAINST ANY PERSON REGISTERED ON THE NEW
21 YORK STATE TERRORIST REGISTRY, OR TO ENGAGE IN ILLEGAL DISCRIMINATION OR
22 HARASSMENT AGAINST SUCH PERSON;

23 (VI) THAT THE CALLER IS REQUIRED TO HAVE THE IDENTIFYING INFORMATION
24 REQUIRED TO BE PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION REGARDING
25 THE INDIVIDUAL ABOUT WHOM INFORMATION IS SOUGHT IN ORDER TO ACHIEVE A
26 POSITIVE IDENTIFICATION OF THAT PERSON;

27 (VII) THAT THE SPECIAL TELEPHONE NUMBER IS NOT A CRIME HOTLINE AND
28 THAT ANY SUSPECTED CRIMINAL OR TERRORIST ACTIVITY SHOULD BE REPORTED TO
29 THE LOCAL, STATE OR FEDERAL AUTHORITIES; AND

30 (VIII) THAT AN INFORMATION PACKAGE, WHICH WILL INCLUDE A DESCRIPTION
31 OF THE LAW PERTAINING TO THE NEW YORK STATE TERRORIST REGISTRY, IS
32 AVAILABLE ONLINE ON THE DIVISION'S OFFICIAL WEBSITE, AND IN WRITING, BY
33 MAIL, UPON REQUEST FROM THE DIVISION.

34 3. MISUSE OF THE SPECIAL TELEPHONE NUMBER. WHENEVER THERE IS REASON-
35 ABLE CAUSE TO BELIEVE THAT ANY PERSON OR GROUP OF PERSONS IS ENGAGED IN
36 A PATTERN OR PRACTICE OF MISUSE OF THE SPECIAL TELEPHONE NUMBER, THE
37 ATTORNEY GENERAL, ANY DISTRICT ATTORNEY OR ANY PERSON AGGRIEVED BY THE
38 MISUSE OF THE NUMBER IS AUTHORIZED TO BRING A CIVIL ACTION IN THE APPRO-
39 PRIATE COURT REQUESTING PREVENTIVE RELIEF, INCLUDING AN APPLICATION FOR
40 A PERMANENT OR TEMPORARY INJUNCTION, RESTRAINING ORDER OR OTHER ORDER
41 AGAINST THE PERSON OR GROUP OF PERSONS RESPONSIBLE FOR THE PATTERN OR
42 PRACTICE OF MISUSE, AND THE FOREGOING REMEDIES SHALL BE INDEPENDENT OF
43 ANY OTHER REMEDIES OR PROCEDURES THAT MAY BE AVAILABLE TO AN AGGRIEVED
44 PARTY UNDER OTHER PROVISIONS OF LAW, AND SUCH PERSON OR GROUP OF PERSONS
45 SHALL BE SUBJECT TO A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS AND NOT
46 MORE THAN ONE THOUSAND DOLLARS.

47 4. REPORT OF CALL ACTIVITY. THE DIVISION SHALL, ON OR BEFORE THE
48 FIRST OF SEPTEMBER IN EACH YEAR, FILE A REPORT WITH THE GOVERNOR, THE
49 TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE STATE ASSEMBLY,
50 THE CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURI-
51 TY AND MILITARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY STANDING COMMIT-
52 TEE ON GOVERNMENTAL OPERATIONS, ON THE OPERATION OF THE TELEPHONE
53 NUMBER, AND SUCH ANNUAL REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, ALL
54 OF THE FOLLOWING:

55 (A) THE NUMBER OF CALLS RECEIVED;

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

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

6 (D) A SUMMARY OF THE SUCCESS OF THE SPECIAL TELEPHONE NUMBER PROGRAM
7 BASED UPON THE ABOVE OR ANY OTHER SELECTED FACTORS THE DIVISION SHALL
8 DEEM RELEVANT;

9 (E) A COMPARISON BETWEEN THE EFFICACY OF THE SPECIAL TELEPHONE NUMBER,
10 OPERATED PURSUANT TO THIS SECTION, AND THE INTERNET DIRECTORY, OPERATED
11 PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-R OF THIS ARTICLE; AND

12 (F) RECOMMENDATIONS AS TO HOW THE DIVISION MIGHT IMPROVE THE SPECIAL
13 TELEPHONE NUMBER AND/OR THE NEW YORK STATE TERRORIST REGISTRY.

14 5. SECURE INFORMATION. THE OPERATORS OF THE SPECIAL TELEPHONE NUMBER
15 SHALL NOT PROVIDE ANY CALLER WITH ANY INFORMATION FROM THE NEW YORK
16 STATE TERRORIST REGISTRY THAT THE DIVISION HAS DEEMED SECURE IN ACCORD-
17 ANCE WITH SUBDIVISION THREE OF SECTION ONE HUNDRED SIXTY-NINE-N OF THIS
18 ARTICLE.

19 6. ADVERTISEMENT OF SPECIAL TELEPHONE NUMBER. THE DIVISION SHALL
20 PROVIDE FOR THE ADVERTISEMENT OF THE SPECIAL TELEPHONE NUMBER ESTAB-
21 LISHED PURSUANT TO THIS SECTION, INCLUDING BUT NOT LIMITED TO THE POST-
22 ING OF SUCH NUMBER ON ITS OFFICIAL WEBSITE, AND THE OFFICIAL WEBSITE OF
23 THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES.

24 7. REGULATIONS. THE DIVISION SHALL PROMULGATE RULES AND REGULATIONS TO
25 IMPLEMENT THE PROVISIONS OF THIS SECTION.

26 S 169-R. INTERNET DIRECTORY. 1. OPERATION OF THE INTERNET DIRECTORY.
27 THE DIVISION SHALL MAINTAIN AND OPERATE AN INTERNET DIRECTORY OF THE NEW
28 YORK STATE TERRORIST REGISTRY WHICH SHALL:

29 (A) INCLUDE THE FOLLOWING INFORMATION FOR EACH TERRORIST:

30 (I) THE NAME OF THE TERRORIST;

31 (II) THE AGE, PHYSICAL DESCRIPTION AND ANY DISTINCTIVE MARKINGS OF THE
32 TERRORIST;

33 (III) THE MOST RECENT PHOTOGRAPH OF THE TERRORIST TAKEN OF THE TERROR-
34 IST FOR THE REGISTRY;

35 (IV) THE EXACT RESIDENTIAL ADDRESS OF THE TERRORIST;

36 (V) IF THE TERRORIST IS EMPLOYED, THE EXACT ADDRESS OF THE TERRORIST'S
37 PLACE OF EMPLOYMENT;

38 (VI) IF THE TERRORIST IS A STUDENT, THE EXACT ADDRESS OF THE EDUCA-
39 TIONAL INSTITUTION THE TERRORIST IS ATTENDING; AND

40 (VII) BACKGROUND INFORMATION ON THE TERRORIST, INCLUDING EACH AND
41 EVERY TERRORIST INCIDENT INVOLVING THE TERRORIST, THE TERRORIST'S CRIME
42 OF CONVICTION, VERIFIABLE ACT OF TERRORISM, MODUS OF OPERATION, AND ANY
43 OTHER INFORMATION THE DIVISION DEEMS RELEVANT TO PROVIDE;

44 (B) HAVE TERRORIST LISTINGS CATEGORIZED BY COUNTY AND ZIP CODE; AND

45 (C) BE MADE AVAILABLE AT ALL TIMES ON THE INTERNET VIA THE DIVISION'S
46 OFFICIAL HOMEPAGE, WITH A LINK TO CONNECT TO SUCH DIRECTORY ALSO APPEAR-
47 ING ON THE OFFICIAL HOMEPAGE OF THE DIVISION OF HOMELAND SECURITY AND
48 EMERGENCY SERVICES.

49 2. AUTOMATED E-MAIL NOTIFICATIONS. ANY PERSON MAY APPLY TO THE DIVI-
50 SION TO RECEIVE AUTOMATED E-MAIL NOTIFICATIONS WHENEVER A NEW OR UPDATED
51 REGISTRATION OCCURS ON THE NEW YORK STATE TERRORIST REGISTRY, IN THE
52 GEOGRAPHIC AREA SPECIFIED BY SUCH PERSON, BUT UNLESS THE APPLICANT IS AN
53 EMPLOYEE OR ENTITY OF A STATE, LOCAL OR FEDERAL GOVERNMENT, ACTING IN
54 THEIR OFFICIAL CAPACITY, SUCH E-MAIL NOTIFICATIONS SHALL BE LIMITED TO
55 THREE GEOGRAPHIC AREAS PER E-MAIL ACCOUNT.

1 3. NO CHARGE FOR THE USE OF THE DIRECTORY. THE DIVISION SHALL NOT
2 CHARGE FOR ACCESS TO THE INTERNET DIRECTORY NOR FOR THE RECEIPT OF
3 E-MAIL NOTIFICATIONS.

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

17 5. SECURE INFORMATION. THE INTERNET DIRECTORY SHALL NOT PROVIDE ANY
18 USER WITH ANY INFORMATION FROM THE NEW YORK STATE TERRORIST REGISTRY
19 THAT THE DIVISION HAS DEEMED SECURE, IN ACCORDANCE WITH SUBDIVISION
20 THREE OF SECTION ONE HUNDRED SIXTY-NINE-N OF THIS ARTICLE.

21 6. ADVERTISEMENT OF INTERNET DIRECTORY. THE DIVISION SHALL PROVIDE FOR
22 THE ADVERTISEMENT OF THE INTERNET DIRECTORY ESTABLISHED PURSUANT TO THIS
23 SECTION, INCLUDING BUT NOT LIMITED TO THE LISTING OF SUCH WEBSITE
24 ADDRESS ON ITS RECORDED MESSAGE FOR THE SPECIAL TELEPHONE NUMBER, AND
25 THE POSTING OF A LINK TO SUCH INTERNET DIRECTORY ON THE OFFICIAL WEBSITE
26 OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES.

27 7. REGULATIONS. THE DIVISION SHALL PROMULGATE RULES AND REGULATIONS TO
28 IMPLEMENT THE PROVISIONS OF THIS SECTION.

29 S 169-S. IMMUNITY FROM LIABILITY. 1. NO OFFICIAL, EMPLOYEE OR AGENCY,
30 WHETHER PUBLIC OR PRIVATE, SHALL BE SUBJECT TO ANY CIVIL OR CRIMINAL
31 LIABILITY FOR DAMAGES FOR ANY DISCRETIONARY DECISION TO RELEASE RELEVANT
32 AND NECESSARY INFORMATION PURSUANT TO THIS ARTICLE, UNLESS IT IS SHOWN
33 THAT SUCH OFFICIAL, EMPLOYEE OR AGENCY ACTED WITH GROSS NEGLIGENCE OR IN
34 BAD FAITH. THE IMMUNITY PROVIDED UNDER THIS SECTION APPLIES TO THE
35 RELEASE OF RELEVANT INFORMATION TO OTHER STATE, LOCAL AND/OR FEDERAL
36 EMPLOYEES OR OFFICIALS, OR TO THE GENERAL PUBLIC.

37 2. NOTHING IN THIS SECTION SHALL BE DEEMED TO IMPOSE ANY CIVIL OR
38 CRIMINAL LIABILITY UPON OR TO GIVE RISE TO A CAUSE OF ACTION AGAINST ANY
39 OFFICIAL, EMPLOYEE OR AGENCY, WHETHER PUBLIC OR PRIVATE, FOR FAILING TO
40 RELEASE INFORMATION AS AUTHORIZED IN THIS ARTICLE UNLESS IT IS SHOWN
41 THAT SUCH OFFICIAL, EMPLOYEE OR AGENCY ACTED WITH GROSS NEGLIGENCE OR IN
42 BAD FAITH.

43 S 169-T. ANNUAL REPORT. THE DIVISION SHALL, ON OR BEFORE THE FIRST OF
44 SEPTEMBER IN EACH YEAR, FILE A REPORT WITH THE GOVERNOR, THE TEMPORARY
45 PRESIDENT OF THE SENATE, THE SPEAKER OF THE STATE ASSEMBLY, THE CHAIR OF
46 THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILI-
47 TARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON
48 GOVERNMENTAL OPERATIONS, DETAILING THE NEW YORK STATE TERRORIST REGISTRY
49 PROGRAM ESTABLISHED BY THIS ARTICLE, THE DIVISION'S EXPERIENCE CONCERN-
50 ING COMPLIANCE WITH PROVISIONS OF THIS ARTICLE, AND THE DIVISION'S EXPE-
51 RIENCE CONCERNING THE EFFECTIVENESS OF THIS ARTICLE, TOGETHER WITH ANY
52 RECOMMENDATIONS THE DIVISION MAY HAVE TO FURTHER ENHANCE THE INTENT OF
53 THIS ARTICLE.

54 S 169-U. PENALTY. ANY TERRORIST REQUIRED TO REGISTER, OR TO PROVIDE
55 INFORMATION OR SUPPLEMENTAL INFORMATION, OR VERIFICATION, PURSUANT TO
56 THE PROVISIONS OF THIS ARTICLE, OR WHO FAILS TO REGISTER OR TO PROVIDE

1 INFORMATION, OR SUPPLEMENTAL INFORMATION, OR VERIFICATION, IN THE MANNER
2 AND WITHIN THE TIME PERIODS PROVIDED FOR IN THIS ARTICLE, SHALL BE GUIL-
3 TY OF A CLASS A-I FELONY, PURSUANT TO SECTION 490.23 OF THE PENAL LAW.
4 ANY SUCH FAILURE TO REGISTER OR TO PROVIDE INFORMATION, OR SUPPLEMENTAL
5 INFORMATION, OR VERIFICATION, PURSUANT TO THE PROVISIONS OF THIS ARTI-
6 CLE, MAY ALSO BE THE BASIS FOR REVOCATION OF PAROLE PURSUANT TO SECTION
7 TWO HUNDRED FIFTY-NINE-I OF THE EXECUTIVE LAW, OR THE BASIS FOR REVOCA-
8 TION OF PROBATION PURSUANT TO ARTICLE FOUR HUNDRED TEN OF THE CRIMINAL
9 PROCEDURE LAW.

10 S 169-V. UNAUTHORIZED RELEASE OF INFORMATION. THE UNAUTHORIZED RELEASE
11 OF ANY INFORMATION CONTAINED IN THE NEW YORK STATE TERRORIST REGISTRY
12 SHALL BE A CLASS B MISDEMEANOR.

13 S 169-W. EXPENSES INCURRED BY GOVERNMENTAL ENTITIES. 1. LOCAL GOVERN-
14 MENTS. ANY LOCAL GOVERNMENT, WHICH HAS INCURRED ANY COST FOR COMPLIANCE
15 WITH THE PROVISIONS OF THIS ARTICLE, MAY MAKE AN APPLICATION TO THE
16 STATE COMPTROLLER FOR REIMBURSEMENT OF SUCH COST. APPLICATION FOR
17 REIMBURSEMENT FOR SUCH COST INCURRED SHALL BE IN THE FORM AND MANNER AS
18 REQUIRED BY THE STATE COMPTROLLER. THE STATE COMPTROLLER SHALL PAY SUCH
19 A LOCAL GOVERNMENT, WHICH HAS MADE AN APPLICATION FOR A COST, WHICH HAS
20 BEEN VERIFIED BY THE STATE COMPTROLLER AS HAVING BEEN INCURRED BY THE
21 LOCAL GOVERNMENT, FROM THE TERRORIST REGISTRY FUNDS MANAGEMENT ACCOUNT,
22 ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-AAAA OF THE STATE FINANCE
23 LAW, FOLLOWING APPROPRIATION BY THE LEGISLATURE AND ALLOCATION BY THE
24 DIRECTOR OF THE BUDGET.

25 2. STATE AGENCY. ANY STATE AGENCY, WHICH HAS INCURRED ANY COST FOR
26 COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE, MAY MAKE AN APPLICATION
27 TO THE STATE COMPTROLLER AND THE DIRECTOR OF THE BUDGET, FOR AN INCREASE
28 IN SUCH STATE AGENCY'S BUDGET, IN DIRECT RELATION TO SUCH COST SO
29 INCURRED. APPLICATION FOR AN INCREASE IN SUCH STATE AGENCY'S BUDGET, IN
30 DIRECT RELATION TO SUCH COST INCURRED, SHALL BE IN THE FORM AND MANNER
31 AS REQUIRED BY THE DIRECTOR OF THE BUDGET AND THE STATE COMPTROLLER. THE
32 STATE COMPTROLLER SHALL VERIFY WHETHER THE COST HAS BEEN SO INCURRED BY
33 THE STATE AGENCY. ANY INCREASE IN SUCH STATE AGENCY'S BUDGET, AS AUTHOR-
34 IZED BY THIS SUBDIVISION, SHALL BE IN DIRECT RELATION TO SUCH COST
35 INCURRED BY SUCH STATE AGENCY, AND SHALL BE CHARGED FROM THE TERRORIST
36 REGISTRY FUNDS MANAGEMENT ACCOUNT, ESTABLISHED PURSUANT TO SECTION NINE-
37 TY-SEVEN-AAAA OF THE STATE FINANCE LAW, FOLLOWING APPROPRIATION BY THE
38 LEGISLATURE AND ALLOCATION BY THE DIRECTOR OF THE BUDGET.

39 3. NOTIFICATION OF THE GOVERNOR AND THE LEGISLATURE. NOT LATER THAN
40 THE FIRST DAY OF MARCH, THE STATE COMPTROLLER AND THE DIRECTOR OF THE
41 BUDGET SHALL NOTIFY THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE,
42 AND THE SPEAKER OF THE ASSEMBLY, OF THE FISCAL AMOUNTS REQUESTED IN
43 APPLICATIONS FOR REIMBURSEMENT FOR COSTS INCURRED BY LOCAL GOVERNMENTS
44 UNDER THIS SECTION, AND THE FISCAL AMOUNTS OF APPLICATIONS FOR INCREASES
45 IN STATE AGENCIES' BUDGETS UNDER THIS SECTION, DURING THE PREVIOUS
46 TWELVE MONTHS, WITH SUCH NOTIFICATION IDENTIFYING THE LOCAL GOVERNMENTS
47 AND THE STATE AGENCIES THAT HAVE MADE SUCH APPLICATIONS.

48 S 169-X. SEPARABILITY. IF ANY SECTION OF THIS ARTICLE OR PART THEREOF
49 SHALL BE ADJUDGED BY A COURT OF COMPETENT JURISDICTION TO BE INVALID,
50 SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER OR
51 ANY OTHER SECTION OR PART THEREOF.

52 S 5. The penal law is amended by adding a new section 490.23 to read
53 as follows:

54 S 490.23 FAILURE TO REGISTER OR VERIFY WITH THE NEW YORK STATE TERRORIST
55 REGISTRY.

1 A PERSON IS GUILTY OF FAILURE TO REGISTER OR VERIFY WITH THE NEW YORK
 2 STATE TERRORIST REGISTRY WHEN HE OR SHE IS REQUIRED TO REGISTER OR VERI-
 3 FY WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO ARTICLE
 4 SIX-D OF THE CORRECTION LAW, AND FAILS TO REGISTER AS REQUIRED PURSUANT
 5 TO ARTICLE SIX-D OF THE CORRECTION LAW, OR FAILS TO PROVIDE REQUIRED
 6 INFORMATION, OR SUPPLEMENTAL INFORMATION, OR VERIFICATION AS REQUIRED
 7 PURSUANT TO ARTICLE SIX-D OF THE CORRECTION LAW.

8 FAILURE TO REGISTER OR VERIFY WITH THE NEW YORK STATE TERRORIST REGIS-
 9 TRY IS A CLASS A-I FELONY.

10 S 6. The state finance law is amended by adding a new section 97-aaaa
 11 to read as follows:

12 S 97-AAAA. TERRORIST REGISTRY FUNDS MANAGEMENT ACCOUNT. 1. THERE IS
 13 HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE
 14 COMMISSIONER OF THE DEPARTMENT OF TAXATION AND FINANCE A FUND TO BE
 15 KNOWN AS THE "TERRORIST REGISTRY FUNDS MANAGEMENT ACCOUNT".

16 2. THE TERRORIST REGISTRY FUND MANAGEMENT ACCOUNT SHALL CONSIST OF:

17 (A) MONIES RECEIVED BY THE STATE PURSUANT TO ARTICLE SIX-D OF THE
 18 CORRECTION LAW;

19 (B) MONIES RECEIVED BY THE STATE AND DIRECTED TO BE PAID TO THE
 20 ACCOUNT UPON ORDER OF ANY COURT OF:

21 (I) THE UNIFIED COURT SYSTEM OF THE STATE OF NEW YORK;

22 (II) THE FEDERAL COURT SYSTEM OF THE UNITED STATES; AND/OR

23 (III) THE GOVERNMENT OF THE UNITED STATES OPERATING UNDER THE UNIFORM
 24 CODE OF MILITARY JUSTICE, AND

25 (C) ALL OTHER MONIES, FEES, FINES, GRANTS, BEQUESTS OR OTHER MONIES
 26 CREDITED, APPROPRIATED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR
 27 SOURCE.

28 3. MONIES OF THE TERRORIST REGISTRY FUNDS MANAGEMENT ACCOUNT, FOLLOW-
 29 ING APPROPRIATION BY THE LEGISLATURE AND ALLOCATION BY THE DIRECTOR OF
 30 THE BUDGET, SHALL BE MADE AVAILABLE FOR LOCAL GOVERNMENTS AND STATE
 31 AGENCIES PROVIDING SERVICES PURSUANT TO ARTICLE SIX-D OF THE CORRECTION
 32 LAW.

33 S 7. This act shall take effect on the first of November next succeed-
 34 ing the date on which it shall have become a law.

35 SUBPART D

36 Section 1. The executive law is amended by adding a new section 720 to
 37 read as follows:

38 S 720. QUINQUENNIAL CYBER SECURITY REPORT. 1. THE COMMISSIONER, IN
 39 CONSULTATION WITH THE SUPERINTENDENT OF THE STATE POLICE, THE CHIEF
 40 INFORMATION OFFICER, AND THE PRESIDENT OF THE CENTER FOR INTERNET SECU-
 41 RITY, SHALL PREPARE A REPORT, TO BE DELIVERED TO THE GOVERNOR, THE
 42 TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE
 43 CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY
 44 AND MILITARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE
 45 ON GOVERNMENTAL OPERATIONS, ON OR BEFORE THE FIRST DAY OF SEPTEMBER, TWO
 46 THOUSAND SIXTEEN, AND THEN EVERY FIVE YEARS THEREAFTER, WHICH PROVIDES A
 47 COMPREHENSIVE REVIEW OF ALL CYBER SECURITY SERVICES PERFORMED BY, AND ON
 48 BEHALF OF, THE STATE OF NEW YORK.

49 2. THE REPORT REQUIRED PURSUANT TO SUBDIVISION ONE OF THIS SECTION,
 50 SHALL INCLUDE A DETAILED ASSESSMENT OF EACH AND EVERY CYBER SECURITY
 51 NEED OF THE STATE OF NEW YORK, INCLUDING BUT NOT LIMITED TO, ITS STATE
 52 AGENCIES AND ITS PUBLIC AUTHORITIES, AND FOR EACH AND EVERY SUCH CYBER
 53 SECURITY NEED SO IDENTIFIED, SHALL FURTHER INCLUDE A DETAILED
 54 DESCRIPTION OF:

- 1 (A) THE TYPE OF CYBER SECURITY SERVICE USED TO ADDRESS SUCH NEED;
2 (B) THE SCOPE OF THE NEED SO ADDRESSED, AS WELL AS THE SCOPE OF THE
3 SERVICE USED TO ADDRESS SUCH NEED;
4 (C) THE COST OF THE SERVICE USED TO ADDRESS SUCH NEED;
5 (D) THE EFFECTIVENESS OF THE CYBER SECURITY SERVICE USED TO ADDRESS
6 SUCH NEED;
7 (E) THE ENTITY PROVIDING SUCH CYBER SECURITY SERVICE USED TO ADDRESS
8 SUCH NEED;
9 (F) THE GOVERNMENT, INDUSTRY AND/OR ACADEMICALLY ACCEPTED BEST CYBER
10 SECURITY PRACTICE FOR ADDRESSING SUCH NEED;
11 (G) HOW OTHER STATES, AND THE FEDERAL GOVERNMENT HAVE ADDRESSED SUCH
12 NEED; AND
13 (H) HOW PRIVATE SECTOR ENTITIES ADDRESSED SUCH NEED.

14 3. DURING THE PREPARATION OF THE REPORT REQUIRED BY SUBDIVISION ONE OF
15 THIS SECTION, AND AFTER ITS DELIVERY TO THE PERSONS IDENTIFIED TO
16 RECEIVE SUCH REPORT, THE COMMISSIONER, THE SUPERINTENDENT OF THE STATE
17 POLICE, THE CHIEF INFORMATION OFFICER, AND THE PRESIDENT OF THE CENTER
18 FOR INTERNET SECURITY, AS WELL AS THE DIVISIONS, OFFICES AND CORPO-
19 RATIONS UNDER THEIR DIRECTION, SHALL PROVIDE TO SUCH PERSONS ENTITLED TO
20 RECEIVE SUCH REPORT, ANY AND ALL ADDITIONAL INFORMATION SUCH PERSONS MAY
21 REQUEST, WITH RESPECT TO ANY CYBER SECURITY ISSUE CONCERNING:

- 22 (A) THE STATE OF NEW YORK, INCLUDING BUT NOT LIMITED TO, ANY AGENCY,
23 BOARD, BUREAU, COMMISSION, DEPARTMENT, DIVISION, INSTITUTION, OFFICE, OR
24 PUBLIC AUTHORITY OF THE STATE;
25 (B) ANY LOCAL GOVERNMENT ENTITY, INCLUDING BUT NOT LIMITED TO, ANY
26 COUNTY, TOWN, CITY, VILLAGE, SCHOOL DISTRICT, SPECIAL DISTRICT, AND ANY
27 AGENCY, BOARD, BUREAU, COMMISSION, DEPARTMENT, DIVISION, INSTITUTION,
28 OFFICE, OR PUBLIC AUTHORITY OF SUCH LOCAL GOVERNMENT ENTITY;
29 (C) ANY REGULATED ENTITY OF THE STATE OF NEW YORK OR LOCAL GOVERNMENT
30 ENTITY;
31 (D) ANY NOT-FOR-PROFIT CORPORATION IN THE STATE OF NEW YORK;
32 (E) ANY PRIVATE SECTOR BUSINESS IN THE STATE OF NEW YORK, INCLUDING
33 BUT NOT LIMITED TO, A SOLE PROPRIETOR, PARTNERSHIP, LIMITED LIABILITY
34 COMPANY OR BUSINESS CORPORATION; AND/OR
35 (F) ANY CITIZEN OF THE STATE OF NEW YORK.

36 4. WHERE COMPLIANCE WITH THIS SECTION SHALL REQUIRE THE DISCLOSURE OF
37 CONFIDENTIAL INFORMATION, OR THE DISCLOSURE OF SENSITIVE INFORMATION
38 WHICH IN THE JUDGMENT OF THE COMMISSIONER WOULD JEOPARDIZE THE CYBER
39 SECURITY OF THE STATE:

40 (A) SUCH CONFIDENTIAL OR SENSITIVE INFORMATION SHALL BE PROVIDED TO
41 THE PERSONS ENTITLED TO RECEIVE THE REPORT AS PROVIDED BY SUBDIVISION
42 ONE OF THIS SECTION, AS FOLLOWS:

- 43 (I) IN THE CASE OF THE REPORT REQUIRED BY SUBDIVISION ONE OF THIS
44 SECTION, IN THE FORM OF A SUPPLEMENTAL APPENDIX TO THE REPORT; AND
45 (II) IN THE CASE OF A RESPONSE TO A REQUEST FOR INFORMATION MADE IN
46 ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, IN A SECURE MANNER AS
47 DETERMINED BY THE COMMISSIONER;

48 (B) NEITHER A SUPPLEMENTAL APPENDIX TO THE REPORT, NOR ANY CONFIDEN-
49 TIAL OR SENSITIVE INFORMATION PROVIDED IN ACCORDANCE WITH SUBDIVISION
50 THREE OF THIS SECTION, SHALL BE POSTED ON THE DIVISION'S WEBSITE AS
51 REQUIRED BY SUBDIVISION FIVE OF THIS SECTION;

52 (C) NEITHER A SUPPLEMENTAL APPENDIX TO THE REPORT, NOR ANY CONFIDEN-
53 TIAL OR SENSITIVE INFORMATION PROVIDED IN ACCORDANCE WITH SUBDIVISION
54 THREE OF THIS SECTION, SHALL BE SUBJECT TO THE PROVISIONS OF THE FREEDOM
55 OF INFORMATION LAW PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW;
56 AND

1 (D) THE PERSONS ENTITLED TO RECEIVE THE REPORT AS PROVIDED BY SUBDIVI-
2 SION ONE OF THIS SECTION, MAY DISCLOSE THE SUPPLEMENTAL APPENDIX TO THE
3 REPORT, AND ANY CONFIDENTIAL OR SENSITIVE INFORMATION PROVIDED IN
4 ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, TO THEIR PROFESSIONAL
5 STAFF, BUT SHALL NOT OTHERWISE PUBLICLY DISCLOSE SUCH CONFIDENTIAL OR
6 SECURE INFORMATION.

7 5. EXCEPT WITH RESPECT TO ANY CONFIDENTIAL OR SENSITIVE INFORMATION AS
8 DESCRIBED IN SUBDIVISION FOUR OF THIS SECTION, THE DIVISION SHALL POST A
9 COPY OF THE REPORT PREPARED IN ACCORDANCE WITH SUBDIVISION ONE OF THIS
10 SECTION, ON ITS WEBSITE, NOT MORE THAN FIFTEEN DAYS AFTER SUCH REPORT IS
11 DELIVERED TO THE PERSONS ENTITLED TO RECEIVE SUCH REPORT. THE DIVISION
12 MAY FURTHER POST ANY AND ALL FURTHER INFORMATION IT MAY DEEM APPROPRI-
13 ATE, ON ITS WEBSITE, REGARDING CYBER SECURITY, AND THE PROTECTION OF
14 PUBLIC AND PRIVATE COMPUTER SYSTEMS, NETWORKS, HARDWARE AND SOFTWARE.

15 S 2. This act shall take effect immediately.

16 SUBPART E

17 Section 1. The executive law is amended by adding a new section 721 to
18 read as follows:

19 S 721. NEW YORK STATE CYBER SECURITY INITIATIVE. 1. LEGISLATIVE FIND-
20 INGS. THE LEGISLATURE FINDS AND DECLARES THAT REPEATED CYBER INTRUSIONS
21 INTO CRITICAL INFRASTRUCTURE, EFFECTING GOVERNMENT, PRIVATE SECTOR BUSI-
22 NESS, AND CITIZENS OF THE STATE OF NEW YORK, HAVE DEMONSTRATED THE NEED
23 FOR IMPROVED CYBER SECURITY.

24 THE LEGISLATURE FURTHER FINDS AND DECLARES THAT THIS CYBER THREAT
25 CONTINUES TO GROW AND REPRESENTS ONE OF THE MOST SERIOUS PUBLIC SECURITY
26 CHALLENGES THAT NEW YORK MUST CONFRONT. MOREOVER, THE SECURITY OF THE
27 STATE OF NEW YORK DEPENDS ON THE RELIABLE FUNCTIONING OF NEW YORK
28 STATE'S CRITICAL INFRASTRUCTURE, AND PRIVATE SECTOR BUSINESS INTERESTS,
29 AS WELL AS THE PROTECTION OF THE FINANCES AND INDIVIDUAL LIBERTIES OF
30 EVERY CITIZEN, IN THE FACE OF SUCH THREATS.

31 THE LEGISLATURE ADDITIONALLY FINDS AND DECLARES THAT TO ENHANCE THE
32 SECURITY, PROTECTION AND RESILIENCE OF NEW YORK STATE'S CRITICAL INFRAS-
33 TRUCTURE, AND PRIVATE SECTOR BUSINESS INTERESTS, AS WELL AS THE
34 PROTECTION OF THE FINANCES AND INDIVIDUAL LIBERTIES OF EVERY CITIZEN,
35 THE STATE OF NEW YORK MUST PROMOTE A CYBER ENVIRONMENT THAT ENCOURAGES
36 EFFICIENCY, INNOVATION, AND ECONOMIC PROSPERITY, AND THAT CAN OPERATE
37 WITH SAFETY, SECURITY, BUSINESS CONFIDENTIALITY, PRIVACY, AND CIVIL
38 LIBERTY.

39 THE LEGISLATURE FURTHER FINDS AND DECLARES THAT TO CREATE SUCH A SAFE
40 AND SECURE CYBER ENVIRONMENT FOR GOVERNMENT, PRIVATE SECTOR BUSINESS AND
41 INDIVIDUAL CITIZENS, NEW YORK MUST ADVANCE, IN ADDITION TO ITS CURRENT
42 EFFORTS IN THIS FIELD, A NEW YORK STATE CYBER SECURITY INITIATIVE, THAT
43 ESTABLISHES A NEW YORK STATE CYBER SECURITY ADVISORY BOARD; A NEW YORK
44 STATE CYBER SECURITY PARTNERSHIP PROGRAM WITH THE OWNERS AND OPERATORS
45 OF CRITICAL INFRASTRUCTURE, PRIVATE SECTOR BUSINESS, ACADEMIA, AND INDI-
46 VIDUAL CITIZENS TO IMPROVE, DEVELOP AND IMPLEMENT RISK-BASED STANDARDS
47 FOR GOVERNMENT, PRIVATE SECTOR BUSINESSES AND INDIVIDUAL CITIZENS; AND A
48 NEW YORK STATE CYBER SECURITY INFORMATION SHARING PROGRAM.

49 2. CRITICAL INFRASTRUCTURE AND INFORMATION SYSTEMS. AS USED IN THIS
50 SECTION, THE TERM "CRITICAL INFRASTRUCTURE AND INFORMATION SYSTEMS"
51 SHALL MEAN ALL SYSTEMS AND ASSETS, WHETHER PHYSICAL OR VIRTUAL, SO VITAL
52 TO THE GOVERNMENT, PRIVATE SECTOR BUSINESSES AND INDIVIDUAL CITIZENS OF
53 THE STATE OF NEW YORK THAT THE INCAPACITY OR DESTRUCTION OF SUCH SYSTEMS
54 AND ASSETS WOULD HAVE A DEBILITATING IMPACT TO THE SECURITY, ECONOMY, OR

1 PUBLIC HEALTH OF THE INDIVIDUAL CITIZENS, GOVERNMENT, OR PRIVATE SECTOR
2 BUSINESSES OF THE STATE OF NEW YORK.

3 3. NEW YORK STATE CYBER SECURITY ADVISORY BOARD. (A) THERE SHALL BE
4 WITHIN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, A NEW
5 YORK STATE CYBER SECURITY ADVISORY BOARD, WHICH SHALL ADVISE THE GOVER-
6 NOR AND THE LEGISLATURE ON DEVELOPMENTS IN CYBER SECURITY AND MAKE
7 RECOMMENDATIONS FOR PROTECTING THE STATE'S CRITICAL INFRASTRUCTURE AND
8 INFORMATION SYSTEMS.

9 (B) THE BOARD MEMBERS SHALL CONSIST OF ELEVEN MEMBERS APPOINTED BY THE
10 GOVERNOR, WITH THREE MEMBERS APPOINTED UPON RECOMMENDATION OF THE TEMPO-
11 RARY PRESIDENT OF THE SENATE, AND THREE MEMBERS APPOINTED AT THE RECOM-
12 MENDATION OF THE SPEAKER OF THE ASSEMBLY. ALL MEMBERS SO APPOINTED SHALL
13 HAVE EXPERTISE IN CYBER SECURITY, TELECOMMUNICATIONS, INTERNET SERVICE
14 DELIVERY, PUBLIC PROTECTION, COMPUTER SYSTEMS AND/OR COMPUTER NETWORKS.

15 (C) THE BOARD SHALL INVESTIGATE, DISCUSS AND MAKE RECOMMENDATIONS
16 CONCERNING CYBER SECURITY ISSUES INVOLVING BOTH THE PUBLIC AND PRIVATE
17 SECTORS AND WHAT STEPS CAN BE TAKEN BY NEW YORK STATE TO PROTECT CRIT-
18 ICAL CYBER INFRASTRUCTURE, FINANCIAL SYSTEMS, TELECOMMUNICATIONS
19 NETWORKS, ELECTRICAL GRIDS, SECURITY SYSTEMS, FIRST RESPONDER SYSTEMS
20 AND INFRASTRUCTURE, PHYSICAL INFRASTRUCTURE SYSTEMS, TRANSPORTATION
21 SYSTEMS, AND SUCH OTHER AND FURTHER SECTORS OF STATE GOVERNMENT AND THE
22 PRIVATE SECTOR AS THE ADVISORY BOARD SHALL DEEM PRUDENT.

23 (D) THE PURPOSE OF THE ADVISORY BOARD SHALL BE TO PROMOTE THE DEVELOP-
24 MENT OF INNOVATIVE, ACTIONABLE POLICIES TO ENSURE THAT NEW YORK STATE IS
25 IN THE FOREFRONT OF PUBLIC CYBER SECURITY DEFENSE.

26 (E) THE MEMBERS OF THE ADVISORY BOARD SHALL RECEIVE NO COMPENSATION
27 FOR THEIR SERVICES, BUT MAY RECEIVE ACTUAL AND NECESSARY EXPENSES, AND
28 SHALL NOT BE DISQUALIFIED FOR HOLDING ANY OTHER PUBLIC OFFICE OR EMPLOY-
29 MENT BY MEANS OF THEIR SERVICE AS A MEMBER OF THE ADVISORY BOARD.

30 (F) THE ADVISORY BOARD SHALL BE ENTITLED TO REQUEST AND RECEIVE, AND
31 SHALL BE PROVIDED WITH, SUCH FACILITIES, RESOURCES AND DATA OF ANY AGEN-
32 CY, DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION, OR PUBLIC AUTHORITY
33 OF THE STATE, AS THEY MAY REASONABLY REQUEST, TO CARRY OUT PROPERLY
34 THEIR POWERS, DUTIES AND PURPOSE.

35 4. NEW YORK STATE CYBER SECURITY INFORMATION SHARING AND ANALYSIS
36 PROGRAM. (A) THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES,
37 IN CONSULTATION WITH THE DIVISION OF THE STATE POLICE, THE STATE OFFICE
38 OF INFORMATION TECHNOLOGY SERVICES, AND THE CENTER FOR INTERNET SECURI-
39 TY, SHALL ESTABLISH, WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS
40 SECTION, A VOLUNTARY NEW YORK STATE CYBER SECURITY INFORMATION SHARING
41 AND ANALYSIS PROGRAM.

42 (B) IT SHALL BE THE PURPOSE OF THE NEW YORK STATE CYBER SECURITY
43 INFORMATION SHARING AND ANALYSIS PROGRAM TO INCREASE THE VOLUME, TIMELI-
44 NESS, AND QUALITY OF CYBER THREAT INFORMATION SHARED WITH NEW YORK STATE
45 PUBLIC AND PRIVATE SECTOR ENTITIES SO THAT THESE ENTITIES MAY BETTER
46 PROTECT AND DEFEND THEMSELVES AGAINST CYBER THREATS AND TO PROMOTE THE
47 DEVELOPMENT OF EFFECTIVE DEFENSES AND STRATEGIES TO COMBAT, AND PROTECT
48 AGAINST, CYBER THREATS AND ATTACKS.

49 (C) TO FACILITATE THE PURPOSES OF THE NEW YORK STATE CYBER SECURITY
50 INFORMATION SHARING AND ANALYSIS PROGRAM, THE DIVISION OF HOMELAND SECU-
51 RITY AND EMERGENCY SERVICES, SHALL PROMULGATE REGULATIONS, IN ACCORDANCE
52 WITH THE PROVISIONS OF THIS SUBDIVISION.

53 (D) THE REGULATIONS SHALL PROVIDE FOR THE TIMELY PRODUCTION OF UNCLAS-
54 SIFIED REPORTS OF CYBER THREATS TO NEW YORK STATE AND ITS PUBLIC AND
55 PRIVATE SECTOR ENTITIES, INCLUDING THREATS THAT IDENTIFY A SPECIFIC
56 TARGETED ENTITY.

1 (E) THE REGULATIONS SHALL ADDRESS THE NEED TO PROTECT INTELLIGENCE AND
2 LAW ENFORCEMENT SOURCES, METHODS, OPERATIONS, AND INVESTIGATIONS, AND
3 SHALL FURTHER ESTABLISH A PROCESS THAT RAPIDLY DISSEMINATES THE REPORTS
4 PRODUCED PURSUANT TO PARAGRAPH (D) OF THIS SUBDIVISION, TO BOTH ANY
5 TARGETED ENTITY AS WELL AS SUCH OTHER AND FURTHER PUBLIC AND PRIVATE
6 ENTITIES AS THE DIVISION SHALL DEEM NECESSARY TO ADVANCE THE PURPOSES OF
7 THIS SUBDIVISION.

8 (F) THE REGULATIONS SHALL PROVIDE FOR PROTECTIONS FROM LIABILITY FOR
9 ENTITIES SHARING AND RECEIVING INFORMATION WITH THE NEW YORK STATE CYBER
10 SECURITY INFORMATION AND ANALYSIS PROGRAM, SO LONG AS THE ENTITY ACTED
11 IN GOOD FAITH.

12 (G) THE REGULATIONS SHALL FURTHER ESTABLISH A SYSTEM FOR TRACKING THE
13 PRODUCTION, DISSEMINATION, AND DISPOSITION OF THE REPORTS PRODUCED IN
14 ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION.

15 (H) THE REGULATIONS SHALL ALSO ESTABLISH AN ENHANCED CYBER SECURITY
16 SERVICES PROGRAM, WITHIN NEW YORK STATE, TO PROVIDE FOR PROCEDURES,
17 METHODS AND DIRECTIVES, FOR A VOLUNTARY INFORMATION SHARING PROGRAM,
18 THAT WILL PROVIDE CYBER THREAT AND TECHNICAL INFORMATION COLLECTED FROM
19 BOTH PUBLIC AND PRIVATE SECTOR ENTITIES, TO SUCH PRIVATE AND PUBLIC
20 SECTOR ENTITIES AS THE DIVISION DEEMS PRUDENT, TO ADVISE ELIGIBLE CRIT-
21 ICAL INFRASTRUCTURE COMPANIES OR COMMERCIAL SERVICE PROVIDERS THAT OFFER
22 SECURITY SERVICES TO CRITICAL INFRASTRUCTURE ON CYBER SECURITY THREATS
23 AND DEFENSE MEASURES.

24 (I) THE REGULATIONS SHALL ALSO SEEK TO DEVELOP STRATEGIES TO MAXIMIZE
25 THE UTILITY OF CYBER THREAT INFORMATION SHARING BETWEEN AND ACROSS THE
26 PRIVATE AND PUBLIC SECTORS, AND SHALL FURTHER SEEK TO PROMOTE THE USE OF
27 PRIVATE AND PUBLIC SECTOR SUBJECT MATTER EXPERTS TO ADDRESS CYBER SECU-
28 RITY NEEDS IN NEW YORK STATE, WITH THESE SUBJECT MATTER EXPERTS PROVID-
29 ING ADVICE REGARDING THE CONTENT, STRUCTURE, AND TYPES OF INFORMATION
30 MOST USEFUL TO CRITICAL INFRASTRUCTURE OWNERS AND OPERATORS IN REDUCING
31 AND MITIGATING CYBER RISKS.

32 (J) THE REGULATIONS SHALL FURTHER SEEK TO ESTABLISH A CONSULTATIVE
33 PROCESS TO COORDINATE IMPROVEMENTS TO THE CYBER SECURITY OF CRITICAL
34 INFRASTRUCTURE, WHERE AS PART OF THE CONSULTATIVE PROCESS, THE PUBLIC
35 AND PRIVATE ENTITIES OF THE STATE OF NEW YORK SHALL ENGAGE AND CONSIDER
36 THE ADVICE OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES,
37 THE DIVISION OF THE STATE POLICE, THE STATE OFFICE OF INFORMATION TECH-
38 NOLOGY SERVICES, THE CENTER FOR INTERNET SECURITY, THE NEW YORK STATE
39 CYBER SECURITY ADVISORY BOARD, THE PROGRAMS ESTABLISHED BY THIS SUBDIVI-
40 SION, AND SUCH OTHER AND FURTHER PRIVATE AND PUBLIC SECTOR ENTITIES,
41 UNIVERSITIES, AND CYBER SECURITY EXPERTS AS THE DIVISION OF HOMELAND
42 SECURITY AND EMERGENCY SERVICES MAY DEEM PRUDENT.

43 (K) THE REGULATIONS SHALL FURTHER SEEK TO ESTABLISH A BASELINE FRAME-
44 WORK TO REDUCE CYBER RISK TO CRITICAL INFRASTRUCTURE, AND SHALL SEEK TO
45 HAVE THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, IN
46 CONSULTATION WITH THE DIVISION OF STATE POLICE, THE STATE OFFICE OF
47 INFORMATION TECHNOLOGY SERVICES, AND THE CENTER FOR INTERNET SECURITY,
48 LEAD THE DEVELOPMENT OF A VOLUNTARY FRAMEWORK TO REDUCE CYBER RISKS TO
49 CRITICAL INFRASTRUCTURE, TO BE KNOWN AS THE CYBER SECURITY FRAMEWORK,
50 WHICH SHALL:

51 (I) INCLUDE A SET OF STANDARDS, METHODOLOGIES, PROCEDURES, AND PROC-
52 ESSES THAT ALIGN POLICY, BUSINESS, AND TECHNOLOGICAL APPROACHES TO
53 ADDRESS CYBER RISKS;

54 (II) INCORPORATE VOLUNTARY CONSENSUS STANDARDS AND INDUSTRY BEST PRAC-
55 TICES TO THE FULLEST EXTENT POSSIBLE;

1 (III) PROVIDE A PRIORITIZED, FLEXIBLE, REPEATABLE, PERFORMANCE-BASED,
2 AND COST-EFFECTIVE APPROACH, INCLUDING INFORMATION SECURITY MEASURES AND
3 CONTROLS, TO HELP OWNERS AND OPERATORS OF CRITICAL INFRASTRUCTURE IDEN-
4 TIFY, ASSESS, AND MANAGE CYBER RISK;

5 (IV) FOCUS ON IDENTIFYING CROSS-SECTOR SECURITY STANDARDS AND GUIDE-
6 LINES APPLICABLE TO CRITICAL INFRASTRUCTURE;

7 (V) IDENTIFY AREAS FOR IMPROVEMENT THAT SHOULD BE ADDRESSED THROUGH
8 FUTURE COLLABORATION WITH PARTICULAR SECTORS AND STANDARDS-DEVELOPING
9 ORGANIZATIONS;

10 (VI) ENABLE TECHNICAL INNOVATION AND ACCOUNT FOR ORGANIZATIONAL
11 DIFFERENCES, TO PROVIDE GUIDANCE THAT IS TECHNOLOGY NEUTRAL AND THAT
12 ENABLES CRITICAL INFRASTRUCTURE SECTORS TO BENEFIT FROM A COMPETITIVE
13 MARKET FOR PRODUCTS AND SERVICES THAT MEET THE STANDARDS, METHODOLOGIES,
14 PROCEDURES, AND PROCESSES DEVELOPED TO ADDRESS CYBER RISKS;

15 (VII) INCLUDE GUIDANCE FOR MEASURING THE PERFORMANCE OF AN ENTITY IN
16 IMPLEMENTING THE CYBER SECURITY FRAMEWORK;

17 (VIII) INCLUDE METHODOLOGIES TO IDENTIFY AND MITIGATE IMPACTS OF THE
18 CYBER SECURITY FRAMEWORK AND ASSOCIATED INFORMATION SECURITY MEASURES OR
19 CONTROLS ON BUSINESS CONFIDENTIALITY, AND TO PROTECT INDIVIDUAL PRIVACY
20 AND CIVIL LIBERTIES; AND

21 (IX) ENGAGE IN THE REVIEW OF THREAT AND VULNERABILITY INFORMATION AND
22 TECHNICAL EXPERTISE.

23 (L) THE REGULATIONS SHALL ADDITIONALLY ESTABLISH A VOLUNTARY CRITICAL
24 INFRASTRUCTURE CYBER SECURITY PROGRAM TO SUPPORT THE ADOPTION OF THE
25 CYBER SECURITY FRAMEWORK BY OWNERS AND OPERATORS OF CRITICAL INFRASTRUC-
26 TURE AND ANY OTHER INTERESTED ENTITIES, WHERE UNDER THIS PROGRAM IMPLE-
27 MENTATION GUIDANCE OR SUPPLEMENTAL MATERIALS WOULD BE DEVELOPED TO
28 ADDRESS SECTOR-SPECIFIC RISKS AND OPERATING ENVIRONMENTS, AND RECOMMEND
29 LEGISLATION FOR ENACTMENT TO ADDRESS CYBER SECURITY ISSUES.

30 (M) IN DEVELOPING THE NEW YORK STATE CYBER SECURITY INFORMATION SHAR-
31 ING AND ANALYSIS PROGRAM IN ACCORDANCE WITH THE PROVISIONS OF THIS
32 SUBDIVISION, THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES,
33 IN CONSULTATION WITH THE DIVISION OF STATE POLICE, THE STATE OFFICE OF
34 INFORMATION TECHNOLOGY SERVICES, AND THE CENTER FOR INTERNET SECURITY,
35 SHALL PRODUCE AND SUBMIT A REPORT, TO THE GOVERNOR, THE TEMPORARY PRESI-
36 DENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY, MAKING RECOMMENDA-
37 TIONS ON THE FEASIBILITY, SECURITY BENEFITS, AND RELATIVE MERITS OF
38 INCORPORATING SECURITY STANDARDS INTO ACQUISITION PLANNING AND CONTRACT
39 ADMINISTRATION. SUCH REPORT SHALL FURTHER ADDRESS WHAT STEPS CAN BE
40 TAKEN TO HARMONIZE AND MAKE CONSISTENT EXISTING PROCUREMENT REQUIREMENTS
41 RELATED TO CYBER SECURITY AND THE FEASIBILITY OF INCLUDING RISK-BASED
42 SECURITY STANDARDS INTO PROCUREMENT AND CONTRACT ADMINISTRATION.

43 5. NEW YORK STATE CYBER SECURITY CRITICAL INFRASTRUCTURE RISK ASSESS-
44 MENT REPORT. (A) THE DIVISION OF HOMELAND SECURITY AND EMERGENCY
45 SERVICES, IN CONSULTATION WITH THE DIVISION OF STATE POLICE, THE STATE
46 OFFICE OF INFORMATION TECHNOLOGY SERVICES, AND THE CENTER FOR INTERNET
47 SECURITY, WITHIN ONE HUNDRED TWENTY DAYS OF THE EFFECTIVE DATE OF THIS
48 SECTION, SHALL PRODUCE A NEW YORK STATE CYBER SECURITY CRITICAL INFRAS-
49 TRUCTURE RISK ASSESSMENT REPORT.

50 (B) THE PRODUCTION OF THE NEW YORK STATE CYBER SECURITY CRITICAL
51 INFRASTRUCTURE RISK ASSESSMENT REPORT SHALL USE A RISK-BASED APPROACH TO
52 IDENTIFY CRITICAL INFRASTRUCTURE WHERE A CYBER SECURITY INCIDENT COULD
53 REASONABLY RESULT IN CATASTROPHIC REGIONAL OR STATE-WIDE EFFECTS ON
54 PUBLIC HEALTH OR SAFETY, ECONOMIC DISTRESS, AND/OR THREATEN PUBLIC
55 PROTECTION OF THE PEOPLE AND/OR PROPERTY OF NEW YORK STATE.

1 (C) THE PRODUCTION OF THE REPORT SHALL FURTHER USE THE CONSULTATIVE
2 PROCESS AND DRAW UPON THE EXPERTISE OF AND ADVICE OF THE DIVISION OF
3 HOMELAND SECURITY AND EMERGENCY SERVICES, THE DIVISION OF STATE POLICE,
4 THE STATE OFFICE OF INFORMATION TECHNOLOGY SERVICES, THE CENTER FOR
5 INTERNET SECURITY, THE NEW YORK STATE CYBER SECURITY ADVISORY BOARD, THE
6 PROGRAMS ESTABLISHED BY THIS SECTION, AND SUCH OTHER AND FURTHER PRIVATE
7 AND PUBLIC SECTOR ENTITIES, UNIVERSITIES, AND CYBER SECURITY EXPERTS AS
8 THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES MAY DEEM
9 PRUDENT.

10 (D) THE NEW YORK STATE CYBER SECURITY CRITICAL INFRASTRUCTURE RISK
11 ASSESSMENT REPORT SHALL BE DELIVERED TO THE GOVERNOR, THE TEMPORARY
12 PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR OF THE
13 SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY
14 AFFAIRS, AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERN-
15 MENTAL OPERATIONS.

16 (E) WHERE COMPLIANCE WITH THIS SECTION SHALL REQUIRE THE DISCLOSURE OF
17 CONFIDENTIAL INFORMATION, OR THE DISCLOSURE OF SENSITIVE INFORMATION
18 WHICH IN THE JUDGMENT OF THE COMMISSIONER OF THE DIVISION OF HOMELAND
19 SECURITY AND EMERGENCY SERVICES WOULD JEOPARDIZE THE CYBER SECURITY OF
20 THE STATE:

21 (I) SUCH CONFIDENTIAL OR SENSITIVE INFORMATION SHALL BE PROVIDED TO
22 THE PERSONS ENTITLED TO RECEIVE THE REPORT, IN THE FORM OF A SUPPLE-
23 MENTAL APPENDIX TO THE REPORT; AND

24 (II) SUCH SUPPLEMENTAL APPENDIX TO THE REPORT SHALL NOT BE SUBJECT TO
25 THE PROVISIONS OF THE FREEDOM OF INFORMATION LAW PURSUANT TO ARTICLE SIX
26 OF THE PUBLIC OFFICERS LAW; AND

27 (III) THE PERSONS ENTITLED TO RECEIVE THE REPORT MAY DISCLOSE THE
28 SUPPLEMENTAL APPENDIX TO THE REPORT TO THEIR PROFESSIONAL STAFF, BUT
29 SHALL NOT OTHERWISE PUBLICLY DISCLOSE SUCH CONFIDENTIAL OR SECURE INFOR-
30 MATION.

31 S 2. This act shall take effect immediately.

32 SUBPART F

33 Section 1. This act shall be known and may be cited as the "personal
34 information protection act".

35 S 2. Legislative findings and determinations. The legislature finds
36 and determines that the unauthorized access to, theft and misappropri-
37 ation of personal information can cause serious and significant harm.

38 The legislature further finds and determines that in an attempt to
39 provide some level of protection against the unauthorized access to, and
40 theft and misappropriation of such personal information, all persons or
41 entities who collect and maintain such personal information should be
42 required to follow certain minimum protocols and standards.

43 The legislature additionally finds and determines that the minimum
44 protocols and standards established by this act seek to promote the
45 safeguarding of personal information contained in both paper and elec-
46 tronic records, and that the objectives of this act are to promote the
47 security and confidentiality of personal information in a manner fully
48 consistent with customarily accepted standards and protocols; protect
49 against unauthorized access, threats or hazards to the security or
50 integrity of such information as best as can be anticipated; and protect
51 against unauthorized access to, or the unauthorized use of, such infor-
52 mation that may result in serious, significant or substantial harm or
53 inconvenience.

1 S 3. The penal law is amended by adding five new sections 156.07,
2 156.08, 156.45, 156.46 and 156.47 to read as follows:

3 S 156.07 AGGRAVATED UNAUTHORIZED USE OF A COMPUTER IN THE SECOND DEGREE.
4 IN ACCORDANCE WITH THE DEFINITION OF TERMS CONTAINED IN SECTION FOUR
5 HUNDRED ONE OF THE STATE TECHNOLOGY LAW, ANY PERSON WHO INTENTIONALLY
6 COPIES, DUPLICATES, USES OR REMOVES PERSONAL INFORMATION FROM A COMPUT-
7 ER, WITHOUT AUTHORIZATION FROM THE PERSONAL INFORMATION SUBJECT OR THE
8 PERSONAL INFORMATION HOLDER, SHALL BE GUILTY OF AGGRAVATED UNAUTHORIZED
9 USE OF A COMPUTER IN THE SECOND DEGREE.

10 AGGRAVATED UNAUTHORIZED USE OF A COMPUTER IN THE SECOND DEGREE IS A
11 CLASS E FELONY.

12 S 156.08 AGGRAVATED UNAUTHORIZED USE OF A COMPUTER IN THE FIRST DEGREE.

13 IN ACCORDANCE WITH THE DEFINITION OF TERMS CONTAINED IN SECTION FOUR
14 HUNDRED ONE OF THE STATE TECHNOLOGY LAW, ANY PERSON WHO INTENTIONALLY
15 COPIES, DUPLICATES, USES OR REMOVES PERSONAL INFORMATION FROM A COMPUT-
16 ER, WITHOUT AUTHORIZATION FROM THE PERSONAL INFORMATION SUBJECT OR THE
17 PERSONAL INFORMATION HOLDER, THAT RESULTS IN DAMAGES IN THE AMOUNT OF
18 ONE THOUSAND DOLLARS OR MORE TO THE PERSONAL INFORMATION SUBJECT, OR
19 THAT RESULTS IN THE UNAUTHORIZED PUBLIC DISCLOSURE OF MEDICAL INFORMA-
20 TION OF THE PERSONAL INFORMATION SUBJECT, SHALL BE GUILTY OF AGGRAVATED
21 UNAUTHORIZED USE OF A COMPUTER IN THE FIRST DEGREE.

22 AGGRAVATED UNAUTHORIZED USE OF A COMPUTER IN THE FIRST DEGREE IS A
23 CLASS C FELONY.

24 S 156.45 FAILING TO MAINTAIN STANDARDS FOR THE PROTECTION OF PERSONAL
25 INFORMATION.

26 IN ACCORDANCE WITH THE DEFINITION OF TERMS CONTAINED IN SECTION FOUR
27 HUNDRED ONE OF THE STATE TECHNOLOGY LAW, ANY FIRST DEGREE PERSONAL
28 INFORMATION HOLDER OR A FIRST DEGREE THIRD PARTY PERSONAL INFORMATION
29 HOLDER THAT:

30 1. INTENTIONALLY VIOLATES ITS DUTY TO PROTECT PERSONAL INFORMATION,
31 AND

32 2. INTENTIONALLY FAILS TO MAINTAIN THE STANDARDS FOR THE PROTECTION OF
33 PERSONAL INFORMATION AS ESTABLISHED IN ITS APPROVED COMPREHENSIVE INFOR-
34 MATION SECURITY PROGRAM, AND

35 3. EXPERIENCES A BREACH OF SECURITY INVOLVING PERSONAL INFORMATION,
36 WHERE SUCH BREACH OF SECURITY HAS RESULTED IN:

37 (A) THE IDENTITY THEFT OF A PERSONAL INFORMATION SUBJECT, OR

38 (B) AN ACT OF FRAUD AGAINST A PERSONAL INFORMATION SUBJECT, OR

39 (C) ANY ACT WHICH CAUSES DAMAGES IN THE AMOUNT OF ONE THOUSAND DOLLARS
40 OR MORE TO THE PERSONAL INFORMATION SUBJECT, OR

41 (D) ANY ACT WHICH CAUSES THE UNAUTHORIZED PUBLIC DISCLOSURE OF MEDICAL
42 INFORMATION OF A PERSONAL INFORMATION SUBJECT,

43 SHALL BE GUILTY OF FAILING TO MAINTAIN STANDARDS FOR THE PROTECTION OF
44 PERSONAL INFORMATION.

45 FAILING TO MAINTAIN STANDARDS FOR THE PROTECTION OF PERSONAL INFORMA-
46 TION SHALL BE PUNISHABLE BY A FINE OF UP TO ONE THOUSAND DOLLARS FOR
47 EVERY INCIDENCE OF IDENTITY THEFT, FRAUD OR ACT CAUSING DAMAGES OF ONE
48 THOUSAND DOLLARS OR MORE, AND/OR BY A FINE OF UP TO ONE THOUSAND DOLLARS
49 FOR EVERY INCIDENCE OF UNAUTHORIZED PUBLIC DISCLOSURE OF MEDICAL INFOR-
50 MATION.

51 S 156.46 FAILING TO NOTIFY OF A BREACH OF SECURITY IN THE SECOND DEGREE.

52 ANY PERSONAL INFORMATION RECIPIENT THAT INTENTIONALLY FAILS TO PROVIDE
53 TIMELY NOTIFICATION OF A BREACH OF SECURITY, AS REQUIRED BY SECTION FOUR
54 HUNDRED SIX OF THE STATE TECHNOLOGY LAW, SHALL BE GUILTY OF THE OFFENSE
55 OF FAILING TO NOTIFY OF A BREACH OF SECURITY IN THE SECOND DEGREE.

1 FAILING TO NOTIFY OF A BREACH OF SECURITY IN THE SECOND DEGREE SHALL
 2 BE PUNISHABLE BY A FINE OF UP TO ONE THOUSAND DOLLARS FOR THE INTEN-
 3 TIONAL FAILURE TO TIMELY NOTIFY THE BUREAU OF CYBER SECURITY OF THE
 4 STATE POLICE PURSUANT TO SUBDIVISION ONE OF SECTION FOUR HUNDRED SIX OF
 5 THE STATE TECHNOLOGY LAW, AND/OR BY A FINE OF UP TO ONE THOUSAND DOLLARS
 6 FOR THE INTENTIONAL FAILURE TO TIMELY NOTIFY, IF REQUIRED, THE PERSONAL
 7 INFORMATION RECIPIENT'S COMPREHENSIVE SECURITY PROGRAM APPROVAL ENTITY
 8 PURSUANT TO SUBDIVISION TWO OF SECTION FOUR HUNDRED SIX OF THE STATE
 9 TECHNOLOGY LAW, AND/OR BY A FINE OF UP TO ONE HUNDRED DOLLARS FOR EACH
 10 PERSONAL INFORMATION SUBJECT THE PERSONAL INFORMATION RECIPIENT FAILED
 11 TO TIMELY NOTIFY PURSUANT TO SUBDIVISION FOUR OF SECTION FOUR HUNDRED
 12 SIX OF THE STATE TECHNOLOGY LAW.

13 S 156.47 FAILING TO NOTIFY OF A BREACH OF SECURITY IN THE FIRST DEGREE.
 14 ANY FIRST DEGREE PERSONAL INFORMATION RECIPIENT THAT INTENTIONALLY
 15 FAILS TO PROVIDE TIMELY NOTIFICATION OF A BREACH OF SECURITY, AS
 16 REQUIRED BY SECTION FOUR HUNDRED SIX OF THE STATE TECHNOLOGY LAW, SHALL
 17 BE GUILTY OF THE OFFENSE OF FAILING TO NOTIFY OF A BREACH OF SECURITY IN
 18 THE FIRST DEGREE.

19 FAILING TO NOTIFY OF A BREACH OF SECURITY IN THE FIRST DEGREE SHALL BE
 20 PUNISHABLE BY A FINE OF UP TO TEN THOUSAND DOLLARS FOR THE INTENTIONAL
 21 FAILURE TO TIMELY NOTIFY THE BUREAU OF CYBER SECURITY OF THE STATE
 22 POLICE PURSUANT TO SUBDIVISION ONE OF SECTION FOUR HUNDRED SIX OF THE
 23 STATE TECHNOLOGY LAW, AND/OR BY A FINE OF UP TO TEN THOUSAND DOLLARS FOR
 24 THE INTENTIONAL FAILURE TO TIMELY NOTIFY, IF REQUIRED, THE PERSONAL
 25 INFORMATION RECIPIENT'S COMPREHENSIVE SECURITY PROGRAM APPROVAL ENTITY
 26 PURSUANT TO SUBDIVISION TWO OF SECTION FOUR HUNDRED SIX OF THE STATE
 27 TECHNOLOGY LAW, AND/OR BY A FINE OF UP TO ONE THOUSAND DOLLARS FOR EACH
 28 PERSONAL INFORMATION SUBJECT THE FIRST DEGREE PERSONAL INFORMATION
 29 RECIPIENT FAILED TO TIMELY NOTIFY PURSUANT TO SUBDIVISION TWO OF SECTION
 30 FOUR HUNDRED SIX OF THE STATE TECHNOLOGY LAW.

31 S 4. The state technology law is amended by adding a new article 4 to
 32 read as follows:

33 ARTICLE IV

34 STANDARDS FOR THE PROTECTION OF PERSONAL INFORMATION

35 SECTION 401. DEFINITION OF TERMS.

36 402. DUTY TO PROTECT PERSONAL INFORMATION.

37 403. COMPREHENSIVE SECURITY PROGRAM STANDARDS.

38 404. APPROVAL OF COMPREHENSIVE SECURITY PROGRAMS.

39 405. COMPUTER SYSTEM SECURITY REQUIREMENTS.

40 406. BREACH OF SECURITY.

41 407. CAUSES OF ACTION.

42 408. LIABILITY PROTECTION.

43 S 401. DEFINITIONS OF TERMS. THE FOLLOWING DEFINITIONS ARE APPLICABLE
 44 TO THIS ARTICLE EXCEPT WHERE DIFFERENT MEANINGS ARE EXPRESSLY SPECIFIED:

45 1. "PERSONAL INFORMATION SUBJECT", AS USED IN THIS ARTICLE, MEANS ANY
 46 NATURAL PERSON WHO HAS THEIR PERSONAL INFORMATION COLLECTED OR MAIN-
 47 TAINED BY A PERSONAL INFORMATION RECIPIENT.

48 2. "PERSONAL INFORMATION RECIPIENT" AS USED IN THIS ARTICLE, MEANS ANY
 49 SECOND DEGREE PERSONAL INFORMATION RECIPIENT OR FIRST DEGREE PERSONAL
 50 INFORMATION RECIPIENT.

51 (A) "SECOND DEGREE PERSONAL INFORMATION RECIPIENT", AS USED IN THIS
 52 ARTICLE, MEANS ANY NATURAL PERSON, CORPORATION, PARTNERSHIP, LIMITED
 53 LIABILITY COMPANY, UNINCORPORATED ASSOCIATION, GOVERNMENT, OR OTHER
 54 ENTITY, THAT, IN THE COURSE OF THEIR PERSONAL, BUSINESS, COMMERCIAL,
 55 CORPORATE, ASSOCIATION OR GOVERNMENTAL OPERATIONS, COLLECTS, RECEIVES,

1 STORES, MAINTAINS, PROCESSES, OR OTHERWISE HAS ACCESS TO, PERSONAL
2 INFORMATION.

3 (B) "FIRST DEGREE PERSONAL INFORMATION RECIPIENT", AS USED IN THIS
4 ARTICLE, MEANS ANY NATURAL PERSON, CORPORATION, PARTNERSHIP, LIMITED
5 LIABILITY COMPANY, UNINCORPORATED ASSOCIATION, GOVERNMENT, OR OTHER
6 ENTITY, THAT, IN THE COURSE OF THEIR PERSONAL, BUSINESS, COMMERCIAL,
7 CORPORATE, ASSOCIATION OR GOVERNMENTAL OPERATIONS, COLLECTS, RECEIVES,
8 STORES, MAINTAINS, PROCESSES, OR OTHERWISE HAS ACCESS TO, PERSONAL
9 INFORMATION, AND THAT HAS GROSS ANNUAL OPERATING REVENUES IN EXCESS OF
10 ONE MILLION DOLLARS.

11 3. "PERSONAL INFORMATION COLLECTOR", AS USED IN THIS ARTICLE, MEANS
12 ANY PERSONAL INFORMATION RECIPIENT, THAT DOES NOT MAINTAIN OR STORE SUCH
13 PERSONAL INFORMATION, OR MAINTAIN ACCESS TO SUCH PERSONAL INFORMATION,
14 FOR MORE THAN FIVE MINUTES, AND WAS PROVIDED WITH THE PERSONAL INFORMA-
15 TION BY THE PERSONAL INFORMATION SUBJECT.

16 4. "PERSONAL INFORMATION HOLDER", AS USED IN THIS ARTICLE, MEANS ANY
17 SECOND DEGREE PERSONAL INFORMATION HOLDER OR FIRST DEGREE PERSONAL
18 INFORMATION HOLDER.

19 (A) "SECOND DEGREE PERSONAL INFORMATION HOLDER", AS USED IN THIS ARTI-
20 CLE, MEANS ANY PERSONAL INFORMATION RECIPIENT, THAT MAINTAINS OR STORES
21 SUCH PERSONAL INFORMATION, OR MAINTAINS ACCESS TO SUCH PERSONAL INFORMA-
22 TION, FOR MORE THAN FIVE MINUTES, AND WAS PROVIDED WITH THE PERSONAL
23 INFORMATION BY THE PERSONAL INFORMATION SUBJECT.

24 (B) "FIRST DEGREE PERSONAL INFORMATION HOLDER", AS USED IN THIS ARTI-
25 CLE, MEANS ANY PERSONAL INFORMATION RECIPIENT, THAT MAINTAINS OR STORES
26 SUCH PERSONAL INFORMATION, OR MAINTAINS ACCESS TO SUCH PERSONAL INFORMA-
27 TION, FOR MORE THAN FIVE MINUTES, AND WAS PROVIDED WITH THE PERSONAL
28 INFORMATION BY THE PERSONAL INFORMATION SUBJECT, AND THAT HAS GROSS
29 ANNUAL OPERATING REVENUES IN EXCESS OF ONE MILLION DOLLARS.

30 5. "THIRD PARTY PERSONAL INFORMATION HOLDER", AS USED IN THIS ARTICLE,
31 MEANS ANY SECOND DEGREE THIRD PARTY PERSONAL INFORMATION HOLDER OR FIRST
32 DEGREE THIRD PARTY PERSONAL INFORMATION HOLDER.

33 (A) "SECOND DEGREE THIRD PARTY PERSONAL INFORMATION HOLDER", AS USED
34 IN THIS ARTICLE, MEANS ANY PERSONAL INFORMATION RECIPIENT, THAT AGREES
35 TO COLLECT, RECEIVE, STORE, MAINTAIN, PROCESS, OR OTHERWISE HAVE ACCESS
36 TO, PERSONAL INFORMATION, AND WAS PROVIDED WITH SUCH PERSONAL INFORMA-
37 TION FROM A PERSONAL INFORMATION COLLECTOR, A PERSONAL INFORMATION HOLD-
38 ER, OR ANOTHER THIRD PARTY PERSONAL INFORMATION HOLDER.

39 (B) "FIRST DEGREE THIRD PARTY PERSONAL INFORMATION HOLDER", AS USED IN
40 THIS ARTICLE, MEANS ANY PERSONAL INFORMATION RECIPIENT, THAT AGREES TO
41 COLLECT, RECEIVE, STORE, MAINTAIN, PROCESS, OR OTHERWISE HAVE ACCESS TO,
42 PERSONAL INFORMATION, AND WAS PROVIDED WITH SUCH PERSONAL INFORMATION
43 FROM A PERSONAL INFORMATION COLLECTOR, A PERSONAL INFORMATION HOLDER, OR
44 ANOTHER THIRD PARTY PERSONAL INFORMATION HOLDER, AND THAT HAS GROSS
45 ANNUAL OPERATING REVENUES IN EXCESS OF ONE MILLION DOLLARS.

46 6. "PERSONAL INFORMATION", AS USED IN THIS ARTICLE,

47 (A) MEANS ANY INFORMATION, INCLUDING PAPER-BASED INFORMATION OR ELEC-
48 TRONIC INFORMATION, THAT CONTAINS A NEW YORK STATE RESIDENT'S FIRST NAME
49 AND LAST NAME, OR A NEW YORK STATE RESIDENT'S FIRST INITIAL AND LAST
50 NAME, IN COMBINATION WITH ANY ONE OR MORE OF THE FOLLOWING OTHER INFOR-
51 MATIONAL ELEMENTS THAT RELATE TO SUCH RESIDENT:

52 (I) A GOVERNMENTALLY ISSUED IDENTIFICATION NUMBER, INCLUDING:

53 (1) SOCIAL SECURITY NUMBER;

54 (2) DRIVER'S LICENSE NUMBER;

55 (3) STATE ISSUED IDENTIFICATION CARD NUMBER;

56 (4) MILITARY IDENTIFICATION CARD NUMBER;

1 (5) STUDENT IDENTIFICATION NUMBER; OR
2 (6) A UNITED STATES PASSPORT NUMBER;
3 (II) PERSONAL FINANCIAL INFORMATION, INCLUDING:
4 (1) FINANCIAL ACCOUNT INFORMATION, INCLUDING:
5 (A) BANK ACCOUNT INFORMATION;
6 (B) INVESTMENT ACCOUNT INFORMATION;
7 (C) RETIREMENT ACCOUNT INFORMATION;
8 (D) DEFERRED COMPENSATION ACCOUNT INFORMATION;
9 (E) MORTGAGE ACCOUNT INFORMATION;
10 (F) CAR LOAN ACCOUNT INFORMATION;
11 (G) CREDIT LINE ACCOUNT INFORMATION;
12 (H) PERSONAL LOAN ACCOUNT INFORMATION; OR
13 (I) ANY OTHER MONETARY FUND OR LOAN ACCOUNT INFORMATION; INCLUDING:
14 (I) THE NUMBER OF SUCH FINANCIAL ACCOUNT;
15 (II) ANY RECORD OF SUCH FINANCIAL ACCOUNT;
16 (III) A TRANSACTION HISTORY OF SUCH ACCOUNT;
17 (IV) A BALANCE OF SUCH ACCOUNT; AND/OR
18 (V) ANY SECURITY CODE, ACCESS CODE, PERSONAL IDENTIFICATION NUMBER OR
19 PASSWORD, THAT WOULD PERMIT ACCESS TO, OR USE OF, SUCH FINANCIAL
20 ACCOUNT;
21 (2) CREDIT OR DEBIT CARD INFORMATION, INCLUDING:
22 (A) THE NUMBER OF SUCH CREDIT CARD OR DEBIT CARD;
23 (B) THE EXPIRATION DATE OF SUCH CREDIT OR DEBIT CARD;
24 (C) THE CARD VERIFICATION VALUE CODE NUMBER OF SUCH CREDIT OR DEBIT
25 CARD;
26 (D) ANY RECORD OF SUCH CREDIT OR DEBIT CARD ACCOUNT;
27 (E) ANY TRANSACTION HISTORY OF SUCH CREDIT OR DEBIT CARD;
28 (F) ANY BALANCE OF SUCH CREDIT OR DEBIT CARD; AND/OR
29 (G) ANY REQUIRED SECURITY CODE, ACCESS CODE, PERSONAL IDENTIFICATION
30 NUMBER OR PASSWORD, THAT WOULD PERMIT ACCESS TO, OR USE OF, SUCH CREDIT
31 OR DEBIT CARD; OR
32 (3) CREDIT STATUS INFORMATION, INCLUDING:
33 (A) CREDIT SCORE;
34 (B) CREDIT HISTORY; OR
35 (C) ANY INFORMATION DESCRIBING CREDIT TRANSACTIONS OF THE PERSONAL
36 INFORMATION SUBJECT;
37 (III) PHYSICAL CHARACTERISTIC INFORMATION, INCLUDING:
38 (1) THE HEIGHT OF THE PERSONAL INFORMATION SUBJECT;
39 (2) THE WEIGHT OF THE PERSONAL INFORMATION SUBJECT;
40 (3) THE HAIR COLOR OF THE PERSONAL INFORMATION SUBJECT;
41 (4) THE EYE COLOR OF THE PERSONAL INFORMATION SUBJECT; AND/OR
42 (5) ANY OTHER DISTINGUISHING CHARACTERISTICS OF THE PERSONAL INFORMA-
43 TION SUBJECT;
44 (IV) BIOMETRIC INFORMATION, INCLUDING:
45 (1) FINGERPRINTS OF THE PERSONAL INFORMATION SUBJECT;
46 (2) VOICE-PRINTS OF THE PERSONAL INFORMATION SUBJECT;
47 (3) EYE SCANS OF THE PERSONAL INFORMATION SUBJECT;
48 (4) BLOOD SAMPLES OF THE PERSONAL INFORMATION SUBJECT;
49 (5) DEOXYRIBONUCLEIC ACID (DNA) BASED SAMPLES OF THE PERSONAL INFORMA-
50 TION SUBJECT;
51 (6) SKIN SAMPLES OF THE PERSONAL INFORMATION SUBJECT;
52 (7) HAIR SAMPLES OF THE PERSONAL INFORMATION SUBJECT; AND/OR
53 (8) ANY OTHER BIOMETRIC INFORMATION WHICH IS INTENDED OR COLLECTED FOR
54 THE PURPOSE OF IDENTIFICATION OF THE PERSONAL INFORMATION SUBJECT; OR
55 (V) MEDICAL INFORMATION, INCLUDING BUT NOT LIMITED TO, ANY INFORMATION
56 COLLECTED OR MAINTAINED ABOUT A PERSON INFORMATION SUBJECT PURSUANT TO

1 EXAMINATION, TESTING OR TREATMENT FOR PHYSICAL OR MENTAL ILLNESS OR
2 WELLNESS, OR ANY OTHER INFORMATION COLLECTED OR MAINTAINED ON A PERSONAL
3 INFORMATION SUBJECT BY A HEALTH CARE PROVIDER OR HEALTH CARE INSURER;

4 (B) SHALL NOT INCLUDE:

5 (I) PERSONAL INFORMATION THAT IS LAWFULLY OBTAINED FROM PUBLICLY
6 AVAILABLE INFORMATION, OR FROM FEDERAL, STATE OR LOCAL GOVERNMENT
7 RECORDS LAWFULLY MADE AVAILABLE TO THE GENERAL PUBLIC; OR

8 (II) PAPER-BASED INFORMATION THAT HAS BEEN INTENTIONALLY DISCARDED OR
9 ABANDONED BY THE PERSONAL INFORMATION SUBJECT.

10 7. "BREACH OF SECURITY", AS USED IN THIS ARTICLE, MEANS THE UNAUTHOR-
11 IZED ACCESS, VIEWING, ACQUISITION, COPYING, DUPLICATION, REMOVAL OR ANY
12 OTHER USE OF PERSONAL INFORMATION, EITHER IN UNENCRYPTED FORM OR IN
13 ENCRYPTED FORM TOGETHER WITH THE CONFIDENTIAL PROCESS OR KEY THAT IS
14 CAPABLE OF COMPROMISING THE SECURITY, CONFIDENTIALITY, OR INTEGRITY OF
15 PERSONAL INFORMATION. A GOOD FAITH UNAUTHORIZED ACCESS, VIEWING OR
16 ACQUISITION OF PERSONAL INFORMATION, FOR THE LAWFUL PURPOSES OF A
17 PERSONAL INFORMATION COLLECTOR, IS NOT A BREACH OF SECURITY UNLESS THE
18 PERSONAL INFORMATION IS THEREAFTER USED IN AN UNAUTHORIZED MANNER OR IS
19 SUBJECT TO FURTHER UNAUTHORIZED DISCLOSURE, AS A RESULT OF SUCH GOOD
20 FAITH UNAUTHORIZED ACCESS OR ACQUISITION.

21 8. "RECORD", AS USED IN THIS ARTICLE, MEANS ANY INFORMATION UPON WHICH
22 WRITTEN, DRAWN, SPOKEN, VISUAL, OR ELECTROMAGNETIC DATA OR IMAGES ARE
23 RECORDED OR PRESERVED, EITHER AS PAPER-BASED INFORMATION OR ELECTRONIC
24 INFORMATION.

25 9. "PAPER-BASED INFORMATION", AS USED IN THIS ARTICLE, MEANS PERSONAL
26 INFORMATION COLLECTED OR MAINTAINED VIA PAPER, WRITING OR OTHER DRAWING
27 MEDIUM, OR ANY OTHER PHYSICAL BASED, TANGIBLE, RECORDING MEDIUM.

28 10. "ELECTRONIC INFORMATION", AS USED IN THIS ARTICLE, MEANS PERSONAL
29 INFORMATION COLLECTED OR MAINTAINED VIA COMPUTER, TELEPHONE, INTERNET,
30 COMPUTER NETWORK OR OTHER ELECTRICAL, DIGITAL, MAGNETIC, WIRELESS,
31 OPTICAL, ELECTROMAGNETIC OR SIMILAR DEVICE.

32 11. "ENCRYPTION", AS USED IN THIS ARTICLE, MEANS THE TRANSFORMATION OF
33 DATA INTO A FORM IN WHICH THE MEANING OF SUCH DATA CANNOT BE ACCESSED
34 WITHOUT THE USE OF A CONFIDENTIAL PROCESS OR KEY.

35 S 402. DUTY TO PROTECT PERSONAL INFORMATION. EVERY PERSONAL INFORMA-
36 TION RECIPIENT SHALL HAVE A LEGAL DUTY TO PROTECT THE SECURITY AND
37 INTEGRITY OF ALL PERSONAL INFORMATION IN THEIR CUSTODY FROM UNAUTHORIZED
38 ACCESS OR UNAUTHORIZED USE.

39 S 403. COMPREHENSIVE SECURITY PROGRAM STANDARDS.

40 1. COMPREHENSIVE SECURITY PROGRAMS FOR PERSONAL INFORMATION RECIPI-
41 ENTS. EVERY PERSONAL INFORMATION RECIPIENT SHALL DEVELOP, IMPLEMENT, AND
42 MAINTAIN A COMPREHENSIVE PERSONAL INFORMATION SECURITY PROGRAM THAT IS
43 WRITTEN IN ONE OR MORE READILY ACCESSIBLE PARTS, AND CONTAINS ADMINIS-
44 TRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS, DETAILING THE PERSONAL
45 INFORMATION RECIPIENT'S OBLIGATIONS TO SAFEGUARD THE PERSONAL INFORMA-
46 TION UNDER SUCH COMPREHENSIVE INFORMATION SECURITY PROGRAM, THAT ARE
47 APPROPRIATE TO:

48 (A) THE SIZE, SCOPE AND TYPE OF THE PERSONAL, BUSINESS, COMMERCIAL,
49 CORPORATE, ASSOCIATION OR GOVERNMENTAL OPERATION OF THE PERSONAL INFOR-
50 MATION RECIPIENT;

51 (B) THE AMOUNT OF VOLUNTEERS, EMPLOYEES AND/OR FINANCIAL RESOURCES
52 AVAILABLE TO SUCH PERSONAL INFORMATION RECIPIENT;

53 (C) THE AMOUNT OF PERSONAL INFORMATION IN THE CUSTODY OF THE PERSONAL
54 INFORMATION RECIPIENT; AND

55 (D) THE NEED FOR SECURITY AND CONFIDENTIALITY OF THE PERSONAL INFORMA-
56 TION.

1 2. COMPREHENSIVE SECURITY PROGRAMS FOR FIRST DEGREE PERSONAL INFORMA-
2 TION HOLDERS AND FIRST DEGREE THIRD PARTY PERSONAL INFORMATION HOLDERS.
3 EVERY FIRST DEGREE PERSONAL INFORMATION HOLDER, AND EVERY FIRST DEGREE
4 THIRD PARTY PERSONAL INFORMATION HOLDER, SHALL DEVELOP, IMPLEMENT, AND
5 MAINTAIN AN APPROVED COMPREHENSIVE PERSONAL INFORMATION SECURITY
6 PROGRAM, THAT IS WRITTEN IN ONE OR MORE READILY ACCESSIBLE PARTS, AND
7 CONTAINS ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS, DETAILING
8 THE FIRST DEGREE PERSONAL INFORMATION HOLDER OR FIRST DEGREE THIRD PARTY
9 PERSONAL INFORMATION HOLDER'S OBLIGATIONS TO SAFEGUARD THE PERSONAL
10 INFORMATION UNDER SUCH COMPREHENSIVE INFORMATION SECURITY PROGRAM, THAT
11 ARE APPROPRIATE TO:

12 (A) THE SIZE, SCOPE AND TYPE OF THE PERSONAL, BUSINESS, COMMERCIAL,
13 CORPORATE, ASSOCIATION OR GOVERNMENTAL OPERATION OF THE PERSONAL INFOR-
14 MATION HOLDER OR THIRD PARTY PERSONAL INFORMATION HOLDER;

15 (B) THE AMOUNT OF RESOURCES AVAILABLE TO SUCH PERSONAL INFORMATION
16 HOLDER OR THIRD PARTY PERSONAL INFORMATION HOLDER;

17 (C) THE AMOUNT OF PERSONAL INFORMATION IN THE CUSTODY OF THE PERSONAL
18 INFORMATION HOLDER OR THIRD PARTY PERSONAL INFORMATION HOLDER; AND

19 (D) THE NEED FOR SECURITY AND CONFIDENTIALITY OF THE PERSONAL INFORMA-
20 TION.

21 3. SAFEGUARDS FOR PROTECTION OF PERSONAL INFORMATION. THE SAFEGUARDS
22 CONTAINED IN THE COMPREHENSIVE PERSONAL INFORMATION SECURITY PROGRAM
23 REQUIRED BY THIS SECTION MUST BE CONSISTENT WITH THE SAFEGUARDS FOR
24 PROTECTION OF PERSONAL INFORMATION AND INFORMATION OF A SIMILAR CHARAC-
25 TER SET FORTH IN ANY STATE OR FEDERAL REGULATIONS BY WHICH HOLDER OF
26 PERSONAL INFORMATION MAY BE REGULATED.

27 4. REQUIREMENTS FOR COMPREHENSIVE SECURITY PROGRAMS. EVERY COMPREHEN-
28 SIVE INFORMATION SECURITY PROGRAM SHALL INCLUDE, BUT SHALL NOT BE LIMIT-
29 ED TO:

30 (A) DESIGNATING ONE OR MORE PERSONS, OR IN THE CASE OF A BUSINESS ONE
31 OR MORE EMPLOYEES, TO MAINTAIN THE COMPREHENSIVE INFORMATION SECURITY
32 PROGRAM;

33 (B) CLEARLY IDENTIFYING AND ASSESSING REASONABLY FORESEEABLE INTERNAL
34 AND EXTERNAL RISKS TO THE SECURITY, CONFIDENTIALITY, AND/OR INTEGRITY OF
35 ANY ELECTRONIC INFORMATION, PAPER-BASED INFORMATION OR OTHER RECORDS
36 CONTAINING PERSONAL INFORMATION, IN THE CUSTODY OF THE PERSONAL INFORMA-
37 TION RECIPIENT, AND EVALUATING AND IMPROVING, WHERE NECESSARY, THE
38 EFFECTIVENESS OF THE CURRENT SAFEGUARDS FOR LIMITING SUCH RISKS, INCLUD-
39 ING BUT NOT LIMITED TO:

40 (I) ONGOING PERSONAL, VOLUNTEER, AND/OR EMPLOYEE TRAINING;

41 (II) PERSONAL, VOLUNTEER, AND/OR EMPLOYEE COMPLIANCE WITH POLICIES AND
42 PROCEDURES;

43 (III) THE MEANS FOR DETECTING AND PREVENTING SECURITY SYSTEM RISKS;
44 AND/OR

45 (IV) THE MEANS FOR DETECTING AND PREVENTING SECURITY SYSTEM FAILURES;

46 (C) DEVELOPING SECURITY POLICIES FOR PERSONS, VOLUNTEERS AND/OR
47 EMPLOYEES RELATING TO THE STORAGE, ACCESS AND TRANSPORTATION OF RECORDS
48 CONTAINING PERSONAL INFORMATION ON THE PREMISES OF THE PERSONAL INFORMA-
49 TION RECIPIENT;

50 (D) DEVELOPING SECURITY POLICIES FOR PERSONS, VOLUNTEERS AND/OR
51 EMPLOYEES RELATING TO THE STORAGE, ACCESS AND TRANSPORTATION OF RECORDS
52 CONTAINING PERSONAL INFORMATION OUTSIDE THE PREMISES OF THE PERSONAL
53 INFORMATION RECIPIENT;

54 (E) IMPOSING DISCIPLINARY MEASURES FOR VIOLATIONS OF THE COMPREHENSIVE
55 INFORMATION SECURITY PROGRAM RULES;

1 (F) PREVENTING DISASSOCIATED PERSONS OR VOLUNTEERS, AND/OR FORMER OR
2 TERMINATED EMPLOYEES FROM ACCESSING RECORDS CONTAINING PERSONAL INFORMA-
3 TION;

4 (G) OVERSIGHT OF THIRD PARTY HOLDERS OF PERSONAL INFORMATION, BY:

5 (I) TAKING REASONABLE STEPS TO SELECT AND RETAIN THIRD PARTY PERSONAL
6 INFORMATION HOLDERS THAT ARE CAPABLE OF MAINTAINING APPROPRIATE SECURITY
7 MEASURES TO PROTECT SUCH PERSONAL INFORMATION CONSISTENT WITH THIS ARTI-
8 CLE AND ANY OTHER APPLICABLE FEDERAL OR STATE STATUTES OR REGULATIONS;
9 AND

10 (II) REQUIRING SUCH THIRD-PARTY INFORMATION HOLDERS BY CONTRACT TO
11 IMPLEMENT AND MAINTAIN SUCH APPROPRIATE SECURITY MEASURES FOR PERSONAL
12 INFORMATION;

13 (H) REASONABLE RESTRICTIONS UPON PHYSICAL ACCESS TO ANY ELECTRONIC
14 INFORMATION, PAPER-BASED INFORMATION OR OTHER RECORDS CONTAINING
15 PERSONAL INFORMATION, AND STORAGE OF SUCH INFORMATION AND/OR RECORDS AND
16 DATA IN LOCKED FACILITIES, STORAGE AREAS OR CONTAINERS;

17 (I) REGULAR MONITORING TO ENSURE THAT THE COMPREHENSIVE INFORMATION
18 SECURITY PROGRAM IS OPERATING IN A MANNER REASONABLY CALCULATED TO
19 PREVENT UNAUTHORIZED ACCESS TO, OR UNAUTHORIZED USE OF, PERSONAL INFOR-
20 MATION; AND UPGRADING INFORMATION SAFEGUARDS AS NECESSARY TO LIMIT AND
21 MINIMIZE SUCH RISKS;

22 (J) REVIEWING THE SCOPE OF THE SECURITY MEASURES NOT LESS THAN QUAR-
23 TERLY, OR WHENEVER THERE IS A MATERIAL CHANGE IN THE PERSONAL, BUSINESS,
24 COMMERCIAL, CORPORATE, ASSOCIATION OR GOVERNMENTAL OPERATION PRACTICES
25 OF THE PERSONAL INFORMATION RECIPIENT THAT MAY REASONABLY EFFECT THE
26 SECURITY OR INTEGRITY OF RECORDS CONTAINING PERSONAL INFORMATION;

27 (K) DOCUMENTING RESPONSIVE ACTIONS TO BE TAKEN IN CONNECTION WITH ANY
28 INCIDENT INVOLVING A BREACH OF SECURITY, AND MANDATORY POST-INCIDENT
29 REVIEW OF EVENTS AND ACTIONS TAKEN, IF ANY, TO MAKE CHANGES IN THE
30 PERSONAL, BUSINESS, COMMERCIAL, CORPORATE, ASSOCIATION OR GOVERNMENTAL
31 OPERATION PRACTICES OF THE PERSONAL INFORMATION RECIPIENT, RELATING TO
32 PROTECTION OF PERSONAL INFORMATION; AND

33 (L) DETAILING ALL PHYSICAL SECURITY, SECURITY PROTOCOLS, AND
34 ENCRYPTION METHODS THAT WILL BE USED BY THE PERSONAL INFORMATION RECIPI-
35 ENT TO SAFEGUARD THE PERSONAL INFORMATION.

36 S 404. APPROVAL OF COMPREHENSIVE SECURITY PROGRAMS. 1. APPROVAL OF
37 COMPREHENSIVE SECURITY PROGRAMS. ON OR BEFORE THE FIRST DAY OF APRIL,
38 EVERY FIRST DEGREE PERSONAL INFORMATION HOLDER AND EVERY FIRST DEGREE
39 THIRD PARTY PERSONAL INFORMATION HOLDER SHALL ANNUALLY SUBMIT ITS
40 COMPREHENSIVE PERSONAL INFORMATION SECURITY PROGRAM FOR APPROVAL TO THE
41 APPROPRIATE APPROVAL ENTITY, AS FOLLOWS:

42 (A) THE APPROPRIATE APPROVAL ENTITY FOR ANY FIRST DEGREE PERSONAL
43 INFORMATION HOLDER OR FIRST DEGREE THIRD PARTY PERSONAL INFORMATION
44 HOLDER REGULATED BY A STATE AGENCY SHALL BE THE CHIEF INFORMATION OFFI-
45 CER OF SUCH REGULATING STATE AGENCY.

46 (B) THE APPROPRIATE APPROVAL ENTITY FOR ANY FIRST DEGREE PERSONAL
47 INFORMATION HOLDER OR FIRST DEGREE THIRD PARTY PERSONAL INFORMATION
48 HOLDER NOT REGULATED BY A STATE AGENCY, OR REGULATED BY A STATE AGENCY
49 THAT DOES NOT MAINTAIN A CHIEF INFORMATION OFFICER, SHALL BE THE CHIEF
50 INFORMATION OFFICER OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES.

51 (C) THE COMPREHENSIVE SECURITY PROGRAM SUBMITTED BY THE FIRST DEGREE
52 PERSONAL INFORMATION HOLDER OR THE FIRST DEGREE THIRD PARTY PERSONAL
53 INFORMATION HOLDER, SHALL BE SUBMITTED IN THE FORM AND MANNER AS
54 REQUIRED BY THE APPROPRIATE APPROVAL ENTITY.

55 (D) IF THE ENTITY TO WHICH THE COMPREHENSIVE SECURITY PROGRAM IS
56 SUBMITTED, DETERMINES THAT IT IS NOT THE APPROPRIATE APPROVAL ENTITY,

1 THEN SUCH ENTITY TO WHICH THE PROGRAM WAS SUBMITTED FOR APPROVAL SHALL
2 FORWARD SUCH SUBMISSION TO THE APPROPRIATE APPROVAL ENTITY AND SHALL
3 PROVIDE WRITTEN NOTIFICATION TO THE FIRST DEGREE PERSONAL INFORMATION
4 HOLDER OR FIRST DEGREE THIRD PARTY PERSONAL INFORMATION HOLDER SUBMIT-
5 TING THE PROGRAM FOR APPROVAL OF SUCH FORWARDING, AND SUCH ORIGINAL
6 SUBMISSION, MADE PRIOR TO ANY SUCH NOTIFICATION SHALL BE DEEMED TIMELY
7 FOR PURPOSES OF THIS ARTICLE.

8 (E) IF THE APPROPRIATE APPROVAL ENTITY DOES NOT ISSUE AN APPROVAL OR
9 DENIAL OF THE COMPREHENSIVE SECURITY PROGRAM BY THE FIRST DAY OF MAY OF
10 EACH YEAR, WHERE SUCH PROGRAM WAS PROPERLY SUBMITTED TO THE APPROPRIATE
11 APPROVAL ENTITY BY THE FIRST DAY OF APRIL OF EACH YEAR, THEN THE COMPRE-
12 HENSIVE SECURITY PROGRAM SHALL BE DEEMED APPROVED, AND WHERE A COMPRE-
13 HENSIVE SECURITY PROGRAM WAS SUBMITTED TO THE APPROPRIATE APPROVAL ENTI-
14 TY AFTER THE FIRST DAY OF APRIL OF EACH YEAR, AND THE APPROPRIATE
15 APPROVAL ENTITY DOES NOT ISSUE AN APPROVAL OR DENIAL OF THE COMPREHEN-
16 SIVE SECURITY PROGRAM WITHIN FORTY-FIVE DAYS, THEN THE COMPREHENSIVE
17 SECURITY PROGRAM SHALL BE DEEMED APPROVED.

18 (F) THE APPROPRIATE APPROVAL ENTITY SHALL NOT REQUIRE THE PAYMENT OF
19 ANY FEE OR CHARGE FOR THE SUBMISSION, REVIEW, APPROVAL, DENIAL OR RE-RE-
20 VIEW OF THE COMPREHENSIVE SECURITY PROGRAM.

21 (G) ANY DENIAL OF A COMPREHENSIVE SECURITY PROGRAM SUBMITTED SHALL
22 SPECIFY WHAT CHANGES NEED TO BE MADE TO THE PROGRAM IN ORDER TO GAIN
23 APPROVAL, AND THE APPROVAL ENTITY SHALL WORK WITH THE FIRST DEGREE
24 PERSONAL INFORMATION HOLDER OR THE FIRST DEGREE THIRD PARTY PERSONAL
25 INFORMATION HOLDER TO DEVELOP AN APPROVED PROGRAM.

26 2. POST DENIAL OF APPROVAL OF THE COMPREHENSIVE SECURITY PROGRAM. IF
27 THE APPROPRIATE APPROVAL ENTITY AND THE FIRST DEGREE PERSONAL INFORMA-
28 TION HOLDER OR THE FIRST DEGREE THIRD PARTY PERSONAL INFORMATION HOLDER
29 CANNOT REACH AN AGREEMENT TO OBTAIN APPROVAL OF A COMPREHENSIVE SECURITY
30 PROGRAM IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, WITHIN THIRTY
31 DAYS OF THE DENIAL, THEN THE APPROPRIATE APPROVAL ENTITY MAY IMPOSE A
32 COMPREHENSIVE PERSONAL INFORMATION SECURITY PROGRAM UPON THE FIRST
33 DEGREE PERSONAL INFORMATION HOLDER OR THE FIRST DEGREE THIRD PARTY
34 PERSONAL INFORMATION HOLDER. THE IMPOSITION OF A COMPREHENSIVE PERSONAL
35 INFORMATION SECURITY PROGRAM SHALL BE SUBJECT TO ADMINISTRATIVE REVIEW
36 IN ACCORDANCE WITH THE STATE ADMINISTRATIVE PROCEDURE ACT, AS WELL AS
37 JUDICIAL REVIEW PURSUANT TO AN ACTION BROUGHT UNDER ARTICLE
38 SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

39 S 405. COMPUTER SYSTEM SECURITY REQUIREMENTS. 1. COMPUTER SYSTEM
40 SECURITY PROGRAM. EVERY PERSONAL INFORMATION HOLDER OR THIRD PARTY
41 PERSONAL INFORMATION HOLDER WHO ELECTRONICALLY STORES OR TRANSMITS
42 PERSONAL INFORMATION SHALL INCLUDE IN ITS WRITTEN, COMPREHENSIVE INFOR-
43 MATION SECURITY PROGRAM THE ESTABLISHMENT AND MAINTENANCE OF A COMPUTER
44 SECURITY SYSTEM PROGRAM COVERING ALL OF ITS COMPUTERS, ELECTRONIC
45 SYSTEMS AND/OR NETWORKS, INCLUDING ANY WIRELESS SYSTEM.

46 2. MINIMUM STANDARDS FOR COMPUTER SYSTEM SECURITY PROGRAM. EVERY FIRST
47 DEGREE PERSONAL INFORMATION HOLDER OR FIRST DEGREE PERSONAL INFORMATION
48 HOLDER MUST ADDITIONALLY, ESTABLISH A COMPUTER SYSTEM SECURITY PROGRAM,
49 THAT, AT A MINIMUM, AND TO THE EXTENT TECHNICALLY FEASIBLE, HAS THE
50 FOLLOWING ELEMENTS:

51 (A) SECURE USER AUTHENTICATION PROTOCOLS INCLUDING:

52 (I) CONTROL OF USER IDS, USER NAMES, PASSWORDS AND OTHER UNIQUE IDEN-
53 TIFIERS;

54 (II) A REASONABLY SECURE METHOD OF ASSIGNING AND SELECTING PASSWORDS,
55 OR USE OF UNIQUE IDENTIFIER TECHNOLOGIES, SUCH AS BIOMETRICS OR TOKEN
56 DEVICES;

1 (III) CONTROL OF DATA SECURITY PASSWORDS TO ENSURE THAT SUCH PASSWORDS
2 ARE KEPT IN A LOCATION AND/OR FORMAT THAT DOES NOT COMPROMISE THE SECUR-
3 RITY OF THE DATA THEY PROTECT;

4 (IV) A PROGRAM OF RESTRICTING ACCESS TO ACTIVE USERS AND ACTIVE USER
5 ACCOUNTS ONLY; AND

6 (V) A REQUIREMENT TO BLOCK ACCESS TO USER IDENTIFICATION AFTER MULTI-
7 PLE UNSUCCESSFUL ATTEMPTS TO GAIN ACCESS OR THE LIMITATION PLACED ON
8 ACCESS FOR THE PARTICULAR SYSTEM;

9 (B) SECURE ACCESS CONTROL MEASURES THAT:

10 (I) RESTRICT ACCESS TO RECORDS AND FILES CONTAINING PERSONAL INFORMA-
11 TION TO THOSE WHO NEED SUCH INFORMATION TO PERFORM THEIR JOB DUTIES; AND

12 (II) ASSIGN UNIQUE IDENTIFICATIONS PLUS PASSWORDS, WHICH ARE NOT
13 VENDOR SUPPLIED DEFAULT PASSWORDS, TO EACH PERSON WITH COMPUTER ACCESS,
14 THAT ARE REASONABLY DESIGNED TO MAINTAIN THE INTEGRITY OF THE SECURITY
15 OF THE ACCESS CONTROLS;

16 (C) ENCRYPTION OF ALL TRANSMITTED RECORDS AND FILES CONTAINING
17 PERSONAL INFORMATION THAT WILL TRAVEL ACROSS PUBLIC NETWORKS, OR AN
18 ALTERNATIVE SYSTEM OF DATA PROTECTION AND SECURITY THAT HAS BEEN
19 ACCEPTED BY COMPUTER INDUSTRY STANDARDS AS EQUIVALENT OR SUPERIOR;

20 (D) ENCRYPTION OF ALL DATA CONTAINING PERSONAL INFORMATION TO BE TRAN-
21 SMITTED WIRELESSLY, OR AN ALTERNATIVE SYSTEM OF DATA PROTECTION AND
22 SECURITY THAT HAS BEEN ACCEPTED BY COMPUTER INDUSTRY STANDARDS AS EQUIV-
23 ALENT OR SUPERIOR;

24 (E) REASONABLE MONITORING OF SYSTEMS, FOR UNAUTHORIZED USE OF OR
25 ACCESS TO PERSONAL INFORMATION;

26 (F) ENCRYPTION OF ALL PERSONAL INFORMATION STORED ON LAPTOPS OR OTHER
27 PORTABLE DEVICES, OR AN ALTERNATIVE SYSTEM OF DATA PROTECTION AND SECUR-
28 RITY THAT HAS BEEN ACCEPTED BY COMPUTER INDUSTRY STANDARDS AS EQUIVALENT
29 OR SUPERIOR;

30 (G) PROTOCOLS FOR ESTABLISHING STATE OF THE ART, AIR-GAPPED SYSTEMS
31 FOR THE STORAGE AND MAINTENANCE OF PERSONAL INFORMATION, OR AN ALTERNA-
32 TIVE SYSTEM OF DATA PROTECTION AND SECURITY THAT HAS BEEN ACCEPTED BY
33 COMPUTER INDUSTRY STANDARDS AS EQUIVALENT OR SUPERIOR;

34 (H) FOR FILES CONTAINING PERSONAL INFORMATION ON A SYSTEM THAT IS
35 CONNECTED TO THE INTERNET, REASONABLY UP-TO-DATE FIREWALL PROTECTION AND
36 OPERATING SYSTEM SECURITY PATCHES, REASONABLY DESIGNED TO MAINTAIN THE
37 INTEGRITY OF THE PERSONAL INFORMATION, OR AN ALTERNATIVE SYSTEM OF DATA
38 PROTECTION AND SECURITY THAT HAS BEEN ACCEPTED BY COMPUTER INDUSTRY
39 STANDARDS AS EQUIVALENT OR SUPERIOR;

40 (I) REASONABLY UP-TO-DATE VERSIONS OF SYSTEM SECURITY AGENT SOFTWARE
41 WHICH INCLUDING MALWARE PROTECTION AND REASONABLY UP-TO-DATE PATCHES AND
42 VIRUS DEFINITIONS, OR A VERSION OF SUCH SOFTWARE THAT CAN STILL BE
43 SUPPORTED WITH UP-TO-DATE PATCHES AND VIRUS DEFINITIONS, SET TO RECEIVE
44 THE MOST CURRENT SECURITY UPDATES ON A REGULAR BASIS, OR AN ALTERNATIVE
45 SYSTEM OF DATA PROTECTION AND SECURITY THAT HAS BEEN ACCEPTED BY COMPUT-
46 ER INDUSTRY STANDARDS AS EQUIVALENT OR SUPERIOR; AND

47 (J) EDUCATION AND TRAINING OF PERSONS, VOLUNTEERS AND/OR EMPLOYEES ON
48 THE PROPER USE OF THE COMPUTER SECURITY SYSTEM AND THE IMPORTANCE OF
49 PERSONAL INFORMATION SECURITY.

50 3. REVIEW OF COMPUTER SYSTEM SECURITY PROGRAMS. EVERY PERSONAL INFOR-
51 MATION HOLDER OR THIRD PARTY PERSONAL INFORMATION HOLDER WHO ELECTRON-
52 ICALLY STORES OR TRANSMITS SUCH INFORMATION SHALL FURTHER REVIEW AND
53 UPDATE ITS WRITTEN, APPROVED, COMPREHENSIVE INFORMATION SECURITY PROGRAM
54 NOT LESS THAN ANNUALLY, TO INCLUDE ALL FEASIBLE RECENTLY DEVELOPED TECH-
55 NOLOGICAL SAFEGUARDS AND PROTOCOLS THAT COULD ENHANCE THE PROTECTION OF
56 THE COLLECTION, STORAGE AND MAINTENANCE OF SUCH PERSONAL INFORMATION.

1 S 406. BREACH OF SECURITY. 1. NOTIFICATION OF THE BUREAU OF CYBER
2 SECURITY OF THE STATE POLICE. IN ADDITION TO ANY OTHER REQUIREMENTS
3 PURSUANT TO ANY OTHER PROVISION OF LAW, NOT LATER THAN TEN DAYS AFTER
4 DISCOVERING A SECURITY BREACH INVOLVING PERSONAL INFORMATION, ANY
5 PERSONAL INFORMATION RECIPIENT THAT HAS EXPERIENCED A BREACH OF SECURITY
6 INVOLVING PERSONAL INFORMATION, SHALL MAKE A COMPREHENSIVE REPORT TO THE
7 BUREAU OF CYBER SECURITY OF THE STATE POLICE, IN THE FORM AND MANNER
8 REQUIRED BY THE BUREAU OF CYBER SECURITY OF THE STATE POLICE, NOTIFYING
9 SUCH BUREAU OF THE SECURITY BREACH.

10 2. NOTIFICATION OF COMPREHENSIVE SECURITY PROGRAM APPROVAL ENTITY. IF
11 SUCH PERSONAL INFORMATION RECIPIENT OR THIRD PARTY PERSONAL INFORMATION
12 RECIPIENT IS REQUIRED IN ACCORDANCE WITH SECTION FOUR HUNDRED FOUR OF
13 THIS ARTICLE, TO OBTAIN APPROVAL OF ITS COMPREHENSIVE SECURITY PROGRAM,
14 THEN SUCH PERSONAL INFORMATION RECIPIENT OR THIRD PARTY PERSONAL INFOR-
15 MATION RECIPIENT SHALL ALSO MAKE A COMPREHENSIVE REPORT TO THE ENTITY
16 FROM WHICH THE PERSONAL INFORMATION RECIPIENT OR THIRD PARTY INFORMATION
17 RECIPIENT IS REQUIRED TO OBTAIN APPROVAL FOR ITS COMPREHENSIVE SECURITY
18 PROGRAM, IN THE FORM AND MANNER REQUIRED BY SUCH APPROVAL ENTITY, NOTI-
19 FYING SUCH APPROVAL ENTITY OF THE SECURITY BREACH.

20 3. NOTIFICATION OF THE CHIEF INFORMATION OFFICER. NOT MORE THAN FIVE
21 DAYS AFTER RECEIVING THE NOTIFICATION REQUIRED PURSUANT TO SUBDIVISIONS
22 ONE OR TWO OF THIS SECTION, THE BUREAU OF CYBER SECURITY OF THE STATE
23 POLICE, AND/OR THE ENTITY REQUIRED TO APPROVE THE COMPREHENSIVE SECURITY
24 PROGRAM OF THE NOTIFYING PERSONAL INFORMATION RECIPIENT OR THIRD PARTY
25 PERSONAL INFORMATION RECIPIENT, SHALL PROVIDE THE COMPREHENSIVE REPORT
26 PROVIDED TO SUCH BUREAU AND/OR APPROVAL ENTITY TO THE CHIEF INFORMATION
27 OFFICER OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES.

28 4. NOTIFICATION OF PERSONAL INFORMATION SUBJECTS. IN ADDITION TO ANY
29 OTHER REQUIREMENTS PURSUANT TO ANY OTHER PROVISION OF LAW, UPON THE
30 RECEIPT OF THE COMPREHENSIVE REPORT REQUIRED BY SUBDIVISION THREE OF
31 THIS SECTION, THE CHIEF INFORMATION OFFICER OF THE OFFICE OF INFORMATION
32 TECHNOLOGY SERVICES MAY REQUIRE, IN A SPECIFIED TIMEFRAME, AND IN A
33 SPECIFIED FORM AND MANNER, THAT THE PERSONAL INFORMATION RECIPIENT OR
34 THIRD PARTY PERSONAL INFORMATION RECIPIENT NOTIFY ALL PERSONAL INFORMA-
35 TION SUBJECTS OF THE FACT THAT THERE HAS BEEN A BREACH OF SECURITY
36 INVOLVING THEIR PERSONAL INFORMATION.

37 S 407. CAUSES OF ACTION. 1. LIMITATION ON CIVIL ACTIONS. ANY PERSONAL
38 INFORMATION SUBJECT, AS DEFINED BY SUBDIVISION ONE OF SECTION FOUR
39 HUNDRED ONE OF THIS ARTICLE, MAY BRING A CIVIL ACTION, AGAINST A
40 PERSONAL INFORMATION RECIPIENT, AS DEFINED BY SUBDIVISION TWO OF SECTION
41 FOUR HUNDRED ONE OF THIS ARTICLE IN THE SUPREME COURT OF ANY COUNTY IN
42 WHICH THE PERSONAL INFORMATION RECIPIENT RESIDES OR CONDUCTS BUSINESS
43 OPERATIONS, FOR DAMAGES OR EQUITABLE RELIEF, ARISING FROM A BREACH OF
44 SECURITY, AS DEFINED BY SUBDIVISION SEVEN OF SECTION FOUR HUNDRED ONE OF
45 THIS ARTICLE, AND IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. A
46 CIVIL ACTION FOR DAMAGES OR EQUITABLE RELIEF, MAY NOT, HOWEVER, BE
47 BROUGHT BY A PERSONAL INFORMATION SUBJECT, IN ANY OTHER STATE COURT OF
48 COMPETENT JURISDICTION, OTHER THAN IN ACCORDANCE WITH THE PROVISIONS OF
49 THIS SECTION, IF SUCH CIVIL ACTION ARISES OUT OF A BREACH OF SECURITY BY
50 A PERSONAL INFORMATION RECIPIENT.

51 2. CIVIL ACTIONS THAT MAY BE BROUGHT BY A PERSONAL INFORMATION SUBJECT
52 AGAINST A PERSONAL INFORMATION RECIPIENT.

53 (A) TIMELINESS OF ACTIONS. A CIVIL ACTION MAY BE BROUGHT IN ACCORDANCE
54 WITH THIS SECTION IF SUCH CIVIL ACTION IS BROUGHT WITHIN SIX YEARS OF
55 THE DATE OF THE REPORTING OF THE BREACH OF SECURITY AS REQUIRED BY
56 SECTION FOUR HUNDRED SIX OF THIS ARTICLE, OR IN THE EVENT NO SUCH REPORT

1 WAS EVER MADE, WITHIN ANY TIME AFTER THE DATE OF THE DISCOVERY OF THE
2 BREACH OF SECURITY BY THE PERSONAL INFORMATION SUBJECT.

3 (B) EQUITABLE ACTION. ANY ACTION BROUGHT IN ACCORDANCE WITH THIS
4 SECTION, MAY SEEK EITHER DAMAGES OR EQUITABLE RELIEF. IF A PERSONAL
5 INFORMATION SUBJECT SEEKS EQUITABLE RELIEF FOR A BREACH OF SECURITY
6 INVOLVING A SECURITY BREACH OF PERSONAL INFORMATION FROM A PERSONAL
7 INFORMATION RECIPIENT, AND THE COURT DETERMINES THAT SUCH EQUITABLE
8 RELIEF IS JUST AND PROPER AND SHOULD BE AWARDED, THEN IN ADDITION TO
9 SUCH EQUITABLE RELIEF, THE COURT MAY ALSO AWARD THE PERSONAL INFORMATION
10 SUBJECT COSTS, DISBURSEMENTS AND ATTORNEYS FEES OF THE ACTION.

11 (C) ACTIONS INVOLVING DAMAGES. ANY ACTION BROUGHT IN ACCORDANCE WITH
12 THIS SECTION, SEEKING DAMAGES FOR A BREACH OF SECURITY INVOLVING A SECU-
13 RITY BREACH OF PERSONAL INFORMATION FROM A A PERSONAL INFORMATION RECIP-
14 IENT, SHALL BE BROUGHT AS FOLLOWS:

15 (I) FIRST DEGREE PERSONAL INFORMATION HOLDERS OR FIRST DEGREE THIRD
16 PARTY PERSONAL INFORMATION HOLDERS WITH ANNUAL REVENUES OF TEN MILLION
17 DOLLARS OR MORE. ANY FIRST DEGREE PERSONAL INFORMATION HOLDER OR FIRST
18 DEGREE THIRD PARTY PERSONAL INFORMATION HOLDER, THAT HAS GROSS ANNUAL
19 REVENUES OF TEN MILLION DOLLARS OR MORE, AND THAT FAILS TO MAINTAIN THE
20 STANDARDS FOR THE PROTECTION OF PERSONAL INFORMATION AS ESTABLISHED IN
21 ITS COMPREHENSIVE INFORMATION SECURITY PROGRAM, OR THAT FAILS TO MAIN-
22 TAIN A COMPREHENSIVE SECURITY PROGRAM AS REQUIRED BY THIS ARTICLE, AND
23 THAT EXPERIENCES A BREACH OF SECURITY INVOLVING SUCH PERSONAL INFORMA-
24 TION, SHALL BE LIABLE IN A CIVIL ACTION BROUGHT IN ACCORDANCE WITH THIS
25 SECTION, FOR DAMAGES, IF THE PERSONAL INFORMATION SUBJECT INVOLVED IN
26 THE BREACH OF SECURITY SUSTAINS ANY DAMAGES AS A RESULT OF SUCH BREACH,
27 IN THE AMOUNT OF THREE TIMES THE AMOUNT OF SUCH DAMAGES SO SUSTAINED, OR
28 AN AMOUNT OF UP TO TEN THOUSAND DOLLARS, WHICHEVER IS GREATER, TOGETHER
29 WITH COSTS, DISBURSEMENTS AND ATTORNEYS FEES OF THE ACTION, OR IN THE
30 EVENT THAT ANY PERSONAL INFORMATION SUBJECT INVOLVED IN THE BREACH OF
31 SECURITY SUSTAINS A PUBLIC DISCLOSURE OF THEIR MEDICAL INFORMATION, AS
32 DEFINED IN SUBPARAGRAPH (V) OF PARAGRAPH (A) OF SUBDIVISION SIX OF
33 SECTION FOUR HUNDRED ONE OF THIS ARTICLE, THEN SUCH PERSONAL INFORMATION
34 SUBJECT MAY BE AWARDED A RECOVERY IN THE AMOUNT OF UP TO THREE TIMES THE
35 AMOUNT OF ANY DAMAGES SUSTAINED AS A RESULT OF THE DISCLOSURE OF SUCH
36 MEDICAL INFORMATION, OR AN AMOUNT OF UP TO TWENTY-FIVE THOUSAND DOLLARS,
37 WHICHEVER IS GREATER, TOGETHER WITH COSTS, DISBURSEMENTS AND ATTORNEYS
38 FEES OF THE ACTION. WHERE THE COURT FINDS THAT THE PERSONAL INFORMATION
39 HOLDER OR A THIRD PARTY PERSONAL INFORMATION HOLDER, INTENTIONALLY
40 FAILED TO ESTABLISH A COMPREHENSIVE INFORMATION SECURITY PROGRAM, OR
41 INTENTIONALLY FAILED TO SEEK AND OBTAIN APPROVAL FOR A COMPREHENSIVE
42 INFORMATION SECURITY PROGRAM, WHERE REQUIRED, OR INTENTIONALLY FAILED TO
43 MAINTAIN THE STANDARDS FOR THE PROTECTION OF PERSONAL INFORMATION AS
44 ESTABLISHED IN ITS COMPREHENSIVE INFORMATION SECURITY PROGRAM, THEN THE
45 COURT MAY ALSO AWARD PUNITIVE DAMAGES TO THE PLAINTIFF OF AN ACTION
46 BROUGHT UNDER THIS SUBDIVISION IN THE AMOUNT NOT TO EXCEED TWO HUNDRED
47 FIFTY THOUSAND DOLLARS.

48 (II) FIRST DEGREE PERSONAL INFORMATION HOLDERS AND FIRST DEGREE THIRD
49 PARTY PERSONAL INFORMATION HOLDERS WITH ANNUAL REVENUES OF BETWEEN ONE
50 MILLION DOLLARS AND TEN MILLION DOLLARS. ANY FIRST DEGREE PERSONAL
51 INFORMATION HOLDER OR A THIRD PARTY PERSONAL INFORMATION HOLDER, THAT
52 HAS GROSS ANNUAL REVENUES OF NOT LESS THAN ONE MILLION DOLLARS BUT LESS
53 THAN TEN MILLION DOLLARS, AND THAT FAILS TO MAINTAIN THE STANDARDS FOR
54 THE PROTECTION OF PERSONAL INFORMATION AS ESTABLISHED IN ITS COMPREHEN-
55 SIVE INFORMATION SECURITY PROGRAM, OR THAT FAILS TO MAINTAIN A COMPRE-
56 HENSIVE SECURITY PROGRAM AS REQUIRED BY THIS ARTICLE, AND THAT EXPERI-

1 ENCES A BREACH OF SECURITY INVOLVING SUCH PERSONAL INFORMATION, SHALL BE
2 LIABLE IN A CIVIL ACTION BROUGHT IN ACCORDANCE WITH THIS SECTION, FOR
3 DAMAGES, IF THE PERSONAL INFORMATION SUBJECT INVOLVED IN THE BREACH OF
4 SECURITY SUSTAINS ANY DAMAGES AS A RESULT OF SUCH BREACH, IN THE AMOUNT
5 OF THREE TIMES THE AMOUNT OF SUCH DAMAGES SO SUSTAINED, OR AN AMOUNT OF
6 UP TO FIVE THOUSAND DOLLARS, WHICHEVER IS GREATER, TOGETHER WITH COSTS,
7 DISBURSEMENTS AND ATTORNEYS FEES OF THE ACTION, OR IN THE EVENT THAT ANY
8 PERSONAL INFORMATION SUBJECT INVOLVED IN THE BREACH OF SECURITY SUSTAINS
9 A PUBLIC DISCLOSURE OF THEIR MEDICAL INFORMATION, AS DEFINED IN SUBPARA-
10 GRAPH (V) OF PARAGRAPH (A) OF SUBDIVISION SIX OF SECTION FOUR HUNDRED
11 ONE OF THIS ARTICLE, THEN SUCH PERSONAL INFORMATION SUBJECT MAY BE
12 AWARDED A RECOVERY IN THE AMOUNT OF UP TO THREE TIMES THE AMOUNT OF ANY
13 DAMAGES SUSTAINED AS A RESULT OF THE DISCLOSURE OF SUCH MEDICAL INFORMA-
14 TION, OR AN AMOUNT OF UP TO TEN THOUSAND DOLLARS, WHICHEVER IS GREATER,
15 TOGETHER WITH COSTS, DISBURSEMENTS AND ATTORNEYS FEES OF THE ACTION.
16 WHERE THE COURT FINDS THAT THE PERSONAL INFORMATION HOLDER OR A THIRD
17 PARTY PERSONAL INFORMATION HOLDER, INTENTIONALLY FAILED TO ESTABLISH A
18 COMPREHENSIVE INFORMATION SECURITY PROGRAM, OR INTENTIONALLY FAILED TO
19 SEEK AND OBTAIN APPROVAL FOR A COMPREHENSIVE INFORMATION SECURITY
20 PROGRAM, WHERE REQUIRED, OR INTENTIONALLY FAILED TO MAINTAIN THE STAND-
21 ARDS FOR THE PROTECTION OF PERSONAL INFORMATION AS ESTABLISHED IN ITS
22 COMPREHENSIVE INFORMATION SECURITY PROGRAM, THEN THE COURT MAY ALSO
23 AWARD PUNITIVE DAMAGES TO THE PLAINTIFF OF AN ACTION BROUGHT UNDER THIS
24 SUBDIVISION IN THE AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS.

25 (III) PERSONAL INFORMATION HOLDERS AND THIRD PARTY INFORMATION HOLDERS
26 WITH ANNUAL REVENUES OF LESS THAN ONE MILLION DOLLARS. ANY PERSONAL
27 INFORMATION HOLDER OR A THIRD PARTY PERSONAL INFORMATION HOLDER, THAT
28 HAS ANNUAL GROSS REVENUES OF LESS THAN ONE MILLION DOLLARS, AND THAT
29 FAILS TO MAINTAIN THE STANDARDS FOR THE PROTECTION OF PERSONAL INFORMA-
30 TION AS ESTABLISHED IN ITS COMPREHENSIVE INFORMATION SECURITY PROGRAM,
31 OR THAT FAILS TO MAINTAIN A COMPREHENSIVE SECURITY PROGRAM AS REQUIRED
32 BY THIS ARTICLE, AND THAT EXPERIENCES A BREACH OF SECURITY INVOLVING
33 SUCH PERSONAL INFORMATION, SHALL BE LIABLE IN A CIVIL ACTION FOR DAMAGES
34 BROUGHT IN ACCORDANCE WITH THIS SECTION, IN THE AMOUNT OF SUCH DAMAGES
35 SO SUSTAINED, OR AN AMOUNT OF UP TO ONE THOUSAND DOLLARS, WHICHEVER IS
36 GREATER, TOGETHER WITH COSTS, DISBURSEMENTS AND ATTORNEYS FEES OF THE
37 ACTION, OR IN THE EVENT THAT ANY PERSONAL INFORMATION SUBJECT INVOLVED
38 IN THE BREACH OF SECURITY SUSTAINS A PUBLIC DISCLOSURE OF THEIR MEDICAL
39 INFORMATION, AS DEFINED IN SUBPARAGRAPH (V) OF PARAGRAPH (A) OF SUBDIVI-
40 SION SIX OF SECTION FOUR HUNDRED ONE OF THIS ARTICLE, THEN SUCH PERSONAL
41 INFORMATION SUBJECT MAY BE AWARDED A RECOVERY IN THE AMOUNT OF ANY
42 DAMAGES SUSTAINED AS A RESULT OF THE DISCLOSURE OF SUCH MEDICAL INFORMA-
43 TION, OR AN AMOUNT OF UP TO TWO THOUSAND FIVE HUNDRED DOLLARS, WHICHEVER
44 IS GREATER, TOGETHER WITH COSTS, DISBURSEMENTS AND ATTORNEYS FEES OF THE
45 ACTION.

46 (IV) PERSONAL INFORMATION COLLECTORS. ANY PERSONAL INFORMATION COLLEC-
47 TOR, THAT FAILS TO MAINTAIN THE STANDARDS FOR THE PROTECTION OF PERSONAL
48 INFORMATION AS ESTABLISHED IN ITS COMPREHENSIVE INFORMATION SECURITY
49 PROGRAM, OR THAT FAILS TO MAINTAIN A COMPREHENSIVE SECURITY PROGRAM AS
50 REQUIRED BY THIS ARTICLE, AND THAT EXPERIENCES A BREACH OF SECURITY
51 INVOLVING SUCH PERSONAL INFORMATION, SHALL BE LIABLE IN A CIVIL ACTION
52 FOR DAMAGES BROUGHT IN ACCORDANCE WITH THIS SECTION, IN THE AMOUNT OF
53 SUCH DAMAGES SO SUSTAINED, OR AN AMOUNT OF UP TO ONE THOUSAND DOLLARS,
54 WHICHEVER IS GREATER, TOGETHER WITH COSTS, DISBURSEMENTS AND ATTORNEYS
55 FEES OF THE ACTION, OR IN THE EVENT THAT ANY PERSONAL INFORMATION
56 SUBJECT INVOLVED IN THE BREACH OF SECURITY SUSTAINS A PUBLIC DISCLOSURE

1 OF THEIR MEDICAL INFORMATION, AS DEFINED IN SUBPARAGRAPH (V) OF PARA-
2 GRAPH (A) OF SUBDIVISION SIX OF SECTION FOUR HUNDRED ONE OF THIS ARTI-
3 CLE, THEN SUCH PERSONAL INFORMATION SUBJECT MAY BE AWARDED A RECOVERY IN
4 THE AMOUNT OF ANY DAMAGES SUSTAINED AS A RESULT OF THE DISCLOSURE OF
5 SUCH MEDICAL INFORMATION, OR AN AMOUNT OF UP TO TWO THOUSAND FIVE
6 HUNDRED DOLLARS, WHICHEVER IS GREATER, TOGETHER WITH COSTS, DISBURSE-
7 MENTS AND ATTORNEYS FEES OF THE ACTION.

8 S 408. LIABILITY PROTECTION. 1. LIABILITY PROTECTION IT SHALL BE A
9 COMPLETE DEFENSE TO ANY CIVIL ACTION BROUGHT IN ACCORDANCE WITH SECTION
10 FOUR HUNDRED SEVEN OF THIS ARTICLE, BY A PERSONAL INFORMATION SUBJECT,
11 AGAINST A PERSONAL INFORMATION RECIPIENT, THAT SUCH PERSONAL INFORMATION
12 RECIPIENT, ESTABLISHED AND MAINTAINED A COMPREHENSIVE PERSONAL INFORMA-
13 TION SECURITY PROGRAM, AS REQUIRED BY THIS ARTICLE, AND FOLLOWED AND
14 COMPLIED WITH ALL PROVISIONS OF SUCH COMPREHENSIVE PERSONAL INFORMATION
15 SECURITY PROGRAM, AND MAINTAINED, IF REQUIRED, ALL COMPUTER SYSTEM SECU-
16 RITY REQUIREMENTS, IN ACCORDANCE WITH SECTION FOUR HUNDRED FIVE OF THIS
17 ARTICLE, AND MAINTAINED, IF REQUIRED, THE PROPER APPROVAL FOR SUCH
18 COMPREHENSIVE PERSONAL INFORMATION SECURITY PROGRAM, IN ACCORDANCE WITH
19 SECTION FOUR HUNDRED FOUR OF THIS ARTICLE, AT THE TIME OF THE BREACH OF
20 SUCH SECURITY.

21 2. ANY CIVIL ACTION BROUGHT BY A PERSONAL INFORMATION SUBJECT AGAINST
22 A PERSONAL INFORMATION RECIPIENT, IN ANY COURT OF COMPETENT JURISDIC-
23 TION, INVOLVING DAMAGES ARISING FROM A BREACH OF SECURITY, AS DEFINED IN
24 SUBDIVISION SEVEN OF SECTION FOUR HUNDRED ONE OF THIS ARTICLE, THAT IS
25 NOT BROUGHT IN ACCORDANCE WITH THE PROVISIONS OF SECTION FOUR HUNDRED
26 SEVEN OF THIS ARTICLE, SHALL BE DISMISSED WITHOUT PREJUDICE, AGAINST
27 SUCH PERSONAL INFORMATION RECIPIENT, BUT THAT SUCH PERSONAL INFORMATION
28 SUBJECT MAY BRING A SUBSEQUENT ACTION, IF TIMELY, IN ACCORDANCE WITH THE
29 PROVISIONS OF SECTION FOUR HUNDRED SIX OF THIS ARTICLE.

30 S 5. This act shall take effect on the first of November next succeed-
31 ing the date on which it shall have become a law.

32

SUBPART G

33 Section 1. This act shall be known and may be cited as the New York
34 state Iran divestment act.

35 S 2. Section 2 of chapter 1 of the laws 2012 amending the state
36 finance law and other laws enacting the Iran divestment act of 2012 is
37 amended to read as follows:

38 S 2. The legislature hereby finds and declares all of the following:

39 [(a) Congress and the President have determined that the illicit
40 nuclear activities of the Government of Iran, combined with its develop-
41 ment of unconventional weapons and ballistic missiles, and its support
42 of international terrorism, represent a serious threat to the security
43 of the United States, Israel, and other United States allies in Europe,
44 the Middle East, and around the world.

45 (b) The International Atomic Energy Agency has repeatedly called
46 attention to Iran's unlawful nuclear activities, and, as a result, the
47 United Nations Security Council has adopted a range of sanctions
48 designed to encourage the government of Iran to cease those activities
49 and comply with its obligations under the Treaty on the Non-Prolifera-
50 tion of Nuclear Weapons (commonly known as the "Nuclear Non-Prolifera-
51 tion Treaty").

52 (c) On July 1, 2010, President Barack Obama signed into law H.R.
53 2194, the "Comprehensive Iran Sanctions, Accountability, and Divestment
54 Act of 2010" (Public Law 111-195), which expressly authorizes states and

1 local governments to prevent investment in, including prohibiting entry
2 into or renewing contracts with, companies operating in Iran's energy
3 sector with investments that have the result of directly or indirectly
4 supporting the efforts of the government of Iran to achieve nuclear
5 weapons capability.

6 (d) The serious and urgent nature of the threat from Iran demands that
7 states, local governments, and private institutions work together with
8 the federal government and American allies to do everything possible
9 diplomatically, politically, and economically to prevent Iran from
10 acquiring a nuclear weapons capability.

11 (e) Respect for human rights in Iran has steadily deteriorated as
12 demonstrated by transparently fraudulent elections and the brutal
13 repression and murder, arbitrary arrests, and show trials of peaceful
14 dissidents.

15 (f) The concerns of the state of New York regarding Iran are strictly
16 the result of the actions of the government of Iran and should not be
17 construed as enmity towards the Iranian people.

18 (g) In order to effectively address the need for the governments of
19 this state to respond to the policies of Iran in a uniform fashion,
20 prohibiting contracts with persons engaged in investment activities in
21 the energy sector of Iran must be accomplished on a statewide basis.

22 (h) It is the intent of the legislature to fully implement the author-
23 ity granted under Section 202 of the Comprehensive Iran Sanctions,
24 Accountability, and Divestment Act of 2010 (Public Law 111-195).]

25 (A) THAT THE ILLICIT NUCLEAR ACTIVITIES OF THE GOVERNMENT OF IRAN,
26 COMBINED WITH ITS DEVELOPMENT OF UNCONVENTIONAL WEAPONS AND BALLISTIC
27 MISSILES, AND ITS SUPPORT OF INTERNATIONAL TERRORISM, REPRESENT A SERI-
28 OUS THREAT TO THE SECURITY OF THE STATE OF NEW YORK, ITS CITIZENS AND
29 THEIR PROPERTY;

30 (B) THAT IRAN AND OTHER TERRORIST STATES AND ORGANIZATIONS HAVE
31 REPEATEDLY IDENTIFIED NEW YORK STATE AND ITS CITIZENS AS A PRIMARY
32 TARGET FOR TERRORIST ACTIVITIES AND ATTACKS, AND UNDER THE STATE'S
33 CONSTITUTIONAL POWERS TO PROVIDE FOR THE PUBLIC HEALTH, SAFETY, SECURITY
34 AND PUBLIC PROTECTION OF ITS CITIZENS AND THEIR PROPERTY, AND UNDER THE
35 STATE'S CONSTITUTIONAL POWERS TO PROVIDE FOR THE PROTECTION AND REGU-
36 LATION OF ITS FINANCIAL, BANKING AND INSURANCE SECTORS, AND UNDER THE
37 STATE'S CONSTITUTIONAL POWERS TO PROVIDE FOR THE PROTECTION AND REGU-
38 LATION OF ITS ENVIRONMENT AND NATURAL RESOURCES, NEW YORK STATE HAS THE
39 LEGAL AUTHORITY TO PREVENT INVESTMENT IN, INCLUDING PROHIBITING ENTRY
40 INTO OR RENEWING CONTRACTS WITH, COMPANIES OPERATING IN IRAN'S ENERGY
41 AND FINANCIAL SECTORS WITH INVESTMENTS THAT HAVE THE RESULT OF DIRECTLY
42 OR INDIRECTLY SUPPORTING THE EFFORTS OF THE GOVERNMENT OF IRAN TO
43 ACHIEVE NUCLEAR WEAPONS CAPABILITY OR TO OTHERWISE PROMOTE OR ADVANCE
44 TERRORIST ACTIVITIES THAT WILL TARGET OR AFFECT NEW YORK STATE, ITS
45 CITIZENS OR THEIR PROPERTY;

46 (C) THAT THE SERIOUS AND URGENT NATURE OF THE THREAT FROM IRAN DEMANDS
47 THAT STATES, LOCAL GOVERNMENTS, AND PRIVATE INSTITUTIONS WORK TOGETHER
48 WITH THE FEDERAL GOVERNMENT AND AMERICAN ALLIES TO DO EVERYTHING POSSI-
49 BLE DIPLOMATICALLY, POLITICALLY, AND ECONOMICALLY TO PREVENT IRAN FROM
50 ACQUIRING A NUCLEAR WEAPONS CAPABILITY OR TO OTHERWISE PROMOTE OR
51 ADVANCE TERRORIST ACTIVITIES THAT WILL TARGET OR AFFECT NEW YORK STATE,
52 ITS CITIZENS OR THEIR PROPERTY;

53 (D) THAT IRAN HAS REPEATEDLY DEMONSTRATED AN INTENT TO PURSUE AND USE
54 NUCLEAR WEAPONS, WEAPONS OF MASS DESTRUCTION, AND TO PROMOTE OR ADVANCE
55 TERRORIST ACTIVITIES ACROSS THE WORLD;

1 (E) THAT RESPECT FOR HUMAN RIGHTS IN IRAN HAS STEADILY DETERIORATED AS
2 DEMONSTRATED BY TRANSPARENTLY FRAUDULENT ELECTIONS AND THE BRUTAL
3 REPRESSION AND MURDER, ARBITRARY ARRESTS, AND SHOW TRIALS OF PEACEFUL
4 DISSIDENTS;

5 (F) THAT THE CONCERNS OF THE STATE OF NEW YORK REGARDING IRAN ARE
6 STRICTLY THE RESULT OF THE ACTIONS OF THE GOVERNMENT OF IRAN AND SHOULD
7 NOT BE CONSTRUED AS ENMITY TOWARDS THE IRANIAN PEOPLE;

8 (G) THAT IN ORDER TO EFFECTIVELY ADDRESS THE NEED FOR THE GOVERNMENTS
9 OF THIS STATE TO RESPOND TO THE POLICIES OF IRAN IN A UNIFORM FASHION,
10 PROHIBITING CONTRACTS WITH PERSONS ENGAGED IN INVESTMENT ACTIVITIES IN
11 THE ENERGY AND FINANCIAL SECTORS OF IRAN MUST BE ACCOMPLISHED ON A
12 STATEWIDE BASIS;

13 (H) THAT TERRORISTS HAVE CONTINUED TO USE IRAN AS THEIR SAFE HARBOR,
14 THAT THE IRANIAN GOVERNMENT HAS FAILED TO ADDRESS THE SPREAD OF TERROR-
15 IST ACTIVITIES, AND THAT HUMAN RIGHTS VIOLATIONS ARE IN IRAN ARE, AND
16 CONTINUE TO BE RAMPANT; AND

17 (I) THAT THE SERIOUS AND URGENT NATURE OF THE CONTINUED THREAT FROM
18 IRAN, FOR THE STATE OF NEW YORK, ITS CITIZENS AND THEIR PROPERTY,
19 DEMANDS THAT OUR STATE, LOCAL GOVERNMENTS AND PRIVATE INSTITUTIONS WORK
20 TOGETHER TO CONTINUE TO DO ALL WITHIN ITS LEGAL POWER TO ENSURE THAT
21 IRAN DOES NOT HAVE THE RESOURCES TO ACQUIRE NUCLEAR WEAPONS CAPABILITY
22 AND THAT IT CEASE ITS PROMOTION AND ADVANCEMENT OF TERRORIST ACTIVITIES.

23 S 3. Paragraph (b) of subdivision 1 of section 165-a of the state
24 finance law, as added by chapter 1 of the laws of 2012, is amended to
25 read as follows:

26 (b) "Financial institution" means [the term as used in Section 14 of
27 the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701
28 note).]:

29 (1) A BANKING ORGANIZATION AS DEFINED IN SUBDIVISION ELEVEN OF SECTION
30 TWO OF THE BANKING LAW;

31 (2) A SECURITIES FIRM, INCLUDING A BROKER OR DEALER;

32 (3) ANY INSURANCE COMPANY, INCLUDING ANY COMPANY, AGENT, BROKER, OR
33 UNDERWRITER, LICENSED OR REGULATED BY THE DEPARTMENT OF FINANCIAL
34 SERVICES PURSUANT TO THE INSURANCE LAW; AND/OR

35 (4) ANY OTHER COMPANY THAT PROVIDES A FINANCIAL PRODUCT OR SERVICE AS
36 DEFINED IN SUBDIVISION TWO OF SECTION ONE HUNDRED FOUR OF THE FINANCIAL
37 SERVICES LAW.

38 S 4. Subparagraph 2 of paragraph (e) of subdivision 1 of section 165-a
39 of the state finance law, as added by chapter 1 of the laws of 2012, is
40 amended to read as follows:

41 (2) Any governmental entity or instrumentality of a government,
42 including [a multilateral development institution, as defined in Section
43 1701(c)(3) of the International Financial Institutions Act (22 U.S.C.
44 262r(c)(3))] THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT,
45 THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, THE INTERNATIONAL
46 DEVELOPMENT ASSOCIATION, THE INTERNATIONAL FINANCE CORPORATION, THE
47 MULTILATERAL INVESTMENT GUARANTEE AGENCY, THE AFRICAN DEVELOPMENT BANK,
48 THE AFRICAN DEVELOPMENT FUND, THE ASIAN DEVELOPMENT BANK, THE INTER-AM-
49 ERICAN DEVELOPMENT BANK, THE BANK FOR ECONOMIC COOPERATION AND DEVELOP-
50 MENT IN THE MIDDLE EAST AND NORTH AFRICA, AND THE INTER-AMERICAN INVEST-
51 MENT CORPORATION.

52 S 5. Subdivision 6 of section 165-a of the state finance law, as added
53 by chapter 1 of the laws of 2012, is amended to read as follows:

54 6. The commissioner shall report to the governor and the legislature
55 annually on or before October first, on the status of the [federal
56 "Comprehensive Iran Sanctions, Accountability, and Divestment Act of

1 2010" (Public Law 111-195), "the Iran divestment act of 2012",]
2 PROVISIONS OF THE NEW YORK STATE IRAN DIVESTMENT ACT and any rules or
3 regulations adopted thereunder.

4 S 6. Section 1 of chapter 481 of the laws of 2013 amending the insur-
5 ance law relating to investments in foreign states sponsoring terrorism,
6 is amended to read as follows:

7 Section 1. The legislature finds and declares all of the following:

8 [(1) The Federal Securities and Exchange Commission has determined
9 that investments in foreign states sponsoring terrorism, such as Iran,
10 that are subject to sanctions by the United States, may materially harm
11 the share value of foreign companies. Shares in these foreign companies
12 may be held in the portfolio of insurance companies issuing policies to
13 New York consumers.

14 (2) Publicly traded companies in the United States are substantially
15 restricted in doing business in or with foreign states, such as Iran,
16 that the United States Department of State has identified as sponsoring
17 terrorism.

18 (3) Identifying persons with investments in foreign states, such as
19 Iran, that sponsor terrorism and ensuring that those investments are
20 financially sound is an important public policy priority.

21 (4) It is the government of Iran, and not the people of Iran, that is
22 responsible for Iran's support of terrorism and that commits egregious
23 violations of human rights under which its own citizens are required to
24 live.]

25 (A) THAT THE ILLICIT NUCLEAR ACTIVITIES OF THE GOVERNMENT OF IRAN,
26 COMBINED WITH ITS DEVELOPMENT OF UNCONVENTIONAL WEAPONS AND BALLISTIC
27 MISSILES, AND ITS SUPPORT OF INTERNATIONAL TERRORISM, REPRESENT A SERI-
28 OUS THREAT TO THE SECURITY OF THE STATE OF NEW YORK, ITS CITIZENS AND
29 THEIR PROPERTY;

30 (B) THAT IRAN AND OTHER TERRORIST STATES AND ORGANIZATIONS HAVE
31 REPEATEDLY IDENTIFIED NEW YORK STATE AND ITS CITIZENS AS A PRIMARY
32 TARGET FOR TERRORIST ACTIVITIES AND ATTACKS, AND UNDER THE STATE'S
33 CONSTITUTIONAL POWERS TO PROVIDE FOR THE PUBLIC HEALTH, SAFETY, SECURITY
34 AND PUBLIC PROTECTION OF ITS CITIZENS AND THEIR PROPERTY, AND UNDER THE
35 STATE'S CONSTITUTIONAL POWERS TO PROVIDE FOR THE PROTECTION AND REGU-
36 LATION OF ITS FINANCIAL, BANKING AND INSURANCE SECTORS, AND UNDER THE
37 STATE'S CONSTITUTIONAL POWERS TO PROVIDE FOR THE PROTECTION AND REGU-
38 LATION OF ITS ENVIRONMENT AND NATURAL RESOURCES, NEW YORK STATE HAS THE
39 LEGAL AUTHORITY TO PREVENT INVESTMENT IN, INCLUDING PROHIBITING ENTRY
40 INTO OR RENEWING CONTRACTS WITH, COMPANIES OPERATING IN IRAN'S ENERGY
41 AND FINANCIAL SECTORS WITH INVESTMENTS THAT HAVE THE RESULT OF DIRECTLY
42 OR INDIRECTLY SUPPORTING THE EFFORTS OF THE GOVERNMENT OF IRAN TO
43 ACHIEVE NUCLEAR WEAPONS CAPABILITY OR TO OTHERWISE PROMOTE OR ADVANCE
44 TERRORIST ACTIVITIES THAT WILL TARGET OR AFFECT NEW YORK STATE, ITS
45 CITIZENS OR THEIR PROPERTY;

46 (C) THAT THE SERIOUS AND URGENT NATURE OF THE THREAT FROM IRAN DEMANDS
47 THAT STATES, LOCAL GOVERNMENTS, AND PRIVATE INSTITUTIONS WORK TOGETHER
48 WITH THE FEDERAL GOVERNMENT AND AMERICAN ALLIES TO DO EVERYTHING POSSI-
49 BLE DIPLOMATICALLY, POLITICALLY, AND ECONOMICALLY TO PREVENT IRAN FROM
50 ACQUIRING A NUCLEAR WEAPONS CAPABILITY OR TO OTHERWISE PROMOTE OR
51 ADVANCE TERRORIST ACTIVITIES THAT WILL TARGET OR AFFECT NEW YORK STATE,
52 ITS CITIZENS OR THEIR PROPERTY;

53 (D) THAT IRAN HAS REPEATEDLY DEMONSTRATED AN INTENT TO PURSUE AND USE
54 NUCLEAR WEAPONS, WEAPONS OF MASS DESTRUCTION, AND TO PROMOTE OR ADVANCE
55 TERRORIST ACTIVITIES ACROSS THE WORLD;

1 (E) THAT RESPECT FOR HUMAN RIGHTS IN IRAN HAS STEADILY DETERIORATED AS
2 DEMONSTRATED BY TRANSPARENTLY FRAUDULENT ELECTIONS AND THE BRUTAL
3 REPRESSION AND MURDER, ARBITRARY ARRESTS, AND SHOW TRIALS OF PEACEFUL
4 DISSIDENTS;

5 (F) THAT THE CONCERNS OF THE STATE OF NEW YORK REGARDING IRAN ARE
6 STRICTLY THE RESULT OF THE ACTIONS OF THE GOVERNMENT OF IRAN AND SHOULD
7 NOT BE CONSTRUED AS ENMITY TOWARDS THE IRANIAN PEOPLE;

8 (G) THAT IN ORDER TO EFFECTIVELY ADDRESS THE NEED FOR THE GOVERNMENTS
9 OF THIS STATE TO RESPOND TO THE POLICIES OF IRAN IN A UNIFORM FASHION,
10 PROHIBITING CONTRACTS WITH PERSONS ENGAGED IN INVESTMENT ACTIVITIES IN
11 THE ENERGY AND FINANCIAL SECTORS OF IRAN MUST BE ACCOMPLISHED ON A
12 STATEWIDE BASIS;

13 (H) THAT TERRORISTS HAVE CONTINUED TO USE IRAN AS THEIR SAFE HARBOR,
14 THAT THE IRANIAN GOVERNMENT HAS FAILED TO ADDRESS THE SPREAD OF TERROR-
15 IST ACTIVITIES, AND THAT HUMAN RIGHTS VIOLATIONS ARE IN IRAN ARE, AND
16 CONTINUE TO BE RAMPANT; AND

17 (I) THAT THE SERIOUS AND URGENT NATURE OF THE CONTINUED THREAT FROM
18 IRAN, FOR THE STATE OF NEW YORK, ITS CITIZENS AND THEIR PROPERTY,
19 DEMANDS THAT OUR STATE, LOCAL GOVERNMENTS AND PRIVATE INSTITUTIONS WORK
20 TOGETHER TO CONTINUE TO DO ALL WITHIN ITS LEGAL POWER TO ENSURE THAT
21 IRAN DOES NOT HAVE THE RESOURCES TO ACQUIRE NUCLEAR WEAPONS CAPABILITY
22 AND THAT IT CEASE ITS PROMOTION AND ADVANCEMENT OF TERRORIST ACTIVITIES.

23 S 7. Subsection 5 of section 1415 of the insurance law is REPEALED.

24 S 8. This act shall take effect immediately, and shall not be deemed
25 repealed as the result of any executive action taken by the president of
26 the United States, or the department of state, unless such action is a
27 duly executed treaty approved by two-thirds of the United States Senate;
28 provided that the commissioner of general services shall notify the
29 legislative bill drafting commission upon the occurrence of such duly
30 executed treaty in order that the commission may maintain an accurate
31 and timely effective data base of the official text of the laws of the
32 state of New York in furtherance of effectuating the provisions of
33 section 44 of the legislative law and section 70-b of the public offi-
34 cers law; and provided further that the addition, amendment and/or
35 repeal of any rule or regulation necessary for the implementation of
36 this act is authorized to be made on and after such effective date.

37 SUBPART H

38 Intentionally Omitted

39 SUBPART I

40 Section 1. This act shall be known as the New Yorkers Combating Alien
41 Recidivism and Ending Sanctuary Act and may be cited as the "NY Cares
42 Act".

43 S 2. Paragraph (u) of subdivision 2 of section 709 of the executive
44 law is relettered paragraph (v) and a new paragraph (u) is added to read
45 as follows:

46 (U) DEVELOP A PLAN TO ENSURE THAT ALL COUNTIES, CITIES, TOWNS AND
47 VILLAGES, AND ANY AGENCY, OFFICE, DEPARTMENT OR AUTHORITY THEREOF,
48 INCLUDING A SHERIFF'S DEPARTMENT, MUNICIPAL POLICE DEPARTMENT OR
49 DISTRICT ATTORNEY'S OFFICE ARE IN COMPLIANCE WITH THE REQUIREMENTS OF
50 SECTION ONE HUNDRED THIRTY-NINE-E OF THE GENERAL MUNICIPAL LAW.

51 S 3. The general municipal law is amended by adding a new section
52 139-e to read as follows:

1 S 139-E. PROHIBITION AGAINST LOCAL GOVERNMENT ACTION TO PREVENT
2 ENFORCEMENT OF CERTAIN FEDERAL LAWS. 1. IN ACCORDANCE WITH ARTICLES NINE
3 AND THIRTEEN OF THE CONSTITUTION OF THE STATE OF NEW YORK, NO COUNTY,
4 CITY, TOWN OR VILLAGE, OR ANY AGENCY, OFFICE, DEPARTMENT OR AUTHORITY
5 THEREOF, INCLUDING A SHERIFF'S DEPARTMENT, MUNICIPAL POLICE DEPARTMENT,
6 OR DISTRICT ATTORNEY'S OFFICE, OR THE GOVERNING BOARD THEREOF, SHALL
7 ADOPT ANY RULE, ORDER, ORDINANCE, LOCAL LAW OR POLICY, EITHER FORMALLY
8 OR INFORMALLY, PROHIBITING OR INHIBITING ONE OR MORE OF THE FOLLOWING:

9 (A) THE ENFORCEMENT OF LAWS OF THIS STATE OR FEDERAL LAWS RELATING TO
10 PERSONS ILLEGALLY IN THE COUNTRY;

11 (B) THE ABILITY OF LAW ENFORCEMENT OFFICERS TO ASSIST OR COOPERATE
12 WITH FEDERAL OFFICIALS IN THE COURSE OF CARRYING OUT THEIR ROUTINE LAW
13 ENFORCEMENT DUTIES;

14 (C) THE USE OF LOCAL RESOURCES TO AID IN THE COMPLIANCE WITH DETAINER
15 REQUESTS ISSUED BY THE DEPARTMENT OF HOMELAND SECURITY;

16 (D) A LAW ENFORCEMENT OFFICER FROM MAKING AN INQUIRY CONCERNING THE
17 LAWFULNESS OF AN INDIVIDUAL'S PRESENCE IN THE COUNTRY IF THE INDIVIDUAL
18 IS LAWFULLY DETAINED OR LAWFULLY ARRESTED, AND/OR VERIFYING SUCH INDI-
19 VIDUAL IS LEGALLY IN THE COUNTRY;

20 (E) THE SHARING OF INFORMATION PERTAINING TO WHETHER THE LAWFULNESS OF
21 AN INDIVIDUAL'S PRESENCE IN THE COUNTRY WITH FEDERAL HOMELAND SECURITY
22 OFFICIALS; OR

23 (F) THE ABILITY OF FEDERAL HOMELAND SECURITY OFFICIALS TO ENTER AND
24 CONDUCT ENFORCEMENT ACTIVITIES AT A MUNICIPAL OR COUNTY JAIL IN FURTHER-
25 ANCE OF THEIR DUTY TO ENFORCE FEDERAL LAWS.

26 2. FOR PURPOSES OF THIS SECTION, A PERSON SHALL NOT BE CONSIDERED TO
27 BE LAWFULLY DETAINED IF SUCH PERSON IS: (A) THE VICTIM OF A CRIME; (B) A
28 COOPERATING WITNESS RELATING TO A CRIME; OR (C) REPORTING A CRIME, CRIM-
29 INAL ACTIVITY, OR A PLANNED OR ACTUAL ACT OF TERRORISM.

30 3. (A) NO STATE FUNDING SHALL BE APPROPRIATED OR DISBURSED TO ANY
31 COUNTY, CITY, TOWN OR VILLAGE, OR ANY AGENCY, OFFICE, DEPARTMENT OR
32 AUTHORITY THEREOF, INCLUDING A SHERIFF'S DEPARTMENT, MUNICIPAL POLICE
33 DEPARTMENT OR DISTRICT ATTORNEY'S OFFICE, DETERMINED TO BE IN WILFUL
34 VIOLATION OF THIS SECTION.

35 (B) THE COMPTROLLER SHALL, PRIOR TO THE DISBURSEMENT OR DELIVERY OF
36 ANY STATE OR FEDERAL FUNDS, TO A COUNTY, CITY, TOWN OR VILLAGE, OR ANY
37 AGENCY, OFFICE, DEPARTMENT OR AUTHORITY THEREOF, REQUIRE THAT THE CHIEF
38 ELECTED OFFICER OF SUCH COUNTY, CITY, TOWN OR VILLAGE PROVIDE VERIFICA-
39 TION, SIGNED UNDER PENALTIES OF PERJURY BY SUCH CHIEF ELECTED OFFICER,
40 THAT SUCH COUNTY, CITY, TOWN OR VILLAGE IS IN COMPLIANCE WITH THIS
41 SECTION.

42 4. THIS SECTION SHALL NOT BE DEEMED TO APPLY TO ANY SCHOOL DISTRICT,
43 CHARTER SCHOOL, OR MUNICIPAL HEALTH SERVICE FACILITY.

44 S 4. Severability clause. If any clause, sentence, paragraph, subdivi-
45 sion, section or part of this act shall be adjudged by any court of
46 competent jurisdiction to be invalid, such judgment shall not affect,
47 impair or invalidate the remainder thereof, but shall be confined in its
48 operation to the clause, sentence, paragraph, subdivision, section or
49 part thereof directly involved in the controversy in which such judgment
50 shall have been rendered. It is hereby declared to be the intent of the
51 legislature that this act would have been enacted even if such invalid
52 provisions had not been included herein.

53 S 5. This act shall take effect immediately.

1 Section 1. a. Transfer of State Police Civilian Personnel. Notwith-
2 standing any law to the contrary, the current state police civilian
3 personnel assigned to the division of homeland security and emergency
4 services office of counter terrorism prior to the effective date of this
5 act, who perform intelligence and analysis on counter terrorism, shall
6 be transferred, pursuant to section 70 of the civil service law, to the
7 bureau of counter terrorism and intelligence of the division of state
8 police.

9 b. Transfer of records. Upon the transfer of the current state police
10 civilian personnel, pursuant to subdivision a of this section, the divi-
11 sion of homeland security and emergency services shall deliver to the
12 bureau of counter terrorism and intelligence of the division of state
13 police, all pertinent books, papers, records and property.

14 c. Existing rights and remedies preserved. No existing right or remedy
15 of any character shall be lost, impaired or affected by reason of this
16 act.

17 d. Pending actions and proceedings. No action or proceeding pending at
18 the time when this act shall take effect, brought by or against the
19 division of homeland security and emergency services relating to the
20 transfer of the current state police civilian personnel to or devolved
21 upon the division of state police shall be affected by this act, but the
22 same may be prosecuted or defended in the name of the division of state
23 police and upon the application to the court, the division of state
24 police shall be substituted as a party.

25 e. Completion of unfinished business. Any business or other matter
26 undertaken or commenced by the current state police civilian personnel
27 assigned to the division of homeland security and emergency services
28 transferred to the bureau of counter terrorism and intelligence of the
29 division of state police in accordance with this act, pending on the
30 effective date of this act, may be conducted and completed by the bureau
31 of counter terrorism and intelligence of the division of state police in
32 the same manner and under the same terms and conditions and with the
33 same effect as if conducted and completed by the division of homeland
34 security and emergency services.

35 S 2. This act shall take effect immediately.

36 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
37 sion, section or part of this act shall be adjudged by a court of compe-
38 tent jurisdiction to be invalid, such judgment shall not affect, impair,
39 or invalidate the remainder thereof, but shall be confined in its opera-
40 tion to the clause, sentence, paragraph, subdivision, section or part
41 thereof directly involved in the controversy in which such judgment
42 shall have been rendered. It is hereby declared to be the intent of the
43 legislature that this act would have been enacted even if such invalid
44 provisions had not been included herein.

45 S 3. This act shall take effect immediately provided, however, that
46 the applicable effective date of Subparts A through J of this act shall
47 be as specifically set forth in the last section of such Subparts.

48

PART E

49 Section 1. Section 5 of chapter 268 of the laws of 1996, amending the
50 education law and the state finance law relating to providing a recruit-
51 ment incentive and retention program for certain active members of the
52 New York army national guard, New York air national guard, and New York
53 naval militia, as amended by section 24 of part A of chapter 57 of the
54 laws of 2011, is amended to read as follows:

1 S 5. This act shall take effect January 1, 1997 and shall expire and
2 be deemed repealed September 1, [2016] 2021; provided that any person
3 who has begun to receive the benefits of this act prior to its expira-
4 tion and repeal shall be entitled to continue to receive the benefits of
5 this act after its expiration and repeal until completion of a baccalau-
6 reate degree or cessation of status as an active member, whichever
7 occurs first.

8 S 2. This act shall take effect immediately.

9

PART F

10 Section 1. Subdivision 5 of section 362 of the chapter 83 of the laws
11 of 1995 amending the state finance law and other laws relating to bonds,
12 notes and revenues, as amended by section 37 of part L of chapter 55 of
13 the laws of 2012, is amended to read as follows:

14 5. Sections thirty-one through forty-two of this act shall take effect
15 on the thirtieth day after it shall have become a law and shall be
16 deemed to have been in full force and effect on and after April 1, 1995;
17 provided that section 163 of the state finance law, as added by section
18 thirty-three of this act shall remain in full force and effect until
19 June 30, [2016] 2017 at which time it shall expire and be deemed
20 repealed. Contracts executed prior to the expiration of such section 163
21 shall remain in full force and effect until the expiration of any such
22 contract notwithstanding the expiration of certain provisions of this
23 act.

24 S 2. Section 16 of chapter 1 of the laws of 2005, amending the state
25 finance law relating to restricting contacts in the procurement process
26 and the recording of contacts relating thereto, as amended by chapter 62
27 of the laws of 2014, is amended to read as follows:

28 S 16. This act shall take effect immediately; provided, however, that
29 sections one, six, eight, nine, ten, eleven and fifteen of this act
30 shall take effect January 1, 2006; and provided, however, the amendments
31 to paragraph f of subdivision 9 of section 163 of the state finance law
32 made by section fifteen of this act shall not affect the repeal of such
33 section and shall be deemed repealed therewith; provided, further, that
34 the amendments to article 1-A of the legislative law, made by this act,
35 shall not affect the repeal of such article pursuant to chapter 2 of the
36 laws of 1999, as amended, and shall be deemed repealed therewith;
37 provided, further, that sections thirteen and fourteen of this act shall
38 take effect January 1, 2006 and shall be deemed repealed July 31, [2016]
39 2017; provided, further, that effective immediately, the advisory coun-
40 cil on procurement lobbying created pursuant to section twelve of this
41 act shall be constituted no later than sixty days following the effec-
42 tive date of this act, provided that effective sixty days following the
43 effective date of this act, the advisory council on procurement lobbying
44 shall be authorized to establish model guidelines and to add, amend
45 and/or repeal any rules or regulations necessary for the implementation
46 of its duties under sections twelve and thirteen of this act, and the
47 advisory council authorized to make and complete such model guidelines
48 on or before the effective date of section thirteen of this act;
49 provided, further, that procurement contracts for which bid solicita-
50 tions have been issued prior to the effective date of this act shall be
51 awarded pursuant to the provisions of law in effect at the time of issu-
52 ance.

53 S 3. This act shall take effect immediately and shall be deemed to
54 have been in full force and effect on and after April 1, 2016.

1 PART G

2 Intentionally Omitted

3 PART H

4 Section 1. Section 200 of the workers' compensation law, as added by
5 chapter 600 of the laws of 1949, is amended to read as follows:

6 S 200. Short title. This article shall be known and may be cited as
7 the "disability benefits law AND THE PAID FAMILY LEAVE BENEFITS LAW."

8 S 2. Subdivision 14 of section 201 of the workers' compensation law,
9 as added by chapter 600 of the laws of 1949 and as renumbered by chapter
10 438 of the laws of 1964, is amended and eleven new subdivisions 15, 16,
11 17, 18, 19, 20, 21, 22, 23, 24 and 25 are added to read as follows:

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

16 15. "FAMILY LEAVE" SHALL MEAN ANY LEAVE TAKEN BY AN EMPLOYEE FROM WORK
17 TO PARTICIPATE IN PROVIDING CARE, INCLUDING PHYSICAL OR PSYCHOLOGICAL
18 CARE, FOR A FAMILY MEMBER OF THE EMPLOYEE MADE NECESSARY BY A SERIOUS
19 HEALTH CONDITION OF THE FAMILY MEMBER; OR TO BOND WITH THE EMPLOYEE'S
20 CHILD DURING THE FIRST TWELVE MONTHS AFTER THE CHILD'S BIRTH, OR THE
21 FIRST TWELVE MONTHS AFTER THE PLACEMENT OF THE CHILD FOR ADOPTION OR
22 FOSTER CARE WITH THE EMPLOYEE; OR BECAUSE OF ANY QUALIFYING EXIGENCY AS
23 INTERPRETED UNDER THE FAMILY AND MEDICAL LEAVE ACT, 29 U.S.C.S S
24 2612(A)(1)(E) AND 29 C.F.R. S.825.126(A)(1)-(8), ARISING OUT OF THE
25 FACT THAT THE SPOUSE, DOMESTIC PARTNER, CHILD, OR PARENT OF THE EMPLOYEE
26 IS ON ACTIVE DUTY (OR HAS BEEN NOTIFIED OF AN IMPENDING CALL OR ORDER TO
27 ACTIVE DUTY) IN THE ARMED FORCES OF THE UNITED STATES.

28 16. "CHILD" MEANS A BIOLOGICAL, ADOPTED, OR FOSTER SON OR DAUGHTER, A
29 STEPSON OR STEPDAUGHTER, A LEGAL WARD, A SON OR DAUGHTER OF A DOMESTIC
30 PARTNER, OR THE PERSON TO WHOM THE EMPLOYEE STANDS IN LOCO PARENTIS.

31 17. "DOMESTIC PARTNER" HAS THE SAME MEANING AS SET FORTH IN SECTION
32 FOUR OF THIS CHAPTER.

33 18. "SERIOUS HEALTH CONDITION" MEANS AN ILLNESS, INJURY, IMPAIRMENT,
34 OR PHYSICAL OR MENTAL CONDITION THAT INVOLVES INPATIENT CARE IN A HOSPI-
35 TAL, HOSPICE, OR RESIDENTIAL HEALTH CARE FACILITY, OR CONTINUING TREAT-
36 MENT OR CONTINUING SUPERVISION BY A HEALTH CARE PROVIDER AND REQUIRING
37 ASSISTANCE TO PERFORM THE ACTIVITIES OF DAILY LIVING.

38 19. "PARENT" MEANS A BIOLOGICAL, FOSTER, OR ADOPTIVE PARENT, A
39 PARENT-IN-LAW, A STEPPARENT, A LEGAL GUARDIAN, OR OTHER PERSON WHO STOOD
40 IN LOCO PARENTIS TO THE EMPLOYEE WHEN THE EMPLOYEE WAS A CHILD.

41 20. "FAMILY MEMBER" MEANS A CHILD, PARENT, GRANDPARENT, GRANDCHILD,
42 SIBLING, SPOUSE, OR DOMESTIC PARTNER AS DEFINED IN THIS SECTION.

43 21. "GRANDCHILD" MEANS A CHILD OF THE EMPLOYEE'S CHILD.

44 22. "HEALTH CARE PROVIDER" SHALL MEAN A PERSON LICENSED UNDER ARTICLE
45 ONE HUNDRED THIRTY-ONE, ONE HUNDRED THIRTY-ONE-B, ONE HUNDRED
46 THIRTY-TWO, ONE HUNDRED THIRTY-THREE, ONE HUNDRED THIRTY-SIX, ONE
47 HUNDRED THIRTY-NINE, ONE HUNDRED FORTY-ONE, ONE HUNDRED FORTY-THREE, ONE
48 HUNDRED FORTY-FOUR, ONE HUNDRED FIFTY-THREE, ONE HUNDRED FIFTY-FOUR, ONE
49 HUNDRED FIFTY-SIX OR ONE HUNDRED FIFTY-NINE OF THE EDUCATION LAW OR A
50 PERSON LICENSED UNDER THE PUBLIC HEALTH LAW, ARTICLE ONE HUNDRED FORTY
51 OF THE EDUCATION LAW OR ARTICLE ONE HUNDRED SIXTY-THREE OF THE EDUCATION
52 LAW.

53 23. "GRANDPARENT" MEANS A PARENT OF THE EMPLOYEE'S PARENT.

1 24. "SIBLING" MEANS A PERSON RELATED TO ANOTHER PERSON BY BLOOD,
2 ADOPTION, OR AFFINITY THROUGH A COMMON LEGAL OR BIOLOGICAL PARENT.

3 25. "FAMILY CARE" SHALL MEAN ANY LEAVE TAKEN BY AN EMPLOYEE FROM WORK:

4 (A) TO PARTICIPATE IN PROVIDING CARE, INCLUDING PHYSICAL OR PSYCHOLOG-
5 ICAL CARE, FOR A FAMILY MEMBER OF THE EMPLOYEE MADE NECESSARY BY A SERI-
6 OUS HEALTH CONDITION OF THE FAMILY MEMBER; OR

7 (B) TO BOND WITH THE EMPLOYEE'S CHILD DURING THE FIRST TWELVE MONTHS
8 AFTER THE CHILD'S BIRTH, OR THE FIRST TWELVE MONTHS AFTER THE PLACEMENT
9 OF THE CHILD FOR ADOPTION OR FOSTER CARE WITH THE EMPLOYEE; OR

10 (C) BECAUSE OF ANY QUALIFYING EXIGENCY AS INTERPRETED UNDER THE FAMILY
11 AND MEDICAL LEAVE ACT, 29 U.S.C. S 2612(A)(1)(E) AND 29 C.F.R. S
12 825.126(A)(1)-(8), ARISING OUT OF THE FACT THAT THE SPOUSE, DOMESTIC
13 PARTNER, CHILD, OR PARENT OF THE EMPLOYEE IS ON ACTIVE DUTY OR HAS BEEN
14 NOTIFIED OF AN IMPENDING CALL OR ORDER TO ACTIVE DUTY IN THE ARMED FORC-
15 ES OF THE UNITED STATES.

16 S 3. Section 203 of the workers' compensation law, as amended by chap-
17 ter 436 of the laws of 1986, is amended to read as follows:

18 S 203. Employees eligible for benefits under section two hundred four
19 OF THIS ARTICLE. Employees in employment of a covered employer for four
20 or more consecutive weeks and employees in employment during the work
21 period usual to and available during such four or more consecutive weeks
22 in any trade or business in which they are regularly employed and in
23 which hiring from day to day of such employees is the usual employment
24 practice shall be eligible for disability AND FAMILY LEAVE benefits as
25 provided in section two hundred four OF THIS ARTICLE. EVERY SUCH
26 EMPLOYEE SHALL CONTINUE TO BE ELIGIBLE FOR FAMILY LEAVE BENEFITS ONLY
27 DURING EMPLOYMENT WITH A COVERED EMPLOYER. Every such employee shall
28 continue to be eligible FOR DISABILITY BENEFITS during such employment
29 and for a period of four weeks after such employment terminates regard-
30 less of whether the employee performs any work for remuneration or
31 profit in non-covered employment. If during such four week period the
32 employee performs any work for remuneration or profit for another
33 covered employer the employee shall become eligible for DISABILITY bene-
34 fits immediately with respect to that employment. In addition every such
35 employee who HAS PREVIOUSLY COMPLETED FOUR OR MORE CONSECUTIVE WEEKS IN
36 EMPLOYMENT WITH THE COVERED EMPLOYER AND returns to work with the same
37 employer after an agreed and specified unpaid leave of absence or vaca-
38 tion without pay shall become eligible for DISABILITY AND FAMILY LEAVE
39 benefits immediately with respect to such employment. An employee who
40 during a period in which he or she is eligible to receive benefits under
41 subdivision two of section two hundred seven OF THIS ARTICLE returns to
42 employment with a covered employer and an employee who is currently
43 receiving unemployment insurance benefits or benefits under section two
44 hundred seven OF THIS ARTICLE and who returns to employment with a
45 covered employer shall become eligible for DISABILITY benefits imme-
46 diately with respect to such employment. An employee regularly in the
47 employment of a single employer on a work schedule less than the employ-
48 er's normal work week shall become eligible for DISABILITY AND FAMILY
49 LEAVE benefits on the twenty-fifth day of such regular employment. An
50 employee who [becomes disabled while] IS eligible for DISABILITY AND
51 FAMILY LEAVE benefits in the employment of a covered employer shall not
52 be deemed, for the purposes of this article, to have such employment
53 terminated during any period he or she is eligible to receive benefits
54 under section two hundred four OF THIS ARTICLE with respect to such
55 employment.

1 S 4. The workers' compensation law is amended by adding three new
2 sections 203-a, 203-b and 203-c to read as follows:

3 S 203-A. RETALIATORY ACTION PROHIBITED FOR FAMILY LEAVE. 1. THE
4 PROVISIONS OF SECTION ONE HUNDRED TWENTY OF THIS CHAPTER AND SECTION TWO
5 HUNDRED FORTY-ONE OF THIS ARTICLE SHALL BE APPLICABLE TO FAMILY LEAVE.

6 2. NOTHING IN THIS SECTION SHALL BE DEEMED TO DIMINISH THE RIGHTS,
7 PRIVILEGES, OR REMEDIES OF ANY EMPLOYEE UNDER ANY COLLECTIVE BARGAINING
8 AGREEMENT OR EMPLOYMENT CONTRACT.

9 S 203-B. REINSTATEMENT FOLLOWING FAMILY LEAVE. ANY ELIGIBLE EMPLOYEE
10 OF A COVERED EMPLOYER WHO TAKES LEAVE UNDER THIS SECTION SHALL BE ENTI-
11 TLED, ON RETURN FROM SUCH LEAVE, TO BE RESTORED BY THE EMPLOYER TO THE
12 POSITION OF EMPLOYMENT HELD BY THE EMPLOYEE WHEN THE LEAVE COMMENCED, OR
13 TO BE RESTORED TO A COMPARABLE POSITION WITH COMPARABLE EMPLOYMENT BENE-
14 FITS, PAY AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT. THE TAKING OF
15 FAMILY LEAVE SHALL NOT RESULT IN THE LOSS OF ANY EMPLOYMENT BENEFIT
16 ACCRUED PRIOR TO THE DATE ON WHICH THE LEAVE COMMENCED. NOTHING IN THIS
17 SECTION SHALL BE CONSTRUED TO ENTITLE ANY RESTORED EMPLOYEE TO THE
18 ACCRUAL OF ANY SENIORITY OR EMPLOYMENT BENEFITS DURING ANY PERIOD OF
19 LEAVE, OR ANY RIGHT, BENEFIT OR POSITION TO WHICH THE EMPLOYEE WOULD
20 HAVE BEEN ENTITLED HAD THE EMPLOYEE NOT TAKEN THE LEAVE.

21 S 203-C HEALTH INSURANCE DURING FAMILY LEAVE.

22 IN ACCORDANCE WITH THE FAMILY AND MEDICAL LEAVE ACT (29 U.S.C. SS
23 2601-2654), DURING ANY PERIOD OF FAMILY LEAVE THE EMPLOYER SHALL MAIN-
24 TAIN ANY EXISTING HEALTH BENEFITS OF THE EMPLOYEE IN FORCE FOR THE DURA-
25 TION OF SUCH LEAVE AS IF THE EMPLOYEE HAD CONTINUED TO WORK FROM THE
26 DATE HE OR SHE COMMENCED FAMILY LEAVE UNTIL THE DATE HE OR SHE RETURNS
27 TO EMPLOYMENT.

28 S 5. Section 204 of the workers' compensation law, as added by chapter
29 600 of the laws of 1949, subdivision 2 as amended by chapter 38 of the
30 laws of 1989, is amended to read as follows:

31 S 204. Disability AND FAMILY LEAVE during employment. 1. Disability
32 benefits shall be payable to an eligible employee for disabilities
33 [commencing after June thirtieth, nineteen hundred fifty], beginning
34 with the eighth [consecutive] day of disability and thereafter during
35 the continuance of disability, subject to the limitations as to maximum
36 and minimum amounts and duration and other conditions and limitations in
37 this section and in sections two hundred five and two hundred six OF
38 THIS ARTICLE. FAMILY LEAVE BENEFITS SHALL BE PAYABLE TO AN ELIGIBLE
39 EMPLOYEE FOR THE FIRST FULL DAY WHEN FAMILY LEAVE IS REQUIRED AND THERE-
40 AFTER DURING THE CONTINUANCE OF THE NEED FOR FAMILY LEAVE, SUBJECT TO
41 THE LIMITATIONS AS TO MAXIMUM AND MINIMUM AMOUNTS AND DURATION AND OTHER
42 CONDITIONS AND LIMITATIONS IN THIS SECTION AND IN SECTIONS TWO HUNDRED
43 FIVE AND TWO HUNDRED SIX OF THIS ARTICLE. Successive periods of disabil-
44 ity OR FAMILY LEAVE caused by the same or related injury or sickness
45 shall be deemed a single period of disability OR FAMILY LEAVE only if
46 separated by less than three months.

47 2. (A) THE WEEKLY BENEFIT FOR FAMILY LEAVE THAT OCCURS (I) ON OR AFTER
48 JANUARY FIRST, TWO THOUSAND EIGHTEEN SHALL BE FIFTY PERCENT OF THE
49 EMPLOYEE'S AVERAGE WEEKLY WAGE BUT SHALL NOT EXCEED FIFTY PERCENT OF THE
50 STATE AVERAGE WEEKLY WAGE, (II) ON OR AFTER JANUARY FIRST, TWO THOUSAND
51 NINETEEN SHALL BE FIFTY-FIVE PERCENT OF THE EMPLOYEE'S AVERAGE WEEKLY
52 WAGE BUT SHALL NOT EXCEED FIFTY-FIVE PERCENT OF THE STATE AVERAGE WEEKLY
53 WAGE, (III) ON OR AFTER JANUARY FIRST, TWO THOUSAND TWENTY SHALL BE
54 SIXTY PERCENT OF THE EMPLOYEE'S AVERAGE WEEKLY WAGE BUT SHALL NOT EXCEED
55 SIXTY PERCENT OF THE STATE AVERAGE WEEKLY WAGE, AND (IV) ON OR AFTER
56 JANUARY FIRST OF EACH SUCCEEDING YEAR, SHALL BE SIXTY-SEVEN PERCENT OF

1 THE EMPLOYEE'S AVERAGE WEEKLY WAGE BUT SHALL NOT EXCEED SIXTY-SEVEN
2 PERCENT OF THE NEW YORK STATE AVERAGE WEEKLY WAGE IN EFFECT. THE WEEKLY
3 BENEFITS FOR FAMILY LEAVE THAT OCCURS ON OR AFTER JANUARY FIRST, TWO
4 THOUSAND EIGHTEEN SHALL NOT BE LESS THAN ONE HUNDRED DOLLARS PER WEEK
5 EXCEPT THAT IF THE EMPLOYEE'S WAGES AT THE TIME OF FAMILY LEAVE ARE LESS
6 THAN ONE HUNDRED DOLLARS PER WEEK, THE EMPLOYEE SHALL RECEIVE HIS OR HER
7 FULL WAGES. BENEFITS MAY BE PAYABLE TO EMPLOYEES FOR PAID FAMILY LEAVE
8 TAKEN INTERMITTENTLY OR FOR LESS THAN A FULL WORK WEEK IN INCREMENTS OF
9 ONE FULL DAY OR ONE FIFTH OF THE WEEKLY BENEFIT.

10 (B) The weekly benefit which the disabled employee is entitled to
11 receive for disability commencing on or after May first, nineteen
12 hundred eighty-nine shall be one-half of the employee's weekly wage, but
13 in no case shall such benefit exceed one hundred seventy dollars; except
14 that if the employee's average weekly wage is less than twenty dollars,
15 the benefit shall be such average weekly wage. The weekly benefit which
16 the disabled employee is entitled to receive for disability commencing
17 on or after July first, nineteen hundred eighty-four shall be one-half
18 of the employee's weekly wage, but in no case shall such benefit exceed
19 one hundred forty-five dollars; except that if the employee's average
20 weekly wage is less than twenty dollars, the benefit shall be such aver-
21 age weekly wage. The weekly benefit which the disabled employee is enti-
22 tled to receive for disability commencing on or after July first, nine-
23 teen hundred eighty-three and prior to July first, nineteen hundred
24 eighty-four shall be one-half of the employee's average weekly wage, but
25 in no case shall such benefit exceed one hundred thirty-five dollars nor
26 be less than twenty dollars; except that if the employee's average week-
27 ly wage is less than twenty dollars the benefit shall be such average
28 weekly wage. The weekly benefit which the disabled employee is entitled
29 to receive for disability commencing on or after July first, nineteen
30 hundred seventy-four, and prior to July first, nineteen hundred eighty-
31 three, shall be one-half of the employee's average weekly wage, but in
32 no case shall such benefit exceed ninety-five dollars nor be less than
33 twenty dollars; except that if the employee's average weekly wage is
34 less than twenty dollars, the benefit shall be such average weekly wage.
35 The weekly benefit which the disabled employee is entitled to receive
36 for disability commencing on or after July first, nineteen hundred
37 seventy and prior to July first, nineteen hundred seventy-four shall be
38 one-half of the employee's average weekly wage, but in no case shall
39 such benefit exceed seventy-five dollars nor be less than twenty
40 dollars; except that if the employee's average weekly wage is less than
41 twenty dollars the benefit shall be such average weekly wage. For any
42 period of disability less than a full week, the benefits payable shall
43 be calculated by dividing the weekly benefit by the number of the
44 employee's normal work days per week and multiplying the quotient by the
45 number of normal work days in such period of disability. The weekly
46 benefit for a disabled employee who is concurrently eligible for bene-
47 fits in the employment of more than one covered employer shall, within
48 the maximum and minimum herein provided, be one-half of the total of the
49 employee's average weekly wages received from all such covered employ-
50 ers, and shall be allocated in the proportion of their respective aver-
51 age weekly wage payments.

52 S 6. Section 205 of the workers' compensation law, as added by chapter
53 600 of the laws of 1949, subdivision 1 as amended by chapter 651 of the
54 laws of 1958, subdivision 2 as amended by chapter 270 of the laws of
55 1990, subdivision 5 as amended by chapter 288 of the laws of 1970, and

1 subdivisions 3, 4, 5, 6, 7 and 8 as renumbered by chapter 352 of the
2 laws of 1981, is amended to read as follows:

3 S 205. Disabilities, FAMILY LEAVE and [disability] periods for which
4 benefits are not payable. 1. No employee shall be entitled to DISABILITY
5 benefits under this article:

6 [1.] (A) For more than twenty-six weeks MINUS ANY DAYS TAKEN FOR FAMI-
7 LY LEAVE DURING ANY FIFTY-TWO CONSECUTIVE CALENDAR WEEKS during a period
8 of fifty-two consecutive calendar weeks or during any one period of
9 disability, OR FOR MORE THAN TWENTY-SIX WEEKS;

10 [2.] (B) for any period of disability during which an employee is not
11 under the care of a duly licensed [physician or with respect to disabil-
12 ity resulting from a condition of the foot which may lawfully be treated
13 by a duly registered and licensed podiatrist of the state of New York or
14 with respect to a disability resulting from a condition which may
15 lawfully be treated by a duly registered and licensed chiropractor of
16 the state of New York or with respect to a disability resulting from a
17 condition which may lawfully be treated by a duly licensed dentist of
18 the state of New York or with respect to a disability resulting from a
19 condition which may lawfully be treated by a duly registered and
20 licensed psychologist of the state of New York or with respect to a
21 disability resulting from a condition which may lawfully be treated by a
22 duly certified nurse midwife, for any period of such disability during
23 which an employee is neither under the care of a physician nor a podia-
24 trist, nor a chiropractor, nor a dentist, nor a psychologist, nor a
25 certified nurse midwife] HEALTH CARE PROVIDER; and for any period of
26 disability during which an employee who adheres to the faith or teach-
27 ings of any church or denomination and who in accordance with its creed,
28 tenets or principles depends for healing upon prayer through spiritual
29 means alone in the practice of religion, is not under the care of a
30 practitioner duly accredited by the church or denomination, and provided
31 such employee shall submit to all physical examinations as required by
32 this chapter.

33 2. NO EMPLOYEE SHALL BE ENTITLED TO FAMILY LEAVE BENEFITS UNDER THIS
34 ARTICLE:

35 (A) FOR MORE THAN TWELVE WEEKS DURING A PERIOD OF FIFTY-TWO CONSEC-
36 UTIVE CALENDAR WEEKS, OR FOR ANY PERIOD IN WHICH THE FAMILY LEAVE
37 COMBINED WITH THE DISABILITY BENEFITS PREVIOUSLY PAID EXCEEDS TWENTY-SIX
38 WEEKS DURING THE SAME FIFTY-TWO CONSECUTIVE CALENDAR WEEKS;

39 (B) FOR ANY PERIOD OF FAMILY LEAVE WHEREIN THE NOTICE AND MEDICAL
40 CERTIFICATION AS PRESCRIBED BY THE CHAIR HAS NOT BEEN FILED. AT THE
41 DISCRETION OF THE CHAIR OR CHAIR'S DESIGNEE, THE FAMILY MEMBER WHO IS
42 THE RECIPIENT OF CARE MAY BE REQUIRED TO SUBMIT TO A PHYSICAL EXAMINA-
43 TION BY A QUALIFIED HEALTH CARE PROVIDER. SUCH EXAMINATION SHALL BE PAID
44 FOR BY THE CARRIER.

45 (C) AS A CONDITION OF AN EMPLOYEE'S INITIAL RECEIPT OF FAMILY LEAVE
46 BENEFITS DURING ANY FIFTY-TWO CONSECUTIVE CALENDAR WEEKS IN WHICH AN
47 EMPLOYEE IS ELIGIBLE FOR THESE BENEFITS, AN EMPLOYER MAY OFFER AN
48 EMPLOYEE WHO HAS ACCRUED BUT UNUSED VACATION TIME OR PERSONAL LEAVE
49 AVAILABLE AT THE TIME OF USE OF AVAILABLE FAMILY LEAVE TO CHOOSE WHETHER
50 TO CHARGE ALL OR PART OF THE FAMILY LEAVE TIME TO ACCRUED BUT UNUSED
51 VACATION OR PERSONAL LEAVE, AND RECEIVE FULL SALARY, OR TO NOT CHARGE
52 TIME TO ACCRUED BUT UNUSED VACATION OR PERSONAL LEAVE, AND RECEIVE THE
53 BENEFIT AS SET FORTH IN SECTION TWO HUNDRED FOUR OF THIS ARTICLE. AN
54 EMPLOYER THAT PAYS FULL SALARY DURING A PERIOD OF FAMILY LEAVE MAY
55 REQUEST REIMBURSEMENT IN ACCORDANCE WITH SECTION TWO HUNDRED THIRTY-SEV-
56 EN OF THIS ARTICLE. WITH THE ELECTION OF EITHER OPTION, THE EMPLOYEE

1 SHALL RECEIVE THE FULL PROTECTION OF THE REINSTATEMENT PROVISION SET
 2 FORTH IN SECTION TWO HUNDRED THREE-B OF THIS ARTICLE, AND SHALL CONCUR-
 3 RENTLY USE AVAILABLE FAMILY MEDICAL LEAVE ACT AND PAID FAMILY LEAVE
 4 CREDITS. IN NO EVENT CAN AN EMPLOYEE UTILIZE FAMILY LEAVE BEYOND THE
 5 TWELVE WEEKS PER ANY FIFTY-TWO WEEK PERIOD SET FORTH IN THIS ARTICLE.
 6 THIS PARAGRAPH MAY NOT BE CONSTRUED IN A MANNER THAT RELIEVES AN EMPLOY-
 7 ER OF ANY DUTY OF COLLECTIVE BARGAINING THE EMPLOYER MAY HAVE WITH
 8 RESPECT TO THE SUBJECT MATTER OF THIS PARAGRAPH.

9 3. NO EMPLOYEE SHALL BE ENTITLED TO DISABILITY OR FAMILY LEAVE BENE-
 10 FITS UNDER THIS ARTICLE:

11 (A) for any disability occasioned by the wilful intention of the
 12 employee to bring about injury to or the sickness of himself or another,
 13 or resulting from any injury or sickness sustained in the perpetration
 14 by the employee of an illegal act;

15 [4.] (B) for any day of disability OR FAMILY LEAVE during which the
 16 employee performed work for remuneration or profit;

17 [5.] (C) for any day of disability OR FAMILY LEAVE for which the
 18 employee is entitled to receive from his OR HER employer, or from a fund
 19 to which the employer has contributed, remuneration or maintenance in an
 20 amount equal to or greater than that to which he OR SHE would be enti-
 21 tled under this article; but any voluntary contribution or aid which an
 22 employer may make to an employee or any supplementary benefit paid to an
 23 employee pursuant to the provisions of a collective bargaining agreement
 24 or from a trust fund to which contributions are made pursuant to the
 25 provisions of a collective bargaining agreement shall not be considered
 26 as continued remuneration or maintenance for this purpose;

27 [6.] (D) for any period in respect to which such employee is subject
 28 to suspension or disqualification of the accumulation of unemployment
 29 insurance benefit rights, or would be subject if he OR SHE were eligible
 30 for such benefit rights, except for ineligibility resulting from the
 31 employee's disability;

32 [7.] (E) for any disability due to any act of war, declared or unde-
 33 clared[, if such act shall occur after June thirtieth, nineteen hundred
 34 fifty];

35 [8.] (F) for any disability OR FAMILY LEAVE commencing before the
 36 employee becomes eligible to benefits [hereunder or commencing prior to
 37 July first, nineteen hundred fifty, but this shall not preclude benefits
 38 for recurrence after July first, nineteen hundred fifty, of a disability
 39 commencing prior thereto] UNDER THIS SECTION.

40 4. AN EMPLOYEE WHO HAS GIVEN BIRTH MAY USE NO MORE THAN A COMBINED
 41 TWELVE WEEKS PURSUANT TO SUBDIVISION ONE FOR RECOVERY FROM CHILDBIRTH
 42 AND SUBDIVISION TWO FOR BONDING WITH THE CHILD AS PERMITTED UNDER SUBDI-
 43 VISION FIFTEEN OF SECTION 201, DURING ANY FIFTY-TWO CONSECUTIVE CALENDAR
 44 WEEKS. AN EMPLOYEE MAY NOT SEEK BENEFITS CONCURRENTLY UNDER BOTH SUBDI-
 45 VISIONS ONE AND TWO OF THIS SECTION.

46 S 7. Section 206 of the workers' compensation law, as amended by chap-
 47 ter 699 of the laws of 1956, paragraph (a) of subdivision 1 as separate-
 48 ly amended by chapters 699 and 929 of the laws of 1956 and subdivision 2
 49 as amended by chapter 24 of the laws of 1988, is amended to read as
 50 follows:

51 S 206. Non-duplication of benefits. 1. No DISABILITY benefits shall be
 52 payable under section two hundred four or two hundred seven OF THIS
 53 ARTICLE:

54 (a) in a weekly benefit amount which, together with any amount that
 55 the employee receives or is entitled to receive for the same period or
 56 any part thereof as a permanent disability benefit or annuity under any

1 governmental system or program, except under a veteran's disability
2 program, or under any permanent disability policy or program of an
3 employer for whom he OR SHE has performed services, would, if appor-
4 tioned to weekly periods, exceed his OR HER weekly benefit amount [here-
5 under] UNDER THIS SECTION, provided however, that there shall be no
6 offset against the benefits set forth in this article if the claim for
7 disability benefits is based on a disability other than the permanent
8 disability for which the aforesaid permanent disability benefit or annu-
9 ity was granted;

10 (b) with respect to any week for which payments are received under the
11 unemployment insurance law or similar law of this state or of any other
12 state or of the United States;

13 (c) subject to the provisions of subdivision two of this section, for
14 any period with respect to which benefits, compensation or other allow-
15 ances (other than [workmen's] WORKERS' compensation benefits for a
16 permanent partial disability occurring prior to the disability for which
17 benefits are claimed hereunder) are paid or payable under this chapter,
18 the volunteer [firemen's] FIREFIGHTERS' benefit law, or any other [work-
19 men's] WORKERS' compensation act, occupational disease act or similar
20 law, or under any employers' liability act or similar law; under any
21 other temporary disability or cash sickness benefits act or similar law;
22 under section six hundred eighty-eight, title forty-six, United States
23 code; under the federal employers' liability act; or under the maritime
24 doctrine of maintenance, wages and cure.

25 2. If an employee who is eligible for DISABILITY benefits under
26 section two hundred three or two hundred seven OF THIS ARTICLE is disa-
27 bled and has claimed or subsequently claims workers' compensation bene-
28 fits under this chapter or benefits under the volunteer firefighters'
29 benefit law or the volunteer ambulance workers' benefit law, and such
30 claim is controverted on the ground that the employee's disability was
31 not caused by an accident that arose out of and in the course of his
32 employment or by an occupational disease, or by an injury in line of
33 duty as a volunteer firefighter or volunteer ambulance worker, the
34 employee shall be entitled in the first instance to receive benefits
35 under this article for his OR HER disability. If benefits have been paid
36 under this article in respect to a disability alleged to have arisen out
37 of and in the course of the employment or by reason of an occupational
38 disease, or in line of duty as a volunteer firefighter or a volunteer
39 ambulance worker, the employer or carrier or the chairman making such
40 payment may, at any time before award of workers' compensation benefits,
41 or volunteer firefighters' benefits or volunteer ambulance workers'
42 benefits, is made, file with the board a claim for reimbursement out of
43 the proceeds of such award to the employee for the period for which
44 disability benefits were paid to the employee under this article, and
45 shall have a lien against the award for reimbursement, notwithstanding
46 the provisions of section thirty-three of this chapter or section twenty-
47 three of the volunteer firefighters' benefit law or section twenty-
48 three of the volunteer ambulance workers' benefit law provided the
49 insurance carrier liable for payment of the award receives, before such
50 award is made, a copy of the claim for reimbursement from the employer,
51 carrier or [chairman] CHAIR who paid disability benefits, or provided
52 the board's decision and award directs such reimbursement therefrom.

53 3. NO FAMILY LEAVE BENEFITS SHALL BE PAYABLE UNDER SECTION TWO HUNDRED
54 FOUR OF THIS ARTICLE:

55 (A) DURING PERIODS WHEN THE EMPLOYEE IS RECEIVING WORKERS' COMPEN-
56 SATION LOST WAGE BENEFITS, OR BENEFITS UNDER THE VOLUNTEER FIREFIGHTERS'

1 BENEFIT LAW OR THE VOLUNTEER AMBULANCE WORKERS' BENEFIT LAW OR UNDER ANY
2 STATE'S LAW;

3 (B) TO AN EMPLOYEE WHO IS NOT EMPLOYED OR IS ON ADMINISTRATIVE LEAVE
4 FROM HIS OR HER EMPLOYMENT;

5 (C) TO AN EMPLOYEE DURING PERIODS WHERE THE EMPLOYEE IS COLLECTING
6 SICK PAY OR PAID TIME OFF FROM THE EMPLOYER; AND

7 (D) FOR ANY DAY IN WHICH CLAIMANT WORKS AT LEAST PART OF THAT DAY FOR
8 RENUMERATION OR PROFIT.

9 4. UNLESS OTHERWISE EXPRESSLY PERMITTED BY THE EMPLOYER, BENEFITS
10 AVAILABLE UNDER 29 U.S. CODE CHAPTER 28 (THE FAMILY AND MEDICAL LEAVE
11 ACT) MUST BE USED CONCURRENTLY WITH FAMILY LEAVE BENEFITS. AN EMPLOYER
12 SHALL NOT BE REQUIRED TO PERMIT TWELVE ADDITIONAL WEEKS OF BENEFITS
13 FOLLOWING EXHAUSTION OF THE TWELVE WEEKS OF PAID FAMILY LEAVE BENEFITS.

14 5. A COVERED EMPLOYER IS NOT REQUIRED TO PERMIT MORE THAN ONE EMPLOYEE
15 TO USE THE SAME PERIOD OF FAMILY LEAVE TO CARE FOR THE SAME FAMILY
16 MEMBER.

17 S 8. Section 207 of the workers' compensation law is amended by adding
18 a new subdivision 5 to read as follows:

19 5. THE FOREGOING PROVISIONS OF THIS SECTION SHALL NOT APPLY TO FAMILY
20 LEAVE BENEFITS, AS FAMILY LEAVE BENEFITS ARE NOT AVAILABLE TO EMPLOYEES
21 THAT ARE NOT EMPLOYED AT THE TIME FAMILY LEAVE IS REQUESTED BY FILING
22 THE NOTICE AND MEDICAL CERTIFICATION REQUIRED BY THE CHAIR.

23 S 9. Section 208 of the workers' compensation law, as added by chapter
24 600 of the laws of 1949, subdivision 1 as amended by chapter 314 of the
25 laws of 2010, is amended to read as follows:

26 S 208. Payment of disability AND FAMILY LEAVE benefits. 1. Benefits
27 provided under this article shall be paid periodically and promptly and,
28 except as to a contested period of disability OR FAMILY LEAVE, without
29 any decision by the board, OR DESIGNEE OF THE CHAIR. The first payment
30 of benefits shall be due on the fourteenth day of disability OR FAMILY
31 LEAVE and benefits for that period shall be paid directly to the employ-
32 ee within four business days thereafter or within four business days
33 after the filing of required proof of claim, whichever is the later.
34 Thereafter benefits shall be due and payable bi-weekly in like manner.
35 The [chairman] CHAIR OR CHAIR'S DESIGNEE may determine that benefits may
36 be paid monthly or semi-monthly if wages were so paid, and may authorize
37 deviation from the foregoing requirements to facilitate prompt payment
38 of benefits. Any inquiry which requires the employee's response in order
39 to continue benefits uninterrupted or unmodified shall provide a reason-
40 able time period in which to respond and include a clear and prominent
41 statement of the deadline for responding and consequences of failing to
42 respond.

43 2. The [chairman] CHAIR AND SUPERINTENDENT OF FINANCIAL SERVICES may,
44 whenever such information is deemed necessary, require any carrier to
45 file in form prescribed by the [chairman] CHAIR a report or reports as
46 to any claim or claims, including (but without limitation) dates of
47 commencement and termination of benefit payments and amount of benefits
48 paid under this article. The [chairman] CHAIR AND SUPERINTENDENT OF
49 FINANCIAL SERVICES may also require annually information in respect to
50 the aggregate of benefits paid, the number of claims allowed and disal-
51 lowed, the average benefits and duration of benefit periods, the amount
52 of payrolls covered and such other information as the [chairman] CHAIR
53 may deem necessary for the purposes of administering this article. If
54 the carrier is providing benefits in respect to more than one employer,
55 the [chairman] CHAIR AND SUPERINTENDENT OF FINANCIAL SERVICES may
56 require that such information be shown separately as to those employers

1 who are providing only benefits that are substantially the same as the
2 benefits required in this article. THE CHAIR AND SUPERINTENDENT OF
3 FINANCIAL SERVICES MAY PRESCRIBE THE FORMAT OF SUCH REPORT AND MAY
4 PROMULGATE REGULATIONS TO EFFECTUATE THIS ARTICLE.

5 S 10. Section 209 of the workers' compensation law, as added by chap-
6 ter 600 of the laws of 1949, subdivision 3 as amended by chapter 415 of
7 the laws of 1983 and subdivision 4 as amended by chapter 134 of the laws
8 of 1952, is amended to read as follows:

9 S 209. Contribution of employees for disability AND FAMILY LEAVE bene-
10 fits. 1. Every employee in the employment of a covered employer shall[,
11 on and after January first, nineteen hundred fifty,] contribute to the
12 cost of providing disability AND AFTER JANUARY FIRST, TWO THOUSAND EIGH-
13 TEEN, FAMILY LEAVE benefits under this article, to the extent and in the
14 manner herein provided.

15 2. The special contribution of each such employee to the accumulation
16 of funds to provide benefits for disabled unemployed shall be as
17 provided in subdivision one of section two hundred fourteen OF THIS
18 ARTICLE.

19 3. (A) DISABILITY BENEFITS. The contribution of each such employee to
20 the cost of disability benefits provided by this article shall be one-
21 half of one per centum of the employee's wages paid to him OR HER on and
22 after July first, nineteen hundred fifty, but not in excess of sixty
23 cents per week.

24 (B) FAMILY LEAVE BENEFITS. ON SEPTEMBER FIRST, TWO THOUSAND SEVENTEEN
25 AND ANNUALLY THEREAFTER THE SUPERINTENDENT OF FINANCIAL SERVICES SHALL
26 SET THE MAXIMUM EMPLOYEE CONTRIBUTION, USING THE REPORTS PROVIDED IN
27 SECTION TWO HUNDRED EIGHT OF THIS ARTICLE, AND CONSISTENT WITH THE PRIN-
28 CIPLE THAT THE COSTS OF FAMILY LEAVE SHOULD BE FUNDED ONE HUNDRED
29 PERCENT BY EMPLOYEE PAYROLL CONTRIBUTION.

30 4. Notwithstanding any other provision of law, the employer is author-
31 ized to collect from his OR HER employees, except as otherwise provided
32 in any plan or agreement under the provisions of subdivisions four or
33 five of section two hundred eleven OF THIS ARTICLE, the contribution
34 provided under subdivisions two and three OF THIS SECTION, through
35 payroll deductions. If the employer shall not make deduction for any
36 payroll period he OR SHE may thereafter, but not later than one month
37 after payment of wages, collect such contribution through payroll
38 deduction.

39 5. In collecting employee contributions through payroll deductions,
40 the employer shall act as the agent of his OR HER employees and shall
41 use the contributions only to provide disability AND FAMILY LEAVE bene-
42 fits as required by this article. IN NO EVENT MAY THE EMPLOYEE'S ANNUAL
43 CONTRIBUTION FOR FAMILY LEAVE EXCEED HIS OR HER PRO RATA SHARE OF THE
44 ACTUAL ANNUAL PREMIUM CHARGED FOR THE SAME YEAR AND MUST BE DETERMINED
45 CONSISTENT WITH THE PRINCIPLE THAT EMPLOYEES SHOULD PAY THE TOTAL COSTS
46 OF FAMILY LEAVE PREMIUM. IN NO EVENT MAY THE EMPLOYEE'S WEEKLY CONTRIB-
47 UTION FOR DISABILITY PREMIUM EXCEED ONE-HALF OF ONE PER CENTUM OF THE
48 EMPLOYEE'S WAGES PAID TO HIM OR HER, BUT NOT IN EXCESS OF SIXTY CENTS
49 PER WEEK. After June thirtieth, nineteen hundred fifty, if the employer
50 is not providing, or to the extent that he OR SHE is not then providing,
51 for the payment of disability benefits to his OR HER employees by insur-
52 ing with the state fund or with another insurance carrier, he OR SHE
53 shall keep the contributions of his OR HER employees as trust funds
54 separate and apart from all other funds of the employer. The payment of
55 such contributions by the employer to a carrier providing for the

1 payment of such benefits shall discharge the employer from responsibil-
2 ity with respect to such contributions.

3 S 11. Section 210 of the workers' compensation law, as added by chap-
4 ter 600 of the laws of 1949, is amended to read as follows:

5 S 210. Employer contributions. 1. Every covered employer shall, on and
6 after January first, nineteen hundred fifty, contribute the cost of
7 providing disability AND FAMILY LEAVE benefits in excess of the contrib-
8 utions collected from his OR HER employees, to the extent and in the
9 manner provided in this article.

10 2. The special contribution of each covered employer to the accumu-
11 lation of funds to provide benefits for disabled unemployed shall be as
12 provided in subdivision one of section two hundred fourteen OF THIS
13 ARTICLE.

14 3. The contribution of every covered employer to the cost of providing
15 disability benefits after June thirtieth, nineteen hundred fifty, AND
16 PROVIDING DISABILITY AND FAMILY LEAVE BENEFITS AFTER JANUARY FIRST, TWO
17 THOUSAND EIGHTEEN, shall be the excess of such cost over the amount of
18 the contributions of his OR HER employees.

19 4. No profit shall be derived by any employer or association of
20 employers or of employees from providing payment of disability AND FAMI-
21 LY LEAVE benefits under this article. All funds representing contrib-
22 utions of employers and employees, and increments thereon, held by
23 employers or associations of employers or of employees authorized or
24 permitted to pay benefits under the provisions of this article, and by
25 trustees paying benefits under plans or agreements meeting the require-
26 ments of section two hundred eleven OF THIS ARTICLE, shall be trust
27 funds and shall be expended only to provide for the payment of benefits
28 to employees and for the costs of administering this article and for the
29 support of the fund established under section two hundred fourteen OF
30 THIS ARTICLE.

31 S 12. The opening paragraph and subdivisions 3, 4 and 5 of section 211
32 of the workers' compensation law, the opening paragraph as added by
33 chapter 600 of the laws of 1949, subdivision 3 as amended by chapter 207
34 of the laws of 1992, and subdivisions 4 and 5 as amended by chapter 197
35 of the laws of 1960, are amended, and new subdivisions 7 and 8 are added
36 to read as follows:

37 A covered employer shall, with his OR HER own contributions and the
38 contributions of his employees, provide disability AND AFTER JANUARY
39 FIRST, TWO THOUSAND EIGHTEEN, FAMILY LEAVE benefits to his OR HER
40 employees in one or more of the following ways:

41 3. by furnishing satisfactory proof to the chair of the employers
42 financial ability to pay such benefits, in which case the chair shall
43 require the deposit of such securities as the chair may deem necessary
44 [of the kind prescribed in subdivisions one, two, three, four and five
45 and paragraph a of subdivision seven of section two hundred thirty-five
46 of the banking law or the deposit of cash or the filing of irrevocable
47 letters of credit issued by a qualified banking institution as defined
48 by rules promulgated by the chair or the filing of the bond of a surety
49 company authorized to do business in this state, conditioned on the
50 payment by the employer of its obligations under this article and in
51 form approved by the chair, or the posting and filing of a combination
52 of such securities, cash, irrevocable letters of credit and surety bonds
53 in an amount to be determined by the chair, to secure his or her liabil-
54 ity to pay the compensation provided in this chapter. The amount of
55 deposit or of the penal sum of the bond shall be determined by the chair
56 and shall not be less than one-half the estimated contributions of the

1 employees of the employer for the ensuing year or one-half of the
2 contributions of the employees which would have been paid by the employ-
3 ees during the preceding year, whichever is the greater, or if such
4 amount is more than fifty thousand dollars an amount not less than fifty
5 thousand dollars. The chair shall have authority to deny an application
6 to provide benefits pursuant to this subdivision or to revoke approval
7 at any time for good cause shown. In the case of an employer who main-
8 tains a deposit of securities, irrevocable letters of credit or cash in
9 accordance with subdivision three of section fifty of this chapter, the
10 chair may reduce the amount of the deposit or of the penal sum of the
11 bond, provided the securities, irrevocable letters of credit or cash
12 deposited by or for such employer under subdivision three of section
13 fifty of this chapter are, by agreement satisfactory to the chair, made
14 available for the payment of unpaid benefits under this article with
15 respect to obligations incurred for disabilities commencing prior to the
16 effective date of such revocation] CONSISTENT WITH THE PROVISIONS OF
17 SUBDIVISION THREE OF SECTION FIFTY OF THIS CHAPTER. An association of
18 employers or employees authorized to pay benefits under this article or
19 the trustee or trustees paying benefits under a plan or agreement
20 authorized under subdivisions four and five of this section, may with
21 the approval of the chair furnish such proof and otherwise comply with
22 the provisions of this section to provide disability AND FAMILY LEAVE
23 benefits to employees under such plan or agreement.

24 4. by a plan in existence on the effective date of this article. If on
25 the effective date of this article the employees of a covered employer
26 or any class or classes of such employees are entitled to receive disa-
27 bility AND FAMILY LEAVE benefits under a plan or agreement which remains
28 in effect on July first, nineteen hundred fifty, the employer, subject
29 to the requirements of this section, shall be relieved of responsibility
30 for making provision for benefit payments required under this article
31 until the earliest date, determined by the [chairman] CHAIR for the
32 purposes of this article, upon which the employer shall have the right
33 to discontinue the provisions thereof or to discontinue his contrib-
34 utions towards the cost. Any such plan or agreement may be extended,
35 with or without modification, by agreement or collective bargaining
36 between an employer or employers or association of employers and an
37 association of employees, in which event the period for which the
38 employer is relieved of such responsibility shall include such period of
39 extension. Any other plan or agreement in existence on the effective
40 date of this article which the employer may, by his OR HER sole act,
41 terminate at any time, or with respect to which he OR SHE is not obli-
42 gated to continue for any period to make contributions, may be accepted
43 by the [chairman] CHAIR as satisfying the obligation to provide for the
44 payment of benefits under this article if such plan or agreement
45 provides benefits at least as favorable as the disability AND FAMILY
46 LEAVE benefits provided by this article and does not require contrib-
47 utions of any employee or of any class or classes of employees in excess
48 of the statutory amount provided in SUBDIVISION THREE OF section two
49 hundred nine OF THIS ARTICLE, subdivision three, except by agreement and
50 provided the contribution is reasonably related to the value of the
51 benefits as determined by the CHAIR [chairman]. The [chairman] CHAIR may
52 require that the employer shall enter into an agreement in writing with
53 the [chairman] CHAIR that he OR SHE will pay the assessments set forth
54 in sections two hundred fourteen and two hundred twenty-eight and that
55 until he OR SHE shall have filed written notice with the CHAIR [chair-
56 man] of his OR HER election to terminate such plan or agreement or to

1 discontinue making necessary contributions to its cost, he OR SHE will
2 continue to provide for the payment of the disability AND FAMILY LEAVE
3 benefits under such plan or agreement.

4 During any period in which any plan or agreement or extension thereof
5 authorized under this subdivision provides for payment of benefits under
6 this article, the responsibility of the employer and the obligations and
7 benefits of the employees shall be as provided in said plan or agreement
8 rather than as provided under this article, other than the benefits
9 provided in section two hundred seven, and provided the employer or
10 carrier has agreed to pay the assessments described in sections two
11 hundred fourteen and two hundred twenty-eight.

12 Any such plan or agreement may be extended with or without modifica-
13 tion, provided the benefits under such plan or agreement, as extended or
14 modified, shall be found by the [chairman] CHAIR to be at least as
15 favorable as the benefits provided by this article.

16 5. by a new plan or agreement. After the effective date of this arti-
17 cle, a new plan or agreement with a carrier may be accepted by the CHAIR
18 [chairman] as satisfying the obligation to provide for the payment of
19 benefits under this article if such plan or agreement shall provide
20 benefits at least as favorable as the disability AND FAMILY LEAVE bene-
21 fits provided by this article and does not require contributions of any
22 employee or of any class or classes of employees in excess of the statu-
23 tory amount provided in section two hundred nine, subdivision three,
24 except by agreement and provided the contribution is reasonably related
25 to the value of the benefits as determined by the [chairman] CHAIR. Any
26 such plan or agreement shall continue until written notice filed with
27 the [chairman] CHAIR of intention to terminate such plan or agreement,
28 and any modification of such plan or agreement shall be subject to the
29 written approval of the [chairman] CHAIR.

30 During any period in which any plan or agreement or extension thereof
31 authorized under this subdivision provides for payment of benefits under
32 this article, the responsibility of the employer and the obligations and
33 benefits of the employees shall be as provided in said plan or agreement
34 rather than as provided under this article, other than the benefits
35 provided in section two hundred seven, and provided the employer or
36 carrier has agreed to pay the assessments described in sections two
37 hundred fourteen and two hundred twenty-eight.

38 7. PREMIUMS FOR POLICIES PROVIDING DISABILITY OR FAMILY LEAVE BENEFITS
39 IN ACCORDANCE WITH THIS ARTICLE SHALL BE CALCULATED IN ACCORDANCE WITH
40 APPLICABLE PROVISIONS OF THE INSURANCE LAW, INCLUDING SUBSECTION (N) OF
41 SECTION FOUR THOUSAND TWO HUNDRED AND THIRTY-FIVE OF SUCH LAW.

42 8. AN EMPLOYER PROVIDING DISABILITY BENEFITS COVERAGE PURSUANT TO
43 SUBDIVISION THREE OF THIS SECTION MAY OBTAIN COVERAGE FOR FAMILY LEAVE
44 BENEFITS SEPARATELY PURSUANT TO SUBDIVISION ONE OR SUBDIVISION TWO OF
45 THIS SECTION.

46 S 13. Subdivisions 1, 2, 4 and 5 of section 212 of the workers'
47 compensation law, subdivision 1 as amended by chapter 740 of the laws of
48 1960, subdivision 2 as amended by chapter 120 of the laws of 1969,
49 subdivision 4 as amended by chapter 205 of the laws of 1993, and subdi-
50 vision 5 as added by chapter 593 of the laws of 1992, are amended to
51 read as follows:

52 1. Any employer not required by this article to provide for the
53 payment of disability OR FAMILY LEAVE benefits to his employees, or to
54 any class or classes thereof, may become a covered employer or bring
55 within the provisions of this article such employees or class or classes
56 thereof by voluntarily electing to provide for payment of such benefits

1 in one or more of the ways set forth in section two hundred eleven OF
2 THIS ARTICLE; but such election shall be subject to the approval of the
3 [chairman] CHAIR, and if the employees are required to contribute to the
4 cost of such benefits the assent within thirty days before such approval
5 is granted, of more than one-half of such employees shall be evidenced
6 to the satisfaction of the [chairman] CHAIR. On approval by the [chair-
7 man] CHAIR of such election to provide benefits, all the provisions of
8 this article shall become and continue applicable as if the employer
9 were a covered employer as defined in this article. The obligation to
10 continue as a covered employer with respect to employees for whom
11 provision of benefits is not required under this article, may be discon-
12 tinued by such employer on ninety days notice to the [chairman] CHAIR in
13 writing and to his OR HER employees, after he OR SHE has provided for
14 payment of benefits for not less than one year and with such provision
15 for payment of obligations incurred on and prior to the termination date
16 as the [chairman] CHAIR may approve.

17 2. Notwithstanding the definition of "employer" and "employment" in
18 section two hundred one of this article, a public authority, a municipal
19 corporation or a fire district or other political subdivision may become
20 a covered employer FOR THE PURPOSE OF PROVIDING DISABILITY BENEFITS
21 under this article by complying with the provisions of subdivision one
22 of this section and may discontinue such status only as provided in that
23 subdivision.

24 4. (A) An executive officer of a corporation who at all times during
25 the period involved owns all of the issued and outstanding stock of the
26 corporation and holds all of the offices pursuant to paragraph (e) of
27 section seven hundred fifteen of the business corporation law or two
28 executive officers of a corporation who at all times during the period
29 involved between them own all of the issued and outstanding stock of
30 such corporation and hold all such offices provided, however, that each
31 officer must own at least one share of stock and who is the executive
32 officer or who are the executive officers of a corporation having other
33 persons who are employees required to be covered under this article,
34 shall be deemed to be included in the corporation's disability AND FAMI-
35 LY LEAVE benefits insurance contract or covered by a certificate of
36 self-insurance or a plan under section two hundred eleven of this arti-
37 cle, unless the officer or officers elect to be excluded from the cover-
38 age of this article. Such election shall be made by any such corporation
39 filing with the insurance carrier, or the chair of the workers' compen-
40 sation board in the case of self-insurance, upon a form prescribed by
41 the [chairman] CHAIR, a notice that the corporation elects to exclude
42 the executive officer or officers of such corporation named in the
43 notice from the coverage of this article. Such election shall be effec-
44 tive with respect to all policies issued to such corporation by such
45 insurance carrier as long as it shall continuously insure the corpo-
46 ration. Such election shall be final and binding upon the executive
47 officer or officers named in the notice until revoked by the corpo-
48 ration.

49 (B) NOTWITHSTANDING THE DEFINITION OF "EMPLOYER" IN SECTION TWO
50 HUNDRED ONE OF THIS ARTICLE, A SOLE PROPRIETOR, MEMBER OF A LIMITED
51 LIABILITY COMPANY OR LIMITED LIABILITY PARTNERSHIP, OR OTHER SELF-EM-
52 PLOYED PERSON MAY BECOME A COVERED EMPLOYER UNDER THIS ARTICLE BY
53 COMPLYING WITH THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION.

54 5. A spouse who is an employee of a covered employer shall be deemed
55 to be included in the employer's disability AND FAMILY LEAVE benefits
56 insurance contract or covered by a certificate of self-insurance or a

1 plan under section two hundred eleven of this article, unless the
2 employer elects to exclude such spouse from the coverage of this arti-
3 cle. Such election shall be made by any such employer filing with the
4 insurance carrier, or the chair of the workers' compensation board in
5 the case of self-insurance, upon a form prescribed by the chair, a
6 notice that the employer elects to exclude such spouse named in the
7 notice from the coverage of this article. Such election shall be effec-
8 tive with respect to all policies issued to such employer by such insur-
9 ance carrier as long as it shall continuously insure the employer. Such
10 election shall be final and binding upon the spouse named in the notice
11 until revoked by the employer.

12 S 14. The workers' compensation law is amended by adding new sections
13 212-a and 212-b to read as follows:

14 S 212-A. NOTWITHSTANDING THE DEFINITION OF "EMPLOYER" AND "EMPLOYMENT"
15 SET FORTH IN SECTION TWO HUNDRED ONE OF THIS ARTICLE AND THE REQUIREMENT
16 FOR INSURANCE POLICIES TO OFFER BOTH DISABILITY AND FAMILY LEAVE COVER-
17 AGE SET FORTH IN TWO HUNDRED TWENTY SIX OF THIS ARTICLE, THE STATE, ANY
18 POLITICAL SUBDIVISION OF THE STATE, A PUBLIC AUTHORITY OR ANY OTHER
19 GOVERNMENTAL AGENCY OR INSTRUMENTALITY, MAY ELECT TO BECOME A COVERED
20 EMPLOYER SOLELY FOR THE PURPOSE OF FAMILY LEAVE BENEFITS. COVERAGE FOR
21 FAMILY LEAVE BENEFITS MAY BE SECURED BY A PUBLIC EMPLOYER, AS THAT TERM
22 IS DEFINED IN SUBDIVISION ONE OF SECTION TWO HUNDRED TWELVE-B OF THIS
23 ARTICLE, AS PERMITTED BY THIS ARTICLE, INCLUDING AS APPLICABLE SECTION
24 TWO HUNDRED ELEVEN, SUBDIVISION FOUR OF SECTION FIFTY, OR SECTION EIGHT-
25 Y-EIGHT-C. THE PROVIDER OF FAMILY LEAVE COVERAGE FOR SUCH PUBLIC EMPLOY-
26 EES SHALL BE EXEMPT FROM THE REQUIREMENT THAT INSURANCE POLICIES OFFER
27 BOTH DISABILITY AND FAMILY LEAVE BENEFITS IN SECTION TWO HUNDRED TWEN-
28 TY-SIX OF THIS ARTICLE.

29 S 212-B. PUBLIC EMPLOYEES; PUBLIC EMPLOYEES REPRESENTED BY AN EMPLOYEE
30 ORGANIZATION; EMPLOYEE OPT IN.

31 1. FOR PURPOSES OF THIS SECTION, "PUBLIC EMPLOYEE" MEANS ANY EMPLOYEE
32 OF THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, A PUBLIC AUTHORITY
33 OR ANY OTHER GOVERNMENTAL AGENCY OR INSTRUMENTALITY. "PUBLIC EMPLOYER"
34 MEANS THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, A PUBLIC
35 AUTHORITY OR ANY OTHER GOVERNMENTAL AGENCY OR INSTRUMENTALITY THEREOF.
36 "EMPLOYEE ORGANIZATION" SHALL HAVE THE SAME MEANING SET FORTH IN SECTION
37 TWO HUNDRED ONE OF THE CIVIL SERVICE LAW.

38 2. PUBLIC EMPLOYERS SHALL PROVIDE BENEFITS FOR FAMILY LEAVE TO PUBLIC
39 EMPLOYEES IN ACCORDANCE WITH THE PROCEDURES AND TERMS SET FORTH IN
40 SUBDIVISION THREE OF THIS SECTION.

41 3. (A) AN EMPLOYEE ORGANIZATION MAY, PURSUANT TO COLLECTIVE BARGAIN-
42 ING, OPT IN TO PAID FAMILY LEAVE BENEFITS ON BEHALF OF THOSE PUBLIC
43 EMPLOYEES IT IS EITHER CERTIFIED OR RECOGNIZED, WITHIN THE MEANING OF
44 ARTICLE 14 OF THE CIVIL SERVICE LAW, TO REPRESENT AT ANY TIME THAT IS
45 MUTUALLY AGREED UPON BETWEEN THE EMPLOYEE ORGANIZATION AND ANY PUBLIC
46 EMPLOYER. AN EMPLOYEE ORGANIZATION THAT HAS OPTED IN TO PAID FAMILY
47 LEAVE BENEFITS MAY, PURSUANT TO COLLECTIVE BARGAINING, OPT OUT OF IT AS
48 IS MUTUALLY AGREED UPON BETWEEN THE EMPLOYEE ORGANIZATION AND ANY PUBLIC
49 EMPLOYER.

50 B. FOR PUBLIC EMPLOYEES WHO ARE NOT REPRESENTED BY AN EMPLOYEE ORGAN-
51 IZATION, THE PUBLIC EMPLOYER MAY OPT-IN TO PAID FAMILY LEAVE BENEFITS
52 WITHIN NINETY DAYS NOTICE TO SUCH PUBLIC EMPLOYEES. FOLLOWING OPT-IN BY
53 A PUBLIC EMPLOYER FOR PUBLIC EMPLOYEES NOT REPRESENTED BY AN EMPLOYEE
54 ORGANIZATION, THE PUBLIC EMPLOYER MAY OPT-OUT OF PAID FAMILY LEAVE BENE-
55 FITS WITH TWELVE MONTHS NOTICE TO THOSE PUBLIC EMPLOYEES.

1 4. IN THE ABSENCE OF ANY CONTRARY STATEMENT IN A COLLECTIVELY NEGOTI-
2 ATED AGREEMENT UNDER ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW, A PUBLIC
3 EMPLOYER MAY REQUIRE PUBLIC EMPLOYEES WHO OPT IN UNDER THIS SECTION TO
4 PROVIDE THE MAXIMUM EMPLOYEE CONTRIBUTION, AS DEFINED IN PARAGRAPH (B)
5 OF SUBDIVISION THREE OF SECTION TWO HUNDRED NINE OF THIS ARTICLE.

6 S 15. Subdivision 1 of section 213 of the workers' compensation law,
7 as amended by chapter 784 of the laws of 1980, is amended and a new
8 subdivision 3 is added to read as follows:

9 1. Whenever a covered employer does not comply with this article by
10 providing for the payment of disability AND FAMILY LEAVE benefits to his
11 OR HER employees in one or more of the ways provided in section two
12 hundred eleven OF THIS ARTICLE or whenever a carrier fails to pay the
13 benefits required by this article to employees of a covered employer,
14 then such employer shall be fully and directly liable to each of his OR
15 HER employees for the payment of benefits provided by this article. The
16 amount of the benefits to which employees of such employers are entitled
17 under this article and attendance fees of [their] ANY attending [physi-
18 cians or attending podiatrists] HEALTH CARE PROVIDER fixed pursuant to
19 subdivision two of section two hundred thirty-two OF THIS ARTICLE shall,
20 on order of the [chairman] CHAIR, be paid out of the fund established
21 under section two hundred fourteen OF THIS ARTICLE. In case of non-com-
22 pliance of the employer, such employer shall forthwith pay to the
23 [chairman] CHAIR, for credit to the fund, the sum so expended or one
24 [per cent] PERCENT of his OR HER payroll for his OR HER employees in
25 employment during the period of non-compliance, whichever is greater;
26 provided, however, that if it shall appear to the satisfaction of the
27 [chairman] CHAIR that the default in payment of benefits or the non-com-
28 pliance of the employer otherwise with his OR HER obligation under this
29 article was inadvertent, the [chairman] CHAIR may fix the sum payable in
30 such case for non-compliance or default at the amount paid out of the
31 fund and a sum less than one [per cent] PERCENT of such payroll, and in
32 addition the penalties for non-compliance imposed under this article. In
33 case of failure of the carrier to pay benefits, the employer shall
34 forthwith pay to the [chairman] CHAIR, for credit to the fund, the sum
35 so expended.

36 3. THE PROVISIONS OF SECTION ONE HUNDRED FORTY-ONE-B OF THIS CHAPTER
37 SHALL NOT APPLY TO VIOLATIONS OF THIS SECTION AFTER JANUARY FIRST, TWO
38 THOUSAND EIGHTEEN AND BEFORE JANUARY FIRST, TWO THOUSAND TWENTY. THERE-
39 AFTER, IN THE EVENT AN EMPLOYER IS SUBJECT TO DEBARMENT SOLELY DUE TO A
40 PENALTY FOR VIOLATION OF THIS SECTION, THE CHAIR MAY, IN THE INTERESTS
41 OF JUSTICE, RESTORE THE EMPLOYER'S ELIGIBILITY TO SUBMIT A BID ON OR BE
42 AWARDED ANY PUBLIC WORK CONTRACT OR SUBCONTRACT. THE CHAIR MAY EXERCISE
43 THIS AUTHORITY ONLY IF IT IS THE EMPLOYER'S FIRST TIME VIOLATION OF
44 SECTION ONE HUNDRED FORTY-ONE-B OF THIS CHAPTER; THE EMPLOYER IS NOT
45 LIABLE FOR ANY OUTSTANDING WORKERS' COMPENSATION, DISABILITY OR FAMILY
46 LEAVE CLAIMS AS A RESULT OF THE LACK OF COVERAGE; AND THE EMPLOYER HAS
47 PAID ALL FINES, ASSESSMENTS, AND PENALTIES ASSOCIATED WITH THE LACK OF
48 COVERAGE.

49 S 16. Section 217 of the workers' compensation law, as added by chap-
50 ter 600 of the laws of 1949, subdivision 1 as amended by chapter 167 of
51 the laws of 1999, subdivisions 2 and 3 as amended by chapter 270 of the
52 laws of 1990, and subdivision 6 as amended by chapter 344 of the laws of
53 1994, is amended to read as follows:

54 S 217. Notice and proof of claim. 1. Written notice and proof of
55 disability OR PROOF OF NEED FOR FAMILY LEAVE shall be furnished to the
56 employer by or on behalf of the employee claiming benefits or, in the

1 case of a claimant under section two hundred seven of this article, to
2 the chair, within thirty days after commencement of the period of disa-
3 bility. Additional proof shall be furnished thereafter from time to time
4 as the employer or carrier or chair may require but not more often than
5 once each week. Such proof shall include a statement of disability by
6 the employee's [attending physician or attending podiatrist or attending
7 chiropractor or attending dentist or attending psychologist or attending
8 certified nurse midwife] OR FAMILY LEAVE CARE RECIPIENT'S HEALTH CARE
9 PROVIDER, or in the case of an employee who adheres to the faith or
10 teachings of any church or denomination, and who in accordance with its
11 creed, tenets or principles depends for healing upon prayer through
12 spiritual means alone in the practice of religion, by an accredited
13 practitioner, containing facts and opinions as to such disability in
14 compliance with regulations of the chair. Failure to furnish notice or
15 proof within the time and in the manner above provided shall not invali-
16 date the claim but no benefits shall be required to be paid for any
17 period more than two weeks prior to the date on which the required proof
18 is furnished unless it shall be shown to the satisfaction of the chair
19 not to have been reasonably possible to furnish such notice or proof and
20 that such notice or proof was furnished as soon as possible; provided,
21 however, that no benefits shall be paid unless the required proof of
22 disability is furnished within [twenty-six weeks after commencement of
23 the period of disability] THE PERIOD OF ACTUAL DISABILITY OR FAMILY
24 LEAVE THAT DOES NOT EXCEED THE STATUTORY MAXIMUM PERIOD PERMITTED UNDER
25 SECTION TWO HUNDRED FIVE OF THIS ARTICLE. No limitation of time
26 provided in this section shall run as against any [person] DISABLED
27 EMPLOYEE who is mentally incompetent, or physically incapable of provid-
28 ing such notice as a result of a serious medical condition, or a minor
29 so long as such person has no guardian of the person and/or property.

30 2. An employee claiming DISABILITY benefits shall, as requested by the
31 employer or carrier, submit himself or herself at intervals, but not
32 more than once a week, for examination by [a physician or podiatrist or
33 chiropractor or dentist or psychologist or certified nurse midwife] AN
34 ACCREDITED HEALTH CARE PROVIDER designated by the employer or carrier.
35 All such examinations shall be without cost to the employee and shall be
36 held at a reasonable time and place.

37 3. The chair OR CHAIR'S DESIGNEE may direct the claimant OR FAMILY
38 LEAVE CARE RECIPIENT to submit to examination by a [physician or podia-
39 trist or chiropractor or dentist or psychologist] HEALTH CARE PROVIDER
40 designated by him or her in any case in which the claim to disability OR
41 FAMILY LEAVE benefits is contested and in claims arising under section
42 two hundred seven OF THIS ARTICLE, and in other cases as the chair or
43 board may require.

44 4. Refusal of the claimant OR FAMILY LEAVE CARE RECIPIENT without good
45 cause to submit to any such examination shall disqualify [him] THE
46 CLAIMANT OR EMPLOYEE from all benefits hereunder for the period of such
47 refusal, except as to benefits already paid.

48 5. If benefits required to be paid by this article have been paid to
49 an employee, further payments for the same disability OR FAMILY LEAVE
50 shall not be barred solely because of failure to give notice or to file
51 proof of disability for the period or periods for which such benefits
52 have been paid.

53 6. In the event that a claim for benefits is rejected, the carrier or
54 employer shall send by first class mail written notice of rejection to
55 the [claimant] EMPLOYEE within forty-five days of receipt of proof of
56 disability. Failure to mail such written notice of rejection within the

1 time provided, shall bar the employer or carrier from contesting enti-
2 tlement to benefits for any period of disability prior to such notice
3 but such failure may be excused by the [chairman] CHAIR if it can be
4 shown to the satisfaction of the [chairman] CHAIR not to have been
5 reasonably possible to mail such notice and that such notice was mailed
6 as soon as possible. Such notice shall include a statement, in a form
7 prescribed by the [chairman] CHAIR, to the effect that the [claimant]
8 EMPLOYEE may, for the purpose of review [by the board], file [with the
9 chairman] notice that his or her claim has not been paid AS SET FORTH IN
10 SECTION TWO HUNDRED TWENTY-ONE OF THIS ARTICLE.

11 S 17. Section 219 of the workers' compensation law, as amended by
12 chapter 688 of the laws of 1953, is amended to read as follows:

13 S 219. Enforcement of payment in default. In case of a default in the
14 payment of any benefits, assessments or penalties payable under this
15 article by an employer who has failed to comply with the provisions of
16 section two hundred eleven of this [chapter] ARTICLE or refusal of such
17 employer to reimburse the fund under section two hundred fourteen OF
18 THIS ARTICLE for the expenditures made therefrom pursuant to section two
19 hundred thirteen OF THIS ARTICLE or to deposit within ten days after
20 demand the estimated value of benefits not presently payable, the
21 [chairman] CHAIR may file with the county clerk for the county in which
22 the employer has his principal place of business (1) a certified copy of
23 the decision of the board, OR ALTERNATIVE DISPUTE RESOLUTION ASSOCIATION
24 DESIGNATED BY THE CHAIR PURSUANT TO SECTION TWO HUNDRED TWENTY-ONE OF
25 THIS ARTICLE, or order of the [chairman] CHAIR, or (2) a certified copy
26 of the demand for deposit of security, and thereupon judgment must be
27 entered in the supreme court by the clerk of such county in conformity
28 therewith immediately upon such filing.

29 S 18. Section 220 of the workers' compensation law, as added by chap-
30 ter 600 of the laws of 1949, subdivision 1 as amended by chapter 387 of
31 the laws of 1984, subdivision 2 as amended by chapter 626 of the laws of
32 1979, subdivision 3 as amended by chapter 415 of the laws of 1983,
33 subdivision 4 as amended by chapter 645 of the laws of 1981, subdivision
34 5 as amended by chapter 940 of the laws of 1973, subdivision 7 as
35 amended by chapter 61 of the laws of 1989 and subdivision 8 as amended
36 by chapter 213 of the laws of 1993, is amended to read as follows:

37 S 220. Penalties. 1. Any employer who fails to make provision for
38 payment of disability OR FAMILY LEAVE benefits as required by section
39 two hundred eleven of this article within ten days following the date on
40 which such employer becomes a covered employer as defined in section two
41 hundred two OF THIS ARTICLE shall be guilty of a misdemeanor and upon
42 conviction be punishable by a fine of not less than one hundred nor more
43 than five hundred dollars or imprisonment for not more than one year or
44 both, except that where any person has previously been convicted of a
45 failure to make provisions for payment of disability OR FAMILY LEAVE
46 benefits within the preceding five years, upon conviction for a second
47 violation such person shall be fined not less than two hundred fifty nor
48 more than one thousand two hundred fifty dollars in addition to any
49 other penalties including fines otherwise provided by law, and upon
50 conviction for a third or subsequent violation such person may be fined
51 up to two thousand five hundred dollars in addition to any other penal-
52 ties including fines otherwise provided by law. Where the employer is a
53 corporation, the president, secretary, treasurer, or officers exercising
54 corresponding functions, shall each be liable under this section.

55 2. The [chairman] CHAIR or any officer of the board designated by him
56 OR HER, upon finding that an employer has failed to make provision for

1 the payment of disability OR FAMILY LEAVE benefits, shall impose upon
2 such employer a penalty not in excess of a sum equal to one-half of one
3 per centum of his OR HER weekly payroll for the period of such failure
4 and a further sum not in excess of five hundred dollars, which sums
5 shall be paid into the fund created under section two hundred fourteen
6 OF THIS ARTICLE.

7 3. If for the purpose of obtaining any benefit or payment under the
8 provisions of this article, or for the purpose of influencing any deter-
9 mination regarding any benefit payment, either for himself OR HERSELF or
10 any other person, any person, employee, employer or carrier wilfully
11 makes a false statement or representation or fails to disclose a materi-
12 al fact, he OR SHE shall be guilty of a misdemeanor.

13 4. Whenever a carrier shall fail to make prompt payment of disability
14 OR FAMILY LEAVE benefits payable under this article and after [hearing
15 before an officer designated by the chairman] A DETERMINATION BY THE
16 CHAIR'S DESIGNEE for that purpose, the [chairman] CHAIR OR DESIGNEE
17 shall determine that failure to make such prompt payment was without
18 just cause, the [chairman] CHAIR OR DESIGNEE shall collect from the
19 carrier a sum not in excess of twenty-five per centum of the amount of
20 the benefits as to which the carrier failed to make payment, which sum
21 shall be credited to the special fund for disability benefits. In addi-
22 tion, the [chairman] CHAIR OR DESIGNEE may collect and pay over to the
23 employee the sum of ten dollars in respect to each week, or fraction
24 thereof, for which benefits have not been promptly paid.

25 5. In addition to other penalties herein provided, the [chairman]
26 CHAIR OR DESIGNEE shall remove from the list of [physicians] HEALTH CARE
27 PROVIDERS authorized to render medical care under the provisions [of
28 articles one to eight, inclusive,] of this chapter [and from the list of
29 podiatrists authorized to render podiatric care under section thirteen-k
30 of this chapter, and from the list of chiropractors authorized to render
31 chiropractic care under section thirteen-l of this chapter the name of
32 any physician or podiatrist or chiropractor] whom [he] THE CHAIR OR
33 DESIGNEE shall find, after reasonable investigation, has submitted to
34 the employer or carrier or [chairman] CHAIR in connection with any claim
35 for disability benefits under this article, a statement of disability
36 that is not truthful and complete.

37 6. In addition to other penalties herein provided, any person who for
38 the purpose of obtaining any benefit or payment under this article or
39 for the purpose of influencing any determination regarding any benefit
40 payment, knowingly makes a false statement with regard to a material
41 fact, shall not be entitled to receive benefits with respect to the
42 disability claimed or any disability benefits during the period of
43 twelve calendar months thereafter; but this penalty shall not be applied
44 more than once with respect to each such offense.

45 7. All fines imposed under subdivisions one and three OF THIS SECTION,
46 except as herein otherwise provided, shall be paid directly and imme-
47 diately by the officer collecting the same to the chair, and be paid
48 into the state treasury, provided, however, that all such fines
49 collected by justices of the peace of towns and police justices of
50 villages shall be paid to the state comptroller in accordance with the
51 provisions of section twenty-seven of the town law [and section one
52 hundred eighty-five of the village law, respectively].

53 8. (a) The head of a state or municipal department, board, commission
54 or office authorized or required by law to issue any permit for or in
55 connection with any work involving the employment of employees in
56 employment as defined in this article, and notwithstanding any general

1 or special statute requiring or authorizing the issue of such permits,
2 shall not issue such permit unless proof duly subscribed by an insurance
3 carrier is produced in a form satisfactory to the chair, that the
4 payment of disability benefits AND AFTER JANUARY FIRST, TWO THOUSAND
5 TWENTY-ONE, THE PAYMENT OF FAMILY LEAVE BENEFITS for all employees has
6 been secured as provided by this article. Nothing herein, however,
7 shall be construed as creating any liability on the part of such state
8 or municipal department, board, commission or office to pay any disabili-
9 ty benefits to any such employee if so employed.

10 (b) The head of a state or municipal department, board, commission or
11 office authorized or required by law to enter into any contract for or
12 in connection with any work involving the employment of employees in
13 employment as defined in this article, and notwithstanding any general
14 or special statute requiring or authorizing any such contract, shall not
15 enter into any such contract unless proof duly subscribed by an insur-
16 ance carrier is produced in a form satisfactory to the chair, that the
17 payment of disability benefits AND AFTER JANUARY FIRST, TWO THOUSAND
18 EIGHTEEN, THE PAYMENT OF FAMILY LEAVE BENEFITS for all employees has
19 been secured as provided by this article.

20 S 19. Section 221 of the workers' compensation law, as separately
21 amended by chapters 425 and 500 of the laws of 1985, is amended to read
22 as follows:

23 S 221. Determination of contested claims for disability AND FAMILY
24 LEAVE benefits. [Within twenty-six weeks] IN ACCORDANCE WITH REGU-
25 LATIONS ADOPTED BY THE CHAIR, WITHIN TWENTY-SIX WEEKS of written notice
26 of rejection of claim, the employee may file with the [chairman] CHAIR a
27 notice that his or her claim for disability OR FAMILY LEAVE benefits has
28 not been paid, and the employee shall submit proof of disability OR
29 ENTITLEMENT TO FAMILY LEAVE and of his or her employment, wages and
30 other facts reasonably necessary for determination of the employee's
31 right to such benefits. Failure to file such notice within the time
32 provided, may be excused [by the chairman] if it can be shown [to the
33 satisfaction of the chairman] not to have been reasonably possible to
34 furnish such notice and that such notice was furnished as soon as possi-
35 ble. On demand [of the chairman] the employer or carrier shall forth-
36 with deliver to the [chairman] BOARD the original or a true copy of the
37 [attending physician's or attending podiatrist's or accredited practi-
38 tioner's statement] HEALTH CARE PROVIDER'S REPORT, wage and employment
39 data and all other papers in the possession of the employer or carrier
40 with respect to such claim.

41 The [board] CHAIR OR DESIGNEE shall have full power and authority to
42 determine all issues in relation to every such claim for disability OR
43 FAMILY LEAVE benefits required or provided under this article[, and
44 shall file its decision in the office of the chairman. Upon such filing,
45 the chairman shall send to the parties a copy of the decision. Either
46 party may present evidence and be represented by counsel at any hearing
47 on such claim. The decision of the board shall be final as to all ques-
48 tions of fact and, except as provided in section twenty-three of this
49 chapter, as to all questions of law]. Every decision [of the board]
50 shall be complied with in accordance with its terms within ten days
51 thereafter except [in case of appeal] AS PERMITTED BY LAW UPON THE
52 FILING OF A REQUEST FOR REVIEW, and any payments due under such decision
53 shall draw simple interest from thirty days after the making thereof at
54 the rate provided in section five thousand four of the civil practice
55 law and rules. THE CHAIR SHALL ADOPT RULES AND REGULATIONS TO CARRY OUT
56 THE PROVISIONS OF THIS ARTICLE INCLUDING BUT NOT LIMITED TO RESOLUTION

1 OF CONTESTED CLAIMS AND REQUESTS FOR REVIEW THEREOF, AND PAYMENT OF
2 COSTS FOR RESOLUTION OF DISPUTED CLAIMS BY CARRIERS. THE CHAIR SHALL
3 HAVE AUTHORITY TO PROVIDE FOR ALTERNATIVE DISPUTE RESOLUTION PROCEDURES
4 FOR CLAIMS ARISING UNDER THIS ARTICLE INCLUDING BUT NOT LIMITED TO
5 REFERRAL AND SUBMISSION OF DISPUTED CLAIMS TO MANDATORY ARBITRATION WITH
6 PRIVATE ARBITRATION ASSOCIATIONS, AND ANY DETERMINATION MADE BY ALTERNA-
7 TIVE DISPUTE RESOLUTION SHALL NOT BE REVIEWABLE BY THE BOARD AND THE
8 VENUE FOR ANY APPEAL SHALL BE TO A COURT OF COMPETENT JURISDICTION.

9 S 20. Section 222 of the workers' compensation law, as added by chap-
10 ter 600 of the laws of 1949, is amended to read as follows:

11 S 222. Technical rules of evidence or procedure not required. The
12 [chairman or] CHAIR, the board OR THE CHAIR'S DESIGNEE, in making an
13 investigation or inquiry or conducting a hearing shall not be bound by
14 common law or statutory rules of evidence or by technical or formal
15 rules of procedure, except as provided by this chapter; but may make
16 such investigation or inquiry or conduct such hearing in such manner as
17 to ascertain the substantial rights of the parties.

18 S 21. Sections 223 and 224 of the workers' compensation law are
19 REPEALED.

20 S 22. Section 225 of the workers' compensation law, as added by chap-
21 ter 600 of the laws of 1949, is amended to read as follows:

22 S 225. Fees for representing employees. Claims of attorneys and coun-
23 sellors-at-law for services in connection with any contested claim aris-
24 ing under this article shall not be enforceable unless approved by the
25 board. If so approved, such fee or fees shall become a lien upon the
26 benefits ordered, but shall be paid therefrom only in the manner fixed
27 by the board OR THE ALTERNATIVE DISPUTE RESOLUTION ASSOCIATION. Any
28 other person, firm, corporation, organization, or other association who
29 shall exact or receive any fee or gratuity for any services rendered on
30 behalf of an employee except in an amount SO determined [by the board]
31 shall be guilty of a misdemeanor. Any person, firm, corporation, organ-
32 ization, or association who shall solicit the business [of appearing
33 before the board on behalf] of an employee claiming benefits under this
34 article, or who shall make it a business to solicit employment for a
35 lawyer in connection with any claim for disability OR FAMILY LEAVE bene-
36 fits under this article, or who shall exact or receive any fee or gratu-
37 ity or other charge with respect to the collection of any uncontested
38 claim for disability OR FAMILY LEAVE benefits, shall be guilty of a
39 misdemeanor.

40 S 23. Subdivision 5 of section 226 of the workers' compensation law,
41 as amended by chapter 211 of the laws of 1983, is amended and three new
42 subdivisions 7, 8 and 9 are added to read as follows:

43 5. No contract of insurance issued by an insurance carrier providing
44 the benefits to be paid under this article shall be cancelled within the
45 time limited in such contract for its expiration unless notice is given
46 as required by this section. When cancellation is due to non-payment of
47 premiums such cancellation shall not be effective until at least ten
48 days after a notice of cancellation of such contract, on a date speci-
49 fied in such notice, shall be filed in the office of the [chairman]
50 CHAIR and also served on the employer. When cancellation is due to any
51 reason other than non-payment of premiums such cancellation shall not be
52 effective until at least thirty days after a notice of cancellation of
53 such contract, on a date specified in such notice, shall be filed in the
54 office of the [chairman] CHAIR and also served on the employer;
55 provided, however, in either case that if insurance with another insur-
56 ance carrier has been obtained which becomes effective prior to the

1 expiration of the time stated in such notice, the cancellation shall be
2 effective as of the date of such other coverage. Such notice shall be
3 served on the employer [by] AS PRESCRIBED BY THE CHAIR, INCLUDING deliv-
4 ering it to him [or by sending it by certified or registered mail,
5 return receipt requested, addressed to the employer at his or its last
6 known place of business] OR HER BY ELECTRONIC MEANS; provided that, if
7 the employer be a partnership, then such notice may be given to any one
8 of the partners, and if the employer be a corporation then the notice
9 may be given to any agent or officer of the corporation upon whom legal
10 process may be served, provided, however, the right to cancellation of a
11 policy of insurance in the state fund shall be exercised only for
12 nonpayment of premiums or as provided in section ninety-four of this
13 chapter.

14 7. THE CHAIR MAY REQUIRE BY REGULATION THAT EVERY POLICY OF INSURANCE
15 CONTAIN A PROVISION REQUIRING THAT ALL DISPUTES BE RESOLVED BY MANDATORY
16 ARBITRATION, IN ACCORDANCE WITH SUCH REGULATIONS.

17 8. PREMIUMS FOR POLICIES PROVIDING DISABILITY OR FAMILY LEAVE BENEFITS
18 IN ACCORDANCE WITH THIS ARTICLE SHALL BE CALCULATED IN ACCORDANCE WITH
19 APPLICABLE PROVISIONS OF THE INSURANCE LAW, INCLUDING SUBSECTION (N) OF
20 SECTION FOUR THOUSAND TWO HUNDRED THIRTY-FIVE OF SUCH LAW.

21 9. EXCEPT AS SET FORTH IN SUBDIVISION EIGHT OF SECTION TWO HUNDRED
22 ELEVEN OF THIS ARTICLE, EVERY POLICY OF INSURANCE ISSUED PURSUANT TO
23 THIS ARTICLE MUST OFFER COVERAGE FOR BOTH DISABILITY AND FAMILY LEAVE
24 BENEFITS.

25 S 24. The section heading of section 227 of the workers' compensation
26 law, as amended by chapter 805 of the laws of 1984, is amended to read
27 as follows:

28 Actionable injuries IN CLAIMS FOR DISABILITY BENEFITS; subrogation.

29 S 25. Subdivision 1 of section 228 of the workers' compensation law,
30 as added by section 27 of part GG of chapter 57 of the laws of 2013, is
31 amended to read as follows:

32 1. The estimated annual expenses necessary for the workers' compen-
33 sation board OR DEPARTMENT OF FINANCIAL SERVICES to administer the
34 provisions of the disability AND FAMILY LEAVE benefits law shall be
35 borne by all affected employers and included as part of the assessment
36 rate generated pursuant to subdivision two of section one hundred
37 fifty-one of this chapter.

38 S 26. Section 229 of the workers' compensation law, as amended by
39 chapter 271 of the laws of 1985, is amended to read as follows:

40 S 229. Posting of notice and providing of notice of rights. 1. Each
41 covered employer shall post and maintain in a conspicuous place or plac-
42 es in and about the employer's place or places of business typewritten
43 or printed notices in form prescribed by the [chairman] CHAIR, stating
44 that the employer has provided for the payment of disability AND FAMILY
45 LEAVE benefits as required by this article. The [chairman] CHAIR may
46 require any covered employer to furnish a written statement at any time
47 showing the carrier insuring the payment of benefits under this article
48 or the manner in which such employer has complied with section two
49 hundred eleven OF THIS ARTICLE or any other provision of this article.
50 Failure for a period of ten days to furnish such written statement shall
51 constitute presumptive evidence that such employer has neglected or
52 failed in respect of any of the matters so required.

53 2. Whenever an employee of a covered employer who is eligible for
54 benefits under section two hundred four of this article shall be absent
55 from work due to a disability OR TO PROVIDE FAMILY CARE as defined in
56 subdivision nine AND SUBDIVISION TWENTY-FIVE RESPECTIVELY, of section

1 two hundred one of this article for more than seven consecutive days,
2 the employer shall provide the employee with a written statement of the
3 employee's rights under this article in a form prescribed by the [chair-
4 man] CHAIR. The statement shall be provided to the employee within five
5 business days after the employee's seventh consecutive day of absence
6 due to disability OR FAMILY LEAVE or within five business days after the
7 employer [knows or should know] HAS RECEIVED NOTICE that the employee's
8 absence is due to disability OR FAMILY LEAVE, whichever is later.

9 S 27. Section 232 of the workers' compensation law, as amended by
10 chapter 270 of the laws of 1990, is amended to read as follows:

11 S 232. Fees FOR TESTIMONY of [physicians, podiatrists, chiropractors,
12 dentists and psychologists] HEALTH CARE PROVIDERS. Whenever his or her
13 attendance at a hearing, DEPOSITION OR ARBITRATION before the board or
14 [its referees] THE CHAIR'S DESIGNEE is required, the attending [physi-
15 cian or attending podiatrist or attending chiropractor or attending
16 dentist or attending psychologist or attending certified nurse midwife
17 of the disabled employee, except such physicians as are disqualified
18 from testifying pursuant to subdivision one of section thirteen-b, or
19 section nineteen-a of this chapter, and except such podiatrists as are
20 disqualified from testifying under the provisions of section thirteen-k,
21 and except such chiropractors as are disqualified from testifying under
22 the provisions of section thirteen-l, and except such psychologists as
23 are disqualified from testifying under the provisions of section thir-
24 teen-m,] HEALTH CARE PROVIDER shall be entitled to receive a fee [from
25 the carrier or the fund established under section two hundred fourteen,
26 in an amount as directed and fixed by the board, or its referees, and
27 such fee shall be in addition to any witness fee] IN ACCORDANCE WITH
28 REGULATIONS OF THE CHAIR.

29 S 28. Section 237 of the workers' compensation law, as added by chap-
30 ter 600 of the laws of 1949, is amended to read as follows:

31 S 237. Reimbursement for advance payments by employers. If an employer
32 has made advance payments of benefits or has made payments to an employ-
33 ee in like manner as wages during any period of disability OR FAMILY
34 LEAVE for which such employee is entitled to the benefits provided by
35 this article, he OR SHE shall be entitled to be reimbursed by the carri-
36 er out of any benefits due or to become due for the existing disability
37 OR FAMILY LEAVE, if THE claim for reimbursement is filed with the carri-
38 er prior to payment of the benefits BY THE CARRIER.

39 S 29. Section 238 of the workers' compensation law, as added by chap-
40 ter 600 of the laws of 1949, is amended to read as follows:

41 S 238. Payments to minors. Minors shall be deemed to be sui juris for
42 the purpose of [receiving] payment of benefits under this article.

43 S 30. Section 239 of the workers' compensation law, as added by chap-
44 ter 600 of the laws of 1949, is amended to read as follows:

45 S 239. Representation before the board. Any person, firm, or corpo-
46 ration licensed by the board under section twenty-four-a OF THIS ARTICLE
47 or subdivision three-b of section fifty OF THIS CHAPTER shall be deemed
48 to be authorized to appear in behalf of claimants or self insured
49 employers, as the case may be, in contested disability OR FAMILY LEAVE
50 claims under this article.

51 S 31. The section heading and the opening paragraph of section 120 of
52 the workers' compensation law, as amended by chapter 61 of the laws of
53 1989, are amended to read as follows:

54 Discrimination against employees [who bring proceedings]. It shall be
55 unlawful for any employer or his or her duly authorized agent to
56 discharge OR FAIL TO REINSTATE PURSUANT TO SECTION TWO HUNDRED THREE-B

1 OF THIS CHAPTER, or in any other manner discriminate against an employee
2 as to his or her employment because such employee has claimed or
3 attempted to claim compensation from such employer, OR CLAIMED OR
4 ATTEMPTED TO CLAIM ANY BENEFITS PROVIDED UNDER THIS CHAPTER or because
5 he or she has testified or is about to testify in a proceeding under
6 this chapter and no other valid reason is shown to exist for such action
7 by the employer.

8 S 32. Subdivision 2 of section 76 of the workers' compensation law, as
9 added by chapter 600 of the laws of 1949, is amended to read as follows:

10 2. The purposes of the state insurance fund herein created are hereby
11 enlarged to provide [for the] insurance [by the state insurance fund of]
12 FOR the payment of the benefits required by section two hundred four of
13 this chapter INCLUDING BENEFITS FOR FAMILY CARE. A separate fund is
14 hereby created within the state insurance fund, which shall be known as
15 the "disability benefits fund", and which shall consist of all premiums
16 received and paid into said fund on account of such insurance, all secu-
17 rities acquired by and through the use of moneys belonging to said fund
18 and of interest earned upon moneys belonging to said fund and deposited
19 or invested as herein provided. Said disability benefits fund shall be
20 applicable to the payment of benefits, expenses and assessments on
21 account of insurance written pursuant to article nine of this chapter.
22 PREMIUMS FOR POLICIES PROVIDING DISABILITY AND FAMILY LEAVE BENEFITS IN
23 ACCORDANCE WITH THIS ARTICLE SHALL BE CALCULATED IN ACCORDANCE WITH
24 APPLICABLE PROVISIONS OF THE INSURANCE LAW, INCLUDING SUBSECTION (N) OF
25 SECTION FOUR THOUSAND TWO HUNDRED THIRTY-FIVE OF SUCH LAW. THE STATE
26 INSURANCE FUND SHALL HAVE AUTHORITY TO DISCOUNT OR SURCHARGE ON ESTAB-
27 LISHED PREMIUM RATES BASED ON SOUND ACTUARIAL PRINCIPLES.

28 S 33. Section 88-c of the workers' compensation law, as added by chap-
29 ter 103 of the laws of 1981, is amended to read as follows:

30 S 88-c. Coverage of state employees. Notwithstanding any other
31 provisions of law to the contrary AND EXCEPT AS SET FORTH IN SECTION TWO
32 HUNDRED AND TWELVE-A OF THIS CHAPTER, the liability of the state for the
33 payment of compensation under this chapter heretofore existing or here-
34 inafter arising shall be secured by an insuring agreement to be entered
35 into between the department of civil service and the state insurance
36 fund wherein the state, from moneys appropriated therefor, shall pay in
37 advance to the fund on a periodic basis the actual costs to the fund for
38 the meeting and paying, as the same become due and payable, all obli-
39 gations incurred under this chapter by the state as an employer.
40 Notwithstanding any law to the contrary, the fund may on an actuarially
41 sound basis provide to the state insurance for any portion of the obli-
42 gations of the state as employer under this chapter with respect to
43 injuries or deaths resulting from accidents arising out of and in the
44 course of employment on or after April first, nineteen hundred eighty-
45 one. All such payments made by the state and paid into the state fund
46 shall constitute a separate account in the fund to be used solely for
47 the purpose of discharging all compensation obligations of the state
48 pursuant to the provisions of this chapter and in accordance with the
49 insuring agreement as provided in this section. Any portion of the
50 account may be invested in the same manner as the assets of the fund as
51 provided in section eighty-seven of this article. The liability of the
52 fund for the payment of any claims or the meeting of any obligations of
53 the state as an employer as provided in this chapter shall not exceed
54 the moneys paid into such separate account and any increments or diminu-
55 tions thereof. The agreement shall further provide that the fund shall
56 render all services and make all reasonable expenditures necessary or

1 required for the processing, defense and payment of all claims under
2 this chapter, including the protection of liens, subrogation, credit and
3 other rights of the state as an employer or the fund as an insurer, in
4 situations where the employees' injuries or deaths were caused by culpa-
5 bility of third parties. Except to the extent that the state obtains
6 insurance on an actuarially sound basis pursuant to the provisions of
7 this section, the provisions of section eighty-six of this chapter with
8 respect to the maintenance of reserves for the purpose of meeting antic-
9 ipated compensation losses, shall not in any manner be applicable to
10 claims of employees of the state with respect to injuries or deaths
11 resulting from accidents arising out of and in the course of employment
12 prior to April first, nineteen hundred eighty-one, or to an insuring
13 agreement entered into between the state insurance fund and the depart-
14 ment of civil service in accordance with the provisions of this section.

15 S 34. Subdivision 1 of section 141-a of the workers' compensation law,
16 as added by chapter 6 of the laws of 2007, is amended to read as
17 follows:

18 1. To investigate violations of sections fifty-two [and], one hundred
19 thirty-one AND TWO HUNDRED THIRTEEN of this chapter, the chair or his or
20 her designees shall have the power to:

21 (a) Enter and inspect any place of business at any reasonable time for
22 the purpose of investigating employer compliance.

23 (b) Examine and copy business records.

24 (c) Administer oaths and affirmations.

25 (d) Issue and serve subpoenas for attendance of witnesses or
26 production of business records, books, papers, correspondence, memoran-
27 da, and other records. Such subpoenas may be served without the state on
28 any defendant over whom a New York court would have personal jurisdic-
29 tion under the civil practice law and rules as to the subject matter
30 under investigation, provided the information or testimony sought bears
31 a reasonable relationship to the subject matter under investigation.

32 S 35. Section 318 of the workers' compensation law, as added by chap-
33 ter 788 of the laws of 1951, is amended to read as follows:

34 S 318. Rules of evidence; modification of board decisions or orders;
35 appeals. The provisions of [sections] SECTION two hundred twenty-two [,
36 two hundred twenty-three and two hundred twenty-four] OF THIS CHAPTER
37 are made applicable to claims for compensation under this article.

38 S 36. Paragraph 3 of subsection (a) of section 1113 of the insurance
39 law is amended to read as follows:

40 (3) "Accident and health insurance," means (i) insurance against death
41 or personal injury by accident or by any specified kind or kinds of
42 accident and insurance against sickness, ailment or bodily injury,
43 including insurance providing disability AND FAMILY LEAVE benefits
44 pursuant to article nine of the workers' compensation law, except as
45 specified in item (ii) hereof; and (ii) non-cancellable disability
46 insurance, meaning insurance against disability resulting from sickness,
47 ailment or bodily injury (but excluding insurance solely against acci-
48 dental injury) under any contract which does not give the insurer the
49 option to cancel or otherwise terminate the contract at or after one
50 year from its effective date or renewal date.

51 S 37. Paragraphs 1 and 4 of subsection (h) of section 4235 of the
52 insurance law are amended and a new subsection (n) is to added read as
53 follows:

54 (1) Each domestic insurer and each foreign or alien insurer doing
55 business in this state shall file with the superintendent its schedules
56 of premium rates, rules and classification of risks for use in

1 connection with the issuance of its policies of group accident, group
2 health or group accident and health insurance, and of its rates of
3 commissions, compensation or other fees or allowances to agents and
4 brokers pertaining to the solicitation or sale of such insurance and of
5 such fees or allowances, exclusive of amounts payable to persons who are
6 in the regular employ of the insurer, other than as agent or broker to
7 any individuals, firms or corporations pertaining to such class of busi-
8 ness, whether transacted within or without the state. A GROUP ACCIDENT
9 AND HEALTH INSURANCE POLICY PROVIDING DISABILITY AND FAMILY LEAVE BENE-
10 FITS PURSUANT TO ARTICLE NINE OF THE WORKERS' COMPENSATION LAW SHALL BE
11 SUBJECT TO THE REQUIREMENTS OF SUBSECTION (N) OF THIS SECTION.

12 (4) Nothing herein shall prohibit the state insurance fund from taking
13 into account peculiar hazards of individual risks in establishing higher
14 premium rates to be charged for insurance providing for the payment of
15 disability [or] AND FAMILY LEAVE benefits in accordance with article
16 nine of the workers' compensation law.

17 (N)(1) ON OR BEFORE JUNE FIRST, TWO THOUSAND SEVENTEEN, THE SUPER-
18 INTENDENT OF FINANCIAL SERVICES BY REGULATION, IN CONSULTATION WITH THE
19 CHAIR OF THE WORKERS' COMPENSATION BOARD OF THIS STATE, SHALL DETERMINE
20 WHETHER A GROUP ACCIDENT AND HEALTH INSURANCE POLICY PROVIDING DISABILI-
21 TY OR FAMILY LEAVE BENEFITS PURSUANT TO ARTICLE 9 OF THE WORKERS'
22 COMPENSATION LAW, INCLUDING POLICIES ISSUED BY THE STATE INSURANCE FUND,
23 SHALL BE EXPERIENCE RATED OR COMMUNITY RATED, WHICH MAY INCLUDE SUBJECT-
24 ING THE POLICY TO A RISK ADJUSTMENT MECHANISM.

25 (2) IF THE POLICY IS SUBJECTED TO A RISK ADJUSTMENT MECHANISM, THE
26 SUPERINTENDENT OF FINANCIAL SERVICES SHALL PROMULGATE REGULATIONS NECES-
27 SARY FOR THE IMPLEMENTATION OF THIS SUBSECTION IN CONSULTATION WITH THE
28 CHAIR OF THE WORKERS' COMPENSATION BOARD OF THIS STATE. ANY SUCH RISK
29 ADJUSTMENT MECHANISM SHALL BE ADMINISTERED DIRECTLY BY THE SUPERINTEN-
30 DENT OF FINANCIAL SERVICES OF THIS STATE, IN CONSULTATION WITH THE CHAIR
31 OF THE WORKERS' COMPENSATION BOARD OF THIS STATE, OR BY A THIRD PARTY
32 VENDOR SELECTED BY THE SUPERINTENDENT OF FINANCIAL SERVICES IN CONSULTA-
33 TION WITH THE CHAIR OF THE WORKERS' COMPENSATION BOARD.

34 (3) "RISK ADJUSTMENT MECHANISM" AS USED IN THIS SUBSECTION MEANS THE
35 PROCESS USED TO EQUALIZE THE PER MEMBER PER MONTH CLAIM AMOUNTS AMONG
36 INSURERS IN ORDER TO PROTECT INSURERS FROM DISPROPORTIONATE ADVERSE
37 RISKS.

38 S 38. Subdivision (c) of section 1108 of the insurance law, as amended
39 by chapter 838 of the laws of 1985, is amended to read as follows:

40 (c) The state insurance fund of this state, except as to the
41 provisions of subsection (d) of section two thousand three hundred thir-
42 ty-nine, section three thousand one hundred ten, subsection (a), para-
43 graph one of subsection (b), paragraph three of subsection (c) and
44 subsection (d) of section three thousand two hundred one, sections three
45 thousand two hundred two, three thousand two hundred four, subsections
46 (a) through (d) of section three thousand two hundred twenty-one,
47 subsections (b) and (c) of section four thousand two hundred twenty-
48 four, section four thousand two hundred twenty-six and subsections (a)
49 and (b) [and], (g) through (j), AND (N) of section four thousand two
50 hundred thirty-five of this chapter and except as otherwise specifically
51 provided by the laws of this state.

52 S 39. Section 242 of the workers' compensation law, as added by chap-
53 ter 600 of the laws of 1949, is amended to read as follows:

54 S 242. Separability of provisions; FEDERAL LAW; REGULATIONS. 1. If
55 any provision of this [act] ARTICLE or the application thereof to any
56 person or circumstances is held invalid, the remainder of this [act]

1 ARTICLE and the application of such provision to other persons or
2 circumstances shall not be affected thereby.

3 2. NOTHING IN THIS ARTICLE SHALL BE INTERPRETED OR APPLIED SO AS TO
4 CREATE A CONFLICT WITH FEDERAL LAW.

5 3. THE CHAIR SHALL HAVE AUTHORITY TO ADOPT REGULATIONS TO EFFECTUATE
6 ANY OF THE PROVISIONS OF THIS ARTICLE.

7 S 40. This act shall take effect April 1, 2016 and shall apply to all
8 policies or contracts issued, renewed, modified, altered or amended on
9 or after such effective date; provided, however, that effective imme-
10 diately, the addition, amendment and/or repeal of any rule or regulation
11 necessary for the implementation of this act on its effective date are
12 authorized and directed to be made and completed on or before such
13 effective date.

14 PART I

15 Intentionally Omitted

16 PART J

17 Intentionally Omitted

18 PART K

19 Intentionally Omitted

20 PART L

21 Section 1. Paragraph (d) of subdivision 4 of section 209 of the civil
22 service law, as amended by chapter 67 of the laws of 2013, is amended to
23 read as follows:

24 (d) The provisions of this subdivision shall expire [thirty-nine years
25 from July first, nineteen hundred seventy-seven, and hereafter may be
26 renewed every four years] JULY FIRST, TWO THOUSAND NINETEEN.

27 S 2. Paragraph (f) of subdivision 6 of section 209 of the civil
28 service law, as added by chapter 67 of the laws of 2013, is amended to
29 read as follows:

30 (f) The provisions of this subdivision shall expire [three years from]
31 July first, two thousand [thirteen] NINETEEN.

32 S 3. This act shall take effect immediately.

33 PART M

34 Section 1. The opening paragraph of subdivision 3 of section 93-b of
35 the state finance law, as added by section 1 of part H of chapter 60 of
36 the laws of 2015, is amended to read as follows:

37 Notwithstanding any other provisions of law to the contrary, for the
38 state fiscal year commencing on April first, two thousand [fifteen]
39 SIXTEEN, the comptroller is hereby authorized to transfer monies from
40 the dedicated infrastructure investment fund to the general fund, and
41 from the general fund to the dedicated infrastructure investment fund,
42 in an amount determined by the director of the budget to the extent
43 moneys are available in the fund; provided, however, that the comp-
44 troller is only authorized to transfer monies from the dedicated infras-
45 tructure investment fund to the general fund in the event of an economic
46 downturn as described in paragraph (a) of this subdivision; and/or to

1 fulfill disallowances and/or settlements related to over-payments of
 2 federal medicare and medicaid revenues in excess of one hundred million
 3 dollars from anticipated levels, as determined by the director of the
 4 budget and described in paragraph (b) of this subdivision.

5 S 2. This act shall take effect immediately.

6 PART N

7 Intentionally Omitted

8 PART O

9 Intentionally Omitted

10 PART P

11 Intentionally omitted

12 PART Q

13 Section 1. Section 1000 of the retirement and social security law, as
 14 added by chapter 548 of the laws of 2000, subdivision 9 as added by
 15 chapter 547 of the laws of 2002 and subdivision 10 as added by chapter
 16 18 of the laws of 2012, is amended to read as follows:

17 S 1000. Military service credit. Notwithstanding any law to the
 18 contrary, a member of a public retirement system of the state, as
 19 defined in subdivision twenty-three of section five hundred one of this
 20 chapter, shall be eligible for credit for military service as hereinaft-
 21 er provided:

22 1. A member, upon application to such retirement system, may obtain a
 23 total not to exceed three years of service credit for up to three years
 24 of military duty, as defined in section two hundred forty-three of the
 25 military law, if the member was honorably discharged from the military
 26 [and all or part of such military service was rendered during the
 27 following periods: (a) commencing December seventh, nineteen hundred
 28 forty-one and terminating December thirty-first, nineteen hundred
 29 forty-six; (b) commencing June twenty-seventh, nineteen hundred fifty
 30 and terminating January thirty-first, nineteen hundred fifty-five; or
 31 (c) commencing February twenty-eighth, nineteen hundred sixty-one and
 32 terminating May seventh, nineteen hundred seventy-five;

33 2. A member, upon application to such retirement system, may obtain a
 34 total not to exceed three years of service credit for up to three years
 35 of military duty, as defined in section two hundred forty-three of the
 36 military law, if honorably discharged therefrom, if all or part of such
 37 services was rendered in the military conflicts referenced below, as
 38 follows:

39 (a) hostilities participated in by the military forces of the United
 40 States in Lebanon, from the first day of June, nineteen hundred eighty-
 41 three to the first day of December, nineteen hundred eighty-seven, as
 42 established by receipt of the armed forces expeditionary medal, the navy
 43 expeditionary medal, or the marine corps expeditionary medal;

44 (b) hostilities participated in by the military forces of the United
 45 States in Grenada, from the twenty-third day of October, nineteen
 46 hundred eighty-three to the twenty-first day of November, nineteen
 47 hundred eighty-three, as established by receipt of the armed forces

1 expeditionary medal, the navy expeditionary medal, or the marine corps
2 expeditionary medal;

3 (c) hostilities participated in by the military forces of the United
4 States in Panama, from the twentieth day of December, nineteen hundred
5 eighty-nine to the thirty-first day of January, nineteen hundred ninety,
6 as established by receipt of the armed forces expeditionary medal, the
7 navy expeditionary medal, or the marine corps expeditionary medal; or

8 (d) hostilities participated in by the military forces of the United
9 States, from the second day of August, nineteen hundred ninety, to the
10 end of such hostilities in case of a veteran who served in the theater
11 of operations including Iraq, Kuwait, Saudi Arabia, Bahrain, Qatar, the
12 United Arab Emirates, Oman, the Gulf of Aden, the Gulf of Oman, the
13 Persian Gulf, the Red Sea, and the airspace above these locations].

14 [3] 2. A member must have at least five years of credited service (not
15 including service granted hereunder) to be eligible to receive credit
16 under this section.

17 [4] 3. To obtain such credit, a member shall pay such retirement
18 system, for deposit in the fund used to accumulate employer contribu-
19 tions, a sum equal to the product of the number of years of military
20 service being claimed and three percent of such member's compensation
21 earned during the twelve months of credited service immediately preced-
22 ing the date that the member made application for credit pursuant to
23 this section. If permitted by rule or regulation of the applicable
24 retirement system, the member may pay such member costs by payroll
25 deduction for a period which shall not exceed the time period of mili-
26 tary service to be credited pursuant to this section. In the event the
27 member leaves the employer payroll prior to completion of payment, he or
28 she shall forward all remaining required payments to the appropriate
29 retirement system prior to the effective date of retirement. If the full
30 amount of such member costs is not paid to the appropriate retirement
31 system prior to the member's retirement, the amount of service credited
32 shall be proportional to the total amount of the payments made prior to
33 retirement.

34 [5] 4. In no event shall the credit granted pursuant to this section,
35 when added to credit granted for military service with any retirement
36 system of this state pursuant to this or any other provision of law,
37 exceed a total of three years.

38 [6] 5. To be eligible to receive credit for military service under
39 this section, a member must make application for such credit before the
40 effective date of retirement. [Notwithstanding the foregoing provisions
41 of this subdivision, an individual who retired on or after December
42 twenty-first, nineteen hundred ninety-eight and before the effective
43 date of this section may make application for credit pursuant to this
44 section within one year following the effective date of this section, in
45 which event, the cost to the retiree would be based on the twelve month
46 period immediately preceding retirement.]

47 [7] 6. All costs for service credited to a member pursuant to this
48 section, other than the member costs set forth in subdivision three of
49 this section, shall be paid by the state and all employers which partic-
50 ipate in the retirement system in which such member is granted credit.

51 [8] 7. A member who has purchased military service credit pursuant to
52 section two hundred forty-four-a of the military law shall be entitled
53 to a refund of the difference between the amount paid by the member for
54 such purchase and the amount that would be payable if service had been
55 purchased pursuant to this section.

1 [9] 8. Notwithstanding any other provision of law, in the event of
2 death prior to retirement, amounts paid by the member for the purchase
3 of military service credit pursuant to this section shall be refunded,
4 with interest, to the extent the military service purchased with such
5 amounts does not produce a greater death benefit than would have been
6 payable had the member not purchased such credit.

7 Notwithstanding any other provision of law, in the event of retire-
8 ment, amounts paid by the member for the purchase of military service
9 credit pursuant to this section shall be refunded, with interest, to the
10 extent the military service purchased with such amounts does not produce
11 a greater retirement allowance than would have been payable had the
12 member not purchased such credit.

13 [10.] 9. Anything to the contrary in subdivision [four] THREE of this
14 section notwithstanding, to obtain such credit, a member who first joins
15 a public retirement system of the state on or after April first, two
16 thousand twelve shall pay such retirement system, for deposit in the
17 fund used to accumulate employer contributions, a sum equal to the prod-
18 uct of the number of years of military service being claimed and six
19 percent of such member's compensation earned during the twelve months of
20 credited service immediately preceding the date that the member made
21 application for credit pursuant to this section.

22 S 2. The sum of twenty-four million eight hundred thousand dollars
23 (\$24,800,000), or so much thereof as may be necessary, is hereby appro-
24 priated to the department of audit and control out of any moneys in the
25 state treasury in the general fund to the credit of the state purposes
26 account, not otherwise appropriated, and made immediately available, for
27 the purpose of carrying out the provisions of this act. Such moneys
28 shall be payable on the audit and warrant of the comptroller on vouchers
29 certified or approved by the head of the appropriate public retirement
30 system in the manner prescribed by law.

31 S 3. This act shall take effect immediately.

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

This bill would allow up to three (3) years of service credit for
military duty by removing all existing requirements that such military
service be performed during certain war periods, during certain hostil-
ities while in the theater of operations or upon receipt of an expedi-
tionary medal. However, the total service credit granted for active and
peacetime military service shall not exceed three (3) years. Members
must have at least five years of credited service (not including mili-
tary service). Tier 1-5 members would be required to make a payment of
three percent of their most recent compensation per year of additional
service credit granted by this bill. Tier 6 members would be required to
make a payment of six percent of their most recent compensation per year
of additional service credit.

If this bill is enacted, insofar as this proposal affects the New York
State and Local Employees' Retirement System (ERS), it is estimated that
the past service cost will average approximately 15% (12% for Tier 6) of
an affected members' compensation for each year of additional service
credit that is purchased.

Insofar as this proposal affects the New York State and Local Police
and Fire Retirement System (PFRS), it is estimated that the past service
cost will average approximately 19% (16% for Tier 6) of an affected
members' compensation for each year of additional service that is
purchased.

The exact number of current members as well as future members who
could be affected by this legislation cannot be readily determined.

ERS costs would be borne entirely by the State of New York. Since a member can apply for this service credit at any time prior to retirement, a precise cost can't be determined until each member, as well as future members, applies for the service credit. Every year a cost will be determined (and billed to the state) based on those benefiting from this provision.

PFRS costs would be shared by the State of New York and the participating employers in the PFRS.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2015 actuarial valuation. Distributions and other statistics can be found in the 2015 Report of the Actuary and the 2015 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2015 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated January 14, 2016 and intended for use only during the 2016 Legislative Session, is Fiscal Note No. 2016-25, prepared by the Actuary for the New York State and Local Retirement System.

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

With respect to certain New York City Retirement Systems (NYCRS), this proposed legislation would amend New York State Retirement and Social Security Law (RSSL) Section 1000 to provide certain members of the New York City Employees' Retirement System (NYCERS), the New York City Teachers' Retirement System (NYCTRS), the New York City Board of Education Retirement System (BERS), the New York City Police Pension Fund (POLICE) and the New York Fire Department Pension Fund (FIRE), collectively, the New York City Retirement Systems (NYCRS), the opportunity to obtain additional retirement service credits for certain Military Service.

This proposed legislation would permit any NYCRS member, prior to the effective date of retirement, to make application for these additional service credits.

To obtain such Military Service credits, members would be required to pay to the appropriate NYCRS, for each year of Military Service purchased, a sum equal to 3.0% (6.0% for members who first join on and after April 1, 2012) of such member's compensation earned during the twelve months of credited service immediately preceding the date that the member makes application for credit.

MEMBERS IMPACTED: Insofar as this proposed legislation relates to the NYCRS, the number of members who could potentially benefit from this proposed legislation cannot be readily determined.

IMPACT ON BENEFITS: With respect to the NYCRS, a member who served in the U.S. military and received an honorable discharge would be permitted, after completing five years of credited service (exclusive of the service credit that could be purchased under this proposed legislation), to purchase a maximum of three years of Military Service (inclusive of any prior purchases of Military Service credit).

In order to purchase the Military Service credits provided in this proposed legislation, a member must have been honorably discharged

following a period of "military duty" as defined in New York State Military Law Section 243.

If a member's Military Service meets these conditions, then that member would be permitted to purchase a maximum of three years of Military Service (inclusive of any previously-received Military Service credit) attributable to any period of the member's military career.

For purposes of the respective NYCERS, each year of Military Service credit purchased would apply toward providing the member with a year of benefit accrual under the particular benefit formula covering the member.

In certain circumstances, the member also may be entitled to utilize such Military Service as qualifying service for benefit eligibility purposes.

For purposes of this Fiscal Note, it has been assumed that members who purchase Military Service in accordance with this proposed legislation would generally be entitled to count such service for benefit accrual purposes and for the purpose of qualifying for benefits.

FINANCIAL IMPACT - OVERVIEW: With respect to an individual member, the additional cost of this proposed legislation would depend on the length of all New York City service, age, salary history and Plan in which the member participates, as well as the number of years of service credit purchased.

With respect to employers participating in the NYCERS, the ultimate employer cost of this proposed legislation would be determined by the increase in benefits to be paid, the impact of certain benefits commencing earlier and the reduction in certain future member contributions.

FINANCIAL IMPACT - ACTUARIAL PRESENT VALUES: The additional Actuarial Present Value (APV) of benefits would depend on the number, salaries, ages and lengths of Military Service purchased by members who would be affected by this proposed legislation.

With respect to the NYCERS and based on the census data and assumptions herein, the enactment of this proposed legislation would increase the Actuarial Present Value (APV) of benefits (APVB) by approximately \$147.1 million of June 30, 2016.

In addition, with respect to the NYCERS, the APV of future member contributions (primarily attributable to the payments by members of 3.0% (6.0% for members who first join on and after April 1, 2012) of salary per year of Military Service purchased) would increase by approximately \$22.2 million when measured as of June 30, 2016.

Consequently, with respect to the NYCERS, the APV of net future employer contributions would increase by approximately \$124.9 million as of June 30, 2016.

FINANCIAL IMPACT - ANNUAL EMPLOYER COSTS: The ultimate cost of a pension plan is the benefits it pays. With respect to the NYCERS, the financing of that ultimate cost depends upon the census data used and the actuarial assumptions and methods employed. Assuming that all eligible members were to purchase the eligible Military Service during Fiscal Year 2016 and based on the Actuary's actuarial assumptions and methods in effect as of June 30, 2015, the enactment of this proposed legislation would increase annual employer costs by approximately \$14.8 million per year.

FINANCIAL IMPACT - EMPLOYER CONTRIBUTIONS: The impact of the proposed legislation on employer contributions would be a function of the census data (i.e., age/service/salary, etc.) reported to the Actuary and of the timing of the members electing to buy back their Military Service.

With respect to the NYCERS, based on the Actuary's actuarial assumptions and methods in effect as of June 30, 2015, the enactment of this proposed legislation would ultimately increase employer contributions by approximately the estimated additional annual employer costs.

If applications for buying back Military Service were completed during Fiscal Year 2016 and the NYCERS census data were updated to reflect this information by June 30, 2016, then employer contributions would first be impacted for Fiscal Year 2018.

If the Military Service buybacks were completed after Fiscal Year 2016, then the increase in employer contributions would first occur after Fiscal Year 2018.

FINANCIAL IMPACT - SUMMARY: The following table summarizes the estimated financial impact of this proposed legislation on the NYCERS.

Estimated Financial Impact to Allow Members of the NYCERS
To Purchase up to Three Years of Military Service Credit
(\$ Millions)

Retirement System	Additional APV of Benefits	Additional APV of Future Employer Contributions{1}	Estimated First Year Additional Employer Costs{2}
NYCERS	\$51.0	\$42.9	\$5.1
NYCTRS	15.6	12.8	1.5
BERS	2.2	1.9	0.2
POLICE	61.8	53.0	6.3
FIRE	16.5	14.3	1.7
TOTAL	\$147.1	124.9	\$14.8

{1} Equals increase in APVB minus increase in APV of future member contributions.

{2} Estimated Additional Employer Costs are determined without regard to the funded status of the Retirement Systems and represent the best estimates of the ultimate annual financial burden of the proposed legislation. Estimated Additional Employer Contributions would ultimately approximate Estimated Additional Employer Costs.

ADDITIONAL EMPLOYER COSTS - GENERAL: In general, the real cost of the enactment of this proposed legislation would be the additional benefits paid.

This Fiscal Note does not include analyses of the impact of this proposed legislation on the expected increases in administrative costs or costs for Other Post-Employment Benefits (OPEB).

CENSUS DATA: The census data used for estimates of APV of benefits and employer contributions presented herein are the active members included in the June 30, 2015 (Lag) actuarial valuations of NYCERS, NYCTRS, BERS, POLICE and FIRE used to determine the Preliminary Fiscal Year 2017 employer contributions.

ACTUARIAL ASSUMPTIONS AND METHODS: Additional APV of benefits, of member contributions and of employer contributions have been estimated as of June 30, 2017 using various approximating techniques and assumptions by the Actuary, including, but not limited to:

* A certain percentage of Veterans being honorably discharged.

* A certain percentage of honorably discharged Veterans being disabled.

* Different percentages of members by NYCERS having prior Military Service.

* Each eligible member purchasing an average of 2.5 years of the Military Service.

Changes in employer contributions have been estimated assuming the increase in the APV of Future Employer Contributions would be financed over a time period comparable to that used for actuarial losses under the Entry Age Actuarial Cost Method. Using this approach, the Additional APV of Future Employer Contributions would be amortized over a closed 15-year period (14 payments under One-Year Lag Methodology) using level dollar payments.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for the New York City Retirement Systems. I am an Associate of the Society of Actuaries, a Fellow of the Conference of Consulting Actuaries, and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2016 Legislative Session. It is Fiscal Note 2016-04, dated March 1, 2016, prepared by the Chief Actuary for the New York City Employees' Retirement System, the New York City Teachers' Retirement System, the New York City Board of Education Retirement System, the New York City Police Pension Fund and the New York Fire Department Pension Fund.

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

This bill would amend Section 1000 of the Retirement and Social Security Law to allow active members of public retirement systems of New York State to claim service credit for up to three years of military service, regardless of when or where it was performed. Currently, active members can receive service credit for military service performed, but only during specified periods of war. A member must have at least five years of credited service to be eligible and make application for such credit before the effective date of retirement. To obtain such credit, a member must make payments as required in Section 1000 of the Retirement and Social Security Law. Tier 1, 2, 3, 4 and 5 members are required to pay three percent of salary earned during the twelve months of credited service immediately preceding the year in which a claim is made for each year of military service. Tier 6 members are required to pay six percent of salary earned during the twelve months of credited service immediately preceding the year in which a claim is made for each year of military service.

It is not possible to determine the total annual cost of this bill since the total amount of service credit which would be claimed under this bill cannot be estimated. Pursuant to Section 25 of the Retirement and Social Security Law, the cost to the New York State Teachers' Retirement System (NYSTRS) would be borne by the State of New York and would require an itemized appropriation adequate to pay the cost of this bill. The cost to the State of New York is estimated to be \$19,700 per year of service credited for Tier 1, 2, 3, 4 and 5 members and \$15,200 per year of service credited for Tier 6 members if this bill is enacted. Each year a cost will be computed and billed to the State of New York for those members of NYSTRS receiving a benefit under this bill.

Employee data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Comprehensive Annual Financial Report (CAFR). System assets are as reported in the System's financial statements, and can also be found in the CAFR. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Fiscal Note 2016-8 dated February 3, 2016 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2016 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

1 PART R

2 Section 1. The correction law is amended by adding a new section 23-a
3 to read as follows:

4 S 23-A. TRANSFER OF PAROLE VIOLATORS. 1. IF ANY PERSON PRESUMPTIVELY
5 RELEASED, PAROLED, CONDITIONALLY RELEASED, RELEASED TO POST-RELEASE
6 SUPERVISION, OR RECEIVED UNDER THE UNIFORM ACT FOR OUT-OF-STATE PAROLEE
7 SUPERVISION SHALL HAVE BEEN ARRESTED FOR VIOLATING ONE OR MORE CONDI-
8 TIONS OF HIS OR HER PRESUMPTIVE RELEASE, PAROLE, CONDITIONAL RELEASE OR
9 POST-RELEASE SUPERVISION, SUCH PERSON, AFTER TEN BUSINESS DAYS IN ANY
10 LOCAL CORRECTIONAL FACILITY, SHALL EITHER BE:

11 A. TRANSFERRED TO A STATE CORRECTIONAL FACILITY, WITH THE COSTS AND
12 RESPONSIBILITIES ASSOCIATED WITH SUCH TRANSFER BORNE BY THE DEPARTMENT
13 PURSUANT TO SECTION SIX HUNDRED TWO OF THIS CHAPTER; OR

14 B. KEPT IN SUCH LOCAL CORRECTIONAL FACILITY, WITH THE COUNTY'S COSTS
15 OF SUCH TEMPORARY DETAINMENT REIMBURSED BY THE DEPARTMENT WHERE SUCH
16 PERSON HAS BEEN CONVICTED OF A PAROLE VIOLATION AND A SENTENCE HAS BEEN
17 PRONOUNCED WHICH REQUIRES THAT HE OR SHE BE COMMITTED TO THE CUSTODY OF
18 THE COMMISSIONER.

19 2. THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY
20 IN ANY CITY HAVING A POPULATION OF ONE MILLION OR MORE INHABITANTS, OR
21 IF THE APPROPRIATE COURT GRANTS AN EXTENSION AUTHORIZING THE DETAINEE TO
22 REMAIN IN THE LOCAL CORRECTIONAL FACILITY FOR UP TO TWENTY DAYS PER
23 EXTENSION.

24 S 2. This act shall take effect on the one hundred twentieth day after
25 it shall have become a law. Effective immediately, the addition, amend-
26 ment and/or repeal of any rule or regulation necessary for the implemen-
27 tation of this act on its effective date is authorized to be made on or
28 before such date.

29 PART S

30 Section 1. Section 10 of the correction law is amended by adding a new
31 subdivision 5 to read as follows:

32 5. DUTIES TO BE PERFORMED EXCLUSIVELY BY GRADE TWENTY-ONE PAROLE OFFI-
33 CERS SHALL INCLUDE, BUT NOT BE LIMITED TO: EXECUTING PAROLE WARRANTS,
34 TRANSPORTING PAROLEES, CONDUCTING SUBSTANCE ABUSE TESTING OF PAROLEES,
35 CONDUCTING HOME OR FIELD VISITS WITH PAROLEES, CONDUCTING ANY INVESTI-
36 GATION RELATING TO PAROLEES VIOLATING THE TERMS AND CONDITIONS OF THEIR
37 RELEASE, OR ANY MATTER SPECIFICALLY RELATED TO PAROLEE SUPERVISION.

38 S 2. This act shall take effect immediately.

39 PART T

40 Section 1. Subparagraph (iv) of paragraph (c) of subdivision 1 and
41 subparagraph (v) of paragraph (b) of subdivision 3 of section 270.00 of
42 the penal law, as added by chapter 477 of the laws of 2014, are amended
43 to read as follows:

1 (iv) except in cities with a population of one million or more, [in
2 those counties and cities that opt by local law pursuant to paragraph
3 (b) of subdivision five of section 405.00 of this chapter,] "fireworks"
4 and "dangerous fireworks" shall not be deemed to include "sparkling
5 devices" as defined in subparagraph (vi) of paragraph (a) of this subdi-
6 vision.

7 (v) except in cities with a population of one million or more,
8 possession of sparkling devices lawfully obtained in [a jurisdiction
9 that did opt by local law pursuant to paragraph (b) of subdivision five
10 of section 405.00 of this chapter to exclude "sparkling devices" from
11 the definitions of "fireworks" and "dangerous fireworks", for the
12 purpose of lawful use in another jurisdiction that did opt by local law
13 pursuant to paragraph (b) of subdivision five of section 405.00 of this
14 chapter to exclude "sparkling devices" from the definitions of "fire-
15 works" and "dangerous fireworks". The superintendent of state police
16 shall annually publish a list of those jurisdictions that have opted by
17 local law pursuant to paragraph (b) of subdivision five of section
18 405.00 of this chapter to exclude "sparkling devices" from the defi-
19 nitions of "fireworks" and "dangerous fireworks"] ANOTHER JURISDICTION
20 WITHIN THE STATE.

21 S 2. Paragraph (b) of subdivision 5 of section 405.00 of the penal
22 law, as added by chapter 477 of the laws of 2014, is amended to read as
23 follows:

24 (b) [Further, no city or county shall be bound to include "sparkling
25 device" in the definitions of "fireworks" and "dangerous fireworks" in
26 section 270.00 of this chapter, if such city or county shall so author-
27 ize the exemption of "sparkling device" by law. If any such city or
28 county so elects, it] A CITY OR COUNTY and such other local jurisdic-
29 tions that lie within its geographical boundaries shall not enact any
30 [other] local law that is inconsistent with the provisions of subpara-
31 graph (iv) of paragraph (c) of subdivision one of section 270.00 of this
32 chapter, nor [to] regulate sparkling devices in a manner that is in
33 conflict with the provisions of NFPA 1124, 2006 edition.

34 S 3. This act shall take effect immediately.

35 PART U

36 Section 1. Section 10.00 of the penal law is amended by adding a new
37 subdivision 22 to read as follows:

38 22. "MEMBER OF THE MILITARY OR RESERVES" MEANS (A) A MEMBER OF THE
39 UNITED STATES ARMY, NAVY, AIR FORCE, MARINES, COAST GUARD, ARMY NATIONAL
40 GUARD, AIR NATIONAL GUARD AND/OR RESERVES THEREOF OR (B) A MEMBER OF THE
41 NEW YORK GUARD OR THE NEW YORK NAVAL MILITIA.

42 S 2. Section 120.08 of the penal law, as added by chapter 632 of the
43 laws of 1996, is amended to read as follows:

44 S 120.08 Assault on a peace officer, police officer, fireman [or], emer-
45 gency medical services professional OR A MEMBER OF THE MILI-
46 TARY OR RESERVES.

47 A person is guilty of assault on a peace officer, police officer,
48 fireman [or], emergency medical services professional OR A MEMBER OF THE
49 MILITARY OR RESERVES when, with intent to prevent a peace officer,
50 police officer, a fireman, including a fireman acting as a paramedic or
51 emergency medical technician administering first aid in the course of
52 performance of duty as such fireman, [or] an emergency medical service
53 paramedic or emergency medical service technician, OR A MEMBER OF THE
54 MILITARY OR RESERVES, from performing a lawful duty, he causes serious

1 physical injury to such peace officer, police officer, fireman, paramed-
2 ic [or], technician OR A MEMBER OF THE MILITARY OR RESERVES.

3 Assault on a peace officer, police officer, fireman [or], emergency
4 medical services professional OR A MEMBER OF THE MILITARY OR RESERVES is
5 a class C felony.

6 S 3. Section 125.27 of the penal law, as added by chapter 367 of the
7 laws of 1974, subdivision 1 as amended by chapter 1 of the laws of 1995,
8 subparagraph (ii-a) of paragraph (a) of subdivision 1 as added by chap-
9 ter 1 of the laws of 2013, subparagraph (vii) of paragraph (a) of subdivi-
10 sion 1 as amended by chapter 264 of the laws of 2003, subparagraph
11 (xii) of paragraph (a) of subdivision 1 as amended and subparagraph
12 (xiii) of paragraph (a) of subdivision 1 as added by chapter 300 of the
13 laws of 2001, is amended to read as follows:

14 S 125.27 Murder in the first degree.

15 A person is guilty of murder in the first degree when:

16 1. With intent to cause the death of another person, he OR SHE causes
17 the death of such person or of a third person; and

18 (a) Either:

19 (i) the intended victim was a police officer as defined in subdivision
20 [34] THIRTY-FOUR of section 1.20 of the criminal procedure law who was
21 at the time of the killing engaged in the course of performing his OR
22 HER official duties, and the defendant knew or reasonably should have
23 known that the intended victim was a police officer; or

24 (ii) the intended victim was a peace officer as defined in paragraph a
25 of subdivision twenty-one, subdivision twenty-three, twenty-four or
26 sixty-two (employees of the division for youth) of section 2.10 of the
27 criminal procedure law who was at the time of the killing engaged in the
28 course of performing his OR HER official duties, and the defendant knew
29 or reasonably should have known that the intended victim was such a
30 uniformed court officer, parole officer, probation officer, or employee
31 of the division for youth; or

32 (ii-a) the intended victim was a firefighter, emergency medical tech-
33 nician, ambulance driver, paramedic, physician or registered nurse
34 involved in a first response team, or any other individual who, in the
35 course of official duties, performs emergency response activities and
36 was engaged in such activities at the time of killing and the defendant
37 knew or reasonably should have known that the intended victim was such
38 firefighter, emergency medical technician, ambulance driver, paramedic,
39 physician or registered nurse; or

40 (iii) the intended victim was an employee of a state correctional
41 institution or was an employee of a local correctional facility as
42 defined in subdivision two of section forty of the correction law, who
43 was at the time of the killing engaged in the course of performing his
44 OR HER official duties, and the defendant knew or reasonably should have
45 known that the intended victim was an employee of a state correctional
46 institution or a local correctional facility; or

47 (iv) at the time of the commission of the killing, the defendant was
48 confined in a state correctional institution or was otherwise in custody
49 upon a sentence for the term of his OR HER natural life, or upon a
50 sentence commuted to one of natural life, or upon a sentence for an
51 indeterminate term the minimum of which was at least fifteen years and
52 the maximum of which was natural life, or at the time of the commission
53 of the killing, the defendant had escaped from such confinement or
54 custody while serving such a sentence and had not yet been returned to
55 such confinement or custody; or

1 (v) the intended victim was a witness to a crime committed on a prior
2 occasion and the death was caused for the purpose of preventing the
3 intended victim's testimony in any criminal action or proceeding whether
4 or not such action or proceeding had been commenced, or the intended
5 victim had previously testified in a criminal action or proceeding and
6 the killing was committed for the purpose of exacting retribution for
7 such prior testimony, or the intended victim was an immediate family
8 member of a witness to a crime committed on a prior occasion and the
9 killing was committed for the purpose of preventing or influencing the
10 testimony of such witness, or the intended victim was an immediate fami-
11 ly member of a witness who had previously testified in a criminal action
12 or proceeding and the killing was committed for the purpose of exacting
13 retribution upon such witness for such prior testimony. As used in this
14 subparagraph "immediate family member" means a husband, wife, father,
15 mother, daughter, son, brother, sister, stepparent, grandparent, step-
16 child or grandchild; or

17 (vi) the defendant committed the killing or procured commission of the
18 killing pursuant to an agreement with a person other than the intended
19 victim to commit the same for the receipt, or in expectation of the
20 receipt, of anything of pecuniary value from a party to the agreement or
21 from a person other than the intended victim acting at the direction of
22 a party to such agreement; or

23 (vii) the victim was killed while the defendant was in the course of
24 committing or attempting to commit and in furtherance of robbery,
25 burglary in the first degree or second degree, kidnapping in the first
26 degree, arson in the first degree or second degree, rape in the first
27 degree, criminal sexual act in the first degree, sexual abuse in the
28 first degree, aggravated sexual abuse in the first degree or escape in
29 the first degree, or in the course of and furtherance of immediate
30 flight after committing or attempting to commit any such crime or in the
31 course of and furtherance of immediate flight after attempting to commit
32 the crime of murder in the second degree; provided however, the victim
33 is not a participant in one of the aforementioned crimes and, provided
34 further that, unless the defendant's criminal liability under this
35 subparagraph is based upon the defendant having commanded another person
36 to cause the death of the victim or intended victim pursuant to section
37 20.00 of this chapter, this subparagraph shall not apply where the
38 defendant's criminal liability is based upon the conduct of another
39 pursuant to section 20.00 of this chapter; or

40 (viii) as part of the same criminal transaction, the defendant, with
41 intent to cause serious physical injury to or the death of an additional
42 person or persons, causes the death of an additional person or persons;
43 provided, however, the victim is not a participant in the criminal tran-
44 saction; or

45 (ix) prior to committing the killing, the defendant had been convicted
46 of murder as defined in this section or section 125.25 of this article,
47 or had been convicted in another jurisdiction of an offense which, if
48 committed in this state, would constitute a violation of either of such
49 sections; or

50 (x) the defendant acted in an especially cruel and wanton manner
51 pursuant to a course of conduct intended to inflict and inflicting
52 torture upon the victim prior to the victim's death. As used in this
53 subparagraph, "torture" means the intentional and depraved infliction of
54 extreme physical pain; "depraved" means the defendant relished the
55 infliction of extreme physical pain upon the victim evidencing debase-

1 ment or perversion or that the defendant evidenced a sense of pleasure
2 in the infliction of extreme physical pain; or

3 (xi) the defendant intentionally caused the death of two or more addi-
4 tional persons within the state in separate criminal transactions within
5 a period of twenty-four months when committed in a similar fashion or
6 pursuant to a common scheme or plan; or

7 (xii) the intended victim was a judge as defined in subdivision twen-
8 ty-three of section 1.20 of the criminal procedure law and the defendant
9 killed such victim because such victim was, at the time of the killing,
10 a judge; or

11 (xiii) the victim was killed in furtherance of an act of terrorism, as
12 defined in paragraph (b) of subdivision one of section 490.05 of this
13 chapter; [and] OR

14 (XIV) THE INTENDED VICTIM WAS A MEMBER OF THE NEW YORK GUARD OR THE
15 NEW YORK NAVAL MILITIA WHO WAS AT THE TIME OF THE KILLING ENGAGED IN THE
16 COURSE OF PERFORMING HIS OR HER OFFICIAL DUTIES, AND THE DEFENDANT KNEW
17 OR REASONABLY SHOULD HAVE KNOWN THAT THE INTENDED VICTIM WAS A MEMBER OF
18 THE NEW YORK GUARD OR THE NEW YORK NAVAL MILITIA; AND

19 (b) The defendant was more than eighteen years old at the time of the
20 commission of the crime.

21 2. In any prosecution under subdivision one, it is an affirmative
22 defense that:

23 (a) The defendant acted under the influence of extreme emotional
24 disturbance for which there was a reasonable explanation or excuse, the
25 reasonableness of which is to be determined from the viewpoint of a
26 person in the defendant's situation under the circumstances as the
27 defendant believed them to be. Nothing contained in this paragraph shall
28 constitute a defense to a prosecution for, or preclude a conviction of,
29 manslaughter in the first degree or any other crime except murder in the
30 second degree; or

31 (b) The defendant's conduct consisted of causing or aiding, without
32 the use of duress or deception, another person to commit suicide. Noth-
33 ing contained in this paragraph shall constitute a defense to a prose-
34 cution for, or preclude a conviction of, manslaughter in the second
35 degree or any other crime except murder in the second degree.

36 Murder in the first degree is a class A-I felony.

37 S 4. This act shall take effect immediately.

38 PART V

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

41 S 2. The penal law is amended by adding two new sections 195.03 and
42 195.04 to read as follows:

43 S 195.03 FAILURE TO REGISTER OR VERIFY AS A DOMESTIC VIOLENCE OFFENDER
44 IN THE SECOND DEGREE.

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

50 FAILURE TO REGISTER OR VERIFY AS A DOMESTIC VIOLENCE OFFENDER IN THE
51 SECOND DEGREE IS A CLASS E FELONY.

52 S 195.04 FAILURE TO REGISTER OR VERIFY AS A DOMESTIC VIOLENCE OFFENDER
53 IN THE FIRST DEGREE.

1 A PERSON IS GUILTY OF FAILURE TO REGISTER OR VERIFY AS A DOMESTIC
 2 VIOLENCE OFFENDER IN THE FIRST DEGREE WHEN HE OR SHE COMMITS THE CRIME
 3 OF FAILURE TO REGISTER OR VERIFY AS A DOMESTIC VIOLENCE OFFENDER IN THE
 4 SECOND DEGREE AND HAS PREVIOUSLY BEEN CONVICTED OF FAILURE TO REGISTER
 5 OR VERIFY AS A DOMESTIC VIOLENCE OFFENDER IN THE SECOND DEGREE AS
 6 DEFINED IN SECTION 195.03 OF THIS ARTICLE.

7 FAILURE TO REGISTER OR VERIFY AS A DOMESTIC VIOLENCE OFFENDER IN THE
 8 FIRST DEGREE IS A CLASS D FELONY.

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

11 ARTICLE 6-B

12 DOMESTIC VIOLENCE REGISTRATION ACT

13 SECTION 165. DEFINITIONS.

14 165-A. DUTIES OF THE DIVISION; REGISTRATION INFORMATION.

15 165-B. DOMESTIC VIOLENCE OFFENDER; RELOCATION; NOTIFICATION.

16 165-C. DUTIES OF THE COURT.

17 165-D. DISCHARGE OF DOMESTIC VIOLENCE OFFENDER FROM CORRECTIONAL
 18 FACILITY; DUTIES OF OFFICIAL IN CHARGE.

19 165-E. DUTY TO REGISTER AND TO VERIFY.

20 165-F. PRIOR CONVICTIONS; DUTY TO INFORM AND REGISTER.

21 165-G. DURATION OF REGISTRATION AND VERIFICATION.

22 165-H. REGISTRATION AND VERIFICATION REQUIREMENTS.

23 165-I. NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGE
 24 OF ADDRESS.

25 165-J. REGISTRATION FOR CHANGE OF ADDRESS FROM ANOTHER STATE.

26 165-K. SPECIAL TELEPHONE NUMBER.

27 165-L. IMMUNITY FROM LIABILITY.

28 165-M. ANNUAL REPORT.

29 165-N. FAILURE TO REGISTER; PENALTY.

30 165-O. UNAUTHORIZED RELEASE OF INFORMATION.

31 S 165. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING DEFINITIONS
 32 APPLY:

33 1. "DOMESTIC VIOLENCE OFFENDER" INCLUDES ANY PERSON WHO IS CONVICTED
 34 OF ANY OF THE DOMESTIC VIOLENCE OFFENSES SET FORTH IN SUBDIVISION TWO OF
 35 THIS SECTION. CONVICTIONS THAT RESULT FROM OR ARE CONNECTED WITH THE
 36 SAME ACT, OR RESULT FROM OFFENSES COMMITTED AT THE SAME TIME, SHALL BE
 37 COUNTED FOR THE PURPOSE OF THIS ARTICLE AS ONE CONVICTION. ANY
 38 CONVICTION SET ASIDE PURSUANT TO LAW IS NOT A CONVICTION FOR PURPOSES OF
 39 THIS ARTICLE.

40 2. "DOMESTIC VIOLENCE OFFENSE" MEANS THE CONVICTION OF ANY FELONY
 41 OFFENSE DEFINED IN THE PENAL LAW WHEN THE VICTIM OF SUCH CRIME OR
 42 OFFENSE IS A FAMILY OR HOUSEHOLD MEMBER.

43 3. "FAMILY OR HOUSEHOLD MEMBERS" MEANS THE FOLLOWING INDIVIDUALS:

44 (A) PERSONS RELATED BY CONSANGUINITY OR AFFINITY;

45 (B) PERSONS LEGALLY MARRIED TO ONE ANOTHER;

46 (C) PERSONS FORMERLY MARRIED TO ONE ANOTHER REGARDLESS OF WHETHER THEY
 47 STILL RESIDE IN THE SAME HOUSEHOLD;

48 (D) PERSONS WHO HAVE A CHILD IN COMMON REGARDLESS OF WHETHER SUCH
 49 PERSONS ARE MARRIED OR HAVE LIVED TOGETHER AT ANY TIME; OR

50 (E) UNRELATED PERSONS WHO ARE CONTINUALLY OR AT REGULAR INTERVALS
 51 LIVING IN THE SAME HOUSEHOLD OR WHO HAVE IN THE PAST CONTINUALLY OR AT
 52 REGULAR INTERVALS LIVED IN THE SAME HOUSEHOLD.

53 4. "PARENT" MEANS A NATURAL OR ADOPTIVE PARENT OR ANY INDIVIDUAL
 54 LAWFULLY CHARGED WITH A MINOR CHILD'S CARE OR CUSTODY.

55 5. "DIVISION" MEANS THE DIVISION OF CRIMINAL JUSTICE SERVICES AS
 56 DEFINED BY SECTION EIGHT HUNDRED THIRTY-FIVE OF THE EXECUTIVE LAW.

1 6. "LAW ENFORCEMENT AGENCY HAVING JURISDICTION" MEANS:

2 (A) (I) THE CHIEF LAW ENFORCEMENT OFFICER IN THE VILLAGE, TOWN OR CITY
3 IN WHICH THE OFFENDER EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE,
4 PROBATION, PAROLE, RELEASE TO POST-RELEASE SUPERVISION OR UPON ANY FORM
5 OF STATE OR LOCAL CONDITIONAL RELEASE; OR

6 (II) IF THERE BE NO CHIEF LAW ENFORCEMENT OFFICER IN SUCH VILLAGE,
7 TOWN OR CITY, THE CHIEF LAW ENFORCEMENT OFFICER OF THE COUNTY IN WHICH
8 THE OFFENDER EXPECTS TO RESIDE; OR

9 (III) IF THERE BE NO CHIEF ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN,
10 CITY OR COUNTY, THE DIVISION OF STATE POLICE; AND

11 (B) IN THE CASE OF A DOMESTIC VIOLENCE OFFENDER WHO IS OR EXPECTS TO
12 BE EMPLOYED BY, ENROLLED IN, ATTENDING OR EMPLOYED, WHETHER FOR COMPEN-
13 SATION OR NOT, AT AN INSTITUTION OF HIGHER EDUCATION, (I) THE CHIEF LAW
14 ENFORCEMENT OFFICER IN THE VILLAGE, TOWN OR CITY IN WHICH SUCH INSTITU-
15 TION IS LOCATED; OR (II) IF THERE BE NO CHIEF LAW ENFORCEMENT OFFICER IN
16 SUCH VILLAGE, TOWN OR CITY, THE CHIEF LAW ENFORCEMENT OFFICER OF THE
17 COUNTY IN WHICH SUCH INSTITUTION IS LOCATED; OR (III) IF THERE BE NO
18 CHIEF LAW ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN, CITY OR COUNTY, THE
19 DIVISION OF STATE POLICE; AND (IV) IF SUCH INSTITUTION OPERATES OR
20 EMPLOYS A CAMPUS LAW ENFORCEMENT OR SECURITY AGENCY, THE CHIEF OF SUCH
21 AGENCY; AND

22 (C) IN THE CASE OF A DOMESTIC VIOLENCE OFFENDER WHO EXPECTS TO RESIDE
23 WITHIN A STATE PARK OR ON OTHER LAND UNDER THE JURISDICTION OF THE
24 OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, THE STATE
25 REGIONAL PARK POLICE.

26 S 165-A. DUTIES OF THE DIVISION; REGISTRATION INFORMATION. 1. THE
27 DIVISION SHALL ESTABLISH AND MAINTAIN A FILE OF INDIVIDUALS REQUIRED TO
28 REGISTER PURSUANT TO THE PROVISIONS OF THIS ARTICLE WHICH SHALL INCLUDE
29 THE FOLLOWING INFORMATION OF EACH REGISTRANT:

30 (A) THE DOMESTIC VIOLENCE OFFENDER'S NAME, ALL ALIASES USED, DATE OF
31 BIRTH, SEX, RACE, HEIGHT, WEIGHT, EYE COLOR, DRIVER'S LICENSE NUMBER,
32 HOME ADDRESS AND/OR EXPECTED PLACE OF DOMICILE, ANY INTERNET ACCOUNTS
33 WITH INTERNET ACCESS PROVIDERS BELONGING TO SUCH OFFENDER AND INTERNET
34 IDENTIFIERS THAT SUCH OFFENDER USES.

35 (B) A PHOTOGRAPH AND SET OF FINGERPRINTS. THE DIVISION SHALL, DURING
36 THE PERIOD OF REGISTRATION, UPDATE SUCH PHOTOGRAPH ONCE EVERY THREE
37 YEARS. THE DIVISION SHALL NOTIFY THE DOMESTIC VIOLENCE OFFENDER BY MAIL
38 OF THE DUTY TO APPEAR AND BE PHOTOGRAPHED AT THE SPECIFIED LAW ENFORCE-
39 MENT AGENCY HAVING JURISDICTION. SUCH NOTIFICATION SHALL BE MAILED AT
40 LEAST THIRTY DAYS AND NOT MORE THAN SIXTY DAYS BEFORE THE PHOTOGRAPH IS
41 REQUIRED TO BE TAKEN PURSUANT TO THIS ARTICLE.

42 (C) A DESCRIPTION OF THE OFFENSE FOR WHICH THE DOMESTIC VIOLENCE
43 OFFENDER WAS CONVICTED, THE DATE OF CONVICTION AND THE SENTENCE IMPOSED.

44 (D) THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION AT
45 WHICH THE DOMESTIC VIOLENCE OFFENDER IS OR EXPECTS TO BE ENROLLED,
46 ATTENDING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND WHETHER SUCH
47 OFFENDER RESIDES IN OR WILL RESIDE IN A FACILITY OWNED OR OPERATED BY
48 SUCH INSTITUTION.

49 (E) THE EMPLOYMENT ADDRESS AND/OR EXPECTED PLACE OF EMPLOYMENT OF THE
50 DOMESTIC VIOLENCE OFFENDER.

51 (F) ANY OTHER INFORMATION DEEMED PERTINENT BY THE DIVISION.

52 2. (A) THE DIVISION IS AUTHORIZED TO MAKE THE REGISTRY AVAILABLE TO
53 ANY REGIONAL OR NATIONAL REGISTRY OF DOMESTIC VIOLENCE OFFENDERS FOR THE
54 PURPOSE OF SHARING INFORMATION. THE DIVISION SHALL ACCEPT FILES FROM ANY
55 REGIONAL OR NATIONAL REGISTRY OF DOMESTIC VIOLENCE OFFENDERS AND SHALL

1 MAKE SUCH FILES AVAILABLE WHEN REQUESTED PURSUANT TO THE PROVISIONS OF
2 THIS ARTICLE.

3 (B) NO OFFICIAL, AGENCY, AUTHORIZED PERSON OR ENTITY, WHETHER PUBLIC
4 OR PRIVATE, SHALL BE SUBJECT TO ANY CIVIL OR CRIMINAL LIABILITY FOR
5 DAMAGES FOR ANY DECISION OR ACTION MADE IN THE ORDINARY COURSE OF BUSI-
6 NESS OF THAT OFFICIAL, AGENCY, AUTHORIZED PERSON OR ENTITY PURSUANT TO
7 THIS ARTICLE, PROVIDED THAT SUCH OFFICIAL, AGENCY, AUTHORIZED PERSON OR
8 ENTITY ACTED REASONABLY AND IN GOOD FAITH WITH RESPECT TO SUCH REGISTRY
9 INFORMATION.

10 (C) THE DIVISION SHALL REQUIRE THAT NO INFORMATION INCLUDED IN THE
11 REGISTRY SHALL BE MADE AVAILABLE EXCEPT IN THE FURTHERANCE OF THE
12 PROVISIONS OF THIS ARTICLE.

13 3. THE DIVISION SHALL DEVELOP A STANDARDIZED REGISTRATION FORM TO BE
14 MADE AVAILABLE TO THE APPROPRIATE AUTHORITIES AND PROMULGATE RULES AND
15 REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION. SUCH FORM SHALL
16 BE WRITTEN IN CLEAR AND CONCISE LANGUAGE AND SHALL ADVISE THE DOMESTIC
17 VIOLENCE OFFENDER OF HIS OR HER DUTIES AND OBLIGATIONS UNDER THIS ARTI-
18 CLE.

19 4. THE DIVISION SHALL MAIL A NONFORWARDABLE VERIFICATION FORM TO THE
20 LAST REPORTED ADDRESS OF THE DOMESTIC VIOLENCE OFFENDER FOR ANNUAL
21 VERIFICATION REQUIREMENTS.

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

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

26 7. THE DIVISION SHALL CHARGE A FEE OF TEN DOLLARS EACH TIME A DOMESTIC
27 VIOLENCE OFFENDER REGISTERS ANY CHANGE OF ADDRESS OR ANY CHANGE OF HIS
28 OR HER STATUS OF ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY
29 INSTITUTION OF HIGHER EDUCATION AS REQUIRED BY THIS ARTICLE. THE FEE
30 SHALL BE PAID TO THE DIVISION BY THE DOMESTIC VIOLENCE OFFENDER. THE
31 STATE COMPTROLLER IS HEREBY AUTHORIZED TO DEPOSIT SUCH FEES INTO THE
32 DOMESTIC VIOLENCE AWARENESS FUND ESTABLISHED PURSUANT TO SECTION NINE-
33 TY-SEVEN-YYY OF THE STATE FINANCE LAW AS ADDED BY CHAPTER SIX HUNDRED
34 THIRTY-FOUR OF THE LAWS OF TWO THOUSAND TWO.

35 8. THE DIVISION SHALL, UPON THE REQUEST OF ANY CHILDREN'S CAMP OPERA-
36 TOR, RELEASE TO SUCH PERSON ANY INFORMATION IN THE REGISTRY RELATING TO
37 A PROSPECTIVE EMPLOYEE OF ANY SUCH PERSON OR ENTITY IN ACCORDANCE WITH
38 THE PROVISIONS OF THIS ARTICLE. THE DIVISION SHALL PROMULGATE RULES AND
39 REGULATIONS RELATING TO PROCEDURES FOR THE RELEASE OF INFORMATION IN THE
40 REGISTRY TO SUCH PERSONS.

41 9. THE DIVISION SHALL, UPON THE REQUEST OF ANY AUTHORIZED INTERNET
42 ENTITY, RELEASE TO SUCH ENTITY INTERNET IDENTIFIERS THAT WOULD ENABLE
43 SUCH ENTITY TO PRESCREEN OR REMOVE DOMESTIC VIOLENCE OFFENDERS FROM ITS
44 SERVICES OR, IN CONFORMITY WITH STATE AND FEDERAL LAW, ADVISE LAW
45 ENFORCEMENT AND/OR OTHER GOVERNMENTAL ENTITIES OF POTENTIAL VIOLATIONS
46 OF LAW AND/OR THREATS TO PUBLIC SAFETY. BEFORE RELEASING ANY INFORMATION
47 THE DIVISION SHALL REQUIRE AN AUTHORIZED INTERNET ENTITY THAT REQUESTS
48 INFORMATION FROM THE REGISTRY TO SUBMIT TO THE DIVISION THE NAME,
49 ADDRESS AND TELEPHONE NUMBER OF SUCH ENTITY AND THE SPECIFIC LEGAL
50 NATURE AND CORPORATE STATUS OF SUCH ENTITY. EXCEPT FOR THE PURPOSES
51 SPECIFIED IN THIS SUBDIVISION, AN AUTHORIZED INTERNET ENTITY SHALL NOT
52 PUBLISH OR IN ANY WAY DISCLOSE OR REDISCLOSE ANY INFORMATION PROVIDED TO
53 IT BY THE DIVISION PURSUANT TO THIS SUBDIVISION. THE DIVISION MAY CHARGE
54 AN AUTHORIZED INTERNET ENTITY A FEE FOR ACCESS TO REGISTERED INTERNET
55 IDENTIFIERS REQUESTED BY SUCH ENTITY PURSUANT TO THIS SUBDIVISION. THE
56 DIVISION SHALL PROMULGATE RULES AND REGULATIONS RELATING TO PROCEDURES

1 FOR THE RELEASE OF INFORMATION IN THE REGISTRY, INCLUDING BUT NOT LIMIT-
2 ED TO, THE DISCLOSURE AND REDISCLOSURE OF SUCH INFORMATION, AND THE
3 IMPOSITION OF ANY FEES.

4 S 165-B. DOMESTIC VIOLENCE OFFENDER; RELOCATION; NOTIFICATION. 1. IN
5 THE CASE OF ANY DOMESTIC VIOLENCE OFFENDER, IT SHALL BE THE DUTY OF THE
6 DEPARTMENT, HOSPITAL OR LOCAL CORRECTIONAL FACILITY AT LEAST TEN CALEN-
7 DAR DAYS PRIOR TO THE RELEASE OR DISCHARGE OF ANY DOMESTIC VIOLENCE
8 OFFENDER FROM A CORRECTIONAL FACILITY, HOSPITAL OR LOCAL CORRECTIONAL
9 FACILITY TO NOTIFY THE DIVISION OF THE CONTEMPLATED RELEASE OR DISCHARGE
10 OF SUCH DOMESTIC VIOLENCE OFFENDER, INFORMING THE DIVISION IN WRITING ON
11 A FORM PROVIDED BY THE DIVISION INDICATING THE ADDRESS AT WHICH HE OR
12 SHE PROPOSES TO RESIDE AND THE NAME AND ADDRESS OF ANY INSTITUTION OF
13 HIGHER EDUCATION AT WHICH HE OR SHE EXPECTS TO BE ENROLLED, ATTENDING OR
14 EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND WHETHER HE OR SHE RESIDES
15 IN OR WILL RESIDE IN A FACILITY OWNED OR OPERATED BY SUCH INSTITUTION.
16 IF SUCH DOMESTIC VIOLENCE OFFENDER CHANGES HIS OR HER PLACE OF RESIDENCE
17 WHILE ON PAROLE, SUCH NOTIFICATION OF THE CHANGE OF RESIDENCE SHALL BE
18 SENT BY THE DOMESTIC VIOLENCE OFFENDER'S PAROLE OFFICER WITHIN
19 FORTY-EIGHT HOURS TO THE DIVISION ON A FORM PROVIDED BY THE DIVISION. IF
20 SUCH DOMESTIC VIOLENCE OFFENDER CHANGES THE STATUS OF HIS OR HER ENROLL-
21 MENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER
22 EDUCATION WHILE ON PAROLE, SUCH NOTIFICATION OF THE CHANGE OF STATUS
23 SHALL BE SENT BY THE DOMESTIC VIOLENCE OFFENDER'S PAROLE OFFICER WITHIN
24 FORTY-EIGHT HOURS TO THE DIVISION ON A FORM PROVIDED BY THE DIVISION.

25 2. IN THE CASE OF ANY DOMESTIC VIOLENCE OFFENDER ON PROBATION, IT
26 SHALL BE THE DUTY OF THE DOMESTIC VIOLENCE OFFENDER'S PROBATION OFFICER
27 TO NOTIFY THE DIVISION WITHIN FORTY-EIGHT HOURS OF THE NEW PLACE OF
28 RESIDENCE ON A FORM PROVIDED BY THE DIVISION. IF SUCH DOMESTIC VIOLENCE
29 OFFENDER CHANGES THE STATUS OF HIS OR HER ENROLLMENT, ATTENDANCE,
30 EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER EDUCATION WHILE ON
31 PROBATION, SUCH NOTIFICATION OF THE CHANGE OF STATUS SHALL BE SENT BY
32 THE DOMESTIC VIOLENCE OFFENDER'S PROBATION OFFICER WITHIN FORTY-EIGHT
33 HOURS TO THE DIVISION ON A FORM PROVIDED BY THE DIVISION.

34 3. IN THE CASE IN WHICH ANY DOMESTIC VIOLENCE OFFENDER ESCAPES FROM A
35 STATE OR LOCAL CORRECTIONAL FACILITY OR HOSPITAL, THE DESIGNATED OFFI-
36 CIAL OF THE FACILITY OR HOSPITAL WHERE THE PERSON WAS CONFINED SHALL
37 NOTIFY WITHIN TWENTY-FOUR HOURS THE LAW ENFORCEMENT AGENCY HAVING HAD
38 JURISDICTION AT THE TIME OF HIS OR HER CONVICTION, INFORMING SUCH LAW
39 ENFORCEMENT AGENCY OF THE NAME AND ALIASES OF THE PERSON, AND THE
40 ADDRESS AT WHICH HE OR SHE RESIDED AT THE TIME OF HIS OR HER CONVICTION,
41 THE AMOUNT OF TIME REMAINING TO BE SERVED, IF ANY, ON THE FULL TERM FOR
42 WHICH HE OR SHE WAS SENTENCED, AND THE NATURE OF THE CRIME FOR WHICH HE
43 OR SHE WAS SENTENCED, TRANSMITTING AT THE SAME TIME A COPY OF SUCH
44 DOMESTIC VIOLENCE OFFENDER'S FINGERPRINTS AND PHOTOGRAPH AND A SUMMARY
45 OF HIS OR HER CRIMINAL RECORD.

46 4. THE DIVISION SHALL PROVIDE GENERAL INFORMATION, IN REGISTRATION
47 MATERIALS AND ANNUAL CORRESPONDENCE, TO REGISTRANTS CONCERNING NOTIFICA-
48 TION AND REGISTRATION PROCEDURES THAT MAY APPLY IF THE REGISTRANT IS
49 AUTHORIZED TO RELOCATE AND RELOCATES TO ANOTHER STATE OR UNITED STATES
50 POSSESSION, OR COMMENCES EMPLOYMENT OR ATTENDANCE AT AN EDUCATION INSTI-
51 TUTION IN ANOTHER STATE OR UNITED STATES POSSESSION. SUCH INFORMATION
52 SHALL INCLUDE ADDRESSES AND TELEPHONE NUMBERS FOR RELEVANT AGENCIES FROM
53 WHICH ADDITIONAL INFORMATION MAY BE OBTAINED.

54 S 165-C. DUTIES OF THE COURT. 1. UPON CONVICTION OF ANY OF THE
55 OFFENSES SET FORTH IN SUBDIVISION TWO OF SECTION ONE HUNDRED SIXTY-FIVE
56 OF THIS ARTICLE THE COURT SHALL CERTIFY THAT THE PERSON IS A DOMESTIC

1 VIOLENCE OFFENDER AND SHALL INCLUDE THE CERTIFICATION IN THE ORDER OF
2 COMMITMENT, IF ANY, AND JUDGMENT OF CONVICTION. THE COURT SHALL ALSO
3 ADVISE THE DOMESTIC VIOLENCE OFFENDER OF HIS OR HER DUTIES UNDER THIS
4 ARTICLE. FAILURE TO INCLUDE THE CERTIFICATION IN THE ORDER OF COMMIT-
5 MENT OR THE JUDGMENT OF CONVICTION SHALL NOT RELIEVE A DOMESTIC VIOLENCE
6 OFFENDER OF THE OBLIGATIONS IMPOSED BY THIS ARTICLE.

7 2. ANY DOMESTIC VIOLENCE OFFENDER, WHO IS RELEASED ON PROBATION OR
8 DISCHARGED UPON PAYMENT OF A FINE, CONDITIONAL DISCHARGE OR UNCONDI-
9 TIONAL DISCHARGE SHALL, PRIOR TO SUCH RELEASE OR DISCHARGE, BE INFORMED
10 OF HIS OR HER DUTY TO REGISTER UNDER THIS ARTICLE BY THE COURT IN WHICH
11 HE OR SHE WAS CONVICTED. AT THE TIME SENTENCE IS IMPOSED, SUCH DOMESTIC
12 VIOLENCE OFFENDER SHALL REGISTER WITH THE DIVISION ON A FORM PREPARED BY
13 THE DIVISION. THE COURT SHALL REQUIRE THE DOMESTIC VIOLENCE OFFENDER TO
14 READ AND SIGN SUCH FORM AND TO COMPLETE THE REGISTRATION PORTION OF SUCH
15 FORM. THE COURT SHALL ON SUCH FORM OBTAIN THE ADDRESS WHERE THE DOMESTIC
16 VIOLENCE OFFENDER EXPECTS TO RESIDE UPON HIS OR HER RELEASE, AND THE
17 NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION HE OR SHE
18 EXPECTS TO BE EMPLOYED BY, ENROLLED IN, ATTENDING OR EMPLOYED, WHETHER
19 FOR COMPENSATION OR NOT, AND WHETHER HE OR SHE EXPECTS TO RESIDE IN A
20 FACILITY OWNED OR OPERATED BY SUCH AN INSTITUTION, AND SHALL REPORT SUCH
21 INFORMATION TO THE DIVISION. THE COURT SHALL GIVE ONE COPY OF THE FORM
22 TO THE DOMESTIC VIOLENCE OFFENDER AND SHALL SEND TWO COPIES TO THE DIVI-
23 SION WHICH SHALL FORWARD THE INFORMATION TO THE LAW ENFORCEMENT AGENCIES
24 HAVING JURISDICTION. WHERE THE COURT ORDERS A DOMESTIC VIOLENCE OFFEN-
25 DER RELEASED ON PROBATION, SUCH ORDER MUST INCLUDE A PROVISION REQUIRING
26 THAT HE OR SHE COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE. WHERE SUCH
27 DOMESTIC VIOLENCE OFFENDER VIOLATES SUCH PROVISION, PROBATION MAY BE
28 IMMEDIATELY REVOKED IN THE MANNER PROVIDED BY ARTICLE FOUR HUNDRED TEN
29 OF THE CRIMINAL PROCEDURE LAW.

30 S 165-D. DISCHARGE OF DOMESTIC VIOLENCE OFFENDER FROM CORRECTIONAL
31 FACILITY; DUTIES OF OFFICIAL IN CHARGE. ANY DOMESTIC VIOLENCE OFFENDER,
32 TO BE DISCHARGED, PAROLED, RELEASED TO POST-RELEASE SUPERVISION OR
33 RELEASED FROM ANY STATE OR LOCAL CORRECTIONAL FACILITY, HOSPITAL OR
34 INSTITUTION WHERE HE OR SHE WAS CONFINED OR COMMITTED, SHALL AT LEAST
35 FIFTEEN CALENDAR DAYS PRIOR TO DISCHARGE, PAROLE OR RELEASE, BE INFORMED
36 OF HIS OR HER DUTY TO REGISTER UNDER THIS ARTICLE, BY THE FACILITY IN
37 WHICH HE OR SHE WAS CONFINED OR COMMITTED. THE FACILITY SHALL REQUIRE
38 THE DOMESTIC VIOLENCE OFFENDER TO READ AND SIGN SUCH FORM AS MAY BE
39 REQUIRED BY THE DIVISION STATING THE DUTY TO REGISTER AND THE PROCEDURE
40 FOR REGISTRATION HAS BEEN EXPLAINED TO HIM OR HER AND TO COMPLETE THE
41 REGISTRATION PORTION OF SUCH FORM. THE FACILITY SHALL OBTAIN ON SUCH
42 FORM THE ADDRESS WHERE THE DOMESTIC VIOLENCE OFFENDER EXPECTS TO RESIDE
43 UPON HIS OR HER DISCHARGE, PAROLE OR RELEASE AND THE NAME AND ADDRESS OF
44 ANY INSTITUTION OF HIGHER EDUCATION HE OR SHE EXPECTS TO BE EMPLOYED BY,
45 ENROLLED IN, ATTENDING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND
46 WHETHER HE OR SHE EXPECTS TO RESIDE IN A FACILITY OWNED OR OPERATED BY
47 SUCH AN INSTITUTION, AND SHALL REPORT SUCH INFORMATION TO THE DIVISION.
48 THE FACILITY SHALL GIVE ONE COPY OF THE FORM TO THE DOMESTIC VIOLENCE
49 OFFENDER, RETAIN ONE COPY AND SHALL SEND ONE COPY TO THE DIVISION WHICH
50 SHALL PROVIDE THE INFORMATION TO THE LAW ENFORCEMENT AGENCIES HAVING
51 JURISDICTION. THE FACILITY SHALL GIVE THE DOMESTIC VIOLENCE OFFENDER A
52 FORM PREPARED BY THE DIVISION, TO REGISTER WITH THE DIVISION AT LEAST
53 FIFTEEN CALENDAR DAYS PRIOR TO RELEASE AND SUCH FORM SHALL BE COMPLETED,
54 SIGNED BY THE DOMESTIC VIOLENCE OFFENDER AND SENT TO THE DIVISION BY THE
55 FACILITY AT LEAST TEN DAYS PRIOR TO THE DOMESTIC VIOLENCE OFFENDER'S
56 RELEASE OR DISCHARGE.

1 S 165-E. DUTY TO REGISTER AND TO VERIFY. 1. ANY DOMESTIC VIOLENCE
2 OFFENDER SHALL, (A) AT LEAST TEN CALENDAR DAYS PRIOR TO DISCHARGE,
3 PAROLE, RELEASE TO POST-RELEASE SUPERVISION OR RELEASE FROM ANY STATE OR
4 LOCAL CORRECTIONAL FACILITY, HOSPITAL OR INSTITUTION WHERE HE OR SHE WAS
5 CONFINED OR COMMITTED, OR, (B) AT THE TIME SENTENCE IS IMPOSED FOR ANY
6 DOMESTIC VIOLENCE OFFENDER RELEASED ON PROBATION OR DISCHARGED UPON
7 PAYMENT OF A FINE, CONDITIONAL DISCHARGE OR UNCONDITIONAL DISCHARGE,
8 REGISTER WITH THE DIVISION ON A FORM PREPARED BY THE DIVISION.

9 2. FOR A DOMESTIC VIOLENCE OFFENDER REQUIRED TO REGISTER UNDER THIS
10 ARTICLE ON EACH ANNIVERSARY OF THE DOMESTIC VIOLENCE OFFENDER'S INITIAL
11 REGISTRATION DATE DURING THE PERIOD IN WHICH HE OR SHE IS REQUIRED TO
12 REGISTER UNDER THIS SECTION THE FOLLOWING APPLIES:

13 (A) THE DOMESTIC VIOLENCE OFFENDER SHALL MAIL THE VERIFICATION FORM TO
14 THE DIVISION WITHIN TEN CALENDAR DAYS AFTER RECEIPT OF THE FORM.

15 (B) THE VERIFICATION FORM SHALL BE SIGNED BY THE DOMESTIC VIOLENCE
16 OFFENDER, AND STATE THAT HE OR SHE STILL RESIDES AT THE ADDRESS LAST
17 REPORTED TO THE DIVISION.

18 (C) IF THE DOMESTIC VIOLENCE OFFENDER FAILS TO MAIL THE SIGNED VERIFI-
19 CATION FORM TO THE DIVISION WITHIN TEN CALENDAR DAYS AFTER RECEIPT OF
20 THE FORM, HE OR SHE SHALL BE IN VIOLATION OF THIS SECTION UNLESS HE OR
21 SHE PROVES THAT HE OR SHE HAS NOT CHANGED HIS OR HER RESIDENCE ADDRESS.

22 (D) IF THE DOMESTIC VIOLENCE OFFENDER, TO WHOM A NOTICE HAS BEEN
23 MAILED AT THE LAST REPORTED ADDRESS PURSUANT TO THIS ARTICLE, FAILS TO
24 PERSONALLY APPEAR AT THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION,
25 WITHIN TWENTY DAYS OF THE ANNIVERSARY OF THE DOMESTIC VIOLENCE
26 OFFENDER'S INITIAL REGISTRATION, OR AN ALTERNATE LATER DATE SCHEDULED BY
27 THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, HE OR SHE SHALL BE IN
28 VIOLATION OF THIS SECTION. THE DUTY TO PERSONALLY APPEAR FOR SUCH
29 UPDATED PHOTOGRAPH SHALL BE TEMPORARILY SUSPENDED DURING ANY PERIOD IN
30 WHICH THE DOMESTIC VIOLENCE OFFENDER IS CONFINED IN ANY HOSPITAL OR
31 INSTITUTION, AND SUCH DOMESTIC VIOLENCE OFFENDER SHALL PERSONALLY APPEAR
32 FOR SUCH UPDATED PHOTOGRAPH NO LATER THAN NINETY DAYS AFTER RELEASE FROM
33 SUCH HOSPITAL OR INSTITUTION, OR AN ALTERNATE LATER DATE SCHEDULED BY
34 THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION.

35 3. ANY DOMESTIC VIOLENCE OFFENDER SHALL REGISTER WITH THE DIVISION NO
36 LATER THAN TEN CALENDAR DAYS AFTER ANY CHANGE OF ADDRESS, INTERNET
37 ACCOUNTS WITH INTERNET ACCESS PROVIDERS BELONGING TO SUCH OFFENDER,
38 INTERNET IDENTIFIERS THAT SUCH OFFENDER USES, OR HIS OR HER STATUS OF
39 ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF
40 HIGHER EDUCATION. A FEE OF TEN DOLLARS, AS AUTHORIZED BY SUBDIVISION
41 SEVEN OF SECTION ONE HUNDRED SIXTY-FIVE-A OF THIS ARTICLE, SHALL BE
42 SUBMITTED BY THE DOMESTIC VIOLENCE OFFENDER EACH TIME SUCH OFFENDER
43 REGISTERS ANY CHANGE OF ADDRESS OR ANY CHANGE OF HIS OR HER STATUS OR
44 ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF
45 HIGHER EDUCATION. ANY FAILURE OR OMISSION TO SUBMIT THE REQUIRED FEE
46 SHALL NOT AFFECT THE ACCEPTANCE BY THE DIVISION OF THE CHANGE OF ADDRESS
47 OR CHANGE OF STATUS.

48 4. THE DUTY TO REGISTER UNDER THE PROVISIONS OF THIS ARTICLE SHALL NOT
49 BE APPLICABLE TO ANY DOMESTIC VIOLENCE OFFENDER WHOSE CONVICTION WAS
50 REVERSED UPON APPEAL OR WHO WAS PARDONED BY THE GOVERNOR.

51 5. ANY NONRESIDENT WORKER OR NONRESIDENT STUDENT, AS DEFINED IN SUBDI-
52 VISIONS FOURTEEN AND FIFTEEN OF SECTION ONE HUNDRED SIXTY-EIGHT-A OF
53 THIS CHAPTER, SHALL REGISTER HIS OR HER CURRENT ADDRESS AND THE ADDRESS
54 OF HIS OR HER PLACE OF EMPLOYMENT OR EDUCATIONAL INSTITUTION ATTENDED
55 WITH THE DIVISION WITHIN TEN CALENDAR DAYS AFTER SUCH NONRESIDENT WORKER
56 OR NONRESIDENT STUDENT COMMENCES EMPLOYMENT OR ATTENDANCE AT AN EDUCA-

1 TIONAL INSTITUTION IN THE STATE. ANY NONRESIDENT WORKER OR NONRESIDENT
2 STUDENT SHALL NOTIFY THE DIVISION OF ANY CHANGE OF RESIDENCE, EMPLOYMENT
3 OR EDUCATIONAL INSTITUTION ADDRESS NO LATER THAN TEN DAYS AFTER SUCH
4 CHANGE. THE DIVISION SHALL NOTIFY THE LAW ENFORCEMENT AGENCY WHERE THE
5 NONRESIDENT WORKER IS EMPLOYED OR THE EDUCATIONAL INSTITUTION IS LOCATED
6 THAT A NONRESIDENT WORKER OR NONRESIDENT STUDENT IS PRESENT IN THAT
7 AGENCY'S JURISDICTION.

8 S 165-F. PRIOR CONVICTIONS; DUTY TO INFORM AND REGISTER. 1. THE
9 DEPARTMENT OF PAROLE OR OFFICE OF PROBATION AND CORRECTIONAL ALTERNA-
10 TIVES IN ACCORDANCE WITH RISK FACTORS PURSUANT TO THIS ARTICLE SHALL
11 DETERMINE THE DURATION OF REGISTRATION AND NOTIFICATION FOR EVERY DOMES-
12 TIC VIOLENCE OFFENDER WHO ON THE EFFECTIVE DATE OF THIS ARTICLE IS THEN
13 ON PAROLE OR PROBATION FOR AN OFFENSE PROVIDED FOR IN SUBDIVISION TWO OF
14 SECTION ONE HUNDRED SIXTY-FIVE OF THIS ARTICLE.

15 2. EVERY DOMESTIC VIOLENCE OFFENDER WHO ON THE EFFECTIVE DATE OF THIS
16 ARTICLE IS THEN ON PAROLE OR PROBATION FOR AN OFFENSE PROVIDED FOR IN
17 SUBDIVISION TWO OF SECTION ONE HUNDRED SIXTY-FIVE OF THIS ARTICLE SHALL
18 WITHIN TEN CALENDAR DAYS OF SUCH DETERMINATION REGISTER WITH HIS OR HER
19 PAROLE OR PROBATION OFFICER. ON EACH ANNIVERSARY OF THE DOMESTIC
20 VIOLENCE OFFENDER'S INITIAL REGISTRATION DATE THEREAFTER, THE PROVISIONS
21 OF SECTION ONE HUNDRED SIXTY-FIVE-E OF THIS ARTICLE SHALL APPLY. ANY
22 DOMESTIC VIOLENCE OFFENDER WHO FAILS OR REFUSES TO SO COMPLY SHALL BE
23 SUBJECT TO THE SAME PENALTIES AS OTHERWISE PROVIDED FOR IN THIS ARTICLE
24 WHICH WOULD BE IMPOSED UPON A DOMESTIC VIOLENCE OFFENDER WHO FAILS OR
25 REFUSES TO SO COMPLY WITH THE PROVISIONS OF THIS ARTICLE ON OR AFTER
26 SUCH EFFECTIVE DATE.

27 3. IT SHALL BE THE DUTY OF THE PAROLE OR PROBATION OFFICER TO INFORM
28 AND REGISTER SUCH DOMESTIC VIOLENCE OFFENDER ACCORDING TO THE REQUIRE-
29 MENTS IMPOSED BY THIS ARTICLE. A PAROLE OR PROBATION OFFICER SHALL GIVE
30 ONE COPY OF THE FORM TO THE DOMESTIC VIOLENCE OFFENDER AND SHALL, WITHIN
31 THREE CALENDAR DAYS, SEND TWO COPIES ELECTRONICALLY OR OTHERWISE TO THE
32 DIVISION WHICH SHALL FORWARD ONE COPY ELECTRONICALLY OR OTHERWISE TO THE
33 LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE DOMESTIC VIOLENCE
34 OFFENDER RESIDES UPON HIS OR HER PAROLE, PROBATION, OR UPON ANY FORM OF
35 STATE OR LOCAL CONDITIONAL RELEASE.

36 4. A PETITION FOR RELIEF FROM THIS SECTION IS PERMITTED TO ANY DOMES-
37 TIC VIOLENCE OFFENDER REQUIRED TO REGISTER WHILE RELEASED ON PAROLE OR
38 PROBATION PURSUANT TO SECTION ONE HUNDRED SIXTY-FIVE-N OF THIS ARTICLE.

39 S 165-G. DURATION OF REGISTRATION AND VERIFICATION. THE DURATION OF
40 REGISTRATION AND VERIFICATION FOR A DOMESTIC VIOLENCE OFFENDER SHALL BE
41 ANNUALLY FOR A PERIOD OF TWENTY YEARS FROM THE INITIAL DATE OF REGISTRA-
42 TION.

43 S 165-H. REGISTRATION AND VERIFICATION REQUIREMENTS. REGISTRATION AND
44 VERIFICATION AS REQUIRED BY THIS ARTICLE SHALL CONSIST OF A STATEMENT IN
45 WRITING SIGNED BY THE DOMESTIC VIOLENCE OFFENDER GIVING THE INFORMATION
46 THAT IS REQUIRED BY THE DIVISION AND THE DIVISION SHALL ENTER THE INFOR-
47 MATION INTO AN APPROPRIATE ELECTRONIC DATA BASE OR FILE.

48 S 165-I. NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGE OF
49 ADDRESS. 1. UPON RECEIPT OF A CHANGE OF ADDRESS BY A DOMESTIC VIOLENCE
50 OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE, THE DIVISION SHALL
51 NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION OF THE NEW
52 PLACE OF RESIDENCE AND THE LOCAL LAW ENFORCEMENT AGENCY WHERE THE DOMES-
53 TIC VIOLENCE OFFENDER LAST RESIDED OF THE NEW PLACE OF RESIDENCE.

54 2. UPON RECEIPT OF CHANGE OF ADDRESS INFORMATION, THE LOCAL LAW
55 ENFORCEMENT AGENCY HAVING JURISDICTION OF THE NEW PLACE OF RESIDENCE
56 SHALL ADHERE TO THE NOTIFICATION PROVISIONS SET FORTH IN THIS ARTICLE.

1 3. THE DIVISION SHALL, IF THE DOMESTIC VIOLENCE OFFENDER CHANGES RESI-
2 DENCE TO ANOTHER STATE, NOTIFY THE APPROPRIATE AGENCY WITHIN THAT STATE
3 OF THE NEW PLACE OF RESIDENCE.

4 4. UPON RECEIPT OF A CHANGE IN THE STATUS OF THE ENROLLMENT, ATTEND-
5 ANCE, EMPLOYMENT OR RESIDENCE AT AN INSTITUTION OF HIGHER EDUCATION BY A
6 DOMESTIC VIOLENCE OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE, THE
7 DIVISION SHALL NOTIFY EACH LAW ENFORCEMENT AGENCY HAVING JURISDICTION
8 WHICH IS AFFECTED BY SUCH CHANGE.

9 5. UPON RECEIPT OF CHANGE IN THE STATUS OF THE ENROLLMENT, ATTENDANCE,
10 EMPLOYMENT OR RESIDENCE AT AN INSTITUTION OF HIGHER EDUCATION BY A
11 DOMESTIC VIOLENCE OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE, EACH
12 LAW ENFORCEMENT AGENCY HAVING JURISDICTION SHALL ADHERE TO THE NOTIFICA-
13 TION PROVISIONS SET FORTH IN THIS ARTICLE.

14 S 165-J. REGISTRATION FOR CHANGE OF ADDRESS FROM ANOTHER STATE. 1. A
15 DOMESTIC VIOLENCE OFFENDER WHO HAS BEEN CONVICTED OF AN OFFENSE WHICH
16 REQUIRES REGISTRATION UNDER THIS ARTICLE SHALL NOTIFY THE DIVISION OF
17 THE NEW ADDRESS NO LATER THAN TEN CALENDAR DAYS AFTER SUCH DOMESTIC
18 VIOLENCE OFFENDER ESTABLISHES RESIDENCE IN THIS STATE.

19 2. IF THE DIVISION DETERMINES THAT THE DOMESTIC VIOLENCE OFFENDER IS
20 REQUIRED TO REGISTER, THE DIVISION SHALL NOTIFY THE DOMESTIC VIOLENCE
21 OFFENDER OF HIS OR HER DUTY TO REGISTER UNDER THIS ARTICLE AND SHALL
22 REQUIRE THE DOMESTIC VIOLENCE OFFENDER TO SIGN A FORM AS MAY BE REQUIRED
23 BY THE DIVISION ACKNOWLEDGING THAT THE DUTY TO REGISTER AND THE PROCE-
24 DURE FOR REGISTRATION HAS BEEN EXPLAINED TO THE DOMESTIC VIOLENCE OFFEN-
25 DER. THE DIVISION SHALL OBTAIN ON SUCH FORM THE ADDRESS WHERE THE DOMES-
26 TIC VIOLENCE OFFENDER EXPECTS TO RESIDE WITHIN THE STATE AND THE
27 DOMESTIC VIOLENCE OFFENDER SHALL RETAIN ONE COPY OF THE FORM AND SEND
28 TWO COPIES TO THE DIVISION WHICH SHALL PROVIDE THE INFORMATION TO THE
29 LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE DOMESTIC VIOLENCE
30 OFFENDER EXPECTS TO RESIDE WITHIN THIS STATE.

31 3. THE DIVISION SHALL UNDERTAKE AN INFORMATION CAMPAIGN DESIGNED TO
32 PROVIDE INFORMATION TO OFFICIALS AND APPROPRIATE INDIVIDUALS IN OTHER
33 STATES AND UNITED STATES POSSESSIONS CONCERNING THE NOTIFICATION PROCE-
34 DURES REQUIRED BY THIS ARTICLE. SUCH INFORMATION CAMPAIGN SHALL BE ONGO-
35 ING, AND SHALL INCLUDE, BUT NOT BE LIMITED TO, LETTERS, NOTICE FORMS AND
36 SIMILAR MATERIALS PROVIDING RELEVANT INFORMATION ABOUT THIS ARTICLE AND
37 THE SPECIFIC PROCEDURES REQUIRED TO EFFECT NOTIFICATION. SUCH MATERIALS
38 SHALL INCLUDE AN ADDRESS AND TELEPHONE NUMBER WHICH SUCH OFFICIALS AND
39 INDIVIDUALS IN OTHER STATES AND UNITED STATES POSSESSIONS MAY USE TO
40 OBTAIN ADDITIONAL INFORMATION.

41 S 165-K. SPECIAL TELEPHONE NUMBER. 1. PURSUANT TO SECTION ONE HUNDRED
42 SIXTY-FIVE-A OF THIS ARTICLE, THE DIVISION SHALL ALSO OPERATE A TELE-
43 PHONE NUMBER THAT MEMBERS OF THE PUBLIC MAY CALL FREE OF CHARGE AND
44 INQUIRE WHETHER A NAMED INDIVIDUAL REQUIRED TO REGISTER PURSUANT TO THIS
45 ARTICLE IS LISTED. THE DIVISION SHALL ASCERTAIN WHETHER A NAMED PERSON
46 REASONABLY APPEARS TO BE A PERSON SO LISTED. THE DIVISION SHALL DECIDE
47 WHETHER THE NAMED PERSON REASONABLY APPEARS TO BE A PERSON LISTED, BASED
48 UPON INFORMATION FROM THE CALLER PROVIDING INFORMATION THAT SHALL
49 INCLUDE (A) AN EXACT STREET ADDRESS, INCLUDING APARTMENT NUMBER, DRIV-
50 ER'S LICENSE NUMBER OR BIRTH DATE, ALONG WITH ADDITIONAL INFORMATION
51 THAT MAY INCLUDE SOCIAL SECURITY NUMBER, HAIR COLOR, EYE COLOR, HEIGHT,
52 WEIGHT, DISTINCTIVE MARKINGS, ETHNICITY; OR (B) ANY COMBINATION OF THE
53 ABOVE LISTED CHARACTERISTICS IF AN EXACT BIRTH DATE OR ADDRESS IS NOT
54 AVAILABLE. IF THREE OF THE CHARACTERISTICS PROVIDED INCLUDE ETHNICITY,
55 HAIR COLOR, AND EYE COLOR, OTHER IDENTIFYING CHARACTERISTICS SHALL BE
56 PROVIDED. ANY INFORMATION IDENTIFYING THE VICTIM BY NAME, BIRTH DATE,

1 ADDRESS OR RELATION TO THE PERSON LISTED BY THE DIVISION SHALL BE
2 EXCLUDED BY THE DIVISION.

3 2. WHEN THE TELEPHONE NUMBER IS CALLED, A PREAMBLE SHALL BE PLAYED
4 WHICH SHALL PROVIDE THE FOLLOWING INFORMATION:

5 (A) NOTICE THAT THE CALLER'S TELEPHONE NUMBER WILL BE RECORDED;

6 (B) THAT THERE IS NO CHARGE FOR USE OF THE TELEPHONE NUMBER;

7 (C) NOTICE THAT THE CALLER IS REQUIRED TO IDENTIFY HIMSELF OR HERSELF
8 TO THE OPERATOR AND PROVIDE CURRENT ADDRESS AND SHALL BE MAINTAINED IN A
9 WRITTEN RECORD;

10 (D) NOTICE THAT THE CALLER IS REQUIRED TO BE EIGHTEEN YEARS OF AGE OR
11 OLDER;

12 (E) A WARNING THAT IT IS ILLEGAL TO USE INFORMATION OBTAINED THROUGH
13 THE TELEPHONE NUMBER TO COMMIT A CRIME AGAINST ANY PERSON LISTED OR TO
14 ENGAGE IN ILLEGAL DISCRIMINATION OR HARASSMENT AGAINST SUCH PERSON;

15 (F) NOTICE THAT THE CALLER IS REQUIRED TO HAVE THE BIRTH DATE, DRIV-
16 ER'S LICENSE OR IDENTIFICATION NUMBER, OR ADDRESS OR OTHER IDENTIFYING
17 INFORMATION REGARDING THE PERSON ABOUT WHOM INFORMATION IS SOUGHT IN
18 ORDER TO ACHIEVE A POSITIVE IDENTIFICATION OF THAT PERSON;

19 (G) A STATEMENT THAT THE NUMBER IS NOT A CRIME HOTLINE AND THAT ANY
20 SUSPECTED CRIMINAL ACTIVITY SHOULD BE REPORTED TO LOCAL AUTHORITIES;

21 (H) A STATEMENT THAT AN INFORMATION PACKAGE WHICH WILL INCLUDE A
22 DESCRIPTION OF THE LAW AND DOMESTIC VIOLENCE PREVENTION MATERIALS IS
23 AVAILABLE UPON REQUEST FROM THE DIVISION. SUCH INFORMATION PACKAGE SHALL
24 INCLUDE QUESTIONS AND ANSWERS REGARDING THE MOST COMMONLY ASKED QUES-
25 TIONS ABOUT THE DOMESTIC VIOLENCE OFFENDER REGISTRATION ACT, AND CURRENT
26 DOMESTIC VIOLENCE PREVENTION MATERIAL.

27 3. (A) THE DIVISION SHALL ESTABLISH A PROGRAM ALLOWING NON-PROFIT AND
28 NOT-FOR-PROFIT YOUTH SERVICES ORGANIZATIONS TO PRE-REGISTER WITH THE
29 DIVISION FOR USE OF THE TELEPHONE NUMBER. PRE-REGISTRATION SHALL INCLUDE
30 THE IDENTIFICATION OF UP TO TWO OFFICIALS OF THE ORGANIZATION WHO MAY
31 CALL THE TELEPHONE NUMBER AND OBTAIN INFORMATION ON BEHALF OF THE ORGAN-
32 IZATION. A PRE-REGISTERED CERTIFICATE ISSUED UNDER THIS SUBDIVISION
33 SHALL BE VALID FOR TWO YEARS, UNLESS EARLIER REVOKED BY THE DIVISION FOR
34 GOOD CAUSE SHOWN. NO FEE SHALL BE CHARGED TO AN APPLICANT FOR THE ISSU-
35 ANCE OF A PRE-REGISTERED CERTIFICATE PURSUANT TO THIS SUBDIVISION.

36 (B) AN ORGANIZATION GRANTED A PRE-REGISTERED CERTIFICATE PURSUANT TO
37 THIS SUBDIVISION MAY, UPON CALLING THE TELEPHONE NUMBER, INQUIRE WHETHER
38 MULTIPLE NAMED INDIVIDUALS ARE LISTED ON THE DOMESTIC VIOLENCE OFFENDER
39 REGISTRY. NOTWITHSTANDING ANY PER CALL LIMITATION THE DIVISION MAY PLACE
40 ON CALLS BY PRIVATE INDIVIDUALS, THE DIVISION SHALL ALLOW SUCH PRE-RE-
41 GISTERED ORGANIZATIONS TO INQUIRE ABOUT UP TO TWENTY PROSPECTIVE COACH-
42 ES, LEADERS OR VOLUNTEERS IN EACH CALL TO THE TELEPHONE NUMBER.

43 (C) FOR PURPOSES OF THIS SUBDIVISION, "YOUTH SERVICES ORGANIZATION"
44 SHALL MEAN A FORMALIZED PROGRAM OPERATED BY A CORPORATION PURSUANT TO
45 SUBPARAGRAPH FIVE OF PARAGRAPH (A) OF SECTION ONE HUNDRED TWO OF THE
46 NOT-FOR-PROFIT CORPORATION LAW THAT FUNCTIONS PRIMARILY TO: (I) PROVIDE
47 CHILDREN THE OPPORTUNITY TO PARTICIPATE IN ADULT-SUPERVISED SPORTING
48 ACTIVITIES; OR (II) MATCH CHILDREN OR GROUPS OF CHILDREN WITH ADULT
49 VOLUNTEERS FOR THE PURPOSE OF PROVIDING CHILDREN WITH POSITIVE ROLE
50 MODELS TO ENHANCE THEIR DEVELOPMENT.

51 4. WHENEVER THERE IS REASONABLE CAUSE TO BELIEVE THAT ANY PERSON OR
52 GROUP OF PERSONS IS ENGAGED IN A PATTERN OR PRACTICE OF MISUSE OF THE
53 TELEPHONE NUMBER, THE ATTORNEY GENERAL, ANY DISTRICT ATTORNEY OR ANY
54 PERSON AGGRIEVED BY THE MISUSE OF THE NUMBER IS AUTHORIZED TO BRING A
55 CIVIL ACTION IN THE APPROPRIATE COURT REQUESTING PREVENTIVE RELIEF,
56 INCLUDING AN APPLICATION FOR A PERMANENT OR TEMPORARY INJUNCTION,

1 RESTRAINING ORDER OR OTHER ORDER AGAINST THE PERSON OR GROUP OF PERSONS
2 RESPONSIBLE FOR THE PATTERN OR PRACTICE OF MISUSE. THE FOREGOING REME-
3 DIES SHALL BE INDEPENDENT OF ANY OTHER REMEDIES OR PROCEDURES THAT MAY
4 BE AVAILABLE TO AN AGGRIEVED PARTY UNDER OTHER PROVISIONS OF LAW. SUCH
5 PERSON OR GROUP OF PERSONS SHALL BE SUBJECT TO A FINE OF NOT LESS THAN
6 FIVE HUNDRED DOLLARS AND NOT MORE THAN ONE THOUSAND DOLLARS.

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

10 (A) NUMBER OF CALLS RECEIVED;

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

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

16 (D) NUMBER OF PERSONS LISTED; AND

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

19 S 165-L. IMMUNITY FROM LIABILITY. 1. NO OFFICIAL, EMPLOYEE OR AGENCY,
20 WHETHER PUBLIC OR PRIVATE, SHALL BE SUBJECT TO ANY CIVIL OR CRIMINAL
21 LIABILITY FOR DAMAGES FOR ANY DISCRETIONARY DECISION TO RELEASE RELEVANT
22 AND NECESSARY INFORMATION PURSUANT TO THIS SECTION IF THAT OFFICIAL,
23 EMPLOYEE OR AGENCY ACTED REASONABLY AND IN GOOD FAITH. THE IMMUNITY
24 PROVIDED UNDER THIS SECTION APPLIES TO THE RELEASE OF RELEVANT INFORMA-
25 TION TO OTHER EMPLOYEES OR OFFICIALS OR TO THE GENERAL PUBLIC.

26 2. NOTHING IN THIS SECTION SHALL BE DEEMED TO IMPOSE ANY CIVIL OR
27 CRIMINAL LIABILITY UPON OR TO GIVE RISE TO A CAUSE OF ACTION AGAINST ANY
28 OFFICIAL, EMPLOYEE OR AGENCY, WHETHER PUBLIC OR PRIVATE, FOR FAILING TO
29 RELEASE INFORMATION AS AUTHORIZED IN THIS SECTION IF THAT OFFICIAL,
30 EMPLOYEE OR AGENCY ACTED REASONABLY AND IN GOOD FAITH.

31 S 165-M. ANNUAL REPORT. THE DIVISION SHALL ON OR BEFORE FEBRUARY FIRST
32 IN EACH YEAR FILE A REPORT WITH THE GOVERNOR, AND THE LEGISLATURE
33 DETAILING THE PROGRAM, COMPLIANCE WITH PROVISIONS OF THIS ARTICLE AND
34 EFFECTIVENESS OF THE PROVISIONS OF THIS ARTICLE, TOGETHER WITH ANY
35 RECOMMENDATIONS TO FURTHER ENHANCE THE INTENT OF THIS ARTICLE.

36 S 165-N. FAILURE TO REGISTER; PENALTY. ANY PERSON REQUIRED TO REGISTER
37 PURSUANT TO THE PROVISIONS OF THIS ARTICLE WHO FAILS TO REGISTER IN THE
38 MANNER AND WITHIN THE TIME PERIODS PROVIDED FOR IN THIS ARTICLE SHALL BE
39 GUILTY OF A CLASS E FELONY FOR THE FIRST OFFENSE, AND FOR A SECOND OR
40 SUBSEQUENT OFFENSE SHALL BE GUILTY OF A CLASS D FELONY RESPECTIVELY IN
41 ACCORDANCE WITH SECTIONS 195.03 AND 195.04 OF THE PENAL LAW. ANY SUCH
42 FAILURE TO REGISTER MAY ALSO BE THE BASIS FOR REVOCATION OF PAROLE
43 PURSUANT TO SECTION TWO HUNDRED FIFTY-NINE-I OF THE EXECUTIVE LAW WHICH
44 SHALL BE IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW.

45 S 165-O. UNAUTHORIZED RELEASE OF INFORMATION. THE UNAUTHORIZED RELEASE
46 OF ANY INFORMATION REQUIRED BY THIS ARTICLE SHALL BE A CLASS B MISDEMEA-
47 NOR.

48 S 4. If any clause, sentence, paragraph, section or part of this
49 section shall be adjudged by any court of competent jurisdiction to be
50 invalid, such judgment shall not affect, impair or invalidate the
51 remainder thereof, but shall be confined in its operation to the clause,
52 sentence, paragraph, section or part thereof directly involved in the
53 controversy in which such judgment shall have been rendered.

54 S 5. This act shall take effect immediately; provided, however, that
55 section two of this act shall take effect on the first of November next
56 succeeding the date on which it shall have become a law.

1

PART W

2 Section 1. The penal law is amended by adding two new sections 195.03
3 and 195.04 to read as follows:

4 S 195.03 FAILURE TO REGISTER OR VERIFY AS A DOMESTIC ABUSE OFFENDER IN
5 THE SECOND DEGREE.

6 A PERSON IS GUILTY OF FAILURE TO REGISTER OR VERIFY AS A DOMESTIC
7 ABUSE OFFENDER IN THE SECOND DEGREE WHEN, BEING A DOMESTIC ABUSE OFFEN-
8 DER REQUIRED TO REGISTER OR VERIFY PURSUANT TO ARTICLE SIX-D OF THE
9 CORRECTION LAW, HE OR SHE FAILS TO REGISTER OR VERIFY IN THE MANNER AND
10 WITHIN THE TIME PERIODS PROVIDED FOR IN SUCH ARTICLE.

11 FAILURE TO REGISTER OR VERIFY AS A DOMESTIC ABUSE OFFENDER IN THE
12 SECOND DEGREE IS A CLASS E FELONY.

13 S 195.04 FAILURE TO REGISTER OR VERIFY AS A DOMESTIC ABUSE OFFENDER IN
14 THE FIRST DEGREE.

15 A PERSON IS GUILTY OF FAILURE TO REGISTER OR VERIFY AS A DOMESTIC
16 ABUSE OFFENDER IN THE FIRST DEGREE WHEN HE OR SHE COMMITS THE CRIME OF
17 FAILURE TO REGISTER OR VERIFY AS A DOMESTIC ABUSE OFFENDER IN THE SECOND
18 DEGREE AND HAS PREVIOUSLY BEEN CONVICTED OF FAILURE TO REGISTER OR VERI-
19 FY AS A DOMESTIC ABUSE OFFENDER IN THE SECOND DEGREE AS DEFINED IN
20 SECTION 195.03 OF THIS ARTICLE.

21 FAILURE TO REGISTER OR VERIFY AS A DOMESTIC ABUSE OFFENDER IN THE
22 FIRST DEGREE IS A CLASS D FELONY.

23 S 2. The correction law is amended by adding a new article 6-D to read
24 as follows:

25 ARTICLE 6-D

26 DANIELLE DIMEDICI, JESSICA TUSH AND BRITTANY PASSALACQUA'S LAW
27 SECTION 169. SHORT TITLE.

- 28 169-A. DEFINITIONS.
- 29 169-B. DUTIES OF THE DIVISION; REGISTRATION INFORMATION.
- 30 169-C. DOMESTIC ABUSE OFFENDER; RELOCATION; NOTIFICATION.
- 31 169-D. DUTIES OF THE COURT.
- 32 169-E. DISCHARGE OF DOMESTIC ABUSE OFFENDER FROM CORRECTIONAL
33 FACILITY; DUTIES OF OFFICIAL IN CHARGE.
- 34 169-F. DUTY TO REGISTER AND TO VERIFY.
- 35 169-G. PRIOR CONVICTIONS; DUTY TO INFORM AND REGISTER.
- 36 169-H. DURATION OF REGISTRATION AND VERIFICATION.
- 37 169-I. REGISTRATION AND VERIFICATION REQUIREMENTS.
- 38 169-J. NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGE
39 OF ADDRESS.
- 40 169-K. REGISTRATION FOR CHANGE OF ADDRESS FROM ANOTHER STATE.
- 41 169-L. PETITION FOR RELIEF OR MODIFICATION.
- 42 169-M. SPECIAL TELEPHONE NUMBER.
- 43 169-N. DIRECTORY; INTERNET POSTING.
- 44 169-O. IMMUNITY FROM LIABILITY.
- 45 169-P. ANNUAL REPORT.
- 46 169-Q. FAILURE TO REGISTER; PENALTY.
- 47 169-R. UNAUTHORIZED RELEASE OF INFORMATION.
- 48 169-S. SEPARABILITY.

49 S 169. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS
50 "DANIELLE DIMEDICI, JESSICA TUSH AND BRITTANY PASSALACQUA'S LAW".

51 S 169-A. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING DEFI-
52 NITIONS APPLY:

53 1. "DOMESTIC ABUSE OFFENDER" INCLUDES ANY PERSON WHO (A) IS CONVICTED
54 OF ANY OF THE OFFENSES SET FORTH IN SUBDIVISION TWO OF THIS SECTION.
55 CONVICTIONS THAT RESULT FROM OR ARE CONNECTED WITH THE SAME ACT, OR

1 RESULT FROM OFFENSES COMMITTED AT THE SAME TIME, SHALL BE COUNTED FOR
2 THE PURPOSE OF THIS ARTICLE AS ONE CONVICTION. ANY CONVICTION SET ASIDE
3 PURSUANT TO LAW IS NOT A CONVICTION FOR PURPOSES OF THIS ARTICLE; OR (B)
4 HAS BEEN DETERMINED BY THE COURT TO BE A DOMESTIC ABUSE OFFENDER BY A
5 COURT PURSUANT TO SECTION 530.15 OR PARAGRAPH (C) OF SUBDIVISION ONE OF
6 SECTION 530.12 OF THE CRIMINAL PROCEDURE LAW.

7 2. "DOMESTIC ABUSE OFFENSE" MEANS:

8 (A) DISORDERLY CONDUCT, CRIMINAL OBSTRUCTION OF BREATHING OR BLOOD
9 CIRCULATION, STRANGULATION IN THE FIRST DEGREE, STRANGULATION IN THE
10 SECOND DEGREE, HARASSMENT IN THE FIRST DEGREE, HARASSMENT IN THE SECOND
11 DEGREE, AGGRAVATED HARASSMENT IN THE SECOND DEGREE, STALKING IN THE
12 FIRST DEGREE, STALKING IN THE SECOND DEGREE, STALKING IN THE THIRD
13 DEGREE, STALKING IN THE FOURTH DEGREE, CRIMINAL MISCHIEF, MENACING IN
14 THE SECOND DEGREE, MENACING IN THE THIRD DEGREE, RECKLESS ENDANGERMENT,
15 ASSAULT IN THE SECOND DEGREE, ASSAULT IN THE THIRD DEGREE OR AN
16 ATTEMPTED ASSAULT BETWEEN SPOUSES OR FORMER SPOUSES, OR BETWEEN PARENT
17 AND CHILD OR BETWEEN MEMBERS OF THE SAME FAMILY OR HOUSEHOLD EXCEPT THAT
18 IF THE RESPONDENT WOULD NOT BE CRIMINALLY RESPONSIBLE BY REASON OF AGE
19 PURSUANT TO SECTION 30.00 OF THE PENAL LAW. FOR PURPOSES OF THIS
20 SECTION, "DISORDERLY CONDUCT" INCLUDES DISORDERLY CONDUCT NOT IN A
21 PUBLIC PLACE; OR

22 (B) A CONVICTION OF (I) AN OFFENSE IN ANY OTHER JURISDICTION WHICH
23 INCLUDES ALL OF THE ESSENTIAL ELEMENTS OF ANY SUCH CRIME PROVIDED FOR IN
24 PARAGRAPH (A) OF THIS SUBDIVISION OR (II) A FELONY IN ANY OTHER JURIS-
25 DICTION FOR WHICH THE OFFENDER IS REQUIRED TO REGISTER AS A DOMESTIC
26 ABUSE OFFENDER IN THE JURISDICTION IN WHICH THE CONVICTION OCCURRED,
27 PROVIDED THAT THE ELEMENTS OF SUCH CRIME OF CONVICTION ARE SUBSTANTIALLY
28 THE SAME AS THOSE WHICH ARE A PART OF SUCH OFFENSE AS OF THE DATE ON
29 WHICH THIS SECTION TAKES EFFECT.

30 3. FOR PURPOSES OF THIS SECTION, "MEMBERS OF THE SAME FAMILY OR HOUSE-
31 HOLD" WITH RESPECT TO A PROCEEDING IN THE CRIMINAL COURTS SHALL MEAN THE
32 FOLLOWING:

33 (A) PERSONS RELATED BY CONSANGUINITY OR AFFINITY;

34 (B) PERSONS LEGALLY MARRIED TO ONE ANOTHER;

35 (C) PERSONS FORMERLY MARRIED TO ONE ANOTHER REGARDLESS OF WHETHER THEY
36 STILL RESIDE IN THE SAME HOUSEHOLD;

37 (D) PERSONS WHO HAVE A CHILD IN COMMON, REGARDLESS OF WHETHER SUCH
38 PERSONS HAVE BEEN MARRIED OR HAVE LIVED TOGETHER AT ANY TIME;

39 (E) PERSONS WHO ARE NOT RELATED BY CONSANGUINITY OR AFFINITY AND WHO
40 ARE OR HAVE BEEN IN AN INTIMATE RELATIONSHIP REGARDLESS OF WHETHER SUCH
41 PERSONS HAVE LIVED TOGETHER AT ANY TIME. FACTORS THE COURT MAY CONSIDER
42 IN DETERMINING WHETHER A RELATIONSHIP IS AN "INTIMATE RELATIONSHIP"
43 INCLUDE BUT ARE NOT LIMITED TO: THE NATURE OR TYPE OF RELATIONSHIP,
44 REGARDLESS OF WHETHER THE RELATIONSHIP IS SEXUAL IN NATURE; THE FREQUEN-
45 CY OF INTERACTION BETWEEN THE PERSONS; AND THE DURATION OF THE RELATION-
46 SHIP. NEITHER A CASUAL ACQUAINTANCE NOR ORDINARY FRATERNIZATION BETWEEN
47 TWO INDIVIDUALS IN BUSINESS OR SOCIAL CONTEXTS SHALL BE DEEMED TO
48 CONSTITUTE AN "INTIMATE RELATIONSHIP"; AND

49 (F) PERSONS RESIDING TOGETHER CONTINUALLY OR AT REGULAR INTERVALS,
50 CURRENTLY OR IN THE PAST.

51 4. "LAW ENFORCEMENT AGENCY HAVING JURISDICTION" MEANS:

52 (A) (I) THE CHIEF LAW ENFORCEMENT OFFICER IN THE VILLAGE, TOWN OR CITY
53 IN WHICH THE DOMESTIC ABUSE OFFENDER EXPECTS TO RESIDE UPON HIS OR HER
54 DISCHARGE, PROBATION, PAROLE, RELEASE TO POST-RELEASE SUPERVISION OR
55 UPON ANY FORM OF STATE OR LOCAL CONDITIONAL RELEASE; OR (II) IF THERE BE
56 NO CHIEF LAW ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN OR CITY, THE

1 CHIEF LAW ENFORCEMENT OFFICER OF THE COUNTY IN WHICH THE OFFENDER
2 EXPECTS TO RESIDE; OR (III) IF THERE BE NO CHIEF ENFORCEMENT OFFICER IN
3 SUCH VILLAGE, TOWN, CITY OR COUNTY, THE DIVISION OF STATE POLICE; AND

4 (B) IN THE CASE OF A DOMESTIC ABUSE OFFENDER WHO IS OR EXPECTS TO BE
5 EMPLOYED BY, ENROLLED IN, ATTENDING OR EMPLOYED, WHETHER FOR COMPEN-
6 SATION OR NOT, AT AN INSTITUTION OF HIGHER EDUCATION: (I) THE CHIEF LAW
7 ENFORCEMENT OFFICER IN THE VILLAGE, TOWN OR CITY IN WHICH SUCH INSTITU-
8 TION IS LOCATED; OR (II) IF THERE BE NO CHIEF LAW ENFORCEMENT OFFICER IN
9 SUCH VILLAGE, TOWN OR CITY, THE CHIEF LAW ENFORCEMENT OFFICER OF THE
10 COUNTY IN WHICH SUCH INSTITUTION IS LOCATED; OR (III) IF THERE BE NO
11 CHIEF LAW ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN, CITY OR COUNTY, THE
12 DIVISION OF STATE POLICE; AND (IV) IF SUCH INSTITUTION OPERATES OR
13 EMPLOYS A CAMPUS LAW ENFORCEMENT OR SECURITY AGENCY, THE CHIEF OF SUCH
14 AGENCY.

15 5. "DIVISION" MEANS THE DIVISION OF CRIMINAL JUSTICE SERVICES AS
16 DEFINED BY SECTION EIGHT HUNDRED THIRTY-FIVE OF THE EXECUTIVE LAW.

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

20 7. "PROBATION" MEANS A SENTENCE OF PROBATION IMPOSED PURSUANT TO ARTI-
21 CLE SIXTY-FIVE OF THE PENAL LAW AND SHALL INCLUDE A SENTENCE OF IMPRI-
22 SONMENT IMPOSED IN CONJUNCTION WITH A SENTENCE OF PROBATION.

23 8. "NONRESIDENT WORKER" MEANS ANY PERSON REQUIRED TO REGISTER AS A
24 DOMESTIC ABUSE OFFENDER IN ANOTHER JURISDICTION WHO IS EMPLOYED OR
25 CARRIES ON A VOCATION IN THIS STATE, ON EITHER A FULL-TIME OR A
26 PART-TIME BASIS, WITH OR WITHOUT COMPENSATION, FOR MORE THAN FOURTEEN
27 CONSECUTIVE DAYS, OR FOR AN AGGREGATE PERIOD EXCEEDING THIRTY DAYS IN A
28 CALENDAR YEAR.

29 9. "NONRESIDENT STUDENT" MEANS A PERSON REQUIRED TO REGISTER AS A
30 DOMESTIC ABUSE OFFENDER IN ANOTHER JURISDICTION WHO IS ENROLLED ON A
31 FULL-TIME OR PART-TIME BASIS IN ANY PUBLIC OR PRIVATE EDUCATIONAL INSTI-
32 TUTION IN THIS STATE INCLUDING ANY SECONDARY SCHOOL, TRADE OR PROFES-
33 SIONAL INSTITUTION OR INSTITUTION OF HIGHER EDUCATION.

34 S 169-B. DUTIES OF THE DIVISION; REGISTRATION INFORMATION. 1. THE
35 DIVISION SHALL ESTABLISH AND MAINTAIN A FILE OF INDIVIDUALS REQUIRED TO
36 REGISTER PURSUANT TO THE PROVISIONS OF THIS ARTICLE WHICH SHALL INCLUDE
37 THE FOLLOWING INFORMATION OF EACH REGISTRANT:

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

41 (B) A PHOTOGRAPH AND SET OF FINGERPRINTS.

42 (C) A DESCRIPTION OF THE OFFENSE FOR WHICH THE DOMESTIC ABUSE OFFENDER
43 WAS CONVICTED, THE DATE OF CONVICTION AND THE SENTENCE IMPOSED.

44 (D) THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION AT
45 WHICH THE DOMESTIC ABUSE OFFENDER IS OR EXPECTS TO BE ENROLLED, ATTEND-
46 ING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND WHETHER SUCH
47 DOMESTIC ABUSE OFFENDER RESIDES IN OR WILL RESIDE IN A FACILITY OWNED OR
48 OPERATED BY SUCH INSTITUTION.

49 (E) ANY OTHER INFORMATION DEEMED PERTINENT BY THE DIVISION.

50 2. (A) THE DIVISION IS AUTHORIZED TO MAKE THE REGISTRY AVAILABLE TO
51 ANY REGIONAL OR NATIONAL REGISTRY OF DOMESTIC ABUSE OFFENDERS FOR THE
52 PURPOSE OF SHARING INFORMATION. THE DIVISION SHALL ACCEPT FILES FROM ANY
53 REGIONAL OR NATIONAL REGISTRY OF DOMESTIC ABUSE OFFENDERS AND SHALL MAKE
54 SUCH FILES AVAILABLE WHEN REQUESTED PURSUANT TO THE PROVISIONS OF THIS
55 ARTICLE.

1 (B) THE DIVISION SHALL REQUIRE THAT NO INFORMATION INCLUDED IN THE
2 REGISTRY SHALL BE MADE AVAILABLE EXCEPT IN THE FURTHERANCE OF THE
3 PROVISIONS OF THIS ARTICLE.

4 3. THE DIVISION SHALL DEVELOP A STANDARDIZED REGISTRATION FORM TO BE
5 MADE AVAILABLE TO THE APPROPRIATE AUTHORITIES AND PROMULGATE RULES AND
6 REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION. SUCH FORM SHALL
7 BE WRITTEN IN CLEAR AND CONCISE LANGUAGE AND SHALL ADVISE THE DOMESTIC
8 ABUSE OFFENDER OF HIS OR HER DUTIES AND OBLIGATIONS UNDER THIS ARTICLE.

9 4. THE DIVISION SHALL MAIL A NONFORWARDABLE VERIFICATION FORM TO THE
10 LAST REPORTED ADDRESS OF THE PERSON FOR ANNUAL VERIFICATION REQUIRE-
11 MENTS.

12 5. THE DIVISION SHALL ESTABLISH AND OPERATE A TELEPHONE NUMBER AS
13 PROVIDED FOR IN SECTION ONE HUNDRED SIXTY-NINE-M OF THIS ARTICLE.

14 6. THE DIVISION SHALL ESTABLISH A DIRECTORY PURSUANT TO SECTION ONE
15 HUNDRED SIXTY-NINE-N OF THIS ARTICLE.

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

18 8. (A) THE DIVISION SHALL CHARGE AN ADMINISTRATIVE FEE TO A DOMESTIC
19 ABUSE OFFENDER TO COVER THE COST OF INCLUSION ON THE REGISTRY. SUCH FEE
20 SHALL BE SET AT A REASONABLE RATE TO BE DETERMINED PERIODICALLY BY THE
21 DIVISION.

22 (B) THE DIVISION SHALL CHARGE A FEE OF TEN DOLLARS EACH TIME A DOMES-
23 TIC ABUSE OFFENDER REGISTERS ANY CHANGE OF ADDRESS OR ANY CHANGE OF HIS
24 OR HER STATUS OF ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY
25 INSTITUTION OF HIGHER EDUCATION AS REQUIRED BY SUBDIVISION THREE OF
26 SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE. THE FEE SHALL BE PAID
27 TO THE DIVISION BY THE DOMESTIC ABUSE OFFENDER. THE STATE COMPTROLLER IS
28 HEREBY AUTHORIZED TO DEPOSIT SUCH FEES INTO THE GENERAL FUND.

29 S 169-C. DOMESTIC ABUSE OFFENDER; RELOCATION; NOTIFICATION. 1. IN THE
30 CASE OF ANY DOMESTIC ABUSE OFFENDER, IT SHALL BE THE DUTY OF THE DEPART-
31 MENT OR LOCAL CORRECTIONAL FACILITY AT LEAST TEN CALENDAR DAYS PRIOR TO
32 THE RELEASE OR DISCHARGE OF ANY DOMESTIC ABUSE OFFENDER FROM A CORREC-
33 TIONAL FACILITY OR LOCAL CORRECTIONAL FACILITY TO NOTIFY THE DIVISION OF
34 THE CONTEMPLATED RELEASE OR DISCHARGE OF SUCH DOMESTIC ABUSE OFFENDER,
35 INFORMING THE DIVISION IN WRITING ON A FORM PROVIDED BY THE DIVISION
36 INDICATING THE ADDRESS AT WHICH HE OR SHE PROPOSES TO RESIDE AND THE
37 NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION AT WHICH HE OR
38 SHE EXPECTS TO BE ENROLLED, ATTENDING OR EMPLOYED, WHETHER FOR COMPEN-
39 SATION OR NOT, AND WHETHER HE OR SHE RESIDES IN OR WILL RESIDE IN A
40 FACILITY OWNED OR OPERATED BY SUCH INSTITUTION. IF SUCH DOMESTIC ABUSE
41 OFFENDER CHANGES HIS OR HER PLACE OF RESIDENCE WHILE ON PAROLE, SUCH
42 NOTIFICATION OF THE CHANGE OF RESIDENCE SHALL BE SENT BY THE DOMESTIC
43 ABUSE OFFENDER'S PAROLE OFFICER WITHIN FORTY-EIGHT HOURS TO THE DIVISION
44 ON A FORM PROVIDED BY THE DIVISION. IF SUCH DOMESTIC ABUSE OFFENDER
45 CHANGES THE STATUS OF HIS OR HER ENROLLMENT, ATTENDANCE, EMPLOYMENT OR
46 RESIDENCE AT ANY INSTITUTION OF HIGHER EDUCATION WHILE ON PAROLE, SUCH
47 NOTIFICATION OF THE CHANGE OF STATUS SHALL BE SENT BY THE DOMESTIC ABUSE
48 OFFENDER'S PAROLE OFFICER WITHIN FORTY-EIGHT HOURS TO THE DIVISION ON A
49 FORM PROVIDED BY THE DIVISION.

50 2. IN THE CASE OF ANY DOMESTIC ABUSE OFFENDER ON PROBATION, IT SHALL
51 BE THE DUTY OF THE DOMESTIC ABUSE OFFENDER'S PROBATION OFFICER TO NOTIFY
52 THE DIVISION WITHIN FORTY-EIGHT HOURS OF THE NEW PLACE OF RESIDENCE ON A
53 FORM PROVIDED BY THE DIVISION. IF SUCH DOMESTIC ABUSE OFFENDER CHANGES
54 THE STATUS OF HIS OR HER ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE
55 AT ANY INSTITUTION OF HIGHER EDUCATION WHILE ON PROBATION, SUCH NOTIFI-
56 CATION OF THE CHANGE OF STATUS SHALL BE SENT BY THE DOMESTIC ABUSE

1 OFFENDER'S PROBATION OFFICER WITHIN FORTY-EIGHT HOURS TO THE DIVISION ON
2 A FORM PROVIDED BY THE DIVISION.

3 3. IN THE CASE IN WHICH ANY DOMESTIC ABUSE OFFENDER ESCAPES FROM A
4 STATE OR LOCAL CORRECTIONAL FACILITY, THE DESIGNATED OFFICIAL OF THE
5 FACILITY WHERE THE DOMESTIC ABUSE OFFENDER WAS CONFINED SHALL NOTIFY
6 WITHIN TWENTY-FOUR HOURS THE LAW ENFORCEMENT AGENCY HAVING HAD JURISDIC-
7 TION AT THE TIME OF HIS OR HER CONVICTION, INFORMING SUCH LAW ENFORCE-
8 MENT AGENCY OF THE NAME AND ALIASES OF THE DOMESTIC ABUSE OFFENDER, AND
9 THE ADDRESS AT WHICH HE OR SHE RESIDED AT THE TIME OF HIS OR HER
10 CONVICTION, THE AMOUNT OF TIME REMAINING TO BE SERVED, IF ANY, ON THE
11 FULL TERM FOR WHICH HE OR SHE WAS SENTENCED, AND THE NATURE OF THE CRIME
12 FOR WHICH HE OR SHE WAS SENTENCED, TRANSMITTING AT THE SAME TIME A COPY
13 OF SUCH DOMESTIC ABUSE OFFENDER'S FINGERPRINTS AND PHOTOGRAPH AND A
14 SUMMARY OF HIS OR HER CRIMINAL RECORD.

15 4. THE DIVISION SHALL PROVIDE GENERAL INFORMATION, IN REGISTRATION
16 MATERIALS AND ANNUAL CORRESPONDENCE, TO REGISTRANTS CONCERNING NOTIFICA-
17 TION AND REGISTRATION PROCEDURES THAT MAY APPLY IF THE REGISTRANT IS
18 AUTHORIZED TO RELOCATE AND RELOCATES TO ANOTHER STATE OR UNITED STATES
19 POSSESSION, OR COMMENCES EMPLOYMENT OR ATTENDANCE AT AN EDUCATIONAL
20 INSTITUTION IN ANOTHER STATE OR UNITED STATES POSSESSION. SUCH INFORMA-
21 TION SHALL INCLUDE ADDRESSES AND TELEPHONE NUMBERS FOR RELEVANT AGENCIES
22 FROM WHICH ADDITIONAL INFORMATION MAY BE OBTAINED.

23 S 169-D. DUTIES OF THE COURT. 1. UPON CONVICTION OF ANY OF THE
24 OFFENSES SET FORTH IN SUBDIVISION TWO OF SECTION ONE HUNDRED
25 SIXTY-NINE-A OF THIS ARTICLE THE COURT SHALL CERTIFY THAT THE PERSON IS
26 A DOMESTIC ABUSE OFFENDER AND SHALL INCLUDE THE CERTIFICATION IN THE
27 JUDGMENT OF CONVICTION. THE COURT SHALL ALSO ADVISE THE DOMESTIC ABUSE
28 OFFENDER OF HIS OR HER DUTIES UNDER THIS ARTICLE. FAILURE TO INCLUDE THE
29 CERTIFICATION IN THE JUDGMENT OF CONVICTION SHALL NOT RELIEVE A DOMESTIC
30 ABUSE OFFENDER OF THE OBLIGATIONS IMPOSED BY THIS ARTICLE.

31 2. ANY DOMESTIC ABUSE OFFENDER WHO HAS BEEN CONVICTED OF A VIOLENT
32 FELONY OR TWO OR MORE MISDEMEANORS AGAINST A PERSON WHO IS A MEMBER OF
33 SUCH OFFENDER'S FAMILY OR HOUSEHOLD AS DEFINED IN SECTION 530.12 OF THE
34 CRIMINAL PROCEDURE LAW, WHO IS RELEASED ON PROBATION OR DISCHARGED UPON
35 PAYMENT OF A FINE, CONDITIONAL DISCHARGE OR UNCONDITIONAL DISCHARGE
36 SHALL, PRIOR TO SUCH RELEASE OR DISCHARGE, BE INFORMED OF HIS OR HER
37 DUTY TO REGISTER UNDER THIS ARTICLE BY THE COURT IN WHICH HE OR SHE WAS
38 CONVICTED. AT THE TIME SENTENCE IS IMPOSED, SUCH DOMESTIC ABUSE OFFENDER
39 SHALL REGISTER WITH THE DIVISION ON A FORM PREPARED BY THE DIVISION. THE
40 COURT SHALL REQUIRE THE DOMESTIC ABUSE OFFENDER TO READ AND SIGN SUCH
41 FORM AND TO COMPLETE THE REGISTRATION PORTION OF SUCH FORM. THE COURT
42 SHALL ON SUCH FORM OBTAIN THE ADDRESS WHERE THE DOMESTIC ABUSE OFFENDER
43 EXPECTS TO RESIDE UPON HIS OR HER RELEASE, AND THE NAME AND ADDRESS OF
44 ANY INSTITUTION OF HIGHER EDUCATION HE OR SHE EXPECTS TO BE EMPLOYED BY,
45 ENROLLED IN, ATTENDING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND
46 WHETHER HE OR SHE EXPECTS TO RESIDE IN A FACILITY OWNED OR OPERATED BY
47 SUCH AN INSTITUTION, AND SHALL REPORT SUCH INFORMATION TO THE DIVISION.
48 THE COURT SHALL GIVE ONE COPY OF THE FORM TO THE DOMESTIC ABUSE OFFENDER
49 AND SHALL SEND TWO COPIES TO THE DIVISION WHICH SHALL FORWARD THE INFOR-
50 MATION TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION. WHERE THE
51 COURT ORDERS A DOMESTIC ABUSE OFFENDER RELEASED ON PROBATION, SUCH ORDER
52 MUST INCLUDE A PROVISION REQUIRING THAT HE OR SHE COMPLY WITH THE
53 REQUIREMENTS OF THIS ARTICLE. WHERE SUCH DOMESTIC ABUSE OFFENDER
54 VIOLATES SUCH PROVISION, PROBATION MAY BE IMMEDIATELY REVOKED IN THE
55 MANNER PROVIDED BY ARTICLE FOUR HUNDRED TEN OF THE CRIMINAL PROCEDURE
56 LAW.

1 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IT
2 SHALL BE IN THE COURTS DISCRETION TO REQUIRE AN OFFENDER TO REGISTER
3 PURSUANT TO THIS ARTICLE. IN DETERMINING WHETHER AN OFFENDER SHOULD BE
4 ON THE REGISTRY, A JUDGE SHALL CONSIDER, AMONG OTHER THINGS, WHETHER THE
5 OFFENDER IS A VICTIM WHO WAS DEFENDING HIMSELF OR HERSELF AND THE
6 OFFENDER'S HISTORY OF AND PROPENSITY FOR VIOLENCE. IN ADDITION, A JUDGE
7 MAY REQUIRE A THREAT ASSESSMENT OF FUTURE RISK, UTILIZING METHODS SUCH
8 AS A DOMESTIC VIOLENCE MOSAIC, A DANGER ASSESSMENT, A DOMESTIC VIOLENCE
9 SCREENING INSTRUMENT OR A KINGSTON SCREENING INSTRUMENT FOR DOMESTIC
10 VIOLENCE OR OTHER THREAT ASSESSMENT AS THE COURT MAY DEEM APPROPRIATE.

11 4. THE COURT SHALL PROVIDE REASONABLE OPPORTUNITY TO A VICTIM TO
12 OBJECT TO AN OFFENDER'S INCLUSION IN THE REGISTRY AND SHALL TAKE SUCH
13 INFORMATION INTO ACCOUNT WHILE DETERMINING THE OFFENDER'S INCLUSION
14 PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

15 S 169-E. DISCHARGE OF DOMESTIC ABUSE OFFENDER FROM CORRECTIONAL FACIL-
16 ITY; DUTIES OF OFFICIAL IN CHARGE. 1. ANY DOMESTIC ABUSE OFFENDER, TO BE
17 DISCHARGED, PAROLED, RELEASED TO POST-RELEASE SUPERVISION OR RELEASED
18 FROM ANY STATE OR LOCAL CORRECTIONAL FACILITY, SHALL AT LEAST FIFTEEN
19 CALENDAR DAYS PRIOR TO DISCHARGE, PAROLE OR RELEASE, BE INFORMED OF HIS
20 OR HER DUTY TO REGISTER UNDER THIS ARTICLE, BY THE FACILITY IN WHICH HE
21 OR SHE WAS CONFINED. THE FACILITY SHALL REQUIRE THE DOMESTIC ABUSE
22 OFFENDER TO READ AND SIGN SUCH FORM AS MAY BE REQUIRED BY THE DIVISION
23 STATING THE DUTY TO REGISTER AND THE PROCEDURE FOR REGISTRATION HAS BEEN
24 EXPLAINED TO HIM OR HER AND TO COMPLETE THE REGISTRATION PORTION OF SUCH
25 FORM. THE FACILITY SHALL OBTAIN ON SUCH FORM THE ADDRESS WHERE THE
26 DOMESTIC ABUSE OFFENDER EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE,
27 PAROLE OR RELEASE AND THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER
28 EDUCATION HE OR SHE EXPECTS TO BE EMPLOYED BY, ENROLLED IN, ATTENDING OR
29 EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND WHETHER HE OR SHE EXPECTS
30 TO RESIDE IN A FACILITY OWNED OR OPERATED BY SUCH AN INSTITUTION, AND
31 SHALL REPORT SUCH INFORMATION TO THE DIVISION. THE FACILITY SHALL GIVE
32 ONE COPY OF THE FORM TO THE DOMESTIC ABUSE OFFENDER, RETAIN ONE COPY AND
33 SHALL SEND ONE COPY TO THE DIVISION WHICH SHALL PROVIDE THE INFORMATION
34 TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION. THE FACILITY SHALL
35 GIVE THE DOMESTIC ABUSE OFFENDER A FORM PREPARED BY THE DIVISION, TO
36 REGISTER WITH THE DIVISION AT LEAST FIFTEEN CALENDAR DAYS PRIOR TO
37 RELEASE AND SUCH FORM SHALL BE COMPLETED, SIGNED BY THE DOMESTIC ABUSE
38 OFFENDER AND SENT TO THE DIVISION BY THE FACILITY AT LEAST TEN DAYS
39 PRIOR TO THE DOMESTIC ABUSE OFFENDER'S RELEASE OR DISCHARGE.

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

43 S 169-F. DUTY TO REGISTER AND TO VERIFY. 1. ANY DOMESTIC ABUSE OFFEN-
44 DER SHALL (A) AT LEAST TEN CALENDAR DAYS PRIOR TO DISCHARGE, PAROLE,
45 RELEASE TO POST-RELEASE SUPERVISION OR RELEASE FROM ANY STATE OR LOCAL
46 CORRECTIONAL FACILITY WHERE HE OR SHE WAS CONFINED, OR (B) IF RELEASED
47 ON PROBATION OR DISCHARGED UPON PAYMENT OF A FINE, CONDITIONAL DISCHARGE
48 OR UNCONDITIONAL DISCHARGE, AT THE TIME SENTENCE IS IMPOSED, REGISTER
49 WITH THE DIVISION ON A FORM PREPARED BY THE DIVISION.

50 2. ANY DOMESTIC ABUSE OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE
51 SHALL ON OR BEFORE EACH ANNIVERSARY OF THE DOMESTIC ABUSE OFFENDER'S
52 INITIAL REGISTRATION DATE DURING THE PERIOD IN WHICH HE OR SHE IS
53 REQUIRED TO REGISTER VERIFY THAT HE OR SHE STILL RESIDES AT THE ADDRESS
54 LAST REPORTED TO THE DIVISION.

55 3. ANY DOMESTIC ABUSE OFFENDER SHALL REGISTER WITH THE DIVISION NO
56 LATER THAN TEN CALENDAR DAYS AFTER ANY CHANGE OF ADDRESS OR ANY CHANGE

1 OF HIS OR HER STATUS OF ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE
2 AT ANY INSTITUTION OF HIGHER EDUCATION. A FEE OF TEN DOLLARS, AS AUTHOR-
3 IZED BY SUBDIVISION EIGHT OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS
4 ARTICLE, SHALL BE SUBMITTED BY THE DOMESTIC ABUSE OFFENDER EACH TIME
5 SUCH DOMESTIC ABUSE OFFENDER REGISTERS ANY CHANGE OF ADDRESS OR ANY
6 CHANGE OF HIS OR HER STATUS OF ENROLLMENT, ATTENDANCE, EMPLOYMENT OR
7 RESIDENCE AT ANY INSTITUTION OF HIGHER EDUCATION. ANY FAILURE OR OMIS-
8 SION TO SUBMIT THE REQUIRED FEE SHALL NOT AFFECT THE ACCEPTANCE BY THE
9 DIVISION OF THE CHANGE OF ADDRESS OR CHANGE OF STATUS.

10 4. THE DUTY TO REGISTER UNDER THE PROVISIONS OF THIS ARTICLE SHALL NOT
11 BE APPLICABLE TO ANY DOMESTIC ABUSE OFFENDER WHOSE CONVICTION WAS
12 REVERSED UPON APPEAL OR WHO WAS PARDONED BY THE GOVERNOR.

13 5. ANY NONRESIDENT WORKER OR NONRESIDENT STUDENT, AS DEFINED IN SUBDI-
14 VISIONS EIGHT AND NINE OF SECTION ONE HUNDRED SIXTY-NINE-A OF THIS ARTI-
15 CLE, SHALL REGISTER HIS OR HER CURRENT ADDRESS AND THE ADDRESS OF HIS OR
16 HER PLACE OF EMPLOYMENT OR EDUCATIONAL INSTITUTION ATTENDED WITH THE
17 DIVISION WITHIN TEN CALENDAR DAYS AFTER SUCH NONRESIDENT WORKER OR
18 NONRESIDENT STUDENT COMMENCES EMPLOYMENT OR ATTENDANCE AT AN EDUCATIONAL
19 INSTITUTION IN THE STATE. ANY NONRESIDENT WORKER OR NONRESIDENT STUDENT
20 SHALL NOTIFY THE DIVISION OF ANY CHANGE OF RESIDENCE, EMPLOYMENT OR
21 EDUCATIONAL INSTITUTION ADDRESS NO LATER THAN TEN DAYS AFTER SUCH
22 CHANGE. THE DIVISION SHALL NOTIFY THE LAW ENFORCEMENT AGENCY WHERE THE
23 NONRESIDENT WORKER IS EMPLOYED OR THE EDUCATIONAL INSTITUTION IS LOCATED
24 THAT A NONRESIDENT WORKER OR NONRESIDENT STUDENT IS PRESENT IN THAT
25 AGENCY'S JURISDICTION.

26 S 169-G. PRIOR CONVICTIONS; DUTY TO INFORM AND REGISTER. 1. EVERY
27 DOMESTIC ABUSE OFFENDER WHO ON THE EFFECTIVE DATE OF THIS ARTICLE IS
28 THEN ON PAROLE OR PROBATION FOR AN OFFENSE PROVIDED FOR IN SUBDIVISION
29 TWO OF SECTION ONE HUNDRED SIXTY-NINE-A OF THIS ARTICLE SHALL WITHIN
30 THIRTY CALENDAR DAYS OF SUCH EFFECTIVE DATE REGISTER WITH HIS OR HER
31 PAROLE OR PROBATION OFFICER. ANY DOMESTIC ABUSE OFFENDER WHO FAILS OR
32 REFUSES TO SO COMPLY SHALL BE SUBJECT TO THE SAME PENALTIES AS OTHERWISE
33 PROVIDED FOR IN THIS ARTICLE WHICH WOULD BE IMPOSED UPON A DOMESTIC
34 ABUSE OFFENDER WHO FAILS OR REFUSES TO SO COMPLY WITH THE PROVISIONS OF
35 THIS ARTICLE ON OR AFTER SUCH EFFECTIVE DATE.

36 2. IT SHALL BE THE DUTY OF THE PAROLE OR PROBATION OFFICER TO INFORM
37 AND REGISTER SUCH DOMESTIC ABUSE OFFENDER ACCORDING TO THE REQUIREMENTS
38 IMPOSED BY THIS ARTICLE. A PAROLE OR PROBATION OFFICER SHALL GIVE ONE
39 COPY OF THE FORM TO THE DOMESTIC ABUSE OFFENDER AND SHALL, WITHIN THREE
40 CALENDAR DAYS, SEND TWO COPIES ELECTRONICALLY OR OTHERWISE TO THE DIVI-
41 SION WHICH SHALL FORWARD ONE COPY ELECTRONICALLY OR OTHERWISE TO THE LAW
42 ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE DOMESTIC ABUSE OFFENDER
43 RESIDES UPON HIS OR HER PAROLE, PROBATION, OR UPON ANY FORM OF STATE OR
44 LOCAL CONDITIONAL RELEASE.

45 S 169-H. DURATION OF REGISTRATION AND VERIFICATION. THE DURATION OF
46 REGISTRATION AND VERIFICATION FOR A DOMESTIC ABUSE OFFENDER SHALL BE FOR
47 A PERIOD OF FIVE TO TEN YEARS FROM THE INITIAL DATE OF REGISTRATION, AS
48 DETERMINED BY THE COURT, OR WHILE A PERMANENT ORDER OF PROTECTION EXISTS
49 AGAINST THE DOMESTIC ABUSE OFFENDER WHICHEVER IS LONGER.

50 S 169-I. REGISTRATION AND VERIFICATION REQUIREMENTS. REGISTRATION AND
51 VERIFICATION AS REQUIRED BY THIS ARTICLE SHALL CONSIST OF A STATEMENT IN
52 WRITING SIGNED BY THE DOMESTIC ABUSE OFFENDER GIVING THE INFORMATION
53 THAT IS REQUIRED BY THE DIVISION AND THE DIVISION SHALL ENTER THE INFOR-
54 MATION INTO AN APPROPRIATE ELECTRONIC DATA BASE OR FILE.

55 S 169-J. NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGE OF
56 ADDRESS. 1. UPON RECEIPT OF A CHANGE OF ADDRESS BY A DOMESTIC ABUSE

1 OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE, THE DIVISION SHALL
2 NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION OF THE NEW
3 PLACE OF RESIDENCE AND THE LOCAL LAW ENFORCEMENT AGENCY WHERE THE DOMES-
4 TIC ABUSE OFFENDER LAST RESIDED OF THE NEW PLACE OF RESIDENCE.

5 2. THE DIVISION SHALL, IF THE DOMESTIC ABUSE OFFENDER CHANGES RESI-
6 DENCE TO ANOTHER STATE, NOTIFY THE APPROPRIATE AGENCY WITHIN THAT STATE
7 OF THE NEW PLACE OF RESIDENCE.

8 3. UPON RECEIPT OF A CHANGE IN THE STATUS OF THE ENROLLMENT, ATTEND-
9 ANCE, EMPLOYMENT OR RESIDENCE AT AN INSTITUTION OF HIGHER EDUCATION BY A
10 DOMESTIC ABUSE OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE, THE
11 DIVISION SHALL NOTIFY EACH LAW ENFORCEMENT AGENCY HAVING JURISDICTION
12 WHICH IS AFFECTED BY SUCH CHANGE.

13 S 169-K. REGISTRATION FOR CHANGE OF ADDRESS FROM ANOTHER STATE. 1. A
14 DOMESTIC ABUSE OFFENDER WHO HAS BEEN CONVICTED OF AN OFFENSE WHICH
15 REQUIRES REGISTRATION UNDER PARAGRAPH (B) OF SUBDIVISION TWO OF SECTION
16 ONE HUNDRED SIXTY-NINE-A OF THIS ARTICLE SHALL NOTIFY THE DIVISION OF
17 THE NEW ADDRESS NO LATER THAN TEN CALENDAR DAYS AFTER SUCH DOMESTIC
18 ABUSE OFFENDER ESTABLISHES RESIDENCE IN THIS STATE.

19 2. THE DIVISION SHALL UNDERTAKE AN INFORMATION CAMPAIGN DESIGNED TO
20 PROVIDE INFORMATION TO OFFICIALS AND APPROPRIATE INDIVIDUALS IN OTHER
21 STATES AND UNITED STATES POSSESSIONS CONCERNING THE NOTIFICATION PROCE-
22 DURES REQUIRED BY THIS ARTICLE. SUCH INFORMATION CAMPAIGN SHALL BE ONGO-
23 ING, AND SHALL INCLUDE, BUT NOT BE LIMITED TO, LETTERS, NOTICE FORMS AND
24 SIMILAR MATERIALS PROVIDING RELEVANT INFORMATION ABOUT THIS ARTICLE AND
25 THE SPECIFIC PROCEDURES REQUIRED TO EFFECT NOTIFICATION. SUCH MATERIALS
26 SHALL INCLUDE AN ADDRESS AND TELEPHONE NUMBER WHICH SUCH OFFICIALS AND
27 INDIVIDUALS IN OTHER STATES AND UNITED STATES POSSESSIONS MAY USE TO
28 OBTAIN ADDITIONAL INFORMATION.

29 S 169-L. PETITION FOR RELIEF OR MODIFICATION. ANY DOMESTIC ABUSE
30 OFFENDER WHO IS REQUIRED TO REGISTER OR VERIFY PURSUANT TO THIS ARTICLE
31 AND WHO HAS BEEN REGISTERED FOR A MINIMUM PERIOD OF TEN YEARS MAY BE
32 RELIEVED OF ANY FURTHER DUTY TO REGISTER UPON THE GRANTING OF A PETITION
33 FOR RELIEF BY THE SENTENCING COURT OR BY THE COURT WHICH MADE THE DETER-
34 MINATION REGARDING DURATION OF REGISTRATION AND LEVEL OF NOTIFICATION.
35 THE OFFENDER SHALL BEAR THE BURDEN OF PROVING BY CLEAR AND CONVINCING
36 EVIDENCE THAT HIS OR HER RISK OF REPEAT OFFENSE AND THREAT TO PUBLIC
37 SAFETY IS SUCH THAT REGISTRATION OR VERIFICATION IS NO LONGER NECESSARY.
38 SUCH PETITION, IF GRANTED, SHALL NOT RELIEVE THE PETITIONER OF THE DUTY
39 TO REGISTER PURSUANT TO THIS ARTICLE UPON CONVICTION OF ANY OFFENSE
40 REQUIRING REGISTRATION IN THE FUTURE. SUCH A PETITION SHALL NOT BE
41 CONSIDERED MORE THAN ONCE EVERY TWO YEARS. IN THE EVENT THAT THE DOMES-
42 TIC ABUSE OFFENDER'S PETITION FOR RELIEF IS GRANTED, THE DISTRICT ATTOR-
43 NEY MAY APPEAL AS OF RIGHT FROM THE ORDER PURSUANT TO THE PROVISIONS OF
44 ARTICLES FIFTY-FIVE, FIFTY-SIX AND FIFTY-SEVEN OF THE CIVIL PRACTICE LAW
45 AND RULES. WHERE COUNSEL HAS BEEN ASSIGNED TO REPRESENT THE DOMESTIC
46 ABUSE OFFENDER UPON THE GROUND THAT THE DOMESTIC ABUSE OFFENDER IS
47 FINANCIALLY UNABLE TO RETAIN COUNSEL, THAT ASSIGNMENT SHALL BE CONTINUED
48 THROUGHOUT THE PENDENCY OF THE APPEAL, AND THE PERSON MAY APPEAL AS A
49 POOR PERSON PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW.

50 S 169-M. SPECIAL TELEPHONE NUMBER. 1. PURSUANT TO SECTION ONE HUNDRED
51 SIXTY-NINE-B OF THIS ARTICLE, THE DIVISION SHALL OPERATE A TELEPHONE
52 NUMBER THAT MEMBERS OF THE PUBLIC MAY CALL FREE OF CHARGE AND INQUIRE
53 WHETHER A NAMED INDIVIDUAL REQUIRED TO REGISTER PURSUANT TO THIS ARTICLE
54 IS LISTED. THE DIVISION SHALL ASCERTAIN WHETHER A NAMED PERSON REASON-
55 ABLY APPEARS TO BE A PERSON SO LISTED AND PROVIDE THE CALLER WITH THE
56 RELEVANT INFORMATION. THE DIVISION SHALL DECIDE WHETHER THE NAMED PERSON

1 REASONABLY APPEARS TO BE A PERSON LISTED, BASED UPON INFORMATION FROM
2 THE CALLER PROVIDING INFORMATION THAT SHALL INCLUDE (A) AN EXACT STREET
3 ADDRESS, INCLUDING APARTMENT NUMBER, DRIVER'S LICENSE NUMBER OR BIRTH
4 DATE, ALONG WITH ADDITIONAL INFORMATION THAT MAY INCLUDE SOCIAL SECURITY
5 NUMBER, HAIR COLOR, EYE COLOR, HEIGHT, WEIGHT, DISTINCTIVE MARKINGS,
6 ETHNICITY; OR (B) ANY COMBINATION OF THE ABOVE LISTED CHARACTERISTICS IF
7 AN EXACT BIRTH DATE OR ADDRESS IS NOT AVAILABLE. IF THREE OF THE CHARAC-
8 TERISTICS PROVIDED INCLUDE ETHNICITY, HAIR COLOR, AND EYE COLOR, OTHER
9 IDENTIFYING CHARACTERISTICS SHALL BE PROVIDED. ANY INFORMATION IDENTIFY-
10 ING THE VICTIM BY NAME, BIRTH DATE, ADDRESS OR RELATION TO THE PERSON
11 LISTED BY THE DIVISION SHALL BE EXCLUDED BY THE DIVISION.

12 2. WHEN THE TELEPHONE NUMBER IS CALLED, A PREAMBLE SHALL BE PLAYED
13 WHICH SHALL PROVIDE THE FOLLOWING INFORMATION:

14 (A) NOTICE THAT THE CALLER'S TELEPHONE NUMBER WILL BE RECORDED;

15 (B) THAT THERE IS NO CHARGE FOR USE OF THE TELEPHONE NUMBER;

16 (C) NOTICE THAT THE CALLER IS REQUIRED TO IDENTIFY HIMSELF OR HERSELF
17 TO THE OPERATOR AND PROVIDE A CURRENT ADDRESS AND THAT THE CALL SHALL BE
18 MAINTAINED IN A WRITTEN RECORD;

19 (D) A WARNING THAT IT IS ILLEGAL TO USE INFORMATION OBTAINED THROUGH
20 THE TELEPHONE NUMBER TO COMMIT A CRIME AGAINST ANY PERSON LISTED OR TO
21 ENGAGE IN ILLEGAL DISCRIMINATION OR HARASSMENT AGAINST SUCH PERSON;

22 (E) NOTICE THAT THE CALLER IS REQUIRED TO HAVE THE BIRTH DATE, DRIV-
23 ER'S LICENSE OR IDENTIFICATION NUMBER, OR ADDRESS OR OTHER IDENTIFYING
24 INFORMATION REGARDING THE PERSON ABOUT WHOM INFORMATION IS SOUGHT IN
25 ORDER TO ACHIEVE A POSITIVE IDENTIFICATION OF THAT PERSON; AND

26 (F) A STATEMENT THAT THE NUMBER IS NOT A CRIME HOTLINE AND THAT ANY
27 SUSPECTED CRIMINAL ACTIVITY SHOULD BE REPORTED TO LOCAL AUTHORITIES.

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

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

43 (A) NUMBER OF CALLS RECEIVED;

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

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

49 (D) NUMBER OF PERSONS LISTED; AND

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

52 S 169-N. DIRECTORY; INTERNET POSTING. 1. THE DIVISION SHALL MAINTAIN A
53 DIRECTORY OF DOMESTIC ABUSE OFFENDERS. THE DIRECTORY SHALL INCLUDE THE
54 ADDRESS, ADDRESS OF THE OFFENDER'S PLACE OF EMPLOYMENT AND PHOTOGRAPH OF
55 THE DOMESTIC ABUSE OFFENDER ALONG WITH THE FOLLOWING INFORMATION, IF
56 AVAILABLE: NAME, PHYSICAL DESCRIPTION, AGE AND DISTINCTIVE MARKINGS. THE

1 DIRECTORY SHALL HAVE DOMESTIC ABUSE OFFENDER LISTINGS CATEGORIZED BY
2 COUNTY AND ZIP CODE. A COPY OF THE DIRECTORY SHALL ANNUALLY BE DISTRIB-
3 UTED TO THE OFFICES OF LOCAL, VILLAGE, TOWN, CITY, COUNTY OR STATE LAW
4 ENFORCEMENT AGENCIES FOR PURPOSES OF PUBLIC ACCESS. THE DIVISION SHALL
5 DISTRIBUTE MONTHLY UPDATES TO THE OFFICES OF LOCAL, VILLAGE, TOWN, CITY,
6 COUNTY OR STATE LAW ENFORCEMENT AGENCIES FOR PURPOSES OF PUBLIC ACCESS.
7 SUCH DEPARTMENTS SHALL REQUIRE THAT A PERSON IN WRITING PROVIDE THEIR
8 NAME AND ADDRESS PRIOR TO VIEWING THE DIRECTORY. THE DIRECTORY PROVIDED
9 FOR IN THIS SECTION SHALL BE UPDATED MONTHLY TO MAINTAIN ITS EFFICIENCY
10 AND USEFULNESS AND SHALL BE COMPUTER ACCESSIBLE. SUCH DIRECTORY SHALL BE
11 MADE AVAILABLE AT ALL TIMES ON THE INTERNET VIA THE DIVISION HOMEPAGE.

12 2. EVERY PAGE OF THE DIVISION'S WEBSITE SHALL PROMINENTLY DISPLAY A
13 LINK TO THE WEBSITE OF THE NEW YORK STATE OFFICE FOR THE PREVENTION OF
14 DOMESTIC VIOLENCE AND THE TELEPHONE NUMBER OF THE NEW YORK STATE DOME-
15 STIC VIOLENCE HOTLINE AND SHALL ALSO CONTAIN A CAVEAT INFORMING USERS
16 THAT A PERSON WHO IS NOT ON THE REGISTRY MAY STILL HAVE A HISTORY OF
17 VIOLENCE OR A PROPENSITY FOR VIOLENCE AND IF THE USER SUSPECTS THAT A
18 PERSON HE OR SHE IS INVOLVED WITH IS DANGEROUS, HE OR SHE SHOULD CALL
19 THE HOTLINE.

20 3. ANY PERSON WHO USES INFORMATION DISCLOSED PURSUANT TO THIS SECTION
21 IN VIOLATION OF THE LAW SHALL IN ADDITION TO ANY OTHER PENALTY OR FINE
22 IMPOSED, BE SUBJECT TO A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS AND
23 NOT MORE THAN ONE THOUSAND DOLLARS. UNAUTHORIZED REMOVAL OR DUPLICATION
24 OF THE DIRECTORY FROM THE OFFICES OF A LOCAL, VILLAGE OR CITY POLICE
25 DEPARTMENT SHALL BE PUNISHABLE BY A FINE NOT TO EXCEED ONE THOUSAND
26 DOLLARS. IN ADDITION, THE ATTORNEY GENERAL, ANY DISTRICT ATTORNEY, OR
27 ANY PERSON AGGRIEVED IS AUTHORIZED TO BRING A CIVIL ACTION IN THE APPRO-
28 PRIATE COURT REQUESTING PREVENTIVE RELIEF, INCLUDING AN APPLICATION FOR
29 A PERMANENT OR TEMPORARY INJUNCTION, RESTRAINING ORDER, OR OTHER ORDER
30 AGAINST THE PERSON OR GROUP OF PERSONS RESPONSIBLE FOR SUCH ACTION. THE
31 FOREGOING REMEDIES SHALL BE INDEPENDENT OF ANY OTHER REMEDIES OR PROCE-
32 DURES THAT MAY BE AVAILABLE TO AN AGGRIEVED PARTY UNDER OTHER PROVISIONS
33 OF LAW.

34 S 169-O. IMMUNITY FROM LIABILITY. 1. NO OFFICIAL, EMPLOYEE OR AGENCY,
35 WHETHER PUBLIC OR PRIVATE, SHALL BE SUBJECT TO ANY CIVIL OR CRIMINAL
36 LIABILITY FOR DAMAGES FOR ANY DISCRETIONARY DECISION TO RELEASE RELEVANT
37 AND NECESSARY INFORMATION PURSUANT TO THIS ARTICLE, UNLESS IT IS SHOWN
38 THAT SUCH OFFICIAL, EMPLOYEE OR AGENCY ACTED WITH GROSS NEGLIGENCE OR IN
39 BAD FAITH. THE IMMUNITY PROVIDED UNDER THIS SECTION APPLIES TO THE
40 RELEASE OF RELEVANT INFORMATION TO OTHER EMPLOYEES OR OFFICIALS OR TO
41 THE GENERAL PUBLIC.

42 2. NOTHING IN THIS SECTION SHALL BE DEEMED TO IMPOSE ANY CIVIL OR
43 CRIMINAL LIABILITY UPON OR TO GIVE RISE TO A CAUSE OF ACTION AGAINST ANY
44 OFFICIAL, EMPLOYEE OR AGENCY, WHETHER PUBLIC OR PRIVATE, FOR FAILING TO
45 RELEASE INFORMATION AS AUTHORIZED IN THIS SECTION UNLESS IT IS SHOWN
46 THAT SUCH OFFICIAL, EMPLOYEE OR AGENCY ACTED WITH GROSS NEGLIGENCE OR IN
47 BAD FAITH.

48 S 169-P. ANNUAL REPORT. THE DIVISION SHALL ON OR BEFORE AUGUST FIRST
49 IN EACH YEAR FILE A REPORT WITH THE GOVERNOR AND THE LEGISLATURE DETAIL-
50 ING THE PROGRAM, COMPLIANCE WITH PROVISIONS OF THIS ARTICLE AND EFFEC-
51 TIVENESS OF THE PROVISIONS OF THIS ARTICLE, TOGETHER WITH ANY RECOMMEN-
52 DATIONS TO FURTHER ENHANCE THE INTENT OF THIS ARTICLE.

53 S 169-Q. FAILURE TO REGISTER; PENALTY. ANY PERSON REQUIRED TO REGISTER
54 PURSUANT TO THE PROVISIONS OF THIS ARTICLE WHO FAILS TO REGISTER IN THE
55 MANNER AND WITHIN THE TIME PERIODS PROVIDED FOR IN THIS ARTICLE SHALL BE
56 GUILTY OF A CLASS E FELONY FOR THE FIRST OFFENSE, AND FOR A SECOND OR

1 SUBSEQUENT OFFENSE SHALL BE GUILTY OF A CLASS D FELONY RESPECTIVELY IN
2 ACCORDANCE WITH SECTIONS 195.03 AND 195.04 OF THE PENAL LAW. ANY SUCH
3 FAILURE TO REGISTER MAY ALSO BE THE BASIS FOR REVOCATION OF PAROLE
4 PURSUANT TO SECTION TWO HUNDRED FIFTY-NINE-I OF THE EXECUTIVE LAW WHICH
5 SHALL BE IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW.

6 S 169-R. UNAUTHORIZED RELEASE OF INFORMATION. THE UNAUTHORIZED RELEASE
7 OF ANY INFORMATION REQUIRED BY THIS ARTICLE SHALL BE A CLASS B MISDEMEA-
8 NOR.

9 S 169-S. SEPARABILITY. IF ANY SECTION OF THIS ARTICLE, OR PART THEREOF
10 SHALL BE ADJUDGED BY A COURT OF COMPETENT JURISDICTION TO BE INVALID,
11 SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER OR
12 ANY OTHER SECTION OR PART THEREOF.

13 S 3. The criminal procedure law is amended by adding a new section
14 530.15 to read as follows:

15 S 530.15 DOMESTIC ABUSE OFFENDER DETERMINATION.

16 IF IN THE OPINION OF THE COURT THE INTEREST OF JUSTICE WOULD BE
17 SERVED, THE COURT MAY, IN ITS DISCRETION, FIND A DEFENDANT AGAINST WHOM
18 AN ORDER OF PROTECTION HAS BEEN ISSUED ON TWO OR MORE SEPARATE OCCASIONS
19 IS A "DOMESTIC ABUSE OFFENDER" AS DEFINED IN SUBDIVISION ONE OF SECTION
20 ONE HUNDRED SIXTY-NINE-A OF THE CORRECTION LAW.

21 S 4. Subdivision 1 of section 530.12 of the criminal procedure law is
22 amended by adding a new paragraph (c) to read as follows:

23 (C) THE COURT DETERMINES A DEFENDANT AGAINST WHOM AN ORDER OF
24 PROTECTION HAS BEEN ISSUED ON TWO OR MORE SEPARATE OCCASIONS TO BE A
25 "DOMESTIC ABUSE OFFENDER" AS DEFINED IN SUBDIVISION ONE OF SECTION ONE
26 HUNDRED SIXTY-NINE-A OF THE CORRECTION LAW.

27 S 5. This act shall take effect on the one hundred eightieth day after
28 it shall have become a law; provided, however, that section one of this
29 act shall take effect on the first of November next succeeding the date
30 on which it shall have become a law; and provided further, that effec-
31 tive immediately, the addition, amendment and/or repeal of any rule or
32 regulation necessary for the implementation of this act on its effective
33 date are authorized to be made and completed on or before such date.

34

PART X

35 Section 1. The commissioner of general services and the commissioner
36 of the office for people with developmental disabilities shall jointly
37 examine, evaluate, and make a report concerning the most appropriate
38 uses of the J.N. Adam developmental center (the center), generally
39 described in section two of this act. The commissioners shall prepare
40 such report in conjunction with, and shall consider and include in such
41 report the recommendations of, the empire state development corporation,
42 the office of parks, recreation and historic preservation, the depart-
43 ment of environmental conservation, the mayor of the city of Buffalo,
44 the city council of the city of Buffalo, the supervisor of the town of
45 Perrysburg, and the town board of the town of Perrysburg. Such report
46 shall include, but not be limited to, an examination of: any legal
47 impediments to any conveyance and other future uses of the real property
48 constituting the center; the availability of funding for the temporary
49 maintenance of the facilities of such center; any improvements to such
50 center which may be necessary to facilitate the conveyance of all or any
51 portion thereof; environmental and other remediation necessary, includ-
52 ing cost estimates, to facilitate the conveyance or any other disposi-
53 tion of such center; and the impact of any such conveyance or any other
54 disposition upon the town of Perrysburg, county of Cattaraugus, and

1 surrounding municipalities, including the city of Buffalo. Such report
2 shall also include a complete and accurate survey and description of the
3 lands constituting the center, which shall distinguish parcels that are
4 currently being used by the office for people with developmental disa-
5 bilities, and identify other such parcels as appropriate. Such report
6 shall be submitted to the governor, temporary president of the senate,
7 and the speaker of the assembly on or before December 31, 2016. Such
8 report shall also be posted on the website of the office of general
9 services and the office for people with developmental disabilities for
10 at least eighteen months after such date, and shall otherwise be made
11 available for public inspection consistent with article 6 of the public
12 officers law.

13 S 2. The lands subject to the provisions of this act, constituting the
14 center, situate in the town of Perrysburg, county of Cattaraugus,
15 consists of approximately 649 acres of both developed and undeveloped
16 land, and shall include any structures thereon.

17 S 3. No later than 90 days prior to December 31, 2016, at least two
18 public hearings shall have been held to solicit public input concerning
19 appropriate uses for the center. At least one such public hearing shall
20 be held in the town of Perrysburg, and at least one shall be held in the
21 city of Buffalo.

22 S 4. This act shall take effect immediately.

23

PART Y

24 Section 1. The commissioner of the office of general services is
25 authorized and empowered to transfer and convey certain state property,
26 as further described in this act, to the city of Ogdensburg for fair
27 market value, upon such terms and conditions as such commissioner may
28 fix and determine.

29 S 2. The property to be conveyed pursuant to this act shall consist of
30 three parcels of land at the St. Lawrence Psychiatric Center, in the
31 city of Ogdensburg, St. Lawrence county, generally described as follows:

32 Parcel 1: 50 acres for residential development bounded by the Saint
33 Lawrence River to the northwest, on the south by River Drive, northeast
34 of Bridgeview to include all of the surplus land abutting the Saint
35 Lawrence River between Bridgeview and Trinity buildings.

36 Parcel 2: 45 acres for commercial/industrial development bounded on
37 the south and east by Ogdensburg Bridge and Port Authority lands, on the
38 north by Woods Road, and southwest of any St. Lawrence Psychiatric
39 Center Buildings.

40 Parcel 3: 25 acres for Co-generation development, bounded to the south
41 by Entrance Drive, on the east by Cottage Road, on the north by Office
42 of Mental Health long-term property.

43 S 3. The description of the lands set forth in section two of this act
44 to be conveyed is not intended to be a legal description, but is
45 intended only to identify the premises to be conveyed. As a condition of
46 purchase, the City of Ogdensburg shall submit to the commissioner of the
47 office of general services for said commissioner's approval an accurate
48 survey and description of the lands generally described, which may be
49 used in the conveyance thereof.

50 S 4. This act shall take effect immediately.

51

PART Z

1 Section 1. The volunteer firefighters' benefit law is amended by
2 adding a new section 11-d to read as follows:

3 S 11-D. CERTAIN IMPAIRMENTS OF HEALTH; PRESUMPTION. NOTWITHSTANDING
4 ANY OTHER PROVISION OF THIS CHAPTER TO THE CONTRARY, ANY: (I) MELANOMA;
5 OR (II) CONDITION OF CANCER AFFECTING LYMPHATIC, DIGESTIVE, HEMATOLOGI-
6 CAL, URINARY, PROSTATE, NEUROLOGICAL, BREAST OR REPRODUCTIVE SYSTEMS,
7 RESULTING IN TOTAL OR PARTIAL DISABILITY OR DEATH TO A VOLUNTEER FIRE-
8 FIGHTER, WHO SUCCESSFULLY PASSED A PHYSICAL EXAMINATION ON ENTRY INTO
9 FIREFIGHTER SERVICE, WHICH EXAMINATION FAILED TO REVEAL ANY EVIDENCE OF
10 SUCH A MELANOMA OR CONDITION, SHALL BE PRESUMPTIVE EVIDENCE THAT IT WAS
11 INCURRED IN THE PERFORMANCE AND DISCHARGE OF DUTY UNLESS THE CONTRARY BE
12 PROVEN BY COMPETENT EVIDENCE.

13 S 2. This act shall take effect immediately and shall expire and be
14 deemed repealed June 30, 2020.

15 PART AA

16 Section 1. Section 8 of the volunteer firefighters' benefit law, as
17 amended by chapter 574 of the laws of 1998, is amended to read as
18 follows:

19 S 8. Permanent total disability benefits. 1. In the case of total
20 disability adjudged to be permanent the volunteer firefighter shall be
21 paid four hundred dollars for each week [during the continuance there-
22 of]. Permanent total disability, within the meaning of this section,
23 shall exist only if the earning capacity of the volunteer firefighter
24 has been lost permanently and totally as the result of the injury. The
25 loss of both hands, or both arms, or both feet, or both legs, or both
26 eyes, or any two thereof, shall, in the absence of conclusive proof to
27 the contrary, constitute permanent total disability, but in all other
28 cases permanent total disability shall be determined in accordance with
29 the facts. Notwithstanding any other provisions of this chapter, an
30 injured volunteer firefighter disabled due to the loss or total loss of
31 use of both eyes, or both hands, or both arms, or both feet, or both
32 legs, or any two thereof shall not suffer any diminution of such weekly
33 benefit by engaging in business or employment provided his or her weekly
34 earnings or wages, when combined with his or her weekly benefit shall
35 not be in excess of [six] EIGHT hundred dollars; and further provided
36 that the application of this section shall not result in reduction of
37 benefits which an injured volunteer firefighter who is disabled due to
38 the loss or total loss of use of both eyes, or both hands, or both arms,
39 or both feet, or both legs, or any two thereof would otherwise be enti-
40 tled to under any other provisions of this article.

41 2. BENEFITS RECEIVED PURSUANT TO SUBDIVISION ONE OF THIS SECTION AFTER
42 JANUARY FIRST, TWO THOUSAND SIXTEEN SHALL BE ADJUSTED YEARLY ON FEBRUARY
43 FIRST BY A PERCENTAGE EQUAL TO THE PERCENT INCREASE IN THE PREVIOUS
44 YEAR'S CONSUMER PRICE INDEX.

45 S 2. Subdivision 5 of section 51 of the volunteer firefighters' bene-
46 fit law, as renumbered by chapter 246 of the laws of 2006, is renumbered
47 subdivision 6 and a new subdivision 5 is added to read as follows:

48 5. THE INSURANCE CARRIER OR ENTITY RESPONSIBLE FOR PAYING THE BENEFIT
49 INCREASE PROVIDED IN SECTION EIGHT OF THIS CHAPTER SHALL CLAIM FOR SUCH
50 BENEFIT INCREASE REIMBURSEMENT FROM THE SPECIAL FUND FOR REOPENED CASES
51 COMMENCING ONE YEAR FROM THE DATE OF THE FIRST SUCH PAYMENT AND ANNUALLY
52 THEREAFTER WHILE SUCH PAYMENTS CONTINUE, ON A FORM PRESCRIBED BY THE
53 CHAIR.

1 S 3. This act shall take effect immediately and shall apply to weekly
2 benefit periods that commence after January 1, 2016.

3 PART BB

4 Section 1. Subdivisions 2 and 4 of paragraph a and subdivision 3 of
5 paragraph f of section 90.00 of the local finance law, subdivision 2 of
6 paragraph a as added by section 8 of part F of chapter 383 of the laws
7 of 2001, subdivision 4 of paragraph a as amended by chapter 1034 of the
8 laws of 1960 and subdivision 3 of paragraph f as amended by chapter 711
9 of the laws of 1943, are amended to read as follows:

10 2. Notwithstanding the provisions of subdivision one of this para-
11 graph[,]: (A) bonds issued by a school district prior to December first
12 two thousand one, or prior to thirty days after the effective date of
13 this subdivision, whichever is later, for the purpose of financing
14 facilities which were eligible for building aid pursuant to section
15 thirty-six hundred two of the education law, and for which the aid
16 apportionments payable in two thousand two--two thousand three and/or
17 two thousand three--two thousand four school years for approved expendi-
18 tures for debt service are subsequently reduced as a result of the
19 application of assumed amortization to unpaid principal outstanding as
20 of July first, two thousand two, may be refunded and the refunding bonds
21 may be sold at either public or private sale in accordance with the
22 provisions of section 90.10 of this title; provided, however, the school
23 district need not comply with: (i) subparagraph (a) of subdivision two
24 of paragraph b of section 90.10 of this title; and (ii) if the bonds to
25 be refunded are to be redeemed or paid on the same date as the refunding
26 bonds are issued, the school district need not comply with the
27 provisions of section 90.10 of this title relating to the escrow of the
28 proceeds of the sale of the refunding bonds; AND (B) BONDS ISSUED BY A
29 MUNICIPALITY AUTHORIZED TO CREATE A COMMUNITY PRESERVATION FUND PURSUANT
30 TO SUBDIVISION TWO OF SECTION SIXTY-FOUR-E OF THE TOWN LAW AND FOR THE
31 PURPOSE OF FINANCING COMMUNITY PRESERVATION WHICH WERE ELIGIBLE FOR
32 FUNDING PURSUANT TO SUBDIVISIONS THREE AND FOUR OF SECTION SIXTY-FOUR-E
33 OF THE TOWN LAW MAY BE REFUNDED AND THE REFUNDING BONDS MAY BE SOLD AT
34 EITHER PUBLIC OR PRIVATE SALE IN ACCORDANCE WITH THE PROVISIONS OF
35 SECTION 90.10 OF THIS TITLE; PROVIDED, HOWEVER, THE MUNICIPALITY NEED
36 NOT COMPLY WITH: (I) SUBPARAGRAPH (A) OF SUBDIVISION TWO OF PARAGRAPH B
37 OF SECTION 90.10 OF THIS TITLE; AND (II) IF THE BONDS TO BE REFUNDED ARE
38 TO BE REDEEMED OR PAID ON THE SAME DATE AS THE REFUNDING BONDS ARE
39 ISSUED, THE MUNICIPALITY NEED NOT COMPLY WITH THE PROVISIONS OF SECTION
40 90.10 OF THIS TITLE RELATING TO THE ESCROW OF THE PROCEEDS OF THE SALE
41 OF THE REFUNDING BONDS.

42 4. If a budgetary appropriation has been made for the payment of the
43 principal on bonds, such maturity shall not be included in a refunding
44 bond issue; PROVIDED, HOWEVER, THIS SUBDIVISION SHALL NOT APPLY TO
45 REFUNDING BONDS ISSUED BY A MUNICIPALITY AUTHORIZED TO CREATE A COMMUNI-
46 TY PRESERVATION FUND PURSUANT TO SUBDIVISION TWO OF SECTION SIXTY-FOUR-E
47 OF THE TOWN LAW AND FOR THE PURPOSE OF FINANCING COMMUNITY PRESERVATION
48 WHICH WERE ELIGIBLE FOR FUNDING PURSUANT TO SUBDIVISIONS THREE AND FOUR
49 OF SECTION SIXTY-FOUR-E OF THE TOWN LAW.

50 3. If the bonds to be refunded are bonds which were issued on or after
51 January first, nineteen hundred thirty-nine, other than bonds issued to
52 redeem notes, certificates or other evidences of temporary indebtedness
53 issued prior to January first, nineteen hundred thirty-nine, in antic-
54 ipation of such bonds, a statement of the maximum period of probable

1 usefulness, at the time of the issuance of the bonds to be refunded OR
2 AS MAY BE PROVIDED BY RESOLUTION OR RESOLUTION SUBJECT TO PERMISSIVE
3 REFERENDUM, BY THE GOVERNING BODY OF THE MUNICIPALITY AND CONSISTENT
4 WITH SECTION 11.00 OF THIS ARTICLE OR SUCH OTHER GENERAL OR SPECIAL LAW,
5 of the object or purpose for which such bonds were issued.

6 S 2. Subdivision 2 of paragraph b of section 90.10 of the local
7 finance law is amended by adding a new subparagraph (f) to read as
8 follows:

9 (F) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (A) OF THIS SUBDI-
10 VISION, A MUNICIPALITY MAY ALSO ISSUE REFUNDING BONDS TO REFUND BONDS IF
11 THE BONDS WERE ISSUED BY A MUNICIPALITY AUTHORIZED TO CREATE A COMMUNITY
12 PRESERVATION FUND PURSUANT TO SUBDIVISION TWO OF SECTION SIXTY-FOUR-E OF
13 THE TOWN LAW AND FOR THE PURPOSE OF FINANCING COMMUNITY PRESERVATION
14 WHICH WERE ELIGIBLE FOR FUNDING PURSUANT TO SUBDIVISIONS THREE AND FOUR
15 OF SECTION SIXTY-FOUR-E OF THE TOWN LAW.

16 S 3. Subdivisions 4 and 5 of paragraph e of section 90.10 of the local
17 finance law, subdivision 4 as added by chapter 264 of the laws of 1977
18 and subdivision 5 as amended by chapter 201 of the laws of 1978, are
19 amended to read as follows:

20 4. A statement of the maximum period or periods of probable usefulness
21 permitted by law at the time of the issuance of the bonds to be refunded
22 for the object or purpose or objects or purposes for which such bonds to
23 be refunded were issued. NOTWITHSTANDING THE ABOVE, THE PERIOD OR PERI-
24 ODS OF PROBABLE USEFULNESS FOR BONDS ISSUED BY A MUNICIPALITY AUTHORIZED
25 TO CREATE A COMMUNITY PRESERVATION FUND PURSUANT TO SUBDIVISION TWO OF
26 SECTION SIXTY-FOUR-E OF THE TOWN LAW AND FOR THE PURPOSE OF FINANCING
27 COMMUNITY PRESERVATION WHICH WERE ELIGIBLE FOR FUNDING PURSUANT TO
28 SUBDIVISIONS THREE AND FOUR OF SECTION SIXTY-FOUR-E OF THE TOWN LAW
29 SHALL NOT BE LIMITED TO THE PERIOD OF PROBABLE USEFULNESS AT THE TIME OF
30 ISSUANCE OF THE BOND TO BE REFUNDED BUT RATHER THE STATEMENT OF PERIOD
31 OR PERIODS OF PROBABLE USEFULNESS REQUIRED IN THIS SUBDIVISION MAY
32 INCLUDE AN EXTENSION OF SUCH PERIOD OF TIME SET FORTH IN SECTION 11.00
33 OF THIS ARTICLE OR SUCH OTHER GENERAL OR SPECIAL LAW.

34 5. The financial plan for the refunding proposed, showing the sources
35 and amounts of all moneys required to accomplish such refunding, and
36 except where such refunding bonds are issued by the city of New York OR
37 MUNICIPALITY pursuant to subparagraph (b) OR (F) of subdivision two of
38 paragraph b of this section, RESPECTIVELY, an estimate of the present
39 value of the total debt service savings anticipated, computed in accord-
40 ance with subparagraph (a) of subdivision two of paragraph b of this
41 section.

42 S 4. Paragraph g of section 90.10 of the local finance law, as amended
43 by chapter 201 of the laws of 1978, is amended to read as follows:

44 g. Except where such refunding bonds are issued by the city of New
45 York pursuant to subparagraph (b) of subdivision two of paragraph b of
46 this section OR ISSUED PURSUANT TO SUBPARAGRAPH (F) OF SUBDIVISION TWO
47 OF PARAGRAPH B OF THIS SECTION WHERE SUCH REFUNDING BONDS ARE ISSUED BY
48 A MUNICIPALITY, no refunding bonds shall be issued pursuant to this
49 section unless the chief fiscal officer of the issuer shall have first
50 filed with the finance board a certificate, approved by the state comp-
51 troller, which shall be final and conclusive upon all parties, setting
52 forth the present value of the total debt service savings to the issuer
53 resulting from the issuance of the refunding bonds computed in accord-
54 ance with the provisions of subparagraph (a) of subdivision two of para-
55 graph b of this section, except that the actual amount, rather than an
56 estimate, of the amount of accrued interest to be paid on such bonds

1 shall be used in determining the effective interest cost thereof. The
2 certificate shall be in the form and shall contain such information as
3 shall be prescribed by the state comptroller. The certificate shall not
4 be approved until ten days after the filing of such certificate in the
5 office of the state comptroller.

6 S 5. Clause (b) of subdivision 21 of paragraph a of section 11.00 of
7 the local finance law, as amended by chapter 837 of the laws of 1945, is
8 amended to read as follows:

9 (b) The financing of the acquisition of land, permanent rights in land
10 or temporary easements in land incidental to a capital improvement,
11 inclusive of any administrative or other expenditures arising therefrom
12 or related thereto, if such acquisition and expenditures are financed
13 from a fund into which are paid the proceeds of the sale of bonds or
14 bond anticipation notes issued in anticipation of such bonds and out of
15 which the cost of such acquisition and such expenditures are paid, thir-
16 ty years. NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION, THE ACQUI-
17 SITION OF LAND OR PERMANENT RIGHTS IN LAND AND THE FINANCING OF THE
18 ACQUISITION AS SET FORTH IN THIS SUBDIVISION MADE PURSUANT TO SECTION
19 SIXTY-FOUR-E OF THE TOWN LAW SHALL HAVE A PERIOD OF PROBABLE USEFULNESS
20 OF FIFTY YEARS AND TO THE EXTENT THAT THE ORIGINAL PERIOD OF PROBABLE
21 USEFULNESS WAS SET BY RESOLUTION AND/OR RESOLUTION SUBJECT TO PERMISSIVE
22 REFERENDUM, SUCH MUNICIPALITY MAY AMEND THE PERIOD OF PROBABLE USEFUL-
23 NESS BY RESOLUTION OF THE GOVERNING BODY IN ACCORDANCE WITH THE
24 PROVISIONS OF THIS CHAPTER.

25 S 6. This act shall take effect immediately.

26

PART CC

27 Section 1. Subdivision 3 of section 99-h of the state finance law, as
28 amended by section 7 of chapter 174 of the laws of 2013, is amended to
29 read as follows:

30 3. Moneys of the account, following the segregation of appropriations
31 enacted by the legislature, shall be available for purposes including
32 but not limited to: (a) reimbursements or payments to municipal govern-
33 ments that host tribal casinos pursuant to a tribal-state compact for
34 costs incurred in connection with services provided to such casinos or
35 arising as a result thereof, for economic development opportunities and
36 job expansion programs authorized by the executive law; provided, howev-
37 er, that for any gaming facility located in the city of Buffalo, the
38 city of Buffalo shall receive a minimum of twenty-five percent of the
39 negotiated percentage of the net drop from electronic gaming devices the
40 state receives pursuant to the compact, and provided further that for
41 any gaming facility located in the city of Niagara Falls, county of
42 Niagara a minimum of [twenty-five] SEVENTY-FIVE percent of the negoti-
43 ated percentage of the net drop from electronic gaming devices the state
44 receives pursuant to the compact shall be distributed in accordance with
45 subdivision four of this section, and provided further that for any
46 gaming facility located in the county or counties of Cattaraugus, Chau-
47 tauqua or Allegany, the municipal governments of the state hosting the
48 facility shall collectively receive a minimum of twenty-five percent of
49 the negotiated percentage of the net drop from electronic gaming devices
50 the state receives pursuant to the compact; and provided further that
51 pursuant to chapter five hundred ninety of the laws of two thousand
52 four, a minimum of twenty-five percent of the revenues received by the
53 state pursuant to the state's compact with the St. Regis Mohawk tribe
54 shall be made available to the counties of Franklin and St. Lawrence,

1 and affected towns in such counties. Each such county and its affected
2 towns shall receive fifty percent of the moneys made available by the
3 state; and provided further that the state shall annually make twenty-
4 five percent of the negotiated percentage of the net drop from all
5 gaming devices the state actually receives pursuant to the Oneida
6 Settlement Agreement confirmed by section eleven of the executive law as
7 available to the county of Oneida, and a sum of three and one-half
8 million dollars to the county of Madison. Additionally, the state shall
9 distribute for a period of nineteen and one-quarter years, an additional
10 annual sum of two and one-half million dollars to the county of Oneida.
11 Additionally, the state shall distribute the one-time eleven million
12 dollar payment received by the state pursuant to such agreement with the
13 Oneida Nation of New York to the county of Madison by wire transfer upon
14 receipt of such payment by the state; and (b) support and services of
15 treatment programs for persons suffering from gambling addictions.
16 Moneys not segregated for such purposes shall be transferred to the
17 general fund for the support of government during the fiscal year in
18 which they are received.

19 S 2. Subdivision 3 of section 99-h of the state finance law, as
20 amended by section 7-a of chapter 174 of the laws of 2013, is amended to
21 read as follows:

22 3. Moneys of the account, following appropriation by the legislature,
23 shall be available for purposes including but not limited to: (a)
24 reimbursements or payments to municipal governments that host tribal
25 casinos pursuant to a tribal-state compact for costs incurred in
26 connection with services provided to such casinos or arising as a result
27 thereof, for economic development opportunities and job expansion
28 programs authorized by the executive law; provided, however, that for
29 any gaming facility located in the city of Buffalo, the city of Buffalo
30 shall receive a minimum of twenty-five percent of the negotiated
31 percentage of the net drop from electronic gaming devices the state
32 receives pursuant to the compact, and provided further that for any
33 gaming facility located in the city of Niagara Falls, county of Niagara
34 a minimum of [twenty-five] SEVENTY-FIVE percent of the negotiated
35 percentage of the net drop from electronic gaming devices the state
36 receives pursuant to the compact shall be distributed in accordance with
37 subdivision four of this section, and provided further that for any
38 gaming facility located in the county or counties of Cattaraugus, Chau-
39 tauqua or Allegany, the municipal governments of the state hosting the
40 facility shall collectively receive a minimum of twenty-five percent of
41 the negotiated percentage of the net drop from electronic gaming devices
42 the state receives pursuant to the compact; and provided further that
43 pursuant to chapter five hundred ninety of the laws of two thousand
44 four, a minimum of twenty-five percent of the revenues received by the
45 state pursuant to the state's compact with the St. Regis Mohawk tribe
46 shall be made available to the counties of Franklin and St. Lawrence,
47 and affected towns in such counties. Each such county and its affected
48 towns shall receive fifty percent of the moneys made available by the
49 state; and provided further that the state shall annually make twenty-
50 five percent of the negotiated percentage of the net drop from all
51 gaming devices the state actually receives pursuant to the Oneida
52 Settlement Agreement as confirmed by section eleven of the executive law
53 as available to the county of Oneida, and a sum of three and one-half
54 million dollars to the county of Madison. Additionally, the state shall
55 distribute for a period of nineteen and one-quarter years, an additional
56 annual sum of two and one-half million dollars to the county of Oneida.

1 Additionally, the state shall distribute the one-time eleven million
2 dollar payment received by the state pursuant to such agreement with the
3 Oneida Nation of New York to the county of Madison by wire transfer upon
4 receipt of such payment by the state; and (b) support and services of
5 treatment programs for persons suffering from gambling addictions.
6 Moneys not appropriated for such purposes shall be transferred to the
7 general fund for the support of government during the fiscal year in
8 which they are received.

9 S 3. Subdivision 3 of section 99-h of the state finance law, as
10 amended by section 8 of chapter 174 of the laws of 2013, is amended to
11 read as follows:

12 3. Moneys of the account, following the segregation of appropriations
13 enacted by the legislature, shall be available for purposes including
14 but not limited to: (a) reimbursements or payments to municipal govern-
15 ments that host tribal casinos pursuant to a tribal-state compact for
16 costs incurred in connection with services provided to such casinos or
17 arising as a result thereof, for economic development opportunities and
18 job expansion programs authorized by the executive law; provided, howev-
19 er, that for any gaming facility located in the county of Erie [or
20 Niagara], the municipal governments hosting the facility shall collec-
21 tively receive a minimum of twenty-five percent of the negotiated
22 percentage of the net drop from electronic gaming devices the state
23 receives pursuant to the compact, AND FOR ANY GAMING FACILITY LOCATED IN
24 THE COUNTY OF NIAGARA THE MUNICIPAL GOVERNMENT HOSTING THE FACILITY
25 SHALL COLLECTIVELY RECEIVE A MINIMUM OF SEVENTY-FIVE PERCENT OF THE
26 NEGOTIATED PERCENTAGE OF THE NET DROP FOR ELECTRONIC GAMING DEVICES THE
27 STATE RECEIVES PURSUANT TO THE COMPACT, and provided further that for
28 any gaming facility located in the county or counties of Cattaraugus,
29 Chautauqua or Allegany, the municipal governments of the state hosting
30 the facility shall collectively receive a minimum of twenty-five percent
31 of the negotiated percentage of the net drop from electronic gaming
32 devices the state receives pursuant to the compact; and provided further
33 that pursuant to chapter five hundred ninety of the laws of two thousand
34 four, a minimum of twenty-five percent of the revenues received by the
35 state pursuant to the state's compact with the St. Regis Mohawk tribe
36 shall be made available to the counties of Franklin and St. Lawrence,
37 and affected towns in such counties. Each such county and its affected
38 towns shall receive fifty percent of the moneys made available by the
39 state; and provided further that the state shall annually make twenty-
40 five percent of the negotiated percentage of the net drop from all
41 gaming devices the state actually receives pursuant to the Oneida
42 Settlement Agreement confirmed by section eleven of the executive law
43 available to the county of Oneida, and a sum of three and one-half
44 million dollars to the county of Madison. Additionally, the state shall
45 distribute, for a period of nineteen and one-quarter years, an addi-
46 tional annual sum of two and one-half million dollars to the county of
47 Oneida. Additionally, the state shall distribute the one-time eleven
48 million dollar payment actually received by the state pursuant to the
49 Oneida Settlement Agreement to the county of Madison by wire transfer
50 upon receipt of such payment by the state; and (b) support and services
51 of treatment programs for persons suffering from gambling addictions.
52 Moneys not segregated for such purposes shall be transferred to the
53 general fund for the support of government during the fiscal year in
54 which they are received.

1 S 4. Paragraph (a) of subdivision 4 of section 99-h of the state
2 finance law, as amended by section 2 of part W of chapter 60 of the laws
3 of 2011, is amended to read as follows:

4 (a) Monies which are appropriated and received each year by the state
5 as a portion of the negotiated percentage of the net drop from electron-
6 ic gaming devices the state receives in relation to the operation of a
7 gaming facility in the city of Niagara Falls, county of Niagara which
8 subdivision three of this section requires to be a minimum of [twenty-
9 five] SEVENTY-FIVE percent, shall be budgeted and disbursed by the city
10 of Niagara Falls in the following manner:

11 (i) [seventy-three] FIFTY-EIGHT and one-half percent of the total
12 annual amount received shall be available for expenditure by the city of
13 Niagara Falls for such public purposes as are determined, by the city,
14 to be necessary and desirable to accommodate and enhance economic devel-
15 opment, neighborhood revitalization, public health and safety, and
16 infrastructure improvement in the city, shall be deposited into the
17 tribal revenue account of the city and any and all interest and income
18 derived from the deposit and investment of such monies shall be deposit-
19 ed into the general operating fund of the city; provided however, that
20 [any amount allocated to the Niagara Falls Underground Railroad Heritage
21 Commission, to the extent that its share pursuant to the formula estab-
22 lished in clause five of subparagraph (ii) of this paragraph exceeds one
23 percent, such amounts shall be distributed from the funds available to
24 the city for its public purposes pursuant to this paragraph] FORTY
25 PERCENT OF SUCH AMOUNT SHALL BE USED TO FUND DOWNTOWN ECONOMIC DEVELOP-
26 MENT AND JOB CREATION TO BE ALLOCATED BY THE DOWNTOWN NIAGARA FALLS
27 ECONOMIC DEVELOPMENT ADVISORY GROUP. THE ADVISORY GROUP SHALL BE MADE UP
28 OF NINE MEMBERS APPOINTED AS FOLLOWS: ONE BY THE GOVERNOR, ONE BY THE
29 SENATE MAJORITY LEADER, ONE BY THE SPEAKER OF THE ASSEMBLY, ONE BY THE
30 SENECA NATION OF INDIANS, ONE BY THE MAYOR OF THE CITY OF NIAGARA FALLS,
31 ONE BY THE NIAGARA COUNTY LEGISLATURE, ONE BY THE NIAGARA USA CHAMBER,
32 ONE BY THE NIAGARA COUNTY BUILDING TRADES COUNCIL, AND ONE BY THE
33 NIAGARA FRONTIER TRANSPORTATION AUTHORITY. THE DOWNTOWN NIAGARA FALLS
34 ECONOMIC DEVELOPMENT ADVISORY GROUP SHALL ALLOCATE FUNDS FOR THE PURPOSE
35 OF ASSISTING BUSINESSES LOCATED IN DOWNTOWN NIAGARA FALLS TO CREATE NEW
36 JOB OPPORTUNITIES AND TO INCENTIVIZE NEW BUSINESSES TO LOCATE WITHIN
37 DOWNTOWN NIAGARA FALLS. FUNDS MAY BE USED FOR, BUT NOT LIMITED TO, THE
38 REHABILITATION OF BUILDINGS, INSTALLATION OF SIGNAGE, TRAINING OF EXIST-
39 ING OR NEW EMPLOYEES IN TECHNIQUES RELATED TO THEIR INDUSTRY, AND
40 INSTALLATION OF APPROPRIATE INDUSTRY RELATED MACHINERY. NO FUNDS SHALL
41 BE ALLOCATED FOR GENERAL OBLIGATIONS AND RESPONSIBILITIES TRADITIONALLY
42 PROVIDED BY THE CITY OF NIAGARA FALLS; and

43 (ii) the remaining [twenty-six] FORTY-ONE and one-half percent of the
44 total annual amount received shall be allocated for the city of Niagara
45 Falls to be available for expenditure in the following manner:

46 (1) within thirty-five days upon receipt of such funds by such city,
47 five and one-half percent of the total annual amount received in each
48 year, not to exceed [seven] TWO MILLION TWO hundred fifty thousand
49 dollars annually AND NOT LESS THAN THE AMOUNT RECEIVED BY SUCH ENTITY IN
50 FISCAL YEAR TWO THOUSAND FOURTEEN, shall be transferred to Niagara Falls
51 memorial medical center to be used for capital construction projects;
52 and

53 (2) within thirty-five days upon receipt of such funds by such city,
54 five and one-half percent of the total annual amount received in each
55 year, not to exceed [seven] TWO MILLION TWO hundred fifty thousand
56 dollars annually AND NOT LESS THAN THE AMOUNT RECEIVED BY SUCH ENTITY IN

1 FISCAL YEAR TWO THOUSAND FOURTEEN, shall be transferred to the Niagara
2 Falls city school district for capital construction projects; and

3 (3) within thirty-five days upon receipt of such funds by such city,
4 seven percent OF THE TOTAL AMOUNT RECEIVED in each year NOT TO EXCEED
5 TWO MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS shall be transferred to
6 the Niagara tourism and convention center corporation for marketing and
7 tourism promotion in the county of Niagara including the city of Niagara
8 Falls; and

9 (4) an amount equal to the lesser of one million dollars or seven
10 percent of the total amount in each year shall be transferred to the
11 city of Niagara Falls and held in an escrow account maintained by the
12 city of Niagara Falls and, if additional funding has been secured by the
13 Niagara frontier transportation authority to finance construction of a
14 new terminal at Niagara Falls, such amount held in escrow shall be
15 transferred to the Niagara frontier transportation authority for such
16 purpose provided however that if such additional funding has not been
17 secured or construction of a new terminal has not commenced within two
18 years of the date which such monies were received by the city of Niagara
19 Falls such amounts held in escrow by the city of Niagara Falls shall be
20 distributed pursuant to subparagraph (iii) of this paragraph; and

21 (5) [within thirty-five days upon receipt of such funds by such city,
22 one percent or three hundred fifty thousand dollars, whichever is great-
23 er, of the total annual amount received in each year shall be trans-
24 ferred to the Niagara Falls Underground Railroad Heritage Commission,
25 established pursuant to article forty-three of the parks, recreation and
26 historic preservation law to be used for, but not limited to, develop-
27 ment, capital improvements, acquisition of real property, and acquisi-
28 tion of personal property within the heritage area in the city of
29 Niagara Falls as established pursuant to the commission; provided in the
30 event the distribution available pursuant to this clause exceeds one
31 percent, it shall be distributed from the moneys available pursuant to
32 subparagraph (i) of this paragraph] WITHIN THIRTY-FIVE DAYS UPON RECEIPT
33 OF SUCH FUNDS BY SUCH CITY, ONE AND ONE-HALF PERCENT OF THE TOTAL
34 AMOUNTS RECEIVED IN EACH YEAR, NOT TO EXCEED TWO MILLION TWO HUNDRED
35 FIFTY THOUSAND DOLLARS SHALL BE TRANSFERRED TO THE NIAGARA FALLS HOUSING
36 AUTHORITY; AND

37 (6) WITHIN THIRTY-FIVE DAYS UPON RECEIPT OF SUCH FUNDS BY SUCH CITY,
38 SEVEN PERCENT OF THE TOTAL AMOUNT RECEIVED IN EACH YEAR, NOT TO EXCEED
39 TWO MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS SHALL BE TRANSFERRED TO
40 THE NIAGARA FALLS AQUARIUM; AND

41 (7) WITHIN THIRTY-FIVE DAYS UPON RECEIPT OF SUCH FUNDS BY SUCH CITY,
42 SEVEN PERCENT OF THE TOTAL AMOUNT RECEIVED IN EACH YEAR, NOT TO EXCEED
43 TWO MILLION TWO HUNDRED FIFTY THOUSAND DOLLAR SHALL BE TRANSFERRED TO
44 THE WESTERN NEW YORK STATE FIRST RESPONSE AND PREPAREDNESS CENTER; AND

45 (8) WITHIN THIRTY-FIVE DAYS UPON RECEIPT OF SUCH FUNDS BY SUCH CITY,
46 ONE PERCENT OF THE TOTAL AMOUNT RECEIVED IN EACH YEAR, NOT TO BE LESS
47 THAN ONE HUNDRED FIFTY THOUSAND DOLLARS SHALL BE TRANSFERRED TO MOUNT
48 SAINT MARY'S NEIGHBORHOOD HEALTH CENTER; and

49 (iii) all other monies appropriated or received for distribution
50 pursuant to this subdivision after the transfer of money pursuant to
51 this subparagraph and subparagraphs (i) and (ii) of this paragraph in
52 each year shall be allocated to the city of Niagara Falls for infras-
53 tructure and road improvement projects.

54 S 5. Section 2 of chapter 747 of the laws of 2006 amending the state
55 finance law, relating to the tribal-state compact revenue account, is
56 amended to read as follows:

1 S 2. This act shall take effect immediately, and shall expire and be
2 deemed repealed December 31, [2016] 2026.

3 S 6. This act shall take effect immediately, provided that:

4 1. the amendments to subdivision 3 of section 99-h of the state
5 finance law made by section one of this act shall take effect January 1,
6 2017 and shall be subject to the expiration and reversion of such subdivi-
7 sion as provided in section 3 of part W of chapter 60 of the laws of
8 2011, as amended when upon such date the provisions of section two of
9 this act shall take effect;

10 2. the amendments to subdivision 3 of section 99-h of the state
11 finance law made by section two of this act shall be subject to the
12 expiration and reversion of such section as provided in section 2 of
13 chapter 747 of the laws of 2006, as amended when upon such date the
14 provisions of section three of this act shall take effect; and

15 3. the amendments to paragraph (a) of subdivision 4 of section 99-h of
16 the state finance law made by section four of this act shall be subject
17 to the expiration of such subdivision as provided in chapter 747 of the
18 laws of 2006, as amended and shall be deemed expired and repealed there-
19 with.

20 PART DD

21 Section 1. Section 167 of the workers' compensation law, as added by
22 chapter 446 of the laws of 2006, is amended to read as follows:

23 S 167. Claims of volunteers. For persons who participated in World
24 Trade Center rescue, recovery and clean-up operations as volunteers, the
25 uninsured employers' fund shall be deemed to be the employer [only] for
26 the purposes of administering and paying claims pursuant to this arti-
27 cle. Benefits under this chapter shall be payable to such volunteers
28 [only] IN THE FIRST INSTANCE AND to the extent that funds are available
29 out of funds appropriated to the United States Department of Labor under
30 Public Law 109-148 to reimburse the uninsured employer's fund for the
31 payment of such benefits AND THEREAFTER FROM THE UNINSURED EMPLOYERS'
32 FUND. THE UNINSURED EMPLOYERS' FUND MAY PAY FOR VOLUNTEERS' MEDICAL
33 TREATMENT NOTWITHSTANDING SUCH MEDICAL EXPENSES HAVING BEEN DENIED BY
34 THE WORLD TRADE CENTER HEALTH ORGANIZATION.

35 S 2. This act shall take effect immediately.

36 PART EE

37 Section 1. The banking law is amended by adding a new section 46 to
38 read as follows:

39 S 46. COMMUNITY REINVESTMENT EVALUATION EXEMPTIONS. NOTWITHSTANDING
40 ANY LAW, RULE OR REGULATION TO THE CONTRARY, A BANKING ORGANIZATION
41 WHICH HAS TOTAL ASSETS OF LESS THAN ONE BILLION DOLLARS AND WHICH
42 RECEIVED A RATING OF SATISFACTORY OR OUTSTANDING IN THE MOST RECENT
43 COMMUNITY REINVESTMENT ACT EXAMINATION CONDUCTED BY SUCH BANKING ORGAN-
44 IZATION'S PRIMARY FEDERAL REGULATOR SHALL BE EXEMPT FROM THE CONDUCT BY
45 THE DEPARTMENT OF FINANCIAL SERVICES OF A COMMUNITY REINVESTMENT EVALU-
46 ATION.

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

49 PART FF

1 Section 1. Paragraph (b) of subdivision 2 of section 36 of the banking
2 law, as amended by chapter 464 of the laws of 2006, is amended to read
3 as follows:

4 (b) the superintendent [may] SHALL extend the examination interval
5 from at least once in each calendar year to at least once in each eigh-
6 teen month period if the banking organization to be examined:

7 (1) has total assets of less than [two hundred fifty million dollars]
8 ONE BILLION DOLLARS;

9 (2) is well-capitalized, which for purposes of this paragraph is
10 defined as having capital which significantly exceeds the required mini-
11 mum level for each relevant capital measure or as having such capital as
12 the superintendent shall otherwise define by regulation;

13 (3) at its most recent examination, was found to be well-managed and
14 its composite condition was found to be outstanding or good;

15 (4) is not currently subject to a formal enforcement proceeding or
16 order by the superintendent, the federal deposit insurance corporation
17 or any other federal banking agency; and

18 (5) has not been acquired by any person during the twelve month period
19 in which an examination would be required but for this paragraph, and

20 S 2. This act shall take effect immediately.

21

PART GG

22 Section 1. Subdivision 2 of section 87 of the banking law, as amended
23 by chapter 495 of the laws of 2013, is amended to read as follows:

24 2. The maximum amount of funds which the state comptroller and the
25 commissioner of taxation and finance may deposit under this program
26 shall not exceed [two] THREE hundred fifty million dollars each; HOWEV-
27 ER, AT A MINIMUM, SUCH DEPOSITS MUST BE MADE IN AN AMOUNT OF AT LEAST
28 ONE HUNDRED FIFTY MILLION DOLLARS EACH UNLESS IT IS DETERMINED THAT
29 COMPLIANCE WITH SUCH MINIMUM DEPOSIT AMOUNT CANNOT REASONABLY OCCUR
30 GIVEN THE AMOUNT OF MONEY MAINTAINED FOR DEPOSIT. The maximum amount of
31 funds on deposit at a community banking institution shall not exceed
32 twenty million dollars. CONSIDERATION SHALL BE GIVEN TO EQUITABLY
33 DISTRIBUTE SUCH DEPOSITS ON A REGIONAL BASIS.

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

36

PART HH

37 Section 1. Short title. This act shall be known and may be cited as
38 the "community bank service corporation act".

39 S 2. The banking law is amended by adding a new article 2-D to read as
40 follows:

ARTICLE II-D

COMMUNITY BANK SERVICE CORPORATIONS

43 SECTION 88. SERVICE CORPORATIONS OWNED BY COMMUNITY BANKS; AUTHORIZED
44 ACTIVITIES OF SUCH CORPORATIONS; INVESTMENTS THEREIN.

45 S 88. SERVICE CORPORATIONS OWNED BY COMMUNITY BANKS; AUTHORIZED ACTIV-
46 ITIES OF SUCH CORPORATIONS; INVESTMENTS THEREIN. 1. A COMMUNITY BANK MAY
47 INVEST IN THE STOCK, CAPITAL NOTES AND DEBENTURES OF ONE OR MORE SERVICE
48 CORPORATIONS ORGANIZED UNDER THE LAWS OF THIS STATE FOR THE SOLE ACTIV-
49 ITIES SET FORTH IN SUBDIVISION TWO OF THIS SECTION, TO THE EXTENT AND
50 UPON SUCH CONDITIONS AS ARE OR HAVE BEEN AUTHORIZED BY THE SUPERINTEN-
51 DENT INCLUDING BUT NOT LIMITED TO THE FOLLOWING ACTIVITIES:

1 (A) PROVIDING SERVICES PRIMARILY FOR OTHER FINANCIAL INSTITUTIONS
2 PARTICULARLY ACCOUNTING, AUDITING, CLERICAL, COMPLIANCE ACTIVITIES,
3 CONSULTING, DATA STORAGE AND PROCESS, INVESTMENT ADVISORY, RESEARCH
4 SERVICES, LOCATOR SERVICES, PERSONNEL TRAINING AND SUPPORT, MARKETING
5 SERVICES, EMPLOYEE LEASING SERVICES, AND MANAGERIAL;
6 (B) ORIGINATING, INVESTING IN, PURCHASING, SELLING, SERVICING OR
7 OTHERWISE DEALING IN DIRECTLY OR THROUGH PARTICIPATION, LOANS OF ANY
8 TYPE WHICH MAY BE MADE BY A COMMUNITY BANK;
9 (C) PROVIDING INSURANCE BROKERAGE OR AGENCY SERVICES, INCLUDING BUT
10 NOT LIMITED TO AGENCY FOR SALE OF INSURANCE, VEHICLE WARRANTY PROGRAMS,
11 GROUP PURCHASING PROGRAMS AND REAL ESTATE SETTLEMENT PROGRAMS;
12 (D) PROVIDING REAL ESTATE SERVICES INCLUDING BUT NOT LIMITED TO
13 BROKERAGE, APPRAISAL, INSPECTION, PROPERTY MANAGEMENT, AND LEASING OF
14 EXCESS PROPERTY;
15 (E) LEASING OF PERSONAL PROPERTY TO CUSTOMERS;
16 (F) PROVIDING LOAN SUPPORT SERVICES INCLUDING BUT NOT LIMITED TO DEBT
17 COLLECTION SERVICES, LOAN PROCESSING, SERVICE AND SALES, REAL ESTATE
18 SETTLEMENT SERVICES, PURCHASING AND SERVICING OF NON-PERFORMING LOANS
19 AND REFERRAL AND PROCESSING OF LOAN APPLICATIONS;
20 (G) RECORD RETENTION, SECURITY AND DISASTER RECOVERY SERVICES INCLUD-
21 ING BUT NOT LIMITED TO ALARM-MONITORING AND OTHER SECURITY SERVICES,
22 DISASTER RECOVERY SERVICES, MICROFILM, MICROFICHE, OPTICAL AND ELECTRON-
23 IC IMAGING, CD-ROM DATA STORAGE AND RETRIEVAL SERVICES, PROVISION OF
24 FORMS AND SUPPLIES AND RECORD RETENTION AND STORAGE;
25 (H) SECURITIES BROKERAGE SERVICES;
26 (I) SHARED COMMUNITY BANK BRANCH OPERATIONS;
27 (J) STUDENT LOAN ORIGATION, INCLUDING THE AUTHORITY TO BUY AND SELL
28 PARTICIPATION INTERESTS IN SUCH LOANS;
29 (K) TRAVEL AGENCY AND TAX PREPARATION SERVICES;
30 (L) PROVIDING COURIER SERVICES;
31 (M) TRUST AND TRUST RELATED SERVICES INCLUDING BUT NOT LIMITED TO
32 ACTING AS ADMINISTRATOR FOR PREPAID LEGAL SERVICE PLANS, ACTING AS TRUS-
33 TEE, GUARDIAN, CONSERVATOR, ESTATE ADMINISTRATOR OR IN ANY OTHER FIDUCI-
34 ARY CAPACITY AND TRUST SERVICES;
35 (N) CREDIT AND LOAN ORIGATION;
36 (O) PAYROLL PROCESSING SERVICES;
37 (P) ISSUING CREDIT CARDS AND ENGAGING IN CREDIT CARD OPERATIONS;
38 (Q) ISSUING LETTERS OF CREDIT; AND
39 (R) SPONSORING, ORGANIZING AND ADVISING OPEN-ENDED MUTUAL FUNDS;
40 PROVIDED THAT ALL OF THE STOCK OF SUCH SERVICE CORPORATIONS IS, OR IS TO
41 BE, OWNED BY ONE OR MORE COMMUNITY BANKS; AND PROVIDED FURTHER, THAT NO
42 COMMUNITY BANK MAY MAKE ANY INVESTMENT UNDER THIS SECTION IF ITS AGGRE-
43 GATE OUTSTANDING INVESTMENT THEREBY, DETERMINED AS PRESCRIBED BY THE
44 SUPERINTENDENT, WOULD EXCEED FIVE PER CENTUM OF ITS ASSETS.
45 2. THE ACTIVITIES OF SUCH SERVICE CORPORATIONS, PERFORMED DIRECTLY OR
46 THROUGH ONE OR MORE WHOLLY OWNED SUBSIDIARIES, SHALL CONSIST OF RENDER-
47 ING SUCH SERVICES TO COMMUNITY BANKS AND MAKING SUCH INVESTMENTS FOR
48 ITSELF AND FOR COMMUNITY BANKS AS ARE AUTHORIZED SERVICES AND INVEST-
49 MENTS FOR SUCH COMMUNITY BANKS UNDER THE PROVISIONS OF THIS CHAPTER, AS
50 WELL AS SUCH ACTIVITIES AS MAY BE PRESCRIBED BY THE GENERAL REGULATION
51 OF THE SUPERINTENDENT.
52 3. FOR PURPOSES OF THIS SECTION, A COMMUNITY BANK SHALL BE DEFINED AS
53 A BANK OR TRUST COMPANY ORGANIZED UNDER OR SUBJECT TO THE PROVISION OF
54 ARTICLE THREE OF THIS CHAPTER OR THE COMPARABLE PROVISION OF THE LAWS OF
55 ANOTHER STATE OR A NATIONAL BANKING ASSOCIATION OR A SAVINGS BANK, A
56 SAVINGS AND LOAN ASSOCIATION OR OTHER SAVINGS INSTITUTION CHARTERED AND

1 SUPERVISED AS SUCH UNDER FEDERAL OR STATE LAW WHERE AVERAGE VALUE OF
2 ASSETS MUST NOT EXCEED EIGHT BILLION DOLLARS.

3 S 3. This act shall take effect on the sixtieth day after it shall
4 have become a law.

5 PART II

6 Section 1. The general municipal law is amended by adding a new
7 section 209-ff to read as follows:

8 S 209-FF. MINIMUM ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE FOR
9 POLICEMEN IN CITIES, TOWNS AND VILLAGES WHO ARE MEMBERS OF A POLICE
10 PENSION OR RETIREMENT SYSTEM. 1. AS USED IN THIS SECTION, THE TERM
11 "POLICE ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE" SHALL MEAN THE
12 ALLOWANCE GRANTED TO ANY PERSON WHO IS AN OFFICER OR MEMBER OF THE
13 UNIFORMED FORCE OR A POLICE DEPARTMENT OF ANY CITY, TOWN OR VILLAGE, AND
14 WHO IS A MEMBER OF A POLICE PENSION OR RETIREMENT SYSTEM, PURSUANT TO
15 SECTION FIVE HUNDRED SEVEN OF THE RETIREMENT AND SOCIAL SECURITY LAW, OR
16 SECTION THREE HUNDRED SIXTY-THREE OF THE RETIREMENT AND SOCIAL SECURITY
17 LAW, OR ANY SIMILAR ACCIDENTAL DISABILITY PENSION PROVIDED BY THE
18 PENSION FUND OF WHICH HE OR SHE IS A MEMBER.

19 2. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL
20 LAW, CHARTER OR ADMINISTRATIVE CODE TO THE CONTRARY, AND IN LIEU OF ANY
21 LESSER AMOUNT OTHERWISE PRESCRIBED, ANY POLICE ACCIDENTAL DISABILITY
22 RETIREMENT ALLOWANCE SHALL NOT BE LESS THAN THREE-QUARTERS OF THE MEMBER
23 OF THE POLICE PENSION OR RETIREMENT SYSTEM'S FINAL AVERAGE SALARY OR
24 ANNUAL COMPENSATION, AS SUCH FINAL AVERAGE SALARY OR ANNUAL COMPENSATION
25 IS OTHERWISE PRESCRIBED BY LAW. SUCH ALLOWANCE SHALL NOT BE REDUCED,
26 DIMINISHED OR OFFSET BY A MEMBER'S RECEIPT OF, OR ELIGIBILITY FOR,
27 SOCIAL SECURITY BENEFITS.

28 3. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL
29 LAW, CHARTER OR ADMINISTRATIVE CODE TO THE CONTRARY, AND IN LIEU OF ANY
30 AMOUNT PRESCRIBED BY SECTION FIVE HUNDRED TEN OF THE RETIREMENT AND
31 SOCIAL SECURITY LAW OR OTHERWISE PRESCRIBED BY LAW, A COST OF LIVING
32 ADJUSTMENT SHALL BE PAYABLE ON POLICE ACCIDENTAL DISABILITY RETIREMENT
33 ALLOWANCES UNDER THE SAME TERMS AND CONDITIONS AS PROVIDED IN SUCH
34 SYSTEMS IMMEDIATELY PRIOR TO JULY FIRST, TWO THOUSAND NINE.

35 4. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL
36 LAW, CHARTER OR ADMINISTRATIVE CODE TO THE CONTRARY, SUBDIVISION D OF
37 SECTION FIVE HUNDRED SEVEN OF THE RETIREMENT AND SOCIAL SECURITY LAW
38 SHALL NOT APPLY TO MEMBERS OF A POLICE PENSION OR RETIREMENT SYSTEM WHO
39 RECEIVE POLICE ACCIDENTAL DISABILITY RETIREMENT ALLOWANCES. SUCH MEMBERS
40 SHALL BE SUBJECT TO POST-RETIREMENT MEDICAL EXAMINATIONS, AND WHERE
41 APPLICABLE, MODIFICATION OF RETIREMENT ALLOWANCES FOLLOWING SUCH EXAM-
42 INATIONS, IN THE SAME MANNER AND UNDER THE SAME CONDITIONS PRESCRIBED BY
43 LAW IMMEDIATELY PRIOR TO JULY FIRST, TWO THOUSAND NINE FOR MEMBERS OF
44 SUCH POLICE PENSION OR RETIREMENT SYSTEMS.

45 S 2. This act shall take effect immediately.

46 PART JJ

47 Section 1. Subdivisions a and b of section 13-357 of the administra-
48 tive code of the city of New York, subdivision a as amended by chapter
49 438 of the laws of 1986, are amended to read as follows:

50 a. Once each year the board may, and upon his or her own application
51 shall, require any disability pensioner, under the minimum period for
52 service retirement elected by him or her, and who at the time of his or

1 her retirement for disability was an improved benefits plan member, OR
2 ANY DISABILITY PENSIONER RETIRED PURSUANT TO SECTION FIVE HUNDRED SIX OR
3 FIVE HUNDRED SEVEN OF THE RETIREMENT AND SOCIAL SECURITY LAW, AND WHO IS
4 UNDER EARLY RETIREMENT AGE AS DEFINED IN SECTION FIVE HUNDRED ONE OF THE
5 RETIREMENT AND SOCIAL SECURITY LAW FOR POLICE/FIRE MEMBERS to undergo
6 medical examination. Such examination shall be made at the place of
7 residence of such beneficiary or other place mutually agreed upon. Upon
8 the completion of such examination the medical board shall report and
9 certify to the board whether such beneficiary is or is not totally or
10 partially incapacitated physically or mentally and whether he or she is
11 or is not engaged in or able to engage in a gainful occupation. If the
12 board concur in a report by the medical board that such beneficiary is
13 able to engage in a gainful occupation, it shall certify the name of
14 such beneficiary to the appropriate civil service commission, state or
15 municipal, and such commission shall place his or her name as a
16 preferred eligible on such appropriate lists of candidates as are
17 prepared for appointment to positions for which he or she is stated to
18 be qualified. Should such beneficiary be engaged in a gainful occupa-
19 tion, or should he or she be offered city-service as a result of the
20 placing of his or her name on a civil service list, such board shall
21 reduce the amount of his or her disability pension and his or her
22 pension-providing-for-increased-take-home-pay, if any, to an amount
23 which, when added to that then earned by him or her, or earnable by him
24 or her in city-service so offered him or her, shall not exceed the
25 current maximum salary for the title next higher than that held by him
26 or her when he or she was retired. Should the earning capacity of such
27 beneficiary be further altered, such board may further alter his or her
28 pension and his or her pension-providing-for-increased-take-home-pay, if
29 any, to an amount which shall not exceed the rate of pension and his or
30 her pension-providing-for-increased-take-home-pay, if any, upon which he
31 or she was originally retired but which, subject to such limitation,
32 shall equal, when added to that earnable by him or her, the current
33 maximum salary for the title next higher than that held by him or her
34 when he or she was retired. The provisions of this section shall be
35 executed, any provision of the charter or the code to the contrary
36 notwithstanding.

37 b. Should any disability pensioner, under the minimum period for
38 service retirement elected by him or her, and who was an improved bene-
39 fits plan member at the time of his or her retirement for disability, OR
40 ANY DISABILITY PENSIONER RETIRED PURSUANT TO SECTION FIVE HUNDRED SIX OR
41 FIVE HUNDRED SEVEN OF THE RETIREMENT AND SOCIAL SECURITY LAW AND WHO IS
42 UNDER EARLY RETIREMENT AGE AS DEFINED IN SECTION FIVE HUNDRED ONE OF THE
43 RETIREMENT AND SOCIAL SECURITY LAW FOR POLICE/FIRE MEMBERS, refuse to
44 submit to one medical examination in any year by a physician or physi-
45 cians designated by the medical board, his or her pension and his or her
46 pension-providing-for-increased-take-home-pay, if any, may be discontin-
47 ued until his or her withdrawal of such refusal. Should such refusal
48 continue for one year, all his or her rights in and to such pension and
49 his or her pension-providing-for-increased-take-home-pay, if any, may be
50 revoked by such board.

51 S 2. Section 13-171 of the administrative code of the city of New York
52 is amended by adding a new subdivision c to read as follows:

53 C. THE PROVISIONS OF SUBDIVISIONS A AND B OF THIS SECTION SHALL APPLY
54 TO SANITATION OR CORRECTION MEMBERS OF THE NEW YORK CITY EMPLOYEES'
55 RETIREMENT SYSTEM, AND UNIFORMED COURT OFFICER MEMBERS OF THE NEW YORK
56 CITY EMPLOYEES' RETIREMENT SYSTEM, WHO RETIRED PURSUANT TO SECTION FIVE

1 HUNDRED SIX OR FIVE HUNDRED SEVEN OF THE RETIREMENT AND SOCIAL SECURITY
2 LAW AND WHO IS UNDER EARLY RETIREMENT AGE AS DEFINED IN SECTION FIVE
3 HUNDRED ONE OF THE RETIREMENT AND SOCIAL SECURITY LAW.

4 S 3. Section 506 of the retirement and social security law is amended
5 by adding three new subdivisions e, f and g to read as follows:

6 E. 1. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER OR OF ANY
7 GENERAL, SPECIAL OR LOCAL LAW, CHARTER, ADMINISTRATIVE CODE OR RULE OR
8 REGULATION TO THE CONTRARY, SUBDIVISIONS A, B, C AND D OF THIS SECTION
9 SHALL NOT APPLY TO MEMBERS OF THE NEW YORK FIRE DEPARTMENT PENSION FUND
10 WHO ARE SUBJECT TO THIS ARTICLE. A MEMBER OF THE NEW YORK FIRE DEPART-
11 MENT PENSION FUND WHO IS SUBJECT TO THIS ARTICLE SHALL INSTEAD BE ELIGI-
12 BLE FOR ORDINARY DISABILITY RETIREMENT PURSUANT TO SECTIONS 13-352 AND
13 13-357 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, AND SHALL
14 RECEIVE A RETIREMENT ALLOWANCE WHICH SHALL CONSIST OF:

15 (I) AN ANNUITY, WHICH SHALL BE THE ACTUARIAL EQUIVALENT OF HIS OR HER
16 ACCUMULATED CONTRIBUTIONS, IF ANY, AT THE TIME OF HIS OR HER RETIREMENT;
17 AND

18 (II) A PENSION WHICH IS THE ACTUARIAL EQUIVALENT OF THE
19 RESERVE-FOR-INCREASED-TAKE-HOME-PAY TO WHICH HE OR SHE MAY THEN BE ENTI-
20 TLED, IF ANY, AND

21 (III) A PENSION, WHICH TOGETHER WITH HIS OR HER ANNUITY AND THE
22 PENSION-PROVIDING-FOR-INCREASED-TAKE-HOME-PAY, IF ANY, SHALL BE EQUAL TO
23 A RETIREMENT ALLOWANCE EQUAL TO ONE-FORTIETH OF HIS OR HER FINAL AVERAGE
24 SALARY MULTIPLIED BY THE NUMBER OF YEARS OF CITY-SERVICE CREDITED TO HIM
25 OR HER, BUT NOT LESS THAN (1) ONE-HALF OF HIS OR HER FINAL AVERAGE SALA-
26 RY, IF THE YEARS OF CITY-SERVICE CREDITED TO HIM OR HER ARE TEN OR MORE,
27 OR (2) ONE-THIRD OF HIS OR HER FINAL AVERAGE SALARY, IF THE YEARS OF
28 CITY-SERVICE CREDITED TO HIM OR HER ARE LESS THAN TEN.

29 2. THE PROVISIONS OF SUBDIVISIONS G, H AND I OF SECTION FIVE HUNDRED
30 SEVEN OF THIS ARTICLE SHALL APPLY TO DISABILITY BENEFITS UNDER THIS
31 SUBDIVISION.

32 F. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER OR OF ANY
33 GENERAL, SPECIAL OR LOCAL LAW, CHARTER, ADMINISTRATIVE CODE OR RULE OR
34 REGULATION TO THE CONTRARY, SUBDIVISIONS A, B, C AND D OF THIS SECTION
35 SHALL NOT APPLY TO SANITATION AND CORRECTION MEMBERS OF THE NEW YORK
36 CITY EMPLOYEES' RETIREMENT SYSTEM WHO ARE SUBJECT TO THIS ARTICLE. A
37 SANITATION OR CORRECTION MEMBER OF THE NEW YORK CITY EMPLOYEES' RETIRE-
38 MENT SYSTEM WHO IS SUBJECT TO THIS ARTICLE SHALL INSTEAD BE ELIGIBLE FOR
39 ORDINARY DISABILITY RETIREMENT PURSUANT TO SECTION 13-167 OF THE ADMIN-
40 ISTRATIVE CODE OF THE CITY OF NEW YORK AND SHALL RECEIVE A RETIREMENT
41 ALLOWANCE WHICH SHALL BE EQUAL TO THE GREATER OF:

42 (I) ONE-THIRD OF HIS OR HER FINAL AVERAGE SALARY; OR

43 (II) ONE-SIXTIETH OF HIS OR HER FINAL AVERAGE SALARY MULTIPLIED BY THE
44 NUMBER OF YEARS OF HIS OR HER CREDITED SERVICE; PROVIDED, HOWEVER, THAT
45 WHERE SUCH MEMBER IS OTHERWISE ELIGIBLE TO RETIRE FROM SERVICE, AND THE
46 RETIREMENT ALLOWANCE WHICH HE OR SHE WOULD RECEIVE IN THE CASE OF
47 SERVICE RETIREMENT IS LARGER THAN THE RETIREMENT ALLOWANCE HE OR SHE
48 WOULD OTHERWISE RECEIVE UNDER THIS PARAGRAPH OR PARAGRAPH (I) OF THIS
49 SUBDIVISION, HIS OR HER DISABILITY RETIREMENT ALLOWANCE PURSUANT TO THIS
50 SUBDIVISION SHALL BE EQUAL TO THE RETIREMENT ALLOWANCE HE OR SHE WOULD
51 RECEIVE IF HE OR SHE HAD RETIRED FROM SERVICE.

52 G. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER OR OF ANY
53 GENERAL, SPECIAL OR LOCAL LAW, CHARTER, ADMINISTRATIVE CODE OR RULE OR
54 REGULATION TO THE CONTRARY, SUBDIVISIONS A, B, C AND D OF THIS SECTION
55 SHALL NOT APPLY TO UNIFORMED COURT OFFICERS IN THE NEW YORK CITY EMPLOY-
56 EES' RETIREMENT SYSTEM WHO ARE SUBJECT TO THIS ARTICLE. A UNIFORMED

1 COURT OFFICER IN THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO IS
2 SUBJECT TO THIS ARTICLE SHALL INSTEAD BE ELIGIBLE FOR ORDINARY DISABILI-
3 TY RETIREMENT PURSUANT TO SECTION 13-167 OF THE ADMINISTRATIVE CODE OF
4 THE CITY OF NEW YORK AND SHALL RECEIVE A RETIREMENT ALLOWANCE WHICH
5 SHALL BE EQUAL TO THE GREATER OF:

6 (I) ONE-THIRD OF HIS OR HER FINAL AVERAGE SALARY; OR

7 (II) ONE-SIXTIETH OF HIS OR HER FINAL AVERAGE SALARY MULTIPLIED BY THE
8 NUMBER OF YEARS OF HIS OR HER CREDITED SERVICE; PROVIDED, HOWEVER, THAT
9 WHERE SUCH MEMBER IS OTHERWISE ELIGIBLE TO RETIRE FROM SERVICE, AND THE
10 RETIREMENT ALLOWANCE WHICH HE OR SHE WOULD RECEIVE IN THE CASE OF
11 SERVICE RETIREMENT IS LARGER THAN THE RETIREMENT ALLOWANCE HE OR SHE
12 WOULD OTHERWISE RECEIVE UNDER THIS PARAGRAPH OR PARAGRAPH (I) OF THIS
13 SUBDIVISION, HIS OR HER DISABILITY RETIREMENT ALLOWANCE PURSUANT TO THIS
14 SUBDIVISION SHALL BE EQUAL TO THE RETIREMENT ALLOWANCE HE OR SHE WOULD
15 RECEIVE IF HE OR SHE HAD RETIRED FROM SERVICE.

16 S 4. Section 507 of the retirement and social security law is amended
17 by adding three new subdivisions j, k and l to read as follows:

18 J. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER OR ANY GENERAL,
19 SPECIAL OR LOCAL LAW, CHARTER, ADMINISTRATIVE CODE OR RULE OR REGULATION
20 TO THE CONTRARY, SUBDIVISIONS A, B, C, D, E, AND F OF THIS SECTION SHALL
21 NOT APPLY TO MEMBERS OF THE NEW YORK FIRE DEPARTMENT PENSION FUND WHO
22 ARE SUBJECT TO THIS ARTICLE. A MEMBER OF THE NEW YORK FIRE DEPARTMENT
23 PENSION FUND WHO IS SUBJECT TO THIS ARTICLE SHALL INSTEAD BE ELIGIBLE
24 FOR ACCIDENTAL DISABILITY RETIREMENT PURSUANT TO SECTIONS 13-353,
25 13-354, AND 13-357 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK
26 AND ANY ACCIDENTAL DISABILITY RETIREMENT BENEFITS FOUND IN THE GENERAL
27 MUNICIPAL LAW AND SHALL RECEIVE A RETIREMENT ALLOWANCE WHICH SHALL
28 CONSIST OF:

29 1. AN ANNUITY, WHICH SHALL BE THE ACTUARIAL EQUIVALENT OF HIS OR HER
30 ACCUMULATED CONTRIBUTIONS, IF ANY, AT THE TIME OF HIS OR HER RETIREMENT;
31 AND

32 2. A PENSION WHICH IS THE ACTUARIAL EQUIVALENT OF THE RESERVE-FOR-IN-
33 CREASED-TAKE-HOME-PAY TO WHICH HE OR SHE MAY THEN BE ENTITLED, IF ANY;
34 AND

35 3. A PENSION, OF THREE-QUARTERS OF HIS OR HER FINAL AVERAGE SALARY, IN
36 ADDITION TO THE ANNUITY AND PENSION PROVIDED FOR BY PARAGRAPHS ONE AND
37 TWO OF THIS SUBDIVISION.

38 K. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER OR ANY GENER-
39 AL, SPECIAL OR LOCAL LAW, CHARTER, ADMINISTRATIVE CODE OR RULE OR REGU-
40 LATION TO THE CONTRARY, SUBDIVISIONS A, B, C, D, E AND F OF THIS SECTION
41 SHALL NOT APPLY TO SANITATION AND CORRECTION MEMBERS OF THE NEW YORK
42 CITY EMPLOYEES' RETIREMENT SYSTEM WHO ARE SUBJECT TO THIS ARTICLE. A
43 SANITATION OR CORRECTION MEMBER OF THE NEW YORK CITY EMPLOYEES' RETIRE-
44 MENT SYSTEM WHO IS SUBJECT TO THIS ARTICLE SHALL INSTEAD BE ELIGIBLE FOR
45 ACCIDENTAL DISABILITY RETIREMENT PURSUANT TO SECTION 13-168 OF THE
46 ADMINISTRATIVE CODE OF THE CITY OF NEW YORK AND ANY ACCIDENTAL DISABILI-
47 TY RETIREMENT BENEFITS FOUND IN THE GENERAL MUNICIPAL LAW AND SHALL
48 RECEIVE A RETIREMENT ALLOWANCE WHICH SHALL BE EQUAL TO THREE-QUARTERS OF
49 FINAL AVERAGE SALARY, SUBJECT TO THE PROVISIONS OF SECTION 13-176 OF THE
50 ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.

51 L. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER OR ANY GENERAL,
52 SPECIAL OR LOCAL LAW, CHARTER, ADMINISTRATIVE CODE OR RULE OR REGULATION
53 TO THE CONTRARY, SUBDIVISIONS A, B, C, D, E AND F OF THIS SECTION SHALL
54 NOT APPLY TO UNIFORMED COURT OFFICERS IN THE NEW YORK CITY EMPLOYEES'
55 RETIREMENT SYSTEM WHO ARE SUBJECT TO THIS ARTICLE. A UNIFORMED COURT
56 OFFICER IN THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO IS SUBJECT

1 TO THIS ARTICLE SHALL INSTEAD BE ELIGIBLE FOR ACCIDENTAL DISABILITY
2 RETIREMENT PURSUANT TO SECTION 13-168 OF THE ADMINISTRATIVE CODE OF THE
3 CITY OF NEW YORK AND ANY ACCIDENTAL DISABILITY RETIREMENT BENEFITS FOUND
4 IN THE GENERAL MUNICIPAL LAW AND SHALL RECEIVE A RETIREMENT ALLOWANCE
5 WHICH SHALL BE EQUAL TO THREE-QUARTERS OF FINAL AVERAGE SALARY SUBJECT
6 TO THE PROVISIONS OF SECTION 13-176 OF THE ADMINISTRATIVE CODE OF THE
7 CITY OF NEW YORK.

8 S 5. Section 510 of the retirement and social security law is amended
9 by adding a new subdivision i to read as follows:

10 I. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ARTICLE OR THE ADMIN-
11 ISTRATIVE CODE OF THE CITY OF NEW YORK, THE ANNUAL ESCALATION PROVIDED
12 IN THIS SECTION SHALL NOT APPLY TO THE ORDINARY OR ACCIDENTAL DISABILITY
13 RETIREMENT BENEFIT OF MEMBERS OF THE NEW YORK FIRE DEPARTMENT PENSION
14 FUND, OR THE ORDINARY OR ACCIDENTAL DISABILITY RETIREMENT BENEFIT OF
15 SANITATION AND CORRECTION MEMBERS OF THE NEW YORK CITY EMPLOYEES'
16 RETIREMENT SYSTEM AND UNIFORMED COURT OFFICERS IN THE NEW YORK CITY
17 EMPLOYEES' RETIREMENT SYSTEM, WHO RETIRE PURSUANT TO SECTION FIVE
18 HUNDRED SIX OR FIVE HUNDRED SEVEN OF THIS ARTICLE. THE ORDINARY OR ACCI-
19 DENTAL DISABILITY RETIREMENT BENEFIT OF MEMBERS OF THE NEW YORK FIRE
20 DEPARTMENT PENSION FUND, THE ORDINARY OR ACCIDENTAL DISABILITY RETIRE-
21 MENT BENEFIT OF SANITATION AND CORRECTION MEMBERS OF THE NEW YORK CITY
22 EMPLOYEES' RETIREMENT SYSTEM, OR THE ORDINARY OR ACCIDENTAL DISABILITY
23 RETIREMENT BENEFIT OF UNIFORMED COURT OFFICERS IN THE NEW YORK CITY
24 EMPLOYEES' RETIREMENT SYSTEM WHO RETIRE PURSUANT TO SECTION FIVE HUNDRED
25 SIX OR FIVE HUNDRED SEVEN OF THIS ARTICLE SHALL BE ADJUSTED FOR
26 COST-OF-LIVING PURSUANT TO THE PROVISIONS OF SECTION 13-696 OF THE
27 ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.

28 S 6. Subdivision f of section 511 of the retirement and social securi-
29 ty law, as amended by chapter 18 of the laws of 2012, is amended to read
30 as follows:

31 f. This section shall not apply to general members in the uniformed
32 correction force of the New York city department of correction or to
33 uniformed personnel in institutions under the jurisdiction of the
34 department of corrections and community supervision and security hospi-
35 tal treatment assistants, as those terms are defined in subdivision i of
36 section eighty-nine of this chapter, provided, however, that the
37 provisions of this section shall apply to a New York city uniformed
38 correction/sanitation revised plan member, AND THIS SECTION SHALL ALSO
39 NOT APPLY TO MEMBERS OF THE NEW YORK FIRE DEPARTMENT PENSION FUND, OR
40 SANITATION REVISED PLAN MEMBERS OF THE NEW YORK CITY EMPLOYEES' RETIRE-
41 MENT SYSTEM, OR CORRECTION REVISED PLAN MEMBERS OF THE NEW YORK CITY
42 EMPLOYEES' RETIREMENT SYSTEM, OR REVISED PLAN MEMBERS WHO ARE UNIFORMED
43 COURT OFFICERS IN THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO ARE
44 SUBJECT TO THIS ARTICLE WHO RETIRE ON ORDINARY OR ACCIDENTAL DISABILITY
45 RETIREMENT PURSUANT TO SECTION FIVE HUNDRED SIX OR FIVE HUNDRED SEVEN OF
46 THIS ARTICLE.

47 S 7. Section 512 of the retirement and social security law is amended
48 by adding three new subdivisions e, f and g to read as follows:

49 E. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION A OF THIS SECTION, OR
50 ANY OTHER GENERAL, SPECIAL OR LOCAL LAW, WITH RESPECT TO MEMBERS OF THE
51 NEW YORK FIRE DEPARTMENT PENSION FUND WHO RETIRE PURSUANT TO SECTIONS
52 FIVE HUNDRED SIX AND FIVE HUNDRED SEVEN OF THIS ARTICLE, A MEMBER'S
53 FINAL AVERAGE SALARY SHALL MEAN THE SALARY EARNED BY SUCH MEMBER DURING
54 THE ONE-YEAR PERIOD IMMEDIATELY PRIOR TO RETIREMENT, EXCLUSIVE OF ANY
55 FORM OF TERMINATION PAY (WHICH SHALL INCLUDE ANY COMPENSATION IN ANTIC-
56 IPATION OF RETIREMENT), OR ANY LUMP SUM PAYMENT FOR DEFERRED COMPEN-

1 SATION, SICK LEAVE, OR ACCUMULATED VACATION CREDIT, OR ANY OTHER PAYMENT
2 FOR TIME NOT WORKED (OTHER THAN COMPENSATION RECEIVED WHILE ON SICK
3 LEAVE OR AUTHORIZED LEAVE OF ABSENCE); PROVIDED, HOWEVER, IF THE SALARY
4 OR WAGES EARNED DURING THE ONE YEAR PERIOD IMMEDIATELY PRIOR TO RETIRE-
5 MENT EXCEEDS THAT OF THE PREVIOUS ONE-YEAR PERIOD BY MORE THAN TWENTY
6 PER CENTUM THE AMOUNT IN EXCESS OF TWENTY PER CENTUM SHALL BE EXCLUDED
7 FROM THE COMPUTATION OF FINAL AVERAGE SALARY. IN DETERMINING FINAL AVER-
8 AGE SALARY, ANY MONTH OR MONTHS (NOT IN EXCESS OF THREE) WHICH WOULD
9 OTHERWISE BE INCLUDED IN COMPUTING FINAL AVERAGE SALARY BUT DURING WHICH
10 THE MEMBER WAS ON AUTHORIZED LEAVE OF ABSENCE WITHOUT PAY SHALL BE
11 EXCLUDED FROM THE COMPUTATION OF FINAL AVERAGE SALARY AND THE MONTH OR
12 AN EQUAL NUMBER OF MONTHS IMMEDIATELY PRECEDING SUCH PERIOD SHALL BE
13 SUBSTITUTED IN LIEU THEREOF.

14 F. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION A OF THIS SECTION, OR
15 ANY OTHER GENERAL, SPECIAL OR LOCAL LAW, WITH RESPECT TO SANITATION AND
16 CORRECTION MEMBERS OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO
17 RETIRE PURSUANT TO SECTION FIVE HUNDRED SIX AND FIVE HUNDRED SEVEN OF
18 THIS ARTICLE, A MEMBER'S FINAL AVERAGE SALARY SHALL MEAN THE SALARY
19 EARNED BY SUCH MEMBER DURING ANY THREE CONSECUTIVE YEARS WHICH PROVIDE
20 THE HIGHEST AVERAGE WAGE, EXCLUSIVE OF ANY FORM OF TERMINATION PAY
21 (WHICH SHALL INCLUDE ANY COMPENSATION IN ANTICIPATION OF RETIREMENT), OR
22 ANY LUMP SUM PAYMENT FOR DEFERRED COMPENSATION, SICK LEAVE, OR ACCUMU-
23 LATED VACATION CREDIT, OR ANY OTHER PAYMENT FOR TIME NOT WORKED (OTHER
24 THAN COMPENSATION RECEIVED WHILE ON SICK LEAVE OR AUTHORIZED LEAVE OF
25 ABSENCE); PROVIDED, HOWEVER, IF THE SALARY OR WAGES EARNED DURING ANY
26 YEAR INCLUDED IN THE PERIOD EXCEEDS THAT OF THE AVERAGE OF THE PREVIOUS
27 TWO YEARS BY MORE THAN TEN PER CENTUM, THE AMOUNT IN EXCESS OF TEN PER
28 CENTUM SHALL BE EXCLUDED FROM THE COMPUTATION OF FINAL AVERAGE SALARY.
29 IN DETERMINING FINAL AVERAGE SALARY, ANY MONTH OR MONTHS (NOT IN EXCESS
30 OF THREE) WHICH WOULD OTHERWISE BE INCLUDED IN COMPUTING FINAL AVERAGE
31 SALARY BUT DURING WHICH THE MEMBER WAS ON AUTHORIZED LEAVE OF ABSENCE
32 WITHOUT PAY SHALL BE EXCLUDED FROM THE COMPUTATION OF FINAL AVERAGE
33 SALARY AND THE MONTH OR AN EQUAL NUMBER OF MONTHS IMMEDIATELY PRECEDING
34 SUCH PERIOD SHALL BE SUBSTITUTED IN LIEU THEREOF.

35 G. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION A OF THIS SECTION, OR
36 ANY OTHER GENERAL, SPECIAL OR LOCAL LAW, WITH RESPECT TO UNIFORMED COURT
37 OFFICERS IN THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO RETIRE
38 PURSUANT TO SECTION FIVE HUNDRED SIX AND FIVE HUNDRED SEVEN OF THIS
39 ARTICLE A MEMBER'S FINAL AVERAGE SALARY SHALL MEAN THE SALARY EARNED BY
40 SUCH MEMBER DURING THE ANY THREE CONSECUTIVE YEARS WHICH PROVIDE THE
41 HIGHEST AVERAGE WAGE, EXCLUSIVE OF ANY FORM OF TERMINATION PAY (WHICH
42 SHALL INCLUDE ANY COMPENSATION IN ANTICIPATION OF RETIREMENT), OR ANY
43 LUMP SUM PAYMENT FOR DEFERRED COMPENSATION, SICK LEAVE, OR ACCUMULATED
44 VACATION CREDIT, OR ANY OTHER PAYMENT FOR TIME NOT WORKED (OTHER THAN
45 COMPENSATION RECEIVED WHILE ON SICK LEAVE OR AUTHORIZED LEAVE OF
46 ABSENCE); PROVIDED, HOWEVER, IF THE SALARY OR WAGES EARNED DURING ANY
47 YEAR INCLUDED IN THE PERIOD EXCEEDS THAT OF THE AVERAGE OF THE PREVIOUS
48 TWO YEARS BY MORE THAN TEN PER CENTUM, THE AMOUNT IN EXCESS OF TEN PER
49 CENTUM SHALL BE EXCLUDED FROM THE COMPUTATION OF FINAL AVERAGE SALARY.
50 IN DETERMINING FINAL AVERAGE SALARY, ANY MONTH OR MONTHS (NOT IN EXCESS
51 OF THREE) WHICH WOULD OTHERWISE BE INCLUDED IN COMPUTING FINAL AVERAGE
52 SALARY BUT DURING WHICH THE MEMBER WAS ON AUTHORIZED LEAVE OF ABSENCE
53 WITHOUT PAY SHALL BE EXCLUDED FROM THE COMPUTATION OF FINAL AVERAGE
54 SALARY AND THE MONTH OR AN EQUAL NUMBER OF MONTHS IMMEDIATELY PRECEDING
55 SUCH PERIOD SHALL BE SUBSTITUTED IN LIEU THEREOF.

1 S 8. This act shall take effect on the sixtieth day after it shall
2 have become a law.

3 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
4 sion, section or part of this act shall be adjudged by any court of
5 competent jurisdiction to be invalid, such judgment shall not affect,
6 impair, or invalidate the remainder thereof, but shall be confined in
7 its operation to the clause, sentence, paragraph, subdivision, section
8 or part thereof directly involved in the controversy in which such judg-
9 ment shall have been rendered. It is hereby declared to be the intent of
10 the legislature that this act would have been enacted even if such
11 invalid provisions had not been included herein.

12 S 3. This act shall take effect immediately provided, however, that
13 the applicable effective date of Parts A through JJ of this act shall be
14 as specifically set forth in the last section of such Parts.