

S. 6406

A. 9006

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

January 14, 2016

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

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

AN ACT to amend the education law, in relation to contracts for excellence and the apportionment of public moneys; to amend the education law, in relation to applications for waivers of certain duties by the education department; to amend the education law in relation to charter schools; to establish the empire state pre-kindergarten grant board; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, in relation to the effectiveness thereof; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 2015-2016 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the state finance law, in relation to the New York state teen health education fund; to amend chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, in relation to the effectiveness thereof; to amend chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the

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

suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; and to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof (Part A); to amend the education law, in relation to school emergency response plans (Part B); to amend the education law, in relation to the city of New York assuming greater financial responsibility for the city university of New York senior colleges (Part C); to amend the education law, in relation to the NY-SUNY 2020 challenge grant program act; and to amend chapter 260 of the laws of 2011, amending the education law and the New York state urban development corporation act relating to establishing components of the NY 2020 challenge grant program, in relation to the effectiveness thereof (Part D); to amend the state finance law, in relation to the creation of the SUNY Stony Brook Affiliation escrow fund (Part E); to amend the education law, in relation to eligibility requirements and conditions governing general awards, academic performance awards and student loans; eligibility requirements for assistance under the higher education opportunity programs and the collegiate science and technology entry program; the definition of "resident"; financial aid opportunities for students of the state university of New York, the city university of New York and community colleges; and the program requirements for the New York state college choice tuition savings program; and to repeal subdivision 3 of section 661 of such law relating thereto (Part F); to amend the education law, chapter 161 of the laws of 2005 amending the education law relating to the New York state licensed social worker loan forgiveness program, chapter 57 of the laws of 2005 amending the education law relating to the New York state nursing faculty loan forgiveness incentive program and the New York state nursing faculty scholarship program, and chapter 31 of the laws of 1985 amending the education law relating to regents scholarships in certain professions, in relation to forgiving loans upon the death of the recipient (Part G); to amend the education law, the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part H); to amend chapter 91 of the laws of 2002, amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness thereof; and to amend chapter 345 of the laws of 2009, amending the education law and other laws relating to the New York city board of education, chancellor, community councils and community superintendents, in relation to the effectiveness thereof (Part I); to amend the labor law, in relation to the apprenticeship training council (Part J); to amend the labor law, in relation to the minimum wage; and repealing certain provisions of such law relating thereto; and providing for the repeal of certain provisions upon the expiration thereof (Part K); to amend the labor law, in relation to enhancing the urban youth jobs program tax credit by increasing the sum of money allocated to programs four and five (Part L); to amend the family court act, in relation to findings that must be made at permanency hearings, and to amend the social services law, in relation to guardianship expenses, the reasonable and prudent parent standard and the criminal history of prospective foster and adoptive parents (Part M); to amend the criminal procedure law, the penal law, the correction law, the education law, the executive law, the family court act and the social services law, in relation to proceedings against

juvenile offenders and the age of juvenile offenders and to repeal certain provisions of the criminal procedure law, the family court act and the executive law relating thereto (Part N); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part O); and to utilize reserves in the mortgage insurance fund for various housing purposes (Part P)

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 P. 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 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
14 tion law, as amended by section 1 of part A of chapter 56 of the laws of
15 2015, is amended to read as follows:

16 e. Notwithstanding paragraphs a and b of this subdivision, a school
17 district that submitted a contract for excellence for the two thousand
18 eight--two thousand nine school year shall submit a contract for excel-
19 lence for the two thousand nine--two thousand ten school year in
20 conformity with the requirements of subparagraph (vi) of paragraph a of
21 subdivision two of this section unless all schools in the district are
22 identified as in good standing and provided further that, a school
23 district that submitted a contract for excellence for the two thousand
24 nine--two thousand ten school year, unless all schools in the district
25 are identified as in good standing, shall submit a contract for excel-
26 lence for the two thousand eleven--two thousand twelve school year which
27 shall, notwithstanding the requirements of subparagraph (vi) of para-
28 graph a of subdivision two of this section, provide for the expenditure
29 of an amount which shall be not less than the product of the amount
30 approved by the commissioner in the contract for excellence for the two
31 thousand nine--two thousand ten school year, multiplied by the
32 district's gap elimination adjustment percentage and provided further
33 that, a school district that submitted a contract for excellence for the
34 two thousand eleven--two thousand twelve school year, unless all schools
35 in the district are identified as in good standing, shall submit a
36 contract for excellence for the two thousand twelve--two thousand thir-
37 teen school year which shall, notwithstanding the requirements of
38 subparagraph (vi) of paragraph a of subdivision two of this section,
39 provide for the expenditure of an amount which shall be not less than
40 the amount approved by the commissioner in the contract for excellence
41 for the two thousand eleven--two thousand twelve school year and
42 provided further that, a school district that submitted a contract for

1 excellence for the two thousand twelve--two thousand thirteen school
2 year, unless all schools in the district are identified as in good
3 standing, shall submit a contract for excellence for the two thousand
4 thirteen--two thousand fourteen school year which shall, notwithstanding
5 the requirements of subparagraph (vi) of paragraph a of subdivision two
6 of this section, provide for the expenditure of an amount which shall be
7 not less than the amount approved by the commissioner in the contract
8 for excellence for the two thousand twelve--two thousand thirteen school
9 year and provided further that, a school district that submitted a
10 contract for excellence for the two thousand thirteen--two thousand
11 fourteen school year, unless all schools in the district are identified
12 as in good standing, shall submit a contract for excellence for the two
13 thousand fourteen--two thousand fifteen school year which shall,
14 notwithstanding the requirements of subparagraph (vi) of paragraph a of
15 subdivision two of this section, provide for the expenditure of an
16 amount which shall be not less than the amount approved by the commis-
17 sioner in the contract for excellence for the two thousand thirteen--two
18 thousand fourteen school year; and provided further that, a school
19 district that submitted a contract for excellence for the two thousand
20 fourteen--two thousand fifteen school year, unless all schools in the
21 district are identified as in good standing, shall submit a contract for
22 excellence for the two thousand fifteen--two thousand sixteen school
23 year which shall, notwithstanding the requirements of subparagraph (vi)
24 of paragraph a of subdivision two of this section, provide for the
25 expenditure of an amount which shall be not less than the amount
26 approved by the commissioner in the contract for excellence for the two
27 thousand fourteen--two thousand fifteen school year; AND PROVIDED
28 FURTHER THAT A SCHOOL DISTRICT THAT SUBMITTED A CONTRACT FOR EXCELLENCE
29 FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR, UNLESS
30 ALL SCHOOLS IN THE DISTRICT ARE IDENTIFIED AS IN GOOD STANDING, SHALL
31 SUBMIT A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND SIXTEEN--TWO THOU-
32 SAND SEVENTEEN SCHOOL YEAR WHICH SHALL, NOTWITHSTANDING THE REQUIREMENTS
33 OF SUBPARAGRAPH (VI) OF PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION,
34 PROVIDE FOR THE EXPENDITURE OF AN AMOUNT WHICH SHALL BE NOT LESS THAN
35 THE AMOUNT APPROVED BY THE COMMISSIONER IN THE CONTRACT FOR EXCELLENCE
36 FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR. For
37 purposes of this paragraph, the "gap elimination adjustment percentage"
38 shall be calculated as the sum of one minus the quotient of the sum of
39 the school district's net gap elimination adjustment for two thousand
40 ten--two thousand eleven computed pursuant to chapter fifty-three of the
41 laws of two thousand ten, making appropriations for the support of
42 government, plus the school district's gap elimination adjustment for
43 two thousand eleven--two thousand twelve as computed pursuant to chapter
44 fifty-three of the laws of two thousand eleven, making appropriations
45 for the support of the local assistance budget, including support for
46 general support for public schools, divided by the total aid for adjust-
47 ment computed pursuant to chapter fifty-three of the laws of two thou-
48 sand eleven, making appropriations for the local assistance budget,
49 including support for general support for public schools. Provided,
50 further, that such amount shall be expended to support and maintain
51 allowable programs and activities approved in the two thousand nine--two
52 thousand ten school year or to support new or expanded allowable
53 programs and activities in the current year.

54 S 2. The closing paragraph of subdivision 5-a of section 3602 of the
55 education law, as amended by section 2 of part A of chapter 56 of the
56 laws of 2015, is amended to read as follows:

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

13 S 3. Subdivision 12 of section 3602 of the education law is amended by
14 adding a fourth undesignated paragraph to read as follows:

15 FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, EACH
16 SCHOOL DISTRICT SHALL BE ENTITLED TO AN APPORTIONMENT EQUAL TO THE
17 AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "ACADEMIC ENHANCEMENT"
18 UNDER THE HEADING "2015-16 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER
19 LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE BUDGET FOR THE
20 TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND ENTITLED
21 "SA151-6", AND SUCH APPORTIONMENT SHALL BE DEEMED TO SATISFY THE STATE
22 OBLIGATION TO PROVIDE AN APPORTIONMENT PURSUANT TO SUBDIVISION EIGHT OF
23 SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THIS ARTICLE.

24 S 4. The opening paragraph of subdivision 16 of section 3602 of the
25 education law, as amended by section 4 of part A of chapter 56 of the
26 laws of 2015, is amended to read as follows:

27 Each school district shall be eligible to receive a high tax aid
28 apportionment in the two thousand eight--two thousand nine school year,
29 which shall equal the greater of (i) the sum of the tier 1 high tax aid
30 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
31 tax aid apportionment or (ii) the product of the apportionment received
32 by the school district pursuant to this subdivision in the two thousand
33 seven--two thousand eight school year, multiplied by the due-minimum
34 factor, which shall equal, for districts with an alternate pupil wealth
35 ratio computed pursuant to paragraph b of subdivision three of this
36 section that is less than two, seventy percent (0.70), and for all other
37 districts, fifty percent (0.50). Each school district shall be eligible
38 to receive a high tax aid apportionment in the two thousand nine--two
39 thousand ten through two thousand twelve--two thousand thirteen school
40 years in the amount set forth for such school district as "HIGH TAX AID"
41 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer
42 listing produced by the commissioner in support of the budget for the
43 two thousand nine--two thousand ten school year and entitled "SA0910".
44 Each school district shall be eligible to receive a high tax aid appor-
45 tionment in the two thousand thirteen--two thousand fourteen through
46 [two thousand fifteen--two thousand sixteen] TWO THOUSAND SIXTEEN--TWO
47 THOUSAND SEVENTEEN school years equal to the greater of (1) the amount
48 set forth for such school district as "HIGH TAX AID" under the heading
49 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by
50 the commissioner in support of the budget for the two thousand nine--two
51 thousand ten school year and entitled "SA0910" or (2) the amount set
52 forth for such school district as "HIGH TAX AID" under the heading
53 "2013-14 ESTIMATED AIDS" in the school aid computer listing produced by
54 the commissioner in support of the executive budget for the 2013-14
55 fiscal year and entitled "BT131-4".

1 S 5. The opening paragraph of subdivision 10 of section 3602-e of the
2 education law, as amended by section 5 of part A of chapter 56 of the
3 laws of 2015, is amended to read as follows:

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

43 S 6. Paragraph h of subdivision 17 of section 3602 of the education
44 law, as added by section 5-b of part A of chapter 56 of the laws of
45 2015, is amended and a new paragraph i is added to read as follows:

46 h. [The gap elimination adjustment restoration amount for the two
47 thousand sixteen--two thousand seventeen school year and thereafter
48 shall equal the product of the gap elimination percentage for such
49 district and the gap elimination adjustment restoration allocation
50 established pursuant to subdivision eighteen of this section] THE GAP
51 ELIMINATION ADJUSTMENT RESTORATION AMOUNT FOR THE TWO THOUSAND SIXTEEN-
52 -TWO THOUSAND SEVENTEEN SCHOOL YEAR FOR A SCHOOL DISTRICT SHALL BE
53 COMPUTED BASED ON DATA ON FILE WITH THE COMMISSIONER AND IN THE DATABASE
54 USED BY THE COMMISSIONER TO PRODUCE AN UPDATED ELECTRONIC DATA FILE IN
55 SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND
56 SIXTEEN--TWO THOUSAND SEVENTEEN STATE FISCAL YEAR AND SHALL EQUAL THE

1 SUM OF THE SCALED EXTRAORDINARY NEEDS RESTORATION PLUS THE MINIMUM
2 RESTORATION, PROVIDED THAT SUCH GAP ELIMINATION ADJUSTMENT RESTORATION
3 AMOUNT SHALL NOT EXCEED THE GAP ELIMINATION ADJUSTMENT FOR THE BASE
4 YEAR.

5 (I) THE "SCALED EXTRAORDINARY NEEDS RESTORATION" SHALL EQUAL THE PROD-
6 UCT OF THE GRANT PER PUPIL MULTIPLIED BY THE STATE SHARING RATIO
7 COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION THREE OF THIS SECTION
8 MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS
9 COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE
10 OF THIS SECTION, WHERE (A) THE GRANT PER PUPIL SHALL BE SIXTY-SIX
11 DOLLARS (\$66.00) MULTIPLIED BY THE EXTRAORDINARY NEEDS INDEX TRUNCATED
12 TO TWO DECIMALS, AND (B) THE EXTRAORDINARY NEEDS INDEX SHALL EQUAL THE
13 QUOTIENT TRUNCATED TO THREE DECIMALS ARRIVED AT BY DIVIDING THE EXTRAOR-
14 DINARY NEEDS PERCENT COMPUTED PURSUANT TO PARAGRAPH W OF SUBDIVISION ONE
15 OF THIS SECTION BY THE STATEWIDE AVERAGE EXTRAORDINARY NEEDS PERCENT OF
16 FIFTY-FOUR AND EIGHT-TENTHS PERCENT (0.548).

17 (II) THE MINIMUM RESTORATION SHALL EQUAL THE PRODUCT OF THIRTY PERCENT
18 (0.3) MULTIPLIED BY THE GAP ELIMINATION ADJUSTMENT FOR THE BASE YEAR.

19 I. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, FOR THE TWO
20 THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR AND THEREAFTER,
21 THE GAP ELIMINATION ADJUSTMENT SHALL BE ZERO.

22 S 7. Subdivision 4 of section 3602 of the education law, as amended by
23 section 5-a of part A of chapter 56 of the laws of 2015, is amended to
24 read as follows:

25 4. Total foundation aid. In addition to any other apportionment pursu-
26 ant to this chapter, a school district, other than a special act school
27 district as defined in subdivision eight of section four thousand one of
28 this chapter, shall be eligible for total foundation aid equal to the
29 product of total aidable foundation pupil units multiplied by the
30 district's selected foundation aid, which shall be the greater of five
31 hundred dollars (\$500) or foundation formula aid, provided, however that
32 for the two thousand seven--two thousand eight through two thousand
33 eight--two thousand nine school years, no school district shall receive
34 total foundation aid in excess of the sum of the total foundation aid
35 base for aid payable in the two thousand seven--two thousand eight
36 school year computed pursuant to subparagraph (i) of paragraph j of
37 subdivision one of this section, plus the phase-in foundation increase
38 computed pursuant to paragraph b of this subdivision, and provided
39 further that for the two thousand twelve--two thousand thirteen school
40 year, no school district shall receive total foundation aid in excess of
41 the sum of the total foundation aid base for aid payable in the two
42 thousand eleven--two thousand twelve school year computed pursuant to
43 SUBPARAGRAPH (II) OF paragraph j of subdivision one of this section,
44 plus the phase-in foundation increase computed pursuant to paragraph b
45 of this subdivision, and provided further that for the two thousand
46 thirteen--two thousand fourteen school year and thereafter, no school
47 district shall receive total foundation aid in excess of the sum of the
48 total foundation aid base computed pursuant to SUBPARAGRAPH (II) OF
49 paragraph j of subdivision one of this section, plus the phase-in foun-
50 dation increase computed pursuant to paragraph b of this subdivision,
51 AND PROVIDED FURTHER THAT FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND
52 SEVENTEEN SCHOOL YEAR, FOR A SCHOOL DISTRICT WHERE THE PHASE-IN FOUNDA-
53 TION INCREASE AND THE DUE MINIMUM ARE LESS THAN THE ALTERNATIVE MINIMUM
54 COMPUTED PURSUANT TO PARAGRAPH B-2 OF THIS SECTION, SUCH DISTRICT SHALL
55 RECEIVE TOTAL FOUNDATION AID, IN LIEU OF SUCH PHASE-IN FOUNDATION
56 INCREASE OR DUE MINIMUM, EQUAL TO THE SUM OF THE FOUNDATION AID BASE

1 COMPUTED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH J OF SUBDIVISION ONE
2 OF THIS SECTION, PLUS THE ALTERNATIVE MINIMUM COMPUTED PURSUANT TO PARA-
3 GRAPH B-2 OF THIS SECTION, and provided further that total foundation
4 aid shall not be less than the product of the total foundation aid base
5 computed pursuant to paragraph j of subdivision one of this section and
6 the due-minimum percent which shall be, for the two thousand twelve--two
7 thousand thirteen school year, one hundred and six-tenths percent
8 (1.006) and for the two thousand thirteen--two thousand fourteen school
9 year for city school districts of those cities having populations in
10 excess of one hundred twenty-five thousand and less than one million
11 inhabitants one hundred and one and one hundred and seventy-six thou-
12 sandths percent (1.01176), and for all other districts one hundred and
13 three-tenths percent (1.003), and for the two thousand fourteen--two
14 thousand fifteen school year one hundred and eighty-five hundredths
15 percent (1.0085), and for the two thousand fifteen--two thousand sixteen
16 school year, one hundred thirty-seven hundredths percent (1.0037), AND
17 FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, ONE
18 PLUS THE LESSER OF TWO PERCENT (0.02) OR THE PRODUCT OF TWENTY-THREE
19 HUNDREDTHS PERCENT (0.023) MULTIPLIED BY A CWR RATIO AND TRUNCATED TO
20 FOUR DECIMALS, WHERE SUCH CWR RATIO SHALL BE THE DIFFERENCE OBTAINED BY
21 SUBTRACTING FROM ONE AND THIRTY-SEVEN HUNDREDTHS (1.37) THE PRODUCT OF
22 ONE AND FIFTY-FIVE HUNDREDTHS (1.55) MULTIPLIED BY THE COMBINED WEALTH
23 RATIO FOR TOTAL FOUNDATION AID COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF
24 PARAGRAPH C OF SUBDIVISION THREE OF THIS SECTION TRUNCATED TO THREE
25 DECIMALS, PROVIDED HOWEVER THAT SUCH CWR RATIO SHALL NOT BE GREATER THAN
26 ONE NOR LESS THAN ZERO, subject to allocation pursuant to the provisions
27 of subdivision eighteen of this section and any provisions of a chapter
28 of the laws of New York as described therein, nor more than the product
29 of such total foundation aid base and one hundred fifteen percent, and
30 provided further that for the two thousand nine--two thousand ten
31 through two thousand eleven--two thousand twelve school years, each
32 school district shall receive total foundation aid in an amount equal to
33 the amount apportioned to such school district for the two thousand
34 eight--two thousand nine school year pursuant to this subdivision. Total
35 aidable foundation pupil units shall be calculated pursuant to paragraph
36 g of subdivision two of this section. For the purposes of calculating
37 aid pursuant to this subdivision, aid for the city school district of
38 the city of New York shall be calculated on a citywide basis.

39 a. Foundation formula aid. Foundation formula aid shall equal the
40 remainder when the expected minimum local contribution is subtracted
41 from the product of the foundation amount, the regional cost index, and
42 the pupil need index, or: (foundation amount x regional cost index x
43 pupil need index)- expected minimum local contribution.

44 (1) The foundation amount shall reflect the average per pupil cost of
45 general education instruction in successful school districts, as deter-
46 mined by a statistical analysis of the costs of special education and
47 general education in successful school districts, provided that the
48 foundation amount shall be adjusted annually to reflect the percentage
49 increase in the consumer price index as computed pursuant to PARAGRAPH E
50 OF SUBDIVISION FOUR OF section two thousand [twenty-two] TWENTY-THREE of
51 this chapter, provided that for the two thousand eight--two thousand
52 nine school year, for the purpose of such adjustment, the percentage
53 increase in the consumer price index shall be deemed to be two and nine-
54 tenths percent (0.029), and provided further that the foundation amount
55 for the two thousand seven--two thousand eight school year shall be five
56 thousand two hundred fifty-eight dollars, and provided further that for

1 the two thousand seven--two thousand eight through two thousand
 2 [fifteen] SIXTEEN--two thousand [sixteen] SEVENTEEN school years, the
 3 foundation amount shall be further adjusted by the phase-in foundation
 4 percent established pursuant to paragraph b of this subdivision.

5 (2) The regional cost index shall reflect an analysis of labor market
 6 costs based on median salaries in professional occupations that require
 7 similar credentials to those of positions in the education field, but
 8 not including those occupations in the education field, provided that
 9 the regional cost indices for the two thousand seven--two thousand eight
 10 school year and thereafter shall be as follows:

11	Labor Force Region	Index
12	Capital District	1.124
13	Southern Tier	1.045
14	Western New York	1.091
15	Hudson Valley	1.314
16	Long Island/NYC	1.425
17	Finger Lakes	1.141
18	Central New York	1.103
19	Mohawk Valley	1.000
20	North Country	1.000

21 (3) The pupil need index shall equal the sum of one plus the extraor-
 22 dinary needs percent, provided, however, that the pupil need index shall
 23 not be less than one nor more than two. The extraordinary needs percent
 24 shall be calculated pursuant to paragraph w of subdivision one of this
 25 section.

26 (4) The expected minimum local contribution shall equal the lesser of
 27 (i) the product of (A) the quotient arrived at when the selected actual
 28 valuation is divided by total wealth foundation pupil units, multiplied
 29 by (B) the product of the local tax factor, multiplied by the income
 30 wealth index, or (ii) the product of (A) the product of the foundation
 31 amount, the regional cost index, and the pupil need index, multiplied by
 32 (B) the positive difference, if any, of one minus the state sharing
 33 ratio for total foundation aid. The local tax factor shall be estab-
 34 lished by May first of each year by determining the product, computed to
 35 four decimal places without rounding, of ninety percent multiplied by
 36 the quotient of the sum of the statewide average tax rate as computed by
 37 the commissioner for the current year in accordance with the provisions
 38 of paragraph e of subdivision one of section thirty-six hundred nine-e
 39 of this part plus the statewide average tax rate computed by the commis-
 40 sioner for the base year in accordance with such provisions plus the
 41 statewide average tax rate computed by the commissioner for the year
 42 prior to the base year in accordance with such provisions, divided by
 43 three, provided however that for the two thousand seven--two thousand
 44 eight school year, such local tax factor shall be sixteen thousandths
 45 (0.016), and provided further that for the two thousand eight--two thou-
 46 sand nine school year, such local tax factor shall be one hundred
 47 fifty-four ten thousandths (0.0154). The income wealth index shall be
 48 calculated pursuant to paragraph d of subdivision three of this section,
 49 provided, however, that for the purposes of computing the expected mini-
 50 mum local contribution the income wealth index shall not be less than
 51 sixty-five percent (0.65) and shall not be more than two hundred percent
 52 (2.0) and provided however that such income wealth index shall not be
 53 more than ninety-five percent (0.95) for the two thousand eight--two
 54 thousand nine school year, and provided further that such income wealth
 55 index shall not be less than zero for the two thousand thirteen--two
 56 thousand fourteen school year. The selected actual valuation shall be

1 calculated pursuant to paragraph c of subdivision one of this section.
2 Total wealth foundation pupil units shall be calculated pursuant to
3 paragraph h of subdivision two of this section.

4 b. Phase-in foundation increase. (1) The phase-in foundation increase
5 shall equal the product of the phase-in foundation increase factor
6 multiplied by the positive difference, if any, of (i) the product of the
7 total aidable foundation pupil units multiplied by the district's
8 selected foundation aid less (ii) the total foundation aid base computed
9 pursuant to paragraph j of subdivision one of this section.

10 (2) (i) Phase-in foundation percent. The phase-in foundation percent
11 shall equal one hundred thirteen and fourteen one hundredths percent
12 (1.1314) for the two thousand eleven--two thousand twelve school year,
13 one hundred ten and thirty-eight hundredths percent (1.1038) for the two
14 thousand twelve--two thousand thirteen school year, one hundred seven
15 and sixty-eight hundredths percent (1.0768) for the two thousand thir-
16 teen--two thousand fourteen school year, one hundred five and six
17 hundredths percent (1.0506) for the two thousand fourteen--two thousand
18 fifteen school year, and one hundred two and five tenths percent
19 (1.0250) for the two thousand fifteen--two thousand sixteen school year.

20 (ii) Phase-in foundation increase factor. For the two thousand
21 eleven--two thousand twelve school year, the phase-in foundation
22 increase factor shall equal thirty-seven and one-half percent (0.375)
23 and the phase-in due minimum percent shall equal nineteen and forty-one
24 hundredths percent (0.1941), for the two thousand twelve--two thousand
25 thirteen school year the phase-in foundation increase factor shall equal
26 one and seven-tenths percent (0.017), for the two thousand thirteen--two
27 thousand fourteen school year the phase-in foundation increase factor
28 shall equal (1) for a city school district in a city having a population
29 of one million or more, five and twenty-three hundredths percent
30 (0.0523) or (2) for all other school districts zero percent, for the two
31 thousand fourteen--two thousand fifteen school year the phase-in founda-
32 tion increase factor shall equal (1) for a city school district of a
33 city having a population of one million or more, four and thirty-two
34 hundredths percent (0.0432) or (2) for a school district other than a
35 city school district having a population of one million or more for
36 which (A) the quotient of the positive difference of the foundation
37 formula aid minus the foundation aid base computed pursuant to paragraph
38 j of subdivision one of this section divided by the foundation formula
39 aid is greater than twenty-two percent (0.22) and (B) a combined wealth
40 ratio less than thirty-five hundredths (0.35), seven percent (0.07) or
41 (3) for all other school districts, four and thirty-one hundredths
42 percent (0.0431), and for the two thousand fifteen--two thousand sixteen
43 school year the phase-in foundation increase factor shall equal: (1) for
44 a city school district of a city having a population of one million or
45 more, thirteen and two hundred seventy-four thousandths percent
46 (0.13274); or (2) for districts where the quotient arrived at when
47 dividing (A) the product of the total aidable foundation pupil units
48 multiplied by the district's selected foundation aid less the total
49 foundation aid base computed pursuant to paragraph j of subdivision one
50 of this section divided by (B) the product of the total aidable founda-
51 tion pupil units multiplied by the district's selected foundation aid is
52 greater than nineteen percent (0.19), and where the district's combined
53 wealth ratio is less than thirty-three hundredths (0.33), seven and
54 seventy-five hundredths percent (0.0775); or (3) for any other district
55 designated as high need pursuant to clause (c) of subparagraph two of
56 paragraph c of subdivision six of this section for the school aid

1 computer listing produced by the commissioner in support of the enacted
2 budget for the two thousand seven--two thousand eight school year and
3 entitled "SA0708", four percent (0.04); or (4) for a city school
4 district in a city having a population of one hundred twenty-five thou-
5 sand or more but less than one million, fourteen percent (0.14); or (5)
6 for school districts that were designated as small city school districts
7 or central school districts whose boundaries include a portion of a
8 small city for the school aid computer listing produced by the commis-
9 sioner in support of the enacted budget for the two thousand fourteen--
10 two thousand fifteen school year and entitled "SA1415", four and seven
11 hundred fifty- one thousandths percent (0.04751); or (6) for all other
12 districts one percent (0.01), and for THE TWO THOUSAND SIXTEEN--TWO
13 THOUSAND SEVENTEEN SCHOOL YEAR THE PHASE-IN FOUNDATION INCREASE FACTOR
14 SHALL EQUAL THE GREATER OF: (1) FOR A CITY SCHOOL DISTRICT OF A CITY
15 HAVING A POPULATION OF ONE MILLION OR MORE, NINE AND THIRTY-TWO
16 HUNDREDTHS PERCENT (0.0932); OR (2) FOR A CITY SCHOOL DISTRICT OF A CITY
17 HAVING A POPULATION OF MORE THAN ONE HUNDRED TWENTY-FIVE THOUSAND BUT
18 LESS THAN ONE MILLION, THREE AND ONE-HALF PERCENT (0.035); OR (3) FOR A
19 DISTRICT WITH A SPARSITY COUNT COMPUTED PURSUANT TO PARAGRAPH R OF
20 SUBDIVISION ONE OF THIS SECTION GREATER THAN ZERO, THE LESSER OF (I) THE
21 PRODUCT OF NINE AND THIRTY-TWO HUNDREDTHS PERCENT (0.0932) MULTIPLIED BY
22 THE PHASE-IN CWR SPARSITY RATIO TRUNCATED TO FOUR DECIMALS, WHERE SUCH
23 PHASE-IN CWR SPARSITY RATIO SHALL BE THE DIFFERENCE OBTAINED BY
24 SUBTRACTING FROM ONE AND THIRTY-SEVEN HUNDREDTHS (1.37) THE PRODUCT OF
25 ONE AND THIRTY-FIVE HUNDREDTHS (1.35) MULTIPLIED BY THE COMBINED WEALTH
26 RATIO FOR TOTAL FOUNDATION AID COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF
27 PARAGRAPH C OF SUBDIVISION THREE OF THIS SECTION TRUNCATED TO THREE
28 DECIMALS, PROVIDED HOWEVER THAT SUCH PHASE-IN CWR SPARSITY RATIO SHALL
29 NOT BE GREATER THAN ONE NOR LESS THAN ZERO OR (II) SIX PERCENT (0.06);
30 OR (4) THE LESSER OF (I) THE PRODUCT OF THREE AND ONE-HALF PERCENT
31 (0.035) MULTIPLIED BY THE PHASE-IN CWR RATIO TRUNCATED TO FOUR DECIMALS,
32 WHERE SUCH PHASE-IN CWR RATIO SHALL BE THE DIFFERENCE OBTAINED BY
33 SUBTRACTING FROM ONE AND THIRTY-SEVEN HUNDREDTHS (1.37) THE PRODUCT OF
34 ONE AND THREE-TENTHS (1.30) MULTIPLIED BY THE COMBINED WEALTH RATIO FOR
35 TOTAL FOUNDATION AID COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH
36 C OF SUBDIVISION THREE OF THIS SECTION TRUNCATED TO THREE DECIMALS,
37 PROVIDED HOWEVER THAT SUCH PHASE-IN CWR RATIO SHALL NOT BE GREATER THAN
38 ONE NOR LESS THAN ZERO OR (II) THREE PERCENT (0.03); AND FOR the two
39 thousand [sixteen--two thousand seventeen] SEVENTEEN--TWO THOUSAND EIGH-
40 TEEN school year and thereafter the commissioner shall annually deter-
41 mine the phase-in foundation increase factor subject to allocation
42 pursuant to the provisions of subdivision eighteen of this section and
43 any provisions of a chapter of the laws of New York as described there-
44 in.

45 b-1. Notwithstanding any other provision of law to the contrary, for
46 the two thousand seven--two thousand eight school year and thereafter,
47 the additional amount payable to each school district pursuant to this
48 subdivision in the current year as total foundation aid, after deducting
49 the total foundation aid base, shall be deemed a state grant in aid
50 identified by the commissioner for general use for purposes of section
51 seventeen hundred eighteen of this chapter.

52 B-2. ALTERNATIVE MINIMUM. THE ALTERNATIVE MINIMUM SHALL BE THE POSI-
53 TIVE DIFFERENCE, IF ANY, OBTAINED BY SUBTRACTING THE ALTERNATIVE
54 INCREASE FROM THE PRODUCT OF THE ALTERNATIVE BASE MULTIPLIED BY TWO
55 PERCENT (0.02). FOR PURPOSES OF THIS SUBDIVISION, "ALTERNATIVE BASE"
56 SHALL MEAN A SCHOOL DISTRICT'S APPORTIONMENT OF FOUNDATION AID FOR THE

1 TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AS SET FORTH FOR
2 EACH SCHOOL DISTRICT AS "2015-16 FOUNDATION AID" IN THE SCHOOL AID
3 COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECU-
4 TIVE BUDGET REQUEST FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN
5 SCHOOL YEAR AND ENTITLED "BT161-7" MINUS THE GAP ELIMINATION ADJUSTMENT
6 FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR. FOR
7 PURPOSES OF THIS SUBDIVISION, "ALTERNATIVE INCREASE" SHALL MEAN THE SUM
8 OF (1) THE GAP ELIMINATION ADJUSTMENT RESTORATION COMPUTED FOR THE TWO
9 THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR PURSUANT TO PARA-
10 GRAPH H OF SUBDIVISION SEVENTEEN OF THIS SECTION AS SET FORTH FOR EACH
11 SCHOOL DISTRICT AS "2016-17 GEA RESTORATION" IN THE SCHOOL AID COMPUTER
12 LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET
13 REQUEST FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR
14 AND ENTITLED "BT161-7", PLUS (2) COMMUNITY SCHOOLS AID COMPUTED FOR THE
15 TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR PURSUANT TO
16 SUBDIVISION NINETEEN OF THIS SECTION AS SET FORTH FOR EACH SCHOOL
17 DISTRICT AS "2016-17 COMMUNITY SCHOOLS AID" IN THE SCHOOL AID COMPUTER
18 LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET
19 REQUEST FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR
20 AND ENTITLED "BT161-7".

21 B-3. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SUBDIVISION TO THE
22 CONTRARY, FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL
23 YEAR, NO SCHOOL DISTRICT SHALL BE ELIGIBLE FOR AN APPORTIONMENT OF FOUN-
24 DATION AID IN EXCESS OF THE AMOUNT APPORTIONED TO SUCH SCHOOL DISTRICT
25 IN TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR UNLESS (I) THE
26 DISTRICT WAS DESIGNATED AS HIGH OR AVERAGE NEED PURSUANT TO CLAUSE (C)
27 OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION SIX OF THIS SECTION
28 FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN
29 SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND SEVEN--TWO THOUSAND
30 EIGHT SCHOOL YEAR AND ENTITLED "SA0708," (II) THE DISTRICT WAS DESIG-
31 NATED AS HIGH OR AVERAGE NEED PURSUANT TO THE REGULATIONS OF THE COMMIS-
32 SIONER IN THE MOST RECENTLY AVAILABLE STUDY INCLUDED IN THE SCHOOL AID
33 COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED
34 BUDGET FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN STATE FISCAL
35 YEAR AND ENTITLED "SA131-4" OR (III) THE DISTRICT'S ALTERNATIVE INCREASE
36 COMPUTED PURSUANT TO PARAGRAPH B-2 OF THIS SUBDIVISION IS LESS THAN THE
37 PRODUCT OF THE ALTERNATIVE BASE COMPUTED PURSUANT TO PARAGRAPH B-2 OF
38 THIS SUBDIVISION MULTIPLIED BY THREE PERCENT (0.03).

39 c. Public excess cost aid setaside. Each school district shall set
40 aside from its total foundation aid computed for the current year pursu-
41 ant to this subdivision an amount equal to the product of: (i) the
42 difference between the amount the school district was eligible to
43 receive in the two thousand six--two thousand seven school year pursuant
44 to or in lieu of paragraph six of subdivision nineteen of this section
45 as such paragraph existed on June thirtieth, two thousand seven, minus
46 the amount such district was eligible to receive pursuant to or in lieu
47 of paragraph five of subdivision nineteen of this section as such para-
48 graph existed on June thirtieth, two thousand seven, in such school
49 year, and (ii) the sum of one and the percentage increase in the consum-
50 er price index for the current year over such consumer price index for
51 the two thousand six--two thousand seven school year, as computed pursu-
52 ant to PARAGRAPH E OF SUBDIVISION FOUR OF section two thousand [twenty-
53 two] TWENTY-THREE of this chapter. Notwithstanding any other provision
54 of law to the contrary, the public excess cost aid setaside shall be
55 paid pursuant to section thirty-six hundred nine-b of this part.

1 d. For the two thousand fourteen--two thousand fifteen [and two thou-
2 sand fifteen--two thousand sixteen] THROUGH TWO THOUSAND SIXTEEN--TWO
3 THOUSAND SEVENTEEN school years a city school district of a city having
4 a population of one million or more may use amounts apportioned pursuant
5 to this subdivision for afterschool programs.

6 S 8. Section 3602 of the education law is amended by adding a new
7 subdivision 19 to read as follows:

8 19. COMMUNITY SCHOOLS AID. EACH SCHOOL DISTRICT SHALL BE ELIGIBLE TO
9 RECEIVE AN APPORTIONMENT FOR COMMUNITY SCHOOLS AID EQUAL TO THE SUM OF
10 THE TIER ONE APPORTIONMENT AND THE TIER TWO APPORTIONMENT.

11 A. DEFINITIONS.

12 (1) "TIER ONE ELIGIBLE SCHOOL DISTRICT" SHALL MEAN ANY SCHOOL DISTRICT
13 WITH AT LEAST ONE SCHOOL DESIGNATED AS FAILING OR PERSISTENTLY FAILING
14 BY THE COMMISSIONER PURSUANT TO PARAGRAPHS (A) OR (B) OF SUBDIVISION ONE
15 OF SECTION 211-F OF THIS CHAPTER PRIOR TO JANUARY FIRST, TWO THOUSAND
16 SIXTEEN.

17 (2) "TIER TWO ELIGIBLE SCHOOL DISTRICT" SHALL MEAN ANY SCHOOL
18 DISTRICT, EXCEPT A TIER ONE ELIGIBLE SCHOOL DISTRICT, DESIGNATED AS HIGH
19 NEED PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDI-
20 VISION SIX OF THIS SECTION FOR THE SCHOOL AID COMPUTER LISTING PRODUCED
21 BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOU-
22 SAND SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND ENTITLED "SA0708" OR ANY
23 DISTRICT DESIGNATED AS HIGH NEED PURSUANT TO THE REGULATIONS OF THE
24 COMMISSIONER IN THE MOST RECENTLY AVAILABLE STUDY INCLUDED IN THE SCHOOL
25 AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE
26 ENACTED BUDGET FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN
27 STATE FISCAL YEAR AND ENTITLED "SA131-4".

28 B. TIER ONE APPORTIONMENT. ANY TIER ONE ELIGIBLE SCHOOL DISTRICT SHALL
29 BE ELIGIBLE FOR AN APPORTIONMENT EQUAL TO THE GREATER OF (I) THE PRODUCT
30 OF EIGHT HUNDRED THIRTY DOLLARS AND SIXTY CENTS (\$830.60) MULTIPLIED BY
31 THE DISTRICT'S ENROLLMENT IN THE TWO THOUSAND FOURTEEN--TWO THOUSAND
32 FIFTEEN SCHOOL YEAR IN SCHOOLS DESIGNATED AS FAILING OR PERSISTENTLY
33 FAILING PURSUANT TO PARAGRAPHS (A) OR (B) OF SUBDIVISION ONE OF SECTION
34 211-F OF THIS CHAPTER ON THE DATE PRIOR TO NOVEMBER FIRST THAT IS SPECI-
35 FIED BY THE COMMISSIONER AS THE ENROLLMENT REPORTING DATE FOR THE SCHOOL
36 DISTRICT OR (II) TEN THOUSAND DOLLARS (\$10,000).

37 C. TIER TWO APPORTIONMENT. ANY TIER TWO ELIGIBLE SCHOOL DISTRICT SHALL
38 BE ELIGIBLE FOR AN APPORTIONMENT EQUAL TO THE GREATER OF (I) THE PRODUCT
39 OF THE GRANT PER PUPIL MULTIPLIED BY THE STATE SHARING RATIO COMPUTED
40 PURSUANT TO PARAGRAPH G OF SUBDIVISION THREE OF THIS SECTION MULTIPLIED
41 BY THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT
42 TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION,
43 WHERE (A) THE GRANT PER PUPIL SHALL BE EIGHTY-NINE DOLLARS AND
44 THIRTY-TWO CENTS (\$89.32) MULTIPLIED BY THE EXTRAORDINARY NEEDS INDEX
45 TRUNCATED TO TWO DECIMALS, AND (B) THE EXTRAORDINARY NEEDS INDEX SHALL
46 EQUAL THE QUOTIENT TRUNCATED TO THREE DECIMALS ARRIVED AT BY DIVIDING
47 THE EXTRAORDINARY NEEDS PERCENT COMPUTED PURSUANT TO PARAGRAPH W OF
48 SUBDIVISION ONE OF THIS SECTION BY THE STATEWIDE AVERAGE EXTRAORDINARY
49 NEEDS PERCENT OF FIFTY-FOUR AND EIGHT-TENTHS PERCENT (0.548) OR (II) TEN
50 THOUSAND DOLLARS (\$10,000).

51 D. SCHOOL DISTRICTS SHALL USE AMOUNTS APPORTIONED PURSUANT TO THIS
52 SUBDIVISION TO SUPPORT THE TRANSFORMATION OF SCHOOL BUILDINGS INTO
53 COMMUNITY HUBS TO DELIVER CO-LOCATED OR SCHOOL-LINKED ACADEMIC, HEALTH,
54 MENTAL HEALTH, NUTRITION, COUNSELING, LEGAL AND/OR OTHER SERVICES TO
55 STUDENTS AND THEIR FAMILIES, INCLUDING BUT NOT LIMITED TO PROVIDING A

1 COMMUNITY SCHOOL SITE COORDINATOR, OR TO SUPPORT OTHER COSTS INCURRED TO
2 MAXIMIZE STUDENTS' ACADEMIC ACHIEVEMENT.

3 S 9. Paragraph a of subdivision 5 of section 3604 of the education
4 law, as amended by chapter 161 of the laws of 2005, is amended to read
5 as follows:

6 a. State aid adjustments. All errors or omissions in the apportionment
7 shall be corrected by the commissioner. Whenever a school district has
8 been apportioned less money than that to which it is entitled, the
9 commissioner may allot to such district the balance to which it is enti-
10 tled. Whenever a school district has been apportioned more money than
11 that to which it is entitled, the commissioner may, by an order, direct
12 such moneys to be paid back to the state to be credited to the general
13 fund local assistance account for state aid to the schools, or may
14 deduct such amount from the next apportionment to be made to said
15 district, provided, however, that, upon notification of excess payments
16 of aid for which a recovery must be made by the state through deduction
17 of future aid payments, a school district may request that such excess
18 payments be recovered by deducting such excess payments from the
19 payments due to such school district and payable in the month of June in
20 (i) the school year in which such notification was received and (ii) the
21 two succeeding school years, provided further that there shall be no
22 interest penalty assessed against such district or collected by the
23 state. Such request shall be made to the commissioner in such form as
24 the commissioner shall prescribe, and shall be based on documentation
25 that the total amount to be recovered is in excess of one percent of the
26 district's total general fund expenditures for the preceding school
27 year. The amount to be deducted in the first year shall be the greater
28 of (i) the sum of the amount of such excess payments that is recognized
29 as a liability due to other governments by the district for the preced-
30 ing school year and the positive remainder of the district's unreserved
31 fund balance at the close of the preceding school year less the product
32 of the district's total general fund expenditures for the preceding
33 school year multiplied by five percent, or (ii) one-third of such excess
34 payments. The amount to be recovered in the second year shall equal the
35 lesser of the remaining amount of such excess payments to be recovered
36 or one-third of such excess payments, and the remaining amount of such
37 excess payments shall be recovered in the third year. Provided further
38 that, notwithstanding any other provisions of this subdivision, any
39 pending payment of moneys due to such district as a prior year adjust-
40 ment payable pursuant to paragraph c of this subdivision for aid claims
41 that had been previously paid as current year aid payments in excess of
42 the amount to which the district is entitled and for which recovery of
43 excess payments is to be made pursuant to this paragraph, shall be
44 reduced at the time of actual payment by any remaining unrecovered
45 balance of such excess payments, and the remaining scheduled deductions
46 of such excess payments pursuant to this paragraph shall be reduced by
47 the commissioner to reflect the amount so recovered. [The commissioner
48 shall certify no payment to a school district based on a claim submitted
49 later than three years after the close of the school year in which such
50 payment was first to be made. For claims for which payment is first to
51 be made in the nineteen hundred ninety-six--ninety-seven school year,
52 the commissioner shall certify no payment to a school district based on
53 a claim submitted later than two years after the close of such school
54 year.] For claims for which payment is first to be made [in the nineteen
55 hundred ninety-seven--ninety-eight] PRIOR TO THE TWO THOUSAND
56 FIFTEEN--TWO THOUSAND SIXTEEN school year [and thereafter], the commis-

1 sioner shall certify no payment to a school district based on a claim
2 submitted later than one year after the close of such school year. FOR
3 CLAIMS FOR WHICH PAYMENT IS FIRST TO BE MADE IN THE TWO THOUSAND
4 FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THEREAFTER, THE COMMIS-
5 SIONER SHALL CERTIFY NO PAYMENT TO A SCHOOL DISTRICT BASED ON A CLAIM
6 SUBMITTED LATER THAN THE FIRST OF NOVEMBER OF SUCH SCHOOL YEAR.
7 Provided, however, no payments shall be barred or reduced where such
8 payment is required as a result of a final audit of the state. [It is
9 further provided that, until June thirtieth, nineteen hundred ninety-
10 six, the commissioner may grant a waiver from the provisions of this
11 section for any school district if it is in the best educational inter-
12 ests of the district pursuant to guidelines developed by the commis-
13 sioner and approved by the director of the budget.] FURTHER PROVIDED THAT
14 FOR ANY APPORTIONMENTS PROVIDED PURSUANT TO SECTIONS SEVEN HUNDRED ONE,
15 SEVEN HUNDRED ELEVEN, SEVEN HUNDRED FIFTY-ONE, SEVEN HUNDRED
16 FIFTY-THREE, NINETEEN HUNDRED FIFTY, THIRTY-SIX HUNDRED TWO, THIRTY-SIX
17 HUNDRED TWO-B, THIRTY-SIX HUNDRED TWO-C, THIRTY-SIX HUNDRED TWO-E AND
18 FORTY-FOUR HUNDRED FIVE OF THIS CHAPTER FOR THE TWO THOUSAND
19 FIFTEEN--TWO THOUSAND SIXTEEN AND TWO THOUSAND SIXTEEN--TWO THOUSAND
20 SEVENTEEN SCHOOL YEARS, THE COMMISSIONER SHALL CERTIFY NO PAYMENT TO A
21 SCHOOL DISTRICT, OTHER THAN PAYMENTS PURSUANT TO SUBDIVISIONS SIX-A,
22 ELEVEN, THIRTEEN AND FIFTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS
23 PART, IN EXCESS OF THE PAYMENT COMPUTED BASED ON AN ELECTRONIC DATA FILE
24 USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMIS-
25 SIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO
26 THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN STATE FISCAL YEAR AND ENTITLED
27 "BT161-7", AND FURTHER PROVIDED THAT FOR ANY APPORTIONMENTS PROVIDED
28 PURSUANT TO SECTIONS SEVEN HUNDRED ONE, SEVEN HUNDRED ELEVEN, SEVEN
29 HUNDRED FIFTY-ONE, SEVEN HUNDRED FIFTY-THREE NINETEEN HUNDRED FIFTY,
30 THIRTY-SIX HUNDRED TWO, THIRTY-SIX HUNDRED TWO-B, THIRTY-SIX HUNDRED
31 TWO-C, THIRTY-SIX HUNDRED TWO-E AND FORTY-FOUR HUNDRED FIVE OF THIS
32 CHAPTER FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL
33 YEAR AND THEREAFTER, THE COMMISSIONER SHALL CERTIFY NO PAYMENT TO A
34 SCHOOL DISTRICT, OTHER THAN PAYMENTS PURSUANT TO SUBDIVISIONS SIX-A,
35 ELEVEN, THIRTEEN AND FIFTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS
36 PART, IN EXCESS OF THE PAYMENT COMPUTED BASED ON AN ELECTRONIC DATA FILE
37 USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMIS-
38 SIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE
39 STATE FISCAL YEAR IN WHICH THE SCHOOL YEAR COMMENCES.

40 S 10. The opening paragraph of section 3609-a of the education law, as
41 amended by section 6 of part A of chapter 56 of the laws of 2015, is
42 amended to read as follows:

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

1 basic contribution as defined in subdivision eight of section forty-four
2 hundred one of this chapter, less any grants provided pursuant to
3 subparagraph two-a of paragraph b of subdivision four of section nine-
4 ty-two-c of the state finance law, less any grants provided pursuant to
5 subdivision six of section ninety-seven-nnnn of the state finance law,
6 less any grants provided pursuant to subdivision twelve of section thir-
7 ty-six hundred forty-one of this article, or (ii) the apportionment
8 calculated by the commissioner based on data on file at the time the
9 payment is processed; provided however, that for the purposes of any
10 payments made pursuant to this section prior to the first business day
11 of June of the current year, moneys apportioned shall not include any
12 aids payable pursuant to subdivisions six and fourteen, if applicable,
13 of section thirty-six hundred two of this part as current year aid for
14 debt service on bond anticipation notes and/or bonds first issued in the
15 current year or any aids payable for full-day kindergarten for the
16 current year pursuant to subdivision nine of section thirty-six hundred
17 two of this part. The definitions of "base year" and "current year" as
18 set forth in subdivision one of section thirty-six hundred two of this
19 part shall apply to this section. [For aid payable in the two thousand
20 fourteen--two thousand fifteen school year, reference to such "school
21 aid computer listing for the current year" shall mean the printouts
22 entitled "SA141-5". For aid payable in the two thousand fifteen--two
23 thousand sixteen school year, reference to such "school aid computer
24 listing for the current year" shall mean the printouts entitled
25 "SA151-6".] FOR AID PAYABLE IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND
26 SEVENTEEN SCHOOL YEAR AND THEREAFTER, "MONEYS APPORTIONED" SHALL MEAN
27 THE LESSER OF: (I) THE SUM OF ONE HUNDRED PERCENT OF THE RESPECTIVE
28 AMOUNT SET FORTH FOR EACH SCHOOL DISTRICT AS PAYABLE PURSUANT TO THIS
29 SECTION IN THE SCHOOL AID COMPUTER LISTING FOR THE CURRENT YEAR PRODUCED
30 BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST WHICH
31 INCLUDES THE APPROPRIATION FOR THE GENERAL SUPPORT FOR PUBLIC SCHOOLS
32 FOR THE PRESCRIBED PAYMENTS AND INDIVIDUALIZED PAYMENTS DUE PRIOR TO
33 APRIL FIRST FOR THE CURRENT YEAR PLUS THE APPORTIONMENT PAYABLE DURING
34 THE CURRENT SCHOOL YEAR PURSUANT TO SUBDIVISIONS SIX-A AND FIFTEEN OF
35 SECTION THIRTY-SIX HUNDRED TWO OF THIS PART MINUS ANY REDUCTIONS TO
36 CURRENT YEAR AIDS PURSUANT TO SUBDIVISION SEVEN OF SECTION THIRTY-SIX
37 HUNDRED FOUR OF THIS PART OR ANY DEDUCTION FROM APPORTIONMENT PAYABLE
38 PURSUANT TO THIS CHAPTER FOR COLLECTION OF A SCHOOL DISTRICT BASIC
39 CONTRIBUTION AS DEFINED IN SUBDIVISION EIGHT OF SECTION FORTY-FOUR
40 HUNDRED ONE OF THIS CHAPTER, LESS ANY GRANTS PROVIDED PURSUANT TO
41 SUBPARAGRAPH TWO-A OF PARAGRAPH B OF SUBDIVISION FOUR OF SECTION NINE-
42 TY-TWO-C OF THE STATE FINANCE LAW, LESS ANY GRANTS PROVIDED PURSUANT TO
43 SUBDIVISION SIX OF SECTION NINETY-SEVEN-NNNN OF THE STATE FINANCE LAW,
44 LESS ANY GRANTS PROVIDED PURSUANT TO SUBDIVISION TWELVE OF SECTION THIR-
45 TY-SIX HUNDRED FORTY-ONE OF THIS ARTICLE; OR (II) THE APPORTIONMENT
46 CALCULATED BY THE COMMISSIONER BASED ON DATA ON FILE AT THE TIME THE
47 PAYMENT IS PROCESSED; PROVIDED HOWEVER, THAT FOR THE PURPOSES OF ANY
48 PAYMENTS MADE PURSUANT TO THIS SECTION PRIOR TO THE FIRST BUSINESS DAY
49 OF JUNE OF THE CURRENT YEAR, MONEYS APPORTIONED SHALL NOT INCLUDE ANY
50 AIDS PAYABLE PURSUANT TO SUBDIVISIONS SIX AND FOURTEEN, IF APPLICABLE,
51 OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART AS CURRENT YEAR AID FOR
52 DEBT SERVICE ON BOND ANTICIPATION NOTES AND/OR BONDS FIRST ISSUED IN THE
53 CURRENT YEAR OR ANY AIDS PAYABLE FOR FULL-DAY KINDERGARTEN FOR THE
54 CURRENT YEAR PURSUANT TO SUBDIVISION NINE OF SECTION THIRTY-SIX HUNDRED
55 TWO OF THIS PART. FOR AID PAYABLE IN THE TWO THOUSAND SIXTEEN--TWO THOU-

1 SAND SEVENTEEN SCHOOL YEAR, REFERENCE TO SUCH "SCHOOL AID COMPUTER LIST-
2 ING FOR THE CURRENT YEAR" SHALL MEAN THE PRINTOUTS ENTITLED "BT161-7".

3 S 11. Subparagraphs 5, 6 and 7 of paragraph (e) of subdivision 3 of
4 section 2853 of the education law, as added by section 5 of part BB of
5 chapter 56 of the laws of 2014, are amended to read as follows:

6 (5) For a new charter school whose charter is granted or for an exist-
7 ing charter school whose expansion of grade level, pursuant to this
8 article, is approved by their charter entity [before October first, two
9 thousand sixteen], if the appeal results in a determination in favor of
10 the charter school, the city school district shall pay the charter
11 school an amount attributable to the grade level expansion or the forma-
12 tion of the new charter school that is equal to the lesser of:

13 (A) the actual TOTAL rental cost of an alternative privately owned
14 site selected by the charter school or

15 (B) twenty percent of the product of the charter school's basic
16 tuition for the current school year and (i) for a new charter school
17 that first commences instruction on or after July first, two thousand
18 fourteen, the charter school's current year enrollment; or (ii) for a
19 charter school which expands its grade level, pursuant to this article,
20 [before October first, two thousand sixteen,] the positive difference of
21 the charter school's enrollment in the current school year minus the
22 charter school's enrollment in the school year prior to the first year
23 of the expansion.

24 (6) [For a new charter school whose charter is granted or for an
25 existing charter school whose expansion of grade level, pursuant to this
26 article, is approved by their charter entity on or after October first,
27 two thousand sixteen, if the appeal results in a determination in favor
28 of the charter school, the city school district shall pay the charter
29 school an amount attributable to the grade level expansion or the forma-
30 tion of the new charter school that is equal to the maximum cost allow-
31 ance established by the commissioner for leases aidable under subdivi-
32 sion six of section thirty-six hundred two of this chapter.

33 (7)] An arbitration in an appeal pursuant to this paragraph shall be
34 conducted by a single arbitrator selected in accordance with this
35 subparagraph from a list of arbitrators from the American arbitration
36 association's panel of labor arbitrators, with relevant biographical
37 information, submitted by such association to the commissioner pursuant
38 to paragraph a of subdivision three of section three thousand twenty-a
39 of this chapter. Upon request by the charter school, the commissioner
40 shall forthwith send a copy of such list and biographical information
41 simultaneously to the charter school and city school district. The
42 parties shall, by mutual agreement, select an arbitrator from the list
43 within fifteen days from receipt of the list, and if the parties fail to
44 agree on an arbitrator within such fifteen day period or fail within
45 such fifteen day period to notify the commissioner that an arbitrator
46 has been selected, the commissioner shall appoint an arbitrator from the
47 list to serve as the arbitrator. The arbitration shall be conducted in
48 accordance with the American arbitration association's rules for labor
49 arbitration, except that the arbitrator shall conduct a pre-hearing
50 conference within ten to fifteen days of agreeing to serve and the arbi-
51 tration shall be completed and a decision rendered within the time
52 frames prescribed for hearings pursuant to section three thousand twen-
53 ty-a of this chapter. The arbitrator's fee shall not exceed the rate
54 established by the commissioner for hearings conducted pursuant to
55 section three thousand twenty-a of this chapter, and the cost of such
56 fee, the arbitrator's necessary travel and other reasonable expenses,

1 and all other hearing expenses shall be borne equally by the parties to
2 the arbitration.

3 S 11-a. Subdivision 6-g of section 3602 of the education law, as added
4 by section 6 of part BB of chapter 56 of the laws of 2014, is amended to
5 read as follows:

6 6-g. Charter schools facilities aid. a. The city school district of
7 the city of New York, upon documenting that it has incurred total aggre-
8 gate expenses of forty million dollars or more pursuant to [subpara-
9 graphs] SUBPARAGRAPH five [and six] of paragraph (e) of subdivision
10 three of section twenty-eight hundred fifty-three of this chapter, shall
11 be eligible for an apportionment pursuant to this subdivision for its
12 annual approved expenditures for the lease of space for charter schools
13 incurred in the base year in accordance with paragraph (e) of subdivi-
14 sion three of section twenty-eight hundred fifty-three of this chapter.

15 b. The apportionment shall equal the product of (1) the sum of:
16 [(A)] for aid payable for expenses incurred pursuant to subparagraph
17 five of paragraph (e) of subdivision three of section twenty-eight
18 hundred fifty-three of this chapter where the charter school prevails on
19 appeal, the annual approved expenses incurred by the city school
20 district pursuant to such subparagraph five[; and

21 (B) for aid payable for expenses incurred pursuant to subparagraph six
22 of paragraph (e) of subdivision three of section twenty-eight hundred
23 fifty-three of this chapter where the charter school prevails on appeal,
24 the actual annual approved rental expenses incurred pursuant to such
25 subparagraph six] multiplied by

26 (2) six-tenths.

27 c. For purposes of this subdivision, the approved expenses attribut-
28 able to a lease by a charter school of a privately owned site shall be
29 the lesser of the actual TOTAL rent paid under the lease or the maximum
30 cost allowance established by the commissioner for leases aidable under
31 subdivision six of this section.

32 d. Notwithstanding any provision of law to the contrary, amounts
33 apportioned pursuant to this subdivision shall not be included in: (1)
34 the allowable growth amount computed pursuant to paragraph dd of subdivi-
35 sion one of this section, (2) the preliminary growth amount computed
36 pursuant to paragraph ff of subdivision one of this section, and (3) the
37 allocable growth amount computed pursuant to paragraph gg of subdivision
38 one of this section, and shall not be considered, and shall not be
39 available for interchange with, general support for public schools.

40 S 12. Subdivision 1 of section 2856 of the education law, as amended
41 by chapter 378 of the laws of 2007, paragraph (a) as amended and para-
42 graph (d) as added by section 3 of part BB of chapter 56 of the laws of
43 2014, paragraph (c) as added by chapter 375 of the laws of 2007, is
44 amended to read as follows:

45 1. (a) The enrollment of students attending charter schools shall be
46 included in the enrollment, attendance, membership and, if applicable,
47 count of students with disabilities of the school district in which the
48 pupil resides. The charter school shall report all such data to the
49 school districts of residence in a timely manner. Each school district
50 shall report such enrollment, attendance and count of students with
51 disabilities to the department. The school district of residence shall
52 pay directly to the charter school for each student enrolled in the
53 charter school who resides in the school district the charter school
54 basic tuition, which shall be:

55 (i) for school years prior to the two thousand nine--two thousand ten
56 school year and for school years following the two thousand sixteen--two

1 thousand seventeen school year, an amount equal to one hundred percent
2 of the amount calculated pursuant to paragraph f of subdivision one of
3 section thirty-six hundred two of this chapter for the school district
4 for the year prior to the base year increased by the percentage change
5 in the state total approved operating expense calculated pursuant to
6 paragraph t of subdivision one of section thirty-six hundred two of this
7 chapter from two years prior to the base year to the base year;

8 (ii) for the two thousand nine--two thousand ten school year, the
9 charter school basic tuition shall be the amount payable by such
10 district as charter school basic tuition for the two thousand eight--two
11 thousand nine school year;

12 (iii) for the two thousand ten--two thousand eleven through two thou-
13 sand thirteen--two thousand fourteen school years, the charter school
14 basic tuition shall be the basic tuition computed for the two thousand
15 ten--two thousand eleven school year pursuant to the provisions of
16 subparagraph (i) of this paragraph;

17 (iv) for the two thousand fourteen--two thousand fifteen[,] AND two
18 thousand fifteen--two thousand sixteen [and two thousand sixteen--two
19 thousand seventeen] school years, the charter school basic tuition shall
20 be the sum of the lesser of the charter school basic tuition computed
21 for the two thousand ten--two thousand eleven school year pursuant to
22 the provisions of subparagraph (i) of this paragraph or the charter
23 school basic tuition computed for the current year pursuant to the
24 provisions of subparagraph (i) of this paragraph plus the supplemental
25 basic tuition;

26 (V) FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR,
27 THE CHARTER SCHOOL BASIC TUITION SHALL BE (A) FOR A SCHOOL DISTRICT
28 LOCATED IN A CITY OF ONE MILLION OR MORE INHABITANTS, AN AMOUNT EQUAL TO
29 ONE HUNDRED PERCENT OF THE AMOUNT CALCULATED PURSUANT TO PARAGRAPH F OF
30 SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER FOR
31 THE SCHOOL DISTRICT FOR THE YEAR PRIOR TO THE BASE YEAR INCREASED BY THE
32 PERCENTAGE CHANGE IN THE STATE TOTAL APPROVED OPERATING EXPENSE CALCU-
33 LATED PURSUANT TO PARAGRAPH T OF SUBDIVISION ONE OF SECTION THIRTY-SIX
34 HUNDRED TWO OF THIS CHAPTER FROM TWO YEARS PRIOR TO THE BASE YEAR TO THE
35 BASE YEAR OR (B) FOR ALL OTHER SCHOOL DISTRICTS, THE SUM OF THE LESSER
36 OF THE CHARTER SCHOOL BASIC TUITION COMPUTED FOR THE TWO THOUSAND
37 TEN--TWO THOUSAND ELEVEN SCHOOL YEAR PURSUANT TO THE PROVISIONS OF
38 SUBPARAGRAPH (I) OF THIS PARAGRAPH OR THE CHARTER SCHOOL BASIC TUITION
39 COMPUTED FOR THE CURRENT YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH
40 (I) OF THIS PARAGRAPH PLUS THE SUPPLEMENTAL BASIC TUITION.

41 For the purposes of this subdivision, the "supplemental basic tuition"
42 shall be (A) for a school district for which the charter school basic
43 tuition computed for the current year is greater than or equal to the
44 charter school basic tuition for the two thousand ten--two thousand
45 eleven school year pursuant to the provisions of subparagraph (i) of
46 this paragraph, (1) for the two thousand fourteen--two thousand fifteen
47 school year two hundred and fifty dollars, and (2) for the two thousand
48 fifteen--two thousand sixteen school year three hundred and fifty
49 dollars, and (3) for the two thousand sixteen--two thousand seventeen
50 school year five hundred dollars, and (B) for a school district for
51 which the charter school basic tuition for the two thousand ten--two
52 thousand eleven school year is greater than the charter school basic
53 tuition for the current year pursuant to the provisions of subparagraph
54 (i) of this paragraph, the positive difference of the charter school
55 basic tuition for the two thousand ten--two thousand eleven school year

1 minus the charter school basic tuition for the current year pursuant to
2 the provisions of subparagraph (i) of this paragraph.

3 (b) The school district shall also pay directly to the charter school
4 any federal or state aid attributable to a student with a disability
5 attending charter school in proportion to the level of services for such
6 student with a disability that the charter school provides directly or
7 indirectly. Notwithstanding anything in this section to the contrary,
8 amounts payable pursuant to this subdivision from state or local funds
9 may be reduced pursuant to an agreement between the school and the char-
10 ter entity set forth in the charter. Payments made pursuant to this
11 subdivision shall be made by the school district in six substantially
12 equal installments each year beginning on the first business day of July
13 and every two months thereafter. Amounts payable under this subdivision
14 shall be determined by the commissioner. Amounts payable to a charter
15 school in its first year of operation shall be based on the projections
16 of initial-year enrollment set forth in the charter until actual enroll-
17 ment data is reported to the school district by the charter school. Such
18 projections shall be reconciled with the actual enrollment as actual
19 enrollment data is so reported and at the end of the school's first year
20 of operation and each subsequent year based on a final report of actual
21 enrollment by the charter school, and any necessary adjustments result-
22 ing from such final report shall be made to payments during the school's
23 following year of operation.

24 (c) Notwithstanding any other provision of this subdivision to the
25 contrary, payment of the federal aid attributable to a student with a
26 disability attending a charter school shall be made in accordance with
27 the requirements of section 8065-a of title twenty of the United States
28 code and sections 76.785-76.799 and 300.209 of title thirty-four of the
29 code of federal regulations.

30 (d) School districts shall be eligible for an annual apportionment
31 equal to (A) the amount of the supplemental basic tuition paid to the
32 charter school in the base year for the expenses incurred in the two
33 thousand fourteen--two thousand fifteen[,] AND two thousand fifteen--two
34 thousand sixteen[, and two thousand sixteen--two thousand seventeen]
35 school years; AND (B) FOR THE EXPENSES INCURRED IN THE TWO THOUSAND
36 SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR: (I) FOR SCHOOL DISTRICTS
37 LOCATED IN A CITY OF ONE MILLION OR MORE INHABITANTS, AN AMOUNT EQUAL TO
38 FIVE HUNDRED DOLLARS FOR EACH STUDENT ENROLLED IN A CHARTER SCHOOL WHO
39 RESIDES IN THE SCHOOL DISTRICT IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND
40 SEVENTEEN SCHOOL YEAR, OR (II) FOR ALL OTHER SCHOOL DISTRICTS, AN AMOUNT
41 EQUAL TO THE AMOUNT OF THE SUPPLEMENTAL BASIC TUITION PAID TO THE CHAR-
42 ACTER SCHOOL IN THE BASE YEAR.

43 S 13. Subdivision 1 of section 2856 of the education law, as amended
44 by section 22 of part A of chapter 58 of the laws of 2011, paragraph (a)
45 as amended and paragraph (c) as added by section 4 of part BB of chapter
46 56 of the laws of 2014, is amended to read as follows:

47 1. (a) The enrollment of students attending charter schools shall be
48 included in the enrollment, attendance and, if applicable, count of
49 students with disabilities of the school district in which the pupil
50 resides. The charter school shall report all such data to the school
51 districts of residence in a timely manner. Each school district shall
52 report such enrollment, attendance and count of students with disabili-
53 ties to the department. The school district of residence shall pay
54 directly to the charter school for each student enrolled in the charter
55 school who resides in the school district the charter school basic
56 tuition which shall be:

1 (i) for school years prior to the two thousand nine--two thousand ten
2 school year and for school years following the two thousand sixteen--two
3 thousand seventeen school year, an amount equal to one hundred percent
4 of the amount calculated pursuant to paragraph f of subdivision one of
5 section thirty-six hundred two of this chapter for the school district
6 for the year prior to the base year increased by the percentage change
7 in the state total approved operating expense calculated pursuant to
8 paragraph t of subdivision one of section thirty-six hundred two of this
9 chapter from two years prior to the base year to the base year;

10 (ii) for the two thousand nine--two thousand ten school year, the
11 charter school basic tuition shall be the amount payable by such
12 district as charter school basic tuition for the two thousand eight--two
13 thousand nine school year;

14 (iii) for the two thousand ten--two thousand eleven through two thou-
15 sand thirteen--two thousand fourteen school years, the charter school
16 basic tuition shall be the basic tuition computed for the two thousand
17 ten--two thousand eleven school year pursuant to the provisions of
18 subparagraph (i) of this paragraph;

19 (iv) for the two thousand fourteen--two thousand fifteen[,] AND two
20 thousand fifteen--two thousand sixteen [and two thousand sixteen--two
21 thousand seventeen] school years, the charter school basic tuition shall
22 be the sum of the lesser of the charter school basic tuition computed
23 for the two thousand ten--two thousand eleven school year pursuant to
24 the provisions of subparagraph (i) of this paragraph or the charter
25 school basic tuition computed for the current year pursuant to the
26 provisions of subparagraph (i) of this paragraph plus the supplemental
27 basic tuition[.];

28 (V) FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR,
29 THE CHARTER SCHOOL BASIC TUITION SHALL BE (A) FOR A SCHOOL DISTRICT
30 LOCATED IN A CITY OF ONE MILLION OR MORE INHABITANTS, AN AMOUNT EQUAL TO
31 ONE HUNDRED PERCENT OF THE AMOUNT CALCULATED PURSUANT TO PARAGRAPH F OF
32 SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER FOR
33 THE SCHOOL DISTRICT FOR THE YEAR PRIOR TO THE BASE YEAR INCREASED BY THE
34 PERCENTAGE CHANGE IN THE STATE TOTAL APPROVED OPERATING EXPENSE CALCU-
35 LATED PURSUANT TO PARAGRAPH T OF SUBDIVISION ONE OF SECTION THIRTY-SIX
36 HUNDRED TWO OF THIS CHAPTER FROM TWO YEARS PRIOR TO THE BASE YEAR TO THE
37 BASE YEAR OR (B) FOR ALL OTHER SCHOOL DISTRICTS, THE SUM OF THE LESSER
38 OF THE CHARTER SCHOOL BASIC TUITION COMPUTED FOR THE TWO THOUSAND
39 TEN--TWO THOUSAND ELEVEN SCHOOL YEAR PURSUANT TO THE PROVISIONS OF
40 SUBPARAGRAPH (I) OF THIS PARAGRAPH OR THE CHARTER SCHOOL BASIC TUITION
41 COMPUTED FOR THE CURRENT YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH
42 (I) OF THIS PARAGRAPH PLUS THE SUPPLEMENTAL BASIC TUITION.

43 For the purposes of this subdivision, the "supplemental basic tuition"
44 shall be (A) for a school district for which the charter school basic
45 tuition computed for the current year is greater than or equal to the
46 charter school basic tuition for the two thousand ten--two thousand
47 eleven school year pursuant to the provisions of subparagraph (i) of
48 this paragraph, (1) for the two thousand fourteen--two thousand fifteen
49 school year two hundred and fifty dollars, and (2) for the two thousand
50 fifteen--two thousand sixteen school year three hundred and fifty
51 dollars, and (3) for the two thousand sixteen--two thousand seventeen
52 school year five hundred dollars, and (B) for a school district for
53 which the charter school basic tuition for the two thousand ten--two
54 thousand eleven school year is greater than the charter school basic
55 tuition for the current year pursuant to the provisions of subparagraph
56 (i) of this paragraph, the positive difference of the charter school

1 basic tuition for the two thousand ten--two thousand eleven school year
2 minus the charter school basic tuition for the current year pursuant to
3 the provisions of subparagraph (i) of this paragraph.

4 (b) The school district shall also pay directly to the charter school
5 any federal or state aid attributable to a student with a disability
6 attending charter school in proportion to the level of services for such
7 student with a disability that the charter school provides directly or
8 indirectly. Notwithstanding anything in this section to the contrary,
9 amounts payable pursuant to this subdivision may be reduced pursuant to
10 an agreement between the school and the charter entity set forth in the
11 charter. Payments made pursuant to this subdivision shall be made by the
12 school district in six substantially equal installments each year begin-
13 ning on the first business day of July and every two months thereafter.
14 Amounts payable under this subdivision shall be determined by the
15 commissioner. Amounts payable to a charter school in its first year of
16 operation shall be based on the projections of initial-year enrollment
17 set forth in the charter. Such projections shall be reconciled with the
18 actual enrollment at the end of the school's first year of operation,
19 and any necessary adjustments shall be made to payments during the
20 school's second year of operation.

21 (c) School districts shall be eligible for an annual apportionment
22 equal to (A) the amount of the supplemental basic tuition paid to the
23 charter school in the base year for the expenses incurred in the two
24 thousand fourteen--two thousand fifteen[,] AND two thousand fifteen--two
25 thousand sixteen[, and two thousand sixteen--two thousand seventeen]
26 school years; AND (B) FOR THE EXPENSES INCURRED IN THE TWO THOUSAND
27 SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR: (I) FOR SCHOOL DISTRICTS
28 LOCATED IN A CITY OF ONE MILLION OR MORE INHABITANTS, AN AMOUNT EQUAL TO
29 FIVE HUNDRED DOLLARS FOR EACH STUDENT ENROLLED IN A CHARTER SCHOOL WHO
30 RESIDES IN THE SCHOOL DISTRICT IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND
31 SEVENTEEN SCHOOL YEAR, OR (II) FOR ALL OTHER SCHOOL DISTRICTS, AN AMOUNT
32 EQUAL TO THE AMOUNT OF THE SUPPLEMENTAL BASIC TUITION PAID TO THE CHAR-
33 ACTER SCHOOL IN THE BASE YEAR.

34 S 14. Clauses (i) and (ii) of subparagraph 1 of paragraph e of subdi-
35 vision 1 of section 3602 of the education law, as amended by section 11
36 of part B of chapter 57 of the laws of 2007, are amended to read as
37 follows:

38 (i) determine the number of pupils tested who scored below the state-
39 wide reference point as determined by the commissioner on each test
40 administered pursuant to this subparagraph, plus pupils, other than
41 pupils with disabilities and ENGLISH LANGUAGE LEARNER pupils [with
42 limited English proficiency] as defined by the commissioner who are
43 exempt from taking such tests, provided, however, that a district
44 employing eight or more teachers in such years but not operating each
45 grade may use the percentage computed pursuant to this paragraph for the
46 district which in such years enrolled the greatest number of pupils in
47 such grade from such district;

48 (ii) divide the sum of such numbers by the number of such pupils who
49 took each of such tests, plus pupils, other than pupils with disabili-
50 ties and ENGLISH LANGUAGE LEARNER pupils [with limited English profi-
51 ciency] as defined by the commissioner who are exempt from taking such
52 tests, provided, however, that a district which in any of the applicable
53 school years did not maintain a home school or employed fewer than eight
54 teachers, and which in the base year employed eight or more teachers,
55 may use the scores in a later test as designated by the commissioner for
56 the purposes of this paragraph;

1 S 15. Paragraph o of subdivision 1 of section 3602 of the education
2 law, as amended by section 11 of part B of chapter 57 of the laws of
3 2007, is amended to read as follows:

4 o. "[Limited English proficient] ENGLISH LANGUAGE LEARNER count" shall
5 mean the number of pupils served in the base year in programs for pupils
6 with limited English proficiency approved by the commissioner pursuant
7 to the provisions of this chapter and in accordance with regulations
8 adopted for such purpose.

9 S 16. Paragraph b of subdivision 2 of section 3602-d of the education
10 law, as added by chapter 792 of the laws of 1990, is amended to read as
11 follows:

12 (b) "Disadvantaged" shall mean individuals (other than handicapped
13 individuals) who have economic or academic disadvantages and who require
14 special services and assistance in order to enable them to succeed in
15 work-prep programs. Such term includes individuals who are: members of
16 economically disadvantaged families as set forth in regulations promul-
17 gated by the department pursuant to sections sixty-four hundred fifty-
18 one and sixty-four hundred fifty-two of this chapter or as set forth in
19 the Federal Job Training Partnership Act of nineteen hundred eighty-two
20 (PL 97-300) (29 U.S.C.A. S 1501 et seq.); migrants; [individuals who
21 have limited English proficiency] ENGLISH LANGUAGE LEARNERS; and indi-
22 viduals who are identified as potential dropouts from secondary school.

23 S 17. Paragraph d of subdivision 4 of section 3602-f of the education
24 law, as added by section 83-a of part L of chapter 405 of the laws of
25 1999, is amended to read as follows:

26 d. [Limited English proficient] ENGLISH LANGUAGE LEARNER pupil count
27 as defined in paragraph o of subdivision one of section thirty-six
28 hundred two of this article.

29 S 18. Section 3604 of the education law is amended by adding a new
30 subdivision 13 to read as follows:

31 13. FOR PURPOSES OF THIS CHAPTER, "LIMITED ENGLISH PROFICIENT" AND
32 "LIMITED ENGLISH PROFICIENCY" SHALL MEAN "ENGLISH LANGUAGE LEARNER".

33 S 19. Clause (B) of subparagraph 2 of paragraph b of subdivision 6 of
34 section 3641 of the education law, as added by section 2 of part B of
35 chapter 58 of the laws of 2011, is amended to read as follows:

36 (B) [students with limited English proficiency and] students who are
37 English language learners;

38 S 20. The education law is amended by adding a new section 4403-a to
39 read as follows:

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

49 2. BEFORE SUBMITTING AN APPLICATION FOR A WAIVER, THE LOCAL SCHOOL
50 DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL
51 SERVICES SHALL PROVIDE NOTICE OF THE PROPOSED WAIVER TO THE PARENTS OR
52 PERSONS IN PARENTAL RELATIONSHIP TO THE STUDENTS THAT WOULD BE IMPACTED
53 BY THE WAIVER IF GRANTED. SUCH NOTICE SHALL BE IN A FORM AND MANNER THAT
54 WILL ENSURE THAT SUCH PARENTS AND PERSONS IN PARENTAL RELATIONSHIP WILL
55 BE AWARE OF ALL RELEVANT CHANGES THAT WOULD OCCUR UNDER THE WAIVER, AND
56 SHALL INCLUDE INFORMATION ON THE FORM, MANNER AND DATE BY WHICH PARENTS

1 MAY SUBMIT WRITTEN COMMENTS ON THE PROPOSED WAIVER. THE LOCAL SCHOOL
2 DISTRICT, APPROVED PRIVATE SCHOOL, OR BOARD OF COOPERATIVE EDUCATIONAL
3 SERVICES SHALL PROVIDE AT LEAST SIXTY DAYS FOR SUCH PARENTS AND PERSONS
4 IN PARENTAL RELATIONSHIP TO SUBMIT WRITTEN COMMENTS, AND SHALL INCLUDE
5 IN THE WAIVER APPLICATION SUBMITTED TO THE COMMISSIONER PURSUANT TO
6 SUBDIVISION ONE OF THIS SECTION ANY WRITTEN COMMENTS RECEIVED FROM SUCH
7 PARENTS OR PERSONS IN PARENTAL RELATION TO SUCH STUDENTS.

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

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

26 S 21. Notwithstanding any provision of law to the contrary, for the
27 2016-2017 school year and thereafter, any pre-kindergarten program
28 receiving state funds that is identified by the office of children and
29 family services, the department of health and mental hygiene of the city
30 of New York, or the state education department as needing extraordinary
31 quality support shall participate in QUALITYstarsNY as a condition of
32 continued receipt of state funds, unless such participation would be
33 contrary to an existing contract with the department. The state educa-
34 tion department shall include such participation as a condition of
35 continued receipt of state funds in any new contract or contract renewal
36 or application for renewal of funding for any state-funded pre-kinder-
37 garten program for the 2016-2017 school year or thereafter.

38 S 22. Notwithstanding any provision of law, rule, or regulation to the
39 contrary, there shall be an empire state pre-kindergarten grant board as
40 follows:

41 1. Creation.

42 (a) The empire state pre-kindergarten grant board ("the board") is
43 hereby created to have and exercise the powers, duties and prerogatives
44 provided by the provisions of this section and any other provision of
45 law. The board shall remain in existence during the period from the
46 effective date of this section through the date on which the last of the
47 funds available for grants for programs listed in paragraph (a) of
48 subdivision 2 of this section are disbursed.

49 (b) The membership of the board shall consist of three persons
50 appointed by the governor, of which one shall be upon the recommendation
51 of the temporary president of the senate and one upon the recommendation
52 of the speaker of the assembly. The term of the members first appointed
53 shall continue until March 31, 2017, and thereafter their successors
54 shall serve for a term of one year ending on March 31 in each year. Upon
55 recommendation of the nominating party, the governor shall replace any
56 member in accordance with the provision contained in this subdivision

1 for the appointment of members. The members of the board shall vote
2 among themselves to determine who shall serve as chair. The board shall
3 act by unanimous vote of the members of the board. Any determination of
4 the board shall be evidenced by a certification thereof executed by all
5 the members. Each member of the board shall be entitled to designate a
6 representative to attend meetings of the board on the designating
7 member's behalf, and to vote or otherwise act on the designating
8 member's behalf in the designating member's absence. Notice of such
9 designation shall be furnished in writing to the board by the designat-
10 ing member. A representative shall serve at the pleasure of the desig-
11 nating member during the member's term of office. A representative shall
12 not be authorized to delegate any of his or her duties or functions to
13 any other person.

14 (c) Every officer, employee, or member of a governing or other board
15 of any school district, program or other entity offering pre-kindergar-
16 ten services, and every New York state regent and every officer or
17 employee of the board of regents or the department of education shall be
18 ineligible for appointment as a member, representative, officer, employ-
19 ee or agent of the board.

20 (d) The members of the board shall serve without salary or per diem
21 allowance but shall be entitled to reimbursement for actual and neces-
22 sary expenses incurred in the performance of official duties pursuant to
23 this section or other provision of law, provided however that such
24 members and representatives are not, at the time such expenses are
25 incurred, public officers or employees otherwise entitled to such
26 reimbursement.

27 (e) The members, their representatives, officers and staff to the
28 board shall be deemed employees within the meaning of section 17 of the
29 public officers law.

30 2. Powers, functions, duties and administration of the empire state
31 pre-kindergarten grant board.

32 (a) Notwithstanding any provision of section 3602-ee of the education
33 law or any other provision of law to the contrary, the empire state
34 pre-kindergarten grant board shall have the power, and it shall be its
35 duty, to distribute all new grant awards for the following pre-kinder-
36 garten programs via a competitive request for proposals process:

37 (i) the statewide universal full-day pre-kindergarten program pursuant
38 to section 3602-ee of the education law;

39 (ii) the empire state pre-kindergarten grants for three-year-old chil-
40 dren established pursuant to a chapter of the laws of 2016;

41 (iii) the priority pre-kindergarten program established pursuant to
42 chapter 53 of the laws of 2013; and

43 (iv) the pre-kindergarten grants for three and four year old children
44 established pursuant to chapter 53 of the laws of 2015.

45 (b) The office of children and family services shall serve as staff to
46 the empire state pre-kindergarten grant board, with the cooperation of
47 any other state agency, and shall assist in tasks including but not
48 limited to the drafting of any requests for proposals, the scoring of
49 applications pursuant to the criteria in such requests for proposals,
50 the preparation of draft award lists, and the preparation of any other
51 information or materials which would assist the board in carrying out
52 its duties.

53 (c) Notwithstanding any provision of law to the contrary, the board
54 shall have final approval authority over any request for proposals used
55 to distribute any grant funding for pre-kindergarten programs pursuant
56 to paragraph (a) of this subdivision, provided that any request for

1 proposals issued after the effective date of this section shall contain
2 a requirement that any awardee identified by the office of children and
3 family services, the department of health and mental hygiene of the city
4 of New York, or the state education department as needing extraordinary
5 quality support shall participate in QUALITYstarsNY as a condition of
6 continued receipt of state funds.

7 (d) Notwithstanding any provision of law to the contrary, the board
8 shall have final approval authority for any grant awards for pre-kinder-
9 garten programs pursuant to paragraph (a) of this subdivision.

10 (e) On behalf of and at the direction of the board, the state educa-
11 tion department shall enter into a contract with any school district,
12 program, or other entity awarded a grant pursuant to this section.

13 (f) Except as explicitly set forth herein, nothing in this section
14 should be construed to alter or amend the program administration and
15 other requirements of the grant programs listed in paragraph (a) of this
16 subdivision.

17 3. Reporting. The empire state pre-kindergarten grant board shall,
18 annually on or before December first, prepare and submit an annual
19 report to the governor and the chair of the assembly ways and means
20 committee and the chair of the senate finance committee. Such report
21 shall contain at a minimum the following information: (i) a list of all
22 applications filed by any entity for a grant distributed by the pre-kin-
23 dergarten grant board, including the name of the applying entity, the
24 grant program applied for, and the amount of the grant requested; (ii) a
25 list of the applications granted by the board specifying the amount of
26 the grant approved if such amount is different from the amount applied
27 for; (iii) a statement showing the dollar amount of all grants approved
28 by the board and the dollar amount of the remaining available capacity
29 for future grants; and (iv) a statement showing the numbers of new full-
30 day slots, new half-day slots, and slots converted from half-day to
31 full-day as a result of such grants.

32 S 23. Subdivision 16 of section 3602-ee of the education law, as added
33 by section 1 of part CC of chapter 56 of the laws of 2014, is amended to
34 read as follows:

35 16. The authority of the department to administer the universal full-
36 day pre-kindergarten program shall expire June thirtieth, two thousand
37 [sixteen] SEVENTEEN; provided that the program shall continue and remain
38 in full effect.

39 S 24. Paragraph b of subdivision 6-c of section 3602 of the education
40 law, as added by chapter 1 of the laws of 2013, is amended to read as
41 follows:

42 b. For projects approved by the commissioner authorized to receive
43 additional building aid pursuant to this subdivision for the purchase of
44 stationary metal detectors, security cameras or other security devices
45 approved by the commissioner that increase the safety of students and
46 school personnel, provided that for purposes of this paragraph such
47 other security devices shall be limited to electronic security systems
48 and hardened doors, and provided that for projects approved by the
49 commissioner on or after the first day of July two thousand thirteen and
50 before the first day of July [two thousand sixteen] TWO THOUSAND SEVEN-
51 TEEN such additional aid shall equal the product of (i) the building aid
52 ratio computed for use in the current year pursuant to paragraph c of
53 subdivision six of this section plus ten percentage points, except that
54 in no case shall this amount exceed one hundred percent, and (ii) the
55 actual approved expenditures incurred in the base year pursuant to this
56 subdivision, provided that the limitations on cost allowances prescribed

1 by paragraph a of subdivision six of this section shall not apply, and
2 provided further that any projects aided under this paragraph must be
3 included in a district's school safety plan. The commissioner shall
4 annually prescribe a special cost allowance for metal detectors, and
5 security cameras, and the approved expenditures shall not exceed such
6 cost allowance.

7 S 25. Section 2 of chapter 552 of the laws of 1995 amending the educa-
8 tion law relating to contracts for the transportation of school chil-
9 dren, as amended by chapter 116 of the laws of 2013, is amended to read
10 as follows:

11 S 2. This act shall take effect on the first day of January next
12 succeeding the date on which it shall have become a law and shall remain
13 in full force and effect until January 1, [2017] 2020, when upon such
14 date the provisions of this act shall be deemed repealed.

15 S 26. Paragraph b of subdivision 2 of section 3612 of the education
16 law, as amended by section 8 of part A of chapter 56 of the laws of
17 2015, is amended to read as follows:

18 b. Such grants shall be awarded to school districts, within the limits
19 of funds appropriated therefor, through a competitive process that takes
20 into consideration the magnitude of any shortage of teachers in the
21 school district, the number of teachers employed in the school district
22 who hold temporary licenses to teach in the public schools of the state,
23 the number of provisionally certified teachers, the fiscal capacity and
24 geographic sparsity of the district, the number of new teachers the
25 school district intends to hire in the coming school year and the number
26 of summer in the city student internships proposed by an eligible school
27 district, if applicable. Grants provided pursuant to this section shall
28 be used only for the purposes enumerated in this section. Notwithstand-
29 ing any other provision of law to the contrary, a city school district
30 in a city having a population of one million or more inhabitants receiv-
31 ing a grant pursuant to this section may use no more than eighty percent
32 of such grant funds for any recruitment, retention and certification
33 costs associated with transitional certification of teacher candidates
34 for the school years two thousand one--two thousand two through [two
35 thousand fifteen--two thousand sixteen] TWO THOUSAND SIXTEEN--TWO THOU-
36 SAND SEVENTEEN.

37 S 27. Subdivision 6 of section 4402 of the education law, as amended
38 by section 9 of part A of chapter 56 of the laws of 2015, is amended to
39 read as follows:

40 6. Notwithstanding any other law, rule or regulation to the contrary,
41 the board of education of a city school district with a population of
42 one hundred twenty-five thousand or more inhabitants shall be permitted
43 to establish maximum class sizes for special classes for certain
44 students with disabilities in accordance with the provisions of this
45 subdivision. For the purpose of obtaining relief from any adverse fiscal
46 impact from under-utilization of special education resources due to low
47 student attendance in special education classes at the middle and
48 secondary level as determined by the commissioner, such boards of educa-
49 tion shall, during the school years nineteen hundred ninety-five--nine-
50 ty-six through June thirtieth, two thousand [sixteen] SEVENTEEN of the
51 [two thousand fifteen--two thousand sixteen] TWO THOUSAND SIXTEEN--TWO
52 THOUSAND SEVENTEEN school year, be authorized to increase class sizes in
53 special classes containing students with disabilities whose age ranges
54 are equivalent to those of students in middle and secondary schools as
55 defined by the commissioner for purposes of this section by up to but
56 not to exceed one and two tenths times the applicable maximum class size

1 specified in regulations of the commissioner rounded up to the nearest
2 whole number, provided that in a city school district having a popu-
3 lation of one million or more, classes that have a maximum class size of
4 fifteen may be increased by no more than one student and provided that
5 the projected average class size shall not exceed the maximum specified
6 in the applicable regulation, provided that such authorization shall
7 terminate on June thirtieth, two thousand. Such authorization shall be
8 granted upon filing of a notice by such a board of education with the
9 commissioner stating the board's intention to increase such class sizes
10 and a certification that the board will conduct a study of attendance
11 problems at the secondary level and will implement a corrective action
12 plan to increase the rate of attendance of students in such classes to
13 at least the rate for students attending regular education classes in
14 secondary schools of the district. Such corrective action plan shall be
15 submitted for approval by the commissioner by a date during the school
16 year in which such board increases class sizes as provided pursuant to
17 this subdivision to be prescribed by the commissioner. Upon at least
18 thirty days notice to the board of education, after conclusion of the
19 school year in which such board increases class sizes as provided pursu-
20 ant to this subdivision, the commissioner shall be authorized to termi-
21 nate such authorization upon a finding that the board has failed to
22 develop or implement an approved corrective action plan.

23 S 28. Subdivision b of section 2 of chapter 756 of the laws of 1992,
24 relating to funding a program for work force education conducted by the
25 consortium for worker education in New York city, as amended by section
26 13 of part A of chapter 56 of the laws of 2015, is amended to read as
27 follows:

28 b. Reimbursement for programs approved in accordance with subdivision
29 a of this section for the 2012--2013 school year shall not exceed 63.3
30 percent of the lesser of such approvable costs per contact hour or
31 twelve dollars and thirty-five cents per contact hour, reimbursement for
32 the 2013--2014 school year shall not exceed 62.3 percent of the lesser
33 of such approvable costs per contact hour or twelve dollars and sixty-
34 five cents per contact hour, reimbursement for the 2014--2015 school
35 year shall not exceed 61.6 percent of the lesser of such approvable
36 costs per contact hour or thirteen dollars per contact hour, [and]
37 reimbursement for the 2015--2016 school year shall not exceed 60.7
38 percent of the lesser of such approvable costs per contact hour or thir-
39 teen dollars and forty cents per contact hour, AND REIMBURSEMENT FOR THE
40 2016--2017 SCHOOL YEAR SHALL NOT EXCEED 60.3 PERCENT OF THE LESSER OF
41 SUCH APPROVABLE COSTS PER CONTACT HOUR OR THIRTEEN DOLLARS EIGHTY CENTS
42 PER CONTACT HOUR where a contact hour represents sixty minutes of
43 instruction services provided to an eligible adult. Notwithstanding any
44 other provision of law to the contrary, for the 2012--2013 school year
45 such contact hours shall not exceed one million six hundred sixty-four
46 thousand five hundred thirty-two (1,664,532) hours; whereas for the
47 2013--2014 school year such contact hours shall not exceed one million
48 six hundred forty-nine thousand seven hundred forty-six (1,649,746)
49 hours; whereas for the 2014--2015 school year such contact hours shall
50 not exceed one million six hundred twenty-five thousand (1,625,000)
51 hours; whereas for the 2015--2016 school year such contact hours shall
52 not exceed one million five hundred ninety-nine thousand fifteen
53 (1,599,015) HOURS; WHEREAS FOR THE 2016--2017 SCHOOL YEAR SUCH CONTACT
54 HOURS SHALL NOT EXCEED ONE MILLION THREE HUNDRED EIGHTY-TWO THOUSAND TWO
55 HUNDRED ELEVEN (1,382,211). Notwithstanding any other provision of law
56 to the contrary, the apportionment calculated for the city school

1 district of the city of New York pursuant to subdivision 11 of section
2 3602 of the education law shall be computed as if such contact hours
3 provided by the consortium for worker education, not to exceed the
4 contact hours set forth herein, were eligible for aid in accordance with
5 the provisions of such subdivision 11 of section 3602 of the education
6 law.

7 S 29. Section 4 of chapter 756 of the laws of 1992, relating to fund-
8 ing a program for work force education conducted by the consortium for
9 worker education in New York city, is amended by adding a new subdivi-
10 sion u to read as follows:

11 U. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE
12 COMPLETION OF PAYMENTS FOR THE 2016--2017 SCHOOL YEAR. NOTWITHSTANDING
13 ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER SHALL WITHHOLD A
14 PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE CITY SCHOOL
15 DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE COSTS OF
16 THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED TO THE
17 ELEMENTARY AND SECONDARY EDUCATION FUND LOCAL ASSISTANCE ACCOUNT AND
18 SHALL NOT EXCEED ELEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS
19 (\$11,500,000).

20 S 30. Section 6 of chapter 756 of the laws of 1992, relating to fund-
21 ing a program for work force education conducted by the consortium for
22 worker education in New York city, as amended by section 15 of part A of
23 chapter 56 of the laws of 2015, is amended to read as follows:

24 S 6. This act shall take effect July 1, 1992, and shall be deemed
25 repealed on June 30, [2016] 2017.

26 S 31. Section 99-u of the state finance law, as added by section 2 of
27 part GG of chapter 59 of the laws of 2013, subdivision 2-a as added by
28 chapter 453 of the laws if 2015, is amended to read as follows:

29 S 99-u. New York state teen health education fund. 1. There is hereby
30 established in the JOINT custody of the STATE COMPTROLLER AND commis-
31 sioner of taxation and finance a special [account] FUND to be known as
32 the "New York state teen health education fund".

33 2. Such fund shall consist of all revenues received by the department
34 of taxation and finance, pursuant to the provisions of section six
35 hundred thirty-c of the tax law and all other moneys appropriated there-
36 to from any other fund or source pursuant to law. Nothing contained in
37 this section shall prevent the state from receiving grants, gifts or
38 bequests for the purposes of the fund as defined in this section and
39 depositing them into the fund according to law.

40 2-a. On or before the first day of February each year, the commission-
41 er of [health] EDUCATION shall provide a written report to the temporary
42 president of the senate, speaker of the assembly, chair of the senate
43 finance committee, chair of the assembly ways and means committee, chair
44 of the senate committee on health, chair of the assembly health commit-
45 tee, the state comptroller and the public. Such report shall include how
46 the monies of the fund were utilized during the preceding calendar year,
47 and shall include:

48 (i) the amount of money dispersed from the fund and the award process
49 used for such disbursements;

50 (ii) recipients of awards from the fund;

51 (iii) the amount awarded to each;

52 (iv) the purposes for which such awards were granted; and

53 (v) a summary financial plan for such monies which shall include esti-
54 mates of all receipts and all disbursements for the current and succeed-
55 ing fiscal years, along with the actual results from the prior fiscal
56 year.

1 3. [The moneys in said account shall be retained by the fund and shall
2 be released by the commissioner of taxation and finance only upon
3 certificates signed by the commissioner of education or his or her
4 designee and only for the purposes set forth in this section.] MONEYS
5 SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF THE COMP-
6 TROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER OF EDUCA-
7 TION.

8 4. The moneys in such fund shall be expended for the purpose of
9 supplementing educational programs in schools for health and awareness
10 of issues facing teens today when it comes to their health. Eligible
11 health programs are those with an established curriculum providing
12 instruction on alcohol, tobacco and other drug abuse prevention, the
13 causes and problems associated with teen obesity, and for awareness of
14 the symptoms of teen endometriosis.

15 S 32. Subdivision 1 of section 167 of chapter 169 of the laws of 1994,
16 relating to certain provisions related to the 1994-95 state operations,
17 aid to localities, capital projects and debt service budgets, as amended
18 by section 16 of part A of chapter 56 of the laws of 2015, is amended to
19 read as follows:

20 1. Sections one through seventy of this act shall be deemed to have
21 been in full force and effect as of April 1, 1994 provided, however,
22 that sections one, two, twenty-four, twenty-five and twenty-seven
23 through seventy of this act shall expire and be deemed repealed on March
24 31, 2000; provided, however, that section twenty of this act shall apply
25 only to hearings commenced prior to September 1, 1994, and provided
26 further that section twenty-six of this act shall expire and be deemed
27 repealed on March 31, 1997; and provided further that sections four
28 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
29 twenty-one-a of this act shall expire and be deemed repealed on March
30 31, 1997; and provided further that sections three, fifteen, seventeen,
31 twenty, twenty-two and twenty-three of this act shall expire and be
32 deemed repealed on March 31, [2017] 2018.

33 S 33. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws
34 of 1995, amending the education law and other laws relating to state aid
35 to school districts and the appropriation of funds for the support of
36 government, as amended by section 17 of part A of chapter 56 of the laws
37 of 2015, are amended to read as follows:

38 (22) sections one hundred twelve, one hundred thirteen, one hundred
39 fourteen, one hundred fifteen and one hundred sixteen of this act shall
40 take effect on July 1, 1995; provided, however, that section one hundred
41 thirteen of this act shall remain in full force and effect until July 1,
42 [2016] 2017 at which time it shall be deemed repealed;

43 (24) sections one hundred eighteen through one hundred thirty of this
44 act shall be deemed to have been in full force and effect on and after
45 July 1, 1995; provided further, however, that the amendments made pursu-
46 ant to section one hundred twenty-four of this act shall be deemed to be
47 repealed on and after July 1, [2016] 2017;

48 S 34. Section 12 of chapter 147 of the laws of 2001, amending the
49 education law relating to conditional appointment of school district,
50 charter school or BOCES employees, as amended by section 19 of part A of
51 chapter 56 of the laws of 2015, is amended to read as follows:

52 S 12. This act shall take effect on the same date as chapter 180 of
53 the laws of 2000 takes effect, and shall expire July 1, [2016] 2017 when
54 upon such date the provisions of this act shall be deemed repealed.

55 S 35. Section 4 of chapter 425 of the laws of 2002, amending the
56 education law relating to the provision of supplemental educational

1 services, attendance at a safe public school and the suspension of
2 pupils who bring a firearm to or possess a firearm at a school, as
3 amended by section 20 of part A of chapter 56 of the laws of 2015, is
4 amended to read as follows:

5 S 4. This act shall take effect July 1, 2002 and shall expire and be
6 deemed repealed June 30, [2016] 2017.

7 S 36. Section 5 of chapter 101 of the laws of 2003, amending the
8 education law relating to the implementation of the No Child Left Behind
9 Act of 2001, as amended by section 21 of part A of chapter 56 of the
10 laws of 2015, is amended to read as follows:

11 S 5. This act shall take effect immediately; provided that sections
12 one, two and three of this act shall expire and be deemed repealed on
13 June 30, [2016] 2017.

14 S 37. School bus driver training. In addition to apportionments other-
15 wise provided by section 3602 of the education law, for aid payable in
16 the 2016--2017 school year, the commissioner of education shall allocate
17 school bus driver training grants to school districts and boards of
18 cooperative educational services pursuant to sections 3650-a, 3650-b and
19 3650-c of the education law, or for contracts directly with not-for-pro-
20 fit educational organizations for the purposes of this section. Such
21 payments shall not exceed four hundred thousand dollars (\$400,000) per
22 school year.

23 S 38. Special apportionment for salary expenses. a. Notwithstanding
24 any other provision of law, upon application to the commissioner of
25 education, not sooner than the first day of the second full business
26 week of June 2017 and not later than the last day of the third full
27 business week of June 2017, a school district eligible for an apportion-
28 ment pursuant to section 3602 of the education law shall be eligible to
29 receive an apportionment pursuant to this section, for the school year
30 ending June 30, 2017, for salary expenses incurred between April 1 and
31 June 30, 2016 and such apportionment shall not exceed the sum of (i) the
32 deficit reduction assessment of 1990--1991 as determined by the commis-
33 sioner of education, pursuant to paragraph f of subdivision 1 of section
34 3602 of the education law, as in effect through June 30, 1993, plus (ii)
35 186 percent of such amount for a city school district in a city with a
36 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
37 such amount for a city school district in a city with a population of
38 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
39 ing to the latest federal census, plus (iv) the net gap elimination
40 adjustment for 2010--2011, as determined by the commissioner of educa-
41 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
42 nation adjustment for 2011--2012 as determined by the commissioner of
43 education pursuant to subdivision 17 of section 3602 of the education
44 law, and provided further that such apportionment shall not exceed such
45 salary expenses. Such application shall be made by a school district,
46 after the board of education or trustees have adopted a resolution to do
47 so and in the case of a city school district in a city with a population
48 in excess of 125,000 inhabitants, with the approval of the mayor of such
49 city.

50 b. The claim for an apportionment to be paid to a school district
51 pursuant to subdivision a of this section shall be submitted to the
52 commissioner of education on a form prescribed for such purpose, and
53 shall be payable upon determination by such commissioner that the form
54 has been submitted as prescribed. Such approved amounts shall be payable
55 on the same day in September of the school year following the year in
56 which application was made as funds provided pursuant to subparagraph

1 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
2 law, on the audit and warrant of the state comptroller on vouchers
3 certified or approved by the commissioner of education in the manner
4 prescribed by law from moneys in the state lottery fund and from the
5 general fund to the extent that the amount paid to a school district
6 pursuant to this section exceeds the amount, if any, due such school
7 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
8 section 3609-a of the education law in the school year following the
9 year in which application was made.

10 c. Notwithstanding the provisions of section 3609-a of the education
11 law, an amount equal to the amount paid to a school district pursuant to
12 subdivisions a and b of this section shall first be deducted from the
13 following payments due the school district during the school year
14 following the year in which application was made pursuant to subpara-
15 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
16 section 3609-a of the education law in the following order: the lottery
17 apportionment payable pursuant to subparagraph (2) of such paragraph
18 followed by the fixed fall payments payable pursuant to subparagraph (4)
19 of such paragraph and then followed by the district's payments to the
20 teachers' retirement system pursuant to subparagraph (1) of such para-
21 graph, and any remainder to be deducted from the individualized payments
22 due the district pursuant to paragraph b of such subdivision shall be
23 deducted on a chronological basis starting with the earliest payment due
24 the district.

25 S 39. Special apportionment for public pension accruals. a. Notwith-
26 standing any other provision of law, upon application to the commission-
27 er of education, not later than June 30, 2017, a school district eligi-
28 ble for an apportionment pursuant to section 3602 of the education law
29 shall be eligible to receive an apportionment pursuant to this section,
30 for the school year ending June 30, 2017 and such apportionment shall
31 not exceed the additional accruals required to be made by school
32 districts in the 2004--2005 and 2005--2006 school years associated with
33 changes for such public pension liabilities. The amount of such addi-
34 tional accrual shall be certified to the commissioner of education by
35 the president of the board of education or the trustees or, in the case
36 of a city school district in a city with a population in excess of
37 125,000 inhabitants, the mayor of such city. Such application shall be
38 made by a school district, after the board of education or trustees have
39 adopted a resolution to do so and in the case of a city school district
40 in a city with a population in excess of 125,000 inhabitants, with the
41 approval of the mayor of such city.

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

1 section 3609-a of the education law in the school year following the
2 year in which application was made.

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

18 S 40. a. Notwithstanding any other law, rule or regulation to the
19 contrary, any moneys appropriated to the state education department may
20 be suballocated to other state departments or agencies, as needed, to
21 accomplish the intent of the specific appropriations contained therein.

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

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

32 d. Notwithstanding any other law, rule or regulation to the contrary,
33 moneys appropriated to the state education department for general
34 support for public schools may be interchanged with any other item of
35 appropriation for general support for public schools within the general
36 fund local assistance account office of prekindergarten through grade
37 twelve education programs.

38 S 41. Notwithstanding the provision of any law, rule, or regulation to
39 the contrary, the city school district of the city of Rochester, upon
40 the consent of the board of cooperative educational services of the
41 supervisory district serving its geographic region may purchase from
42 such board for the 2016--2017 school year, as a non-component school
43 district, services required by article 19 of the education law.

44 S 42. The amounts specified in this section shall be a set aside from
45 the state funds which each such district is receiving from the total
46 foundation aid: for the purpose of the development, maintenance or
47 expansion of magnet schools or magnet school programs for the 2016--2017
48 school year. To the city school district of the city of New York there
49 shall be paid forty-eight million one hundred seventy-five thousand
50 dollars (\$48,175,000) including five hundred thousand dollars (\$500,000)
51 for the Andrew Jackson High School; to the Buffalo city school district,
52 twenty-one million twenty-five thousand dollars (\$21,025,000); to the
53 Rochester city school district, fifteen million dollars (\$15,000,000);
54 to the Syracuse city school district, thirteen million dollars
55 (\$13,000,000); to the Yonkers city school district, forty-nine million
56 five hundred thousand dollars (\$49,500,000); to the Newburgh city school

1 district, four million six hundred forty-five thousand dollars
2 (\$4,645,000); to the Poughkeepsie city school district, two million four
3 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon
4 city school district, two million dollars (\$2,000,000); to the New
5 Rochelle city school district, one million four hundred ten thousand
6 dollars (\$1,410,000); to the Schenectady city school district, one
7 million eight hundred thousand dollars (\$1,800,000); to the Port Chester
8 city school district, one million one hundred fifty thousand dollars
9 (\$1,150,000); to the White Plains city school district, nine hundred
10 thousand dollars (\$900,000); to the Niagara Falls city school district,
11 six hundred thousand dollars (\$600,000); to the Albany city school
12 district, three million five hundred fifty thousand dollars
13 (\$3,550,000); to the Utica city school district, two million dollars
14 (\$2,000,000); to the Beacon city school district, five hundred sixty-six
15 thousand dollars (\$566,000); to the Middletown city school district,
16 four hundred thousand dollars (\$400,000); to the Freeport union free
17 school district, four hundred thousand dollars (\$400,000); to the Green-
18 burgh central school district, three hundred thousand dollars
19 (\$300,000); to the Amsterdam city school district, eight hundred thou-
20 sand dollars (\$800,000); to the Peekskill city school district, two
21 hundred thousand dollars (\$200,000); and to the Hudson city school
22 district, four hundred thousand dollars (\$400,000). Notwithstanding the
23 provisions of this section, a school district receiving a grant pursuant
24 to this section may use such grant funds for: (i) any instructional or
25 instructional support costs associated with the operation of a magnet
26 school; or (ii) any instructional or instructional support costs associ-
27 ated with implementation of an alternative approach to reduction of
28 racial isolation and/or enhancement of the instructional program and
29 raising of standards in elementary and secondary schools of school
30 districts having substantial concentrations of minority students. The
31 commissioner of education shall not be authorized to withhold magnet
32 grant funds from a school district that used such funds in accordance
33 with this section, notwithstanding any inconsistency with a request for
34 proposals issued by such commissioner. For the purpose of attendance
35 improvement and dropout prevention for the 2016--2017 school year, for
36 any city school district in a city having a population of more than one
37 million, the set aside for attendance improvement and dropout prevention
38 shall equal the amount set aside in the base year. For the 2016--2017
39 school year, it is further provided that any city school district in a
40 city having a population of more than one million shall allocate at
41 least one-third of any increase from base year levels in funds set aside
42 pursuant to the requirements of this section to community-based organ-
43 izations. Any increase required pursuant to this section to community-
44 based organizations must be in addition to allocations provided to
45 community-based organizations in the base year. For the purpose of
46 teacher support for the 2016--2017 school year: to the city school
47 district of the city of New York, sixty-two million seven hundred seven
48 thousand dollars (\$62,707,000); to the Buffalo city school district, one
49 million seven hundred forty-one thousand dollars (\$1,741,000); to the
50 Rochester city school district, one million seventy-six thousand dollars
51 (\$1,076,000); to the Yonkers city school district, one million one
52 hundred forty-seven thousand dollars (\$1,147,000); and to the Syracuse
53 city school district, eight hundred nine thousand dollars (\$809,000).
54 All funds made available to a school district pursuant to this section
55 shall be distributed among teachers including prekindergarten teachers
56 and teachers of adult vocational and academic subjects in accordance

1 with this section and shall be in addition to salaries heretofore or
2 hereafter negotiated or made available; provided, however, that all
3 funds distributed pursuant to this section for the current year shall be
4 deemed to incorporate all funds distributed pursuant to former subdivi-
5 sion 27 of section 3602 of the education law for prior years. In school
6 districts where the teachers are represented by certified or recognized
7 employee organizations, all salary increases funded pursuant to this
8 section shall be determined by separate collective negotiations
9 conducted pursuant to the provisions and procedures of article 14 of the
10 civil service law, notwithstanding the existence of a negotiated agree-
11 ment between a school district and a certified or recognized employee
12 organization.

13 S 43. Support of public libraries. The moneys appropriated for the
14 support of public libraries by a chapter of the laws of 2016 enacting
15 the aid to localities budget shall be apportioned for the 2016-2017
16 state fiscal year in accordance with the provisions of sections 271,
17 272, 273, 282, 284, and 285 of the education law as amended by the
18 provisions of this chapter and the provisions of this section, provided
19 that library construction aid pursuant to section 273-a of the education
20 law shall not be payable from the appropriations for the support of
21 public libraries and provided further that no library, library system or
22 program, as defined by the commissioner of education, shall receive less
23 total system or program aid than it received for the year 2001-2002
24 except as a result of a reduction adjustment necessary to conform to the
25 appropriations for support of public libraries. Notwithstanding any
26 other provision of law to the contrary the moneys appropriated for the
27 support of public libraries for the year 2016-2017 by a chapter of the
28 laws of 2016 enacting the education, labor and family assistance budget
29 shall fulfill the state's obligation to provide such aid and, pursuant
30 to a plan developed by the commissioner of education and approved by the
31 director of the budget, the aid payable to libraries and library systems
32 pursuant to such appropriations shall be reduced proportionately to
33 assure that the total amount of aid payable does not exceed the total
34 appropriations for such purpose.

35 S 44. Severability. The provisions of this act shall be severable, and
36 if the application of any clause, sentence, paragraph, subdivision,
37 section or part of this act to any person or circumstance shall be
38 adjudged by any court of competent jurisdiction to be invalid, such
39 judgment shall not necessarily affect, impair or invalidate the applica-
40 tion of any such clause, sentence, paragraph, subdivision, section, part
41 of this act or remainder thereof, as the case may be, to any other
42 person or circumstance, but shall be confined in its operation to the
43 clause, sentence, paragraph, subdivision, section or part thereof
44 directly involved in the controversy in which such judgment shall have
45 been rendered.

46 S 45. This act shall take effect immediately, and shall be deemed to
47 have been in full force and effect on and after April 1, 2016, provided,
48 however, that:

49 1. Sections one, six, seven, eight, nine, ten, twenty-six, twenty-sev-
50 en, twenty-eight, twenty-nine, thirty-seven, forty-one and forty-two of
51 this act shall take effect July 1, 2016.

52 2. The amendments to paragraph b-1 of subdivision 4 of section 3602 of
53 the education law made by section seven of this act shall not affect the
54 expiration of such paragraph and shall be deemed to expire therewith.

55 3. The amendments to subdivision 1 of section 2856 of the education
56 law made by section twelve of this act shall be subject to the expira-

1 tion and reversion of such subdivision pursuant to subdivision d of
2 section 27 of chapter 378 of the laws of 2007, as amended, when upon
3 such date the provisions of section thirteen of this act shall take
4 effect.

5 4. The amendments to chapter 756 of the laws of 1992, amending the
6 education law relating to funding a program for work force education
7 conducted by a consortium for worker education in New York City made by
8 sections twwnty-eight and twenty-nine of this act shall not affect the
9 repeal of such chapter and shall be deemed repealed therewith.

10 5. Section thirty-three of this act shall take effect immediately and
11 shall be deemed to have been in full force and effect on and after the
12 effective date of section 140 of chapter 82 of the laws of 1995.

13 PART B

14 Section 1. Section 2801-a of the education law, as added by chapter
15 181 of the laws of 2000, subdivision 1 as amended by chapter 380 of the
16 laws of 2001, is amended to read as follows:

17 S 2801-a. School safety plans. 1. The board of education or trustees,
18 as defined in section two of this chapter, of every school district
19 within the state, however created, and every board of cooperative educa-
20 tional services and county vocational education and extension board and
21 the chancellor of the city school district of the city of New York shall
22 adopt and amend a comprehensive district-wide school safety plan and
23 building-level [school safety] EMERGENCY RESPONSE plans regarding crisis
24 intervention, emergency response and management, provided that in the
25 city school district of the city of New York, such plans shall be
26 adopted by the chancellor of the city school district. Such plans shall
27 be developed by a district-wide school safety team and a building-level
28 school safety team established pursuant to subdivision four of this
29 section and shall be in a form developed by the commissioner in consul-
30 tation with the division of criminal justice services, the superinten-
31 dent of the state police and any other appropriate state agencies. [A
32 school district having only one school building, shall develop a single
33 building-level school safety plan, which shall also fulfill all require-
34 ments for development of a district-wide plan.]

35 2. Such comprehensive district-wide safety plan shall be developed by
36 the district-wide school safety team and shall include at a minimum:

37 a. policies and procedures for responding to implied or direct threats
38 of violence by students, teachers, other school personnel as well as
39 visitors to the school;

40 b. policies and procedures for responding to acts of violence by
41 students, teachers, other school personnel as well as visitors to the
42 school, including consideration of zero-tolerance policies for school
43 violence;

44 c. appropriate prevention and intervention strategies such as:

45 (i) collaborative arrangements with state and local law enforcement
46 officials, designed to ensure that school safety officers and other
47 security personnel are adequately trained, including being trained to
48 de-escalate potentially violent situations, and are effectively and
49 fairly recruited;

50 (ii) non-violent conflict resolution training programs;

51 (iii) peer mediation programs and youth courts; and

52 (iv) extended day and other school safety programs;

53 d. policies and procedures for contacting appropriate law enforcement
54 officials in the event of a violent incident;

1 e. policies and procedures for contacting parents, guardians or
2 persons in parental relation to the students of the district in the
3 event of a violent incident;

4 f. policies and procedures relating to school building security,
5 including where appropriate the use of school safety officers and/or
6 security devices or procedures;

7 g. policies and procedures for the dissemination of informative mate-
8 rials regarding the early detection of potentially violent behaviors,
9 including but not limited to the identification of family, community and
10 environmental factors, to teachers, administrators, school personnel,
11 persons in parental relation to students of the district, students and
12 other persons deemed appropriate to receive such information;

13 h. policies and procedures for annual school safety training for staff
14 and students; PROVIDED THAT THE DISTRICT MUST CERTIFY TO THE COMMISSION-
15 ER THAT ALL STAFF HAVE UNDERGONE ANNUAL TRAINING ON THE EMERGENCY
16 RESPONSE PLAN BY SEPTEMBER FIFTEENTH OF EACH SCHOOL YEAR OR WITHIN TEN
17 DAYS OF HIRE, AND THAT THE SCHOOL SAFETY TRAINING INCLUDE COMPONENTS ON
18 VIOLENCE PREVENTION AND MENTAL HEALTH;

19 i. protocols for responding to bomb threats, hostage-takings, intru-
20 sions and kidnappings;

21 j. strategies for improving communication among students and between
22 students and staff and reporting of potentially violent incidents, such
23 as the establishment of youth-run programs, peer mediation, conflict
24 resolution, creating a forum or designating a mentor for students
25 concerned with bullying or violence and establishing anonymous reporting
26 mechanisms for school violence; [and]

27 k. a description of the duties of hall monitors and any other school
28 safety personnel, the training required of all personnel acting in a
29 school security capacity, and the hiring and screening process for all
30 personnel acting in a school security capacity; AND

31 1. THE DESIGNATION OF THE SUPERINTENDENT, OR SUPERINTENDENT'S DESIG-
32 NEE, AS THE DISTRICT CHIEF EMERGENCY OFFICER RESPONSIBLE FOR COORDINAT-
33 ING COMMUNICATION BETWEEN SCHOOL STAFF AND LAW ENFORCEMENT AND FIRST
34 RESPONDERS, AND ENSURING STAFF UNDERSTANDING OF THE DISTRICT-LEVEL SAFE-
35 TY PLAN. THE CHIEF EMERGENCY OFFICER SHALL ALSO BE RESPONSIBLE FOR
36 ENSURING THE COMPLETION AND YEARLY UPDATING OF BUILDING-LEVEL EMERGENCY
37 RESPONSE PLANS.

38 3. A school emergency response plan, developed by the building-level
39 school safety team defined in subdivision four of this section, shall BE
40 KEPT CONFIDENTIAL, INCLUDING BUT NOT LIMITED TO THE FLOOR PLANS, BLUE-
41 PRINTS, SCHEMATICS OR OTHER MAPS OF THE SCHOOL INTERIOR, SCHOOLS GROUNDS
42 AND ROAD MAPS OF THE IMMEDIATE SURROUNDING AREA, AND SHALL NOT BE
43 DISCLOSED EXCEPT TO AUTHORIZED DEPARTMENT OR SCHOOL STAFF, AND LAW
44 ENFORCEMENT OFFICERS, AND SHALL include the following elements:

45 a. policies and procedures for [the safe evacuation of students,
46 teachers, other school personnel as well as visitors to the school in
47 the event of a serious violent incident or other emergency, which shall
48 include evacuation routes and shelter sites and procedures for address-
49 ing medical needs, transportation and emergency notification to persons
50 in parental relation to a student. For purposes of this subdivision,
51 "serious violent incident" means an incident of violent criminal conduct
52 that is, or appears to be, life threatening and warrants the evacuation
53 of students and/or staff, as defined in regulations of the commissioner
54 developed in conjunction with the division of criminal justice services]
55 RESPONSE TO EMERGENCY SITUATIONS, SUCH AS THOSE REQUIRING EVACUATION,
56 SHELTERING, AND LOCK-DOWN. THESE POLICIES SHALL INCLUDE, AT A MINIMUM

1 EVACUATION ROUTES, SHELTER SITES, AND PROCEDURES FOR ADDRESSING MEDICAL
2 NEEDS, TRANSPORTATION AND EMERGENCY NOTIFICATION OF PARENTS AND GUARDI-
3 ANS;

4 b. designation of an emergency response team comprised of school
5 personnel, [local] law enforcement officials, FIRE OFFICIALS and repre-
6 sentatives from local regional and/or state emergency response agencies,
7 other appropriate incident response teams, and a post-incident response
8 team that includes appropriate school personnel, medical personnel,
9 mental health counselors and others who can assist the school community
10 in coping with the aftermath of a violent incident;

11 c. [procedures for assuring that crisis response and law enforcement
12 officials have access to] floor plans, blueprints, schematics or other
13 maps of the school interior, school grounds and road maps of the immedi-
14 ate surrounding area;

15 d. establishment of internal and external communication systems in
16 emergencies;

17 e. definition of the chain of command in a manner consistent with the
18 national interagency incident management system/incident command system;

19 f. coordination of the school safety plan with the state-wide plan for
20 disaster mental health services to assure that the school has access to
21 federal, state and local mental health resources in the event of a
22 violent incident;

23 g. procedures for review and the conduct of drills and other exercises
24 to test components of the emergency response plan; and

25 h. policies and procedures for securing and restricting access to the
26 crime scene in order to preserve evidence in cases of violent crimes on
27 school property.

28 4. Each district-wide school safety team shall be appointed by the
29 board of education, or the chancellor in the case of the city school
30 district of the city of New York, and shall include but not be limited
31 to representatives of the school board, [student,] teacher, administra-
32 tor, and parent organizations, school safety personnel, and other school
33 personnel. Each building-level school safety team shall be appointed by
34 the building principal, in accordance with regulations or guidelines
35 prescribed by the board of education, chancellor or other governing
36 body. Such building-level teams shall include but not be limited to
37 representatives of teacher, administrator, and parent organizations,
38 school safety personnel and other school personnel, community members,
39 [local] law enforcement officials, [local ambulance] FIRE OFFICIALS or
40 other emergency response agencies, and any other representatives the
41 board of education, chancellor or other governing body deems appropri-
42 ate.

43 5. [Each safety plan shall be reviewed by the appropriate school safe-
44 ty team on at least an annual basis, and updated as needed] THE
45 DISTRICT-WIDE SAFETY PLAN AND BUILDING-LEVEL EMERGENCY RESPONSE PLANS
46 SHALL BE REVIEWED BY THE APPROPRIATE TEAM ON AT LEAST AN ANNUAL BASIS
47 AND UPDATED AS NEEDED.

48 6. Each board of education, chancellor or other governing body shall
49 make each district-wide [and building-level school] safety plan avail-
50 able for public comment at least thirty days prior to its adoption[,
51 provided that only a summary of each building-level emergency response
52 plan shall be made available for public comment]. Such district-wide
53 [and building-level] plans may be adopted by the school board only after
54 at least one public hearing that provides for the participation of
55 school personnel, parents, students and any other interested parties.
56 Each district shall file a copy of its district-wide [comprehensive]

1 safety plan with the commissioner and all amendments to such plan shall
2 be filed with the commissioner no later than thirty days after their
3 adoption.

4 [A] 7. EACH BOARD OF EDUCATION, CHANCELLOR OR OTHER GOVERNING BODY OR
5 OFFICER SHALL ENSURE A copy of each building-level [safety] EMERGENCY
6 RESPONSE plan and any amendments thereto, shall be filed with the appro-
7 priate local law enforcement agency and with the state police within
8 thirty days of its adoption. Building-level emergency response plans
9 shall be confidential and shall not be subject to disclosure under arti-
10 cle six of the public officers law or any other provision of law. If the
11 board of education, chancellor or other governing body or chancellor
12 fails to file such plan as required by this section, the commissioner
13 may, in an amount determined by the commissioner, withhold public money
14 from the district until the district is in compliance.

15 [7. The commissioner may grant a waiver of the requirements of this
16 section to any school district or board of cooperative educational
17 services for a period of up to two years from the date of enactment upon
18 a finding by the commissioner that such district had adopted a compre-
19 hensive school safety plan on the effective date of this section which
20 is in substantial compliance with the requirements of this section.]

21 8. The commissioner shall annually report to the governor and the
22 legislature on the implementation and compliance with the provisions of
23 this section.

24 9. Whenever it shall have been demonstrated to the satisfaction of the
25 commissioner that a school district has failed to adopt a code of
26 conduct which fully satisfies the requirements of section twenty-eight
27 hundred one of this article, or a [school safety plan] DISTRICT-WIDE
28 SAFETY PLAN OR BUILDING-LEVEL EMERGENCY RESPONSE PLANS which satisfies
29 the requirements of this section, or to faithfully and completely imple-
30 ment [either or both] ALL THREE, the commissioner may, on thirty days
31 notice to the district, withhold from the district monies to be paid to
32 such district for the current school year pursuant to section thirty-six
33 hundred nine-a of this chapter, exclusive of monies to be paid in
34 respect of obligations to the retirement systems for school and district
35 staff and pursuant to collective bargaining agreements, or the commis-
36 sioner may direct the district to expend up to such amount upon the
37 development and implementation of a code of conduct and a school
38 district safety plan as required by such sections. Prior to such with-
39 holding or redirection, the commissioner shall provide the district an
40 opportunity to present evidence of extenuating circumstances; when
41 combined with evidence that the district shall promptly comply within
42 short time frames that shall be established by the commissioner as part
43 of an agreement between the district and the commissioner, the commis-
44 sioner may temporarily stay the withholding or redirection of funds
45 pending implementation of such agreement. If the district promptly and
46 fully complies with the agreement and is in full compliance with this
47 section and section twenty-eight hundred one of this article, the
48 commissioner shall abate the withholding in its entirety. Any failure to
49 meet the obligations of the compliance agreement by the district within
50 the time frames established shall be considered a willful violation of a
51 commissioner's order by the members of the district board for purposes
52 of subdivision one of section three hundred six of the education law.
53 Notwithstanding any other law, rule or regulation, such transfer shall
54 take effect upon filing of a notice thereof with the director of the
55 budget and the chairs of the senate finance and assembly ways and means
56 committees.

1 S 2. The section heading and subdivisions 1 and 1-a of section 807 of
2 the education law, the section heading as amended by chapter 765 of the
3 laws of 1964, subdivision 1 as amended by chapter 143 of the laws of
4 1985 and subdivision 1-a as added by chapter 9 of the laws of 1991, are
5 amended to read as follows:

6 Fire AND EMERGENCY drills. 1. It shall be the duty of the principal
7 or other person in charge of every public or private school or educa-
8 tional institution within the state, other than colleges or universi-
9 ties, to instruct and train the pupils by means of drills, so that they
10 may in a sudden emergency be able to [leave the school building] RESPOND
11 APPROPRIATELY in the shortest possible time and without confusion or
12 panic. Such drills [or rapid dismissals] shall be held at least twelve
13 times in each school year, eight of which required drills shall be held
14 between September first and December [first] THIRTY-FIRST of each such
15 year. [At least one-third of all such required drills shall be through
16 use of the fire escapes on buildings where fire escapes are provided. In
17 the course of at least one such drill, pupils shall be instructed in the
18 procedure to be followed in the event that a fire occurs during lunch
19 period, provided however, that such additional instruction may be waived
20 where a drill is held during the regular school lunch period. At least
21 four] EIGHT OF ALL SUCH DRILLS SHALL BE EVACUATION DRILLS, FOUR OF WHICH
22 SHALL BE THROUGH USE OF THE FIRE ESCAPES ON BUILDINGS WHERE FIRE ESCAPES
23 ARE PROVIDED OR THROUGH THE USE OF IDENTIFIED SECONDARY MEANS OF EGRESS.
24 FOUR OF ALL SUCH REQUIRED DRILLS SHALL BE LOCK-DOWN DRILLS. DRILLS
25 SHALL BE CONDUCTED AT DIFFERENT TIMES OF THE SCHOOL DAY WITH AT LEAST
26 ONE OF THE EIGHT REQUIRED EVACUATION DRILLS OCCURRING DURING A MASS
27 GATHERING EVENT SUCH AS LUNCH OR ASSEMBLIES. FOUR additional drills
28 shall be held in each school year during the hours after sunset and
29 before sunrise in school buildings in which students are provided with
30 sleeping accommodations. At least two additional drills shall be held
31 during summer school in buildings where summer school is conducted, and
32 one of such drills shall be held during the first week of summer school.

33 1-a. In the case of after-school programs, events or performances
34 which are conducted within a school building and which include persons
35 who do not regularly attend classes in such school building, the princi-
36 pal or other person in charge of the building shall require the teacher
37 or person in charge of such after-school program, event or performance
38 to notify persons in attendance at the beginning of each such program,
39 event or performance, of the procedures to be followed in the event of
40 an emergency so that they may be able to [leave the building] RESPOND in
41 a timely, orderly manner.

42 S 3. Subdivision 7 of section 3604 of the education law, as amended by
43 section 31 of part B of chapter 57 of the laws of 2007, is amended to
44 read as follows:

45 7. No district shall be entitled to any portion of such school moneys
46 on such apportionment unless the report of the trustees or board of
47 education for the preceding school year shall show that the public
48 schools were actually in session in the district and taught by a quali-
49 fied teacher or by successive qualified teachers or by qualified teach-
50 ers for not less than one hundred eighty days. The moneys payable to a
51 school district pursuant to section thirty-six hundred nine-a of this
52 chapter in the current year shall be reduced by one one-hundred eight-
53 ieth of the district's total foundation aid for each day less than one
54 hundred eighty days that the schools of the district were actually in
55 session, except that the commissioner may disregard such reduction, up
56 to five days, in the apportionment of public money, if he finds that the

1 schools of the district were not in session for one hundred eighty days
2 because of extraordinarily adverse weather conditions, impairment of
3 heating facilities, insufficiency of water supply, shortage of fuel,
4 lack of electricity, natural gas leakage, unacceptable levels of chemi-
5 cal substances, A CREDIBLE THREAT TO STUDENT SAFETY AS REASONABLY DETER-
6 MINED BY A LEAD SCHOOL OFFICIAL or the destruction of a school building
7 either in whole or in part, and if, further, the commissioner finds that
8 such district cannot make up such days of instruction by using for the
9 secondary grades all scheduled vacation days which occur prior to the
10 first scheduled regents examination day in June, and for the elementary
11 grades all scheduled vacation days which occur prior to the last sched-
12 uled regents examination day in June. For the purposes of this subdivi-
13 sion, "scheduled vacation days" shall mean days on which the schools of
14 the district are not in session and for which no prohibition exists in
15 subdivision eight of this section for them to be in session.

16 S 4. This act shall take effect July 1, 2016.

17

PART C

18 Section 1. Subparagraphs a and b of paragraph 2 of subdivision A of
19 section 6221 of the education law, as added by chapter 305 of the laws
20 of 1979, is amended to read as follows:

21 a. Notwithstanding any other provision of law, the city of New York
22 shall appropriate in its expense budget and pay to the account of the
23 senior colleges of the city university of New York as operating aid
24 amounts in accordance with the following schedule:

25 (i) For the twelve-month period commencing July first, nineteen
26 hundred seventy-nine, an amount equal to the lesser of fifty-eight
27 million, three hundred ninety-three thousand dollars (\$58,393,000) or
28 twenty-five per centum of the net operating expenses of such senior
29 college programs and services, as certified by the comptroller of the
30 state of New York to be properly chargeable to such twelve-month period;

31 (ii) For the twelve-month period commencing July first, nineteen
32 hundred eighty, an amount equal to eighty per centum of the amount spec-
33 ified in (i) of subparagraph a of this paragraph.

34 (iii) For the twelve-month period commencing July first, nineteen
35 hundred eighty-one, an amount equal to forty per centum of the amount
36 specified in (i) of subparagraph a of this paragraph.

37 [b.] (IV) For the [twelve-month] period commencing July first, nine-
38 teen hundred eighty-two and [thereafter] ENDING JUNE THIRTIETH, TWO
39 THOUSAND SIXTEEN, the city of New York shall not be required to make any
40 appropriation in support of the net operating expenses of the programs
41 and services of the senior colleges of the city university.

42 (V) FOR THE TWELVE-MONTH PERIOD COMMENCING JULY FIRST, TWO THOUSAND
43 SIXTEEN AND FOR EACH TWELVE MONTH PERIOD THEREAFTER, AN AMOUNT EQUAL TO
44 THIRTY PER CENTUM OF THE NET OPERATING EXPENSES OF THE APPROVED PROGRAMS
45 AND SERVICES OF THE SENIOR COLLEGES, PLUS AN ADDITIONAL AMOUNT EQUAL TO
46 THIRTY PER CENTUM OF THE CITY UNIVERSITY SENIOR COLLEGE DEBT SERVICE AND
47 CAPITAL CONSTRUCTION ADMINISTRATIVE EXPENSE FOR THE TWELVE-MONTH PERIOD
48 FIRST BEGINNING APRIL FIRST, TWO THOUSAND FOURTEEN AND FOR EACH TWELVE-
49 MONTH PERIOD THEREAFTER AS CERTIFIED BY THE DIRECTOR OF THE BUDGET TO BE
50 PROPERLY CHARGEABLE TO SUCH TWELVE-MONTH PERIOD.

51 S 2. Subparagraph c of paragraph 2 of subdivision A of section 6221 of
52 the education law is relettered subparagraph b.

53 S 3. Subparagraph d of paragraph 2 of subdivision A of section 6221 of
54 the education law is relettered subparagraph c.

1 S 4. Subparagraph e of paragraph 2 of subdivision A of section 6221 of
2 the education law, as added by chapter 815 of the laws of 1980 and the
3 opening paragraph and item (iii) as amended by chapter 87 of the laws of
4 2002, is amended to read as follows:

5 [e.] D. In addition to the amounts specified in subparagraph a of this
6 paragraph [and notwithstanding the provisions of subparagraph b of this
7 paragraph], the city of New York shall appropriate in its expense budget
8 and pay to the account of the senior colleges of the city university of
9 New York as the city's share of operating aid for the college of Staten
10 Island and New York city college of technology amounts in accordance
11 with the following schedule:

12 (i) For the twelve month period commencing July first, nineteen
13 hundred eighty, an amount that shall equal four million, one hundred
14 thousand dollars (\$4,100,000).

15 (ii) For the twelve month period commencing July first, nineteen
16 hundred eighty-one, an amount equal to one-half of the amount specified
17 in clause (i) of this subparagraph.

18 (iii) For the [twelve month] period commencing July first, nineteen
19 hundred eighty-two, and [thereafter] ENDING JUNE THIRTIETH, TWO THOUSAND
20 SIXTEEN the city of New York shall not be required to make any appropri-
21 ation for operating aid for the college of Staten Island and New York
22 city college of technology.

23 S 5. Paragraph 4 of subdivision A of section 6221 of the education
24 law, as added by chapter 305 of the law of 1979, is amended to read as
25 follows:

26 4. [Commencing] NOTWITHSTANDING THE PROVISION OF ANY LAW, RULE OR
27 REGULATION TO THE CONTRARY, (A) COMMENCING with the twelve-month period
28 beginning July first, nineteen hundred eighty-two and [thereafter]
29 ENDING JUNE THIRTIETH, TWO THOUSAND SIXTEEN, the state shall reimburse
30 to the city of New York one hundred per centum of the net operating
31 expenses of the approved programs and services of the senior
32 colleges[.]; AND

33 (B) COMMENCING WITH THE TWELVE-MONTH PERIOD BEGINNING JULY FIRST, TWO
34 THOUSAND SIXTEEN AND FOR EACH TWELVE-MONTH PERIOD THEREAFTER, THE STATE
35 SHALL REIMBURSE TO THE CITY OF NEW YORK SEVENTY PER CENTUM OF THE NET
36 OPERATING EXPENSES OF THE APPROVED PROGRAMS AND SERVICES OF THE SENIOR
37 COLLEGES LESS AN ADDITIONAL AMOUNT EQUAL TO THIRTY PER CENTUM OF THE
38 CITY UNIVERSITY SENIOR COLLEGE DEBT SERVICE AND CAPITAL CONSTRUCTION
39 ADMINISTRATIVE EXPENSE FOR THE TWELVE-MONTH PERIOD FIRST BEGINNING APRIL
40 FIRST, TWO THOUSAND FOURTEEN AND FOR EACH TWELVE MONTH PERIOD THEREAFTER
41 AS CERTIFIED BY THE DIRECTOR OF THE BUDGET TO BE PROPERLY CHARGEABLE TO
42 SUCH TWELVE-MONTH PERIOD.

43 S 6. Subdivision D of section 6221 of the education law, as added by
44 chapter 815 of the laws of 1980 and as relettered by chapter 585 of the
45 laws of 1988, is amended to read as follows:

46 D. College of Staten Island. Notwithstanding the designation of the
47 college of Staten Island as a senior college:

48 (i) the city of New York shall annually appropriate in its expense
49 budget and pay to the city university of New York, as operating aid in
50 support of the programs and services of the college of Staten Island, an
51 amount for each full-time equivalent student in the associate degree
52 program of the college equal to the amount the city of New York is
53 appropriating and paying for each full-time equivalent student in the
54 community colleges;

55 (ii) and the state of New York shall annually appropriate and pay to
56 the city university of New York an amount equal to [the net operating]

1 ITS SHARE OF expenses of the college of Staten Island less the amount
2 payable by the city of New York pursuant to this [subdivision] SECTION.
3 Such state of New York payment shall be made in four installments on or
4 before April twenty-fifth, June twenty-fifth, October twenty-fifth and
5 January twenty-fifth. The amount to be paid by the city of New York
6 pursuant to this subdivision shall be determined by the state director
7 of the budget, based upon information submitted by the mayor in such
8 form and content and at such time as may be [required] REQUIRED by the
9 state director of the budget.

10 S 7. Subdivision E of section 6221 of the education law, as added by
11 chapter 170 of the laws of 1994, paragraph (i) as amended by section 2
12 and paragraph (ii) as renumbered by section 3 of part HH of chapter 57
13 of the laws of 2009, is amended to read as follows:

14 E. Medgar Evers college. Notwithstanding the designation of Medgar
15 Evers college as a senior college:

16 (i) in addition to the amounts specified in subparagraph e of para-
17 graph two of subdivision A of this section, the city of New York shall
18 annually appropriate in its expense budget and pay to the city universi-
19 ty of New York as operating aid in support of the programs and services,
20 an amount for each full-time equivalent student in the associate degree
21 program of the college equal to the amount the city of New York is
22 appropriating and paying for each full-time equivalent student in the
23 community colleges; and

24 (ii) the state of New York shall annually appropriate and pay to the
25 city of New York on behalf of the city university of New York an amount
26 equal to [the net operating] ITS SHARE OF expenses of Medgar Evers
27 college less the amount payable by the city of New York pursuant to this
28 [subdivision] SECTION. Such state of New York payment shall be made in
29 four installments on or before April twenty-fifth, June twenty-fifth,
30 October twenty-fifth and February twenty-fifth. The amount to be paid by
31 the city of New York pursuant to this subdivision shall be determined by
32 the state director of the budget, based upon information submitted by
33 the mayor in such form and content and at such time as may be required
34 by the state director of the budget.

35 S 8. This act shall take effect immediately.

36

PART D

37 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section
38 355 of the education law, as amended by chapter 260 of the laws of 2011,
39 the opening paragraph as amended by chapter 437 of the laws of 2015 and
40 clause (ii) as amended by section 1 of part P of chapter 57 of the laws
41 of 2012, is amended to read as follows:

42 (4) The trustees shall not impose a differential tuition charge based
43 upon need or income. Except as hereinafter provided, all students
44 enrolled in programs leading to like degrees at state-operated insti-
45 tutions of the state university shall be charged a uniform rate of
46 tuition except for differential tuition rates based on state residency.
47 Provided, however, that the trustees may authorize the presidents of the
48 colleges of technology and the colleges of agriculture and technology to
49 set differing rates of tuition for each of the colleges for students
50 enrolled in degree-granting programs leading to an associate degree and
51 non-degree granting programs so long as such tuition rate does not
52 exceed the tuition rate charged to students who are enrolled in like
53 degree programs or degree-granting undergraduate programs leading to a
54 baccalaureate degree at other state-operated institutions of the state

1 university of New York. Notwithstanding any other provision of this
2 subparagraph, the trustees may authorize the setting of a separate cate-
3 gory of tuition rate, that shall be greater than the tuition rate for
4 resident students and less than the tuition rate for non-resident
5 students, only for students enrolled in distance learning courses who
6 are not residents of the state. Except as otherwise authorized in this
7 subparagraph, the trustees shall not adopt changes affecting tuition
8 charges prior to the enactment of the annual budget, provided however
9 that:

10 (i) Commencing with the two thousand eleven--two thousand twelve
11 academic year and ending in the two thousand fifteen--two thousand
12 sixteen academic year the state university of New York board of trustees
13 shall be empowered to increase the resident undergraduate rate of
14 tuition by not more than three hundred dollars over the resident under-
15 graduate rate of tuition adopted by the board of trustees in the prior
16 academic year, provided however that if the annual resident undergradu-
17 ate rate of tuition would exceed five thousand dollars, then a tuition
18 credit for each eligible student, as determined and calculated by the
19 New York state higher education services corporation pursuant to section
20 six hundred eighty-nine-a of this title, shall be applied toward the
21 tuition charged for each semester, quarter or term of study. Tuition for
22 each semester, quarter or term of study shall not be due for any student
23 eligible to receive such tuition credit until the tuition credit is
24 calculated and applied against the tuition charged for the corresponding
25 semester, quarter or term.

26 (II) COMMENCING WITH THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN
27 ACADEMIC YEAR AND ENDING IN THE TWO THOUSAND TWENTY--TWO THOUSAND TWEN-
28 TY-ONE ACADEMIC YEAR THE STATE UNIVERSITY OF NEW YORK BOARD OF TRUSTEES
29 SHALL BE EMPOWERED TO INCREASE THE RESIDENT UNDERGRADUATE RATE OF
30 TUITION BY NOT MORE THAN THREE HUNDRED DOLLARS OVER THE RESIDENT UNDER-
31 GRADUATE RATE OF TUITION ADOPTED BY THE BOARD OF TRUSTEES IN THE PRIOR
32 ACADEMIC YEAR, PROVIDED, HOWEVER THAT IF THE ANNUAL RESIDENT UNDERGRADU-
33 ATE RATE OF TUITION WOULD EXCEED FIVE THOUSAND DOLLARS, THEN A TUITION
34 CREDIT FOR EACH ELIGIBLE STUDENT, AS DETERMINED AND CALCULATED BY THE
35 NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION PURSUANT TO SECTION
36 SIX HUNDRED EIGHTY-NINE-A OF THIS TITLE, SHALL BE APPLIED TOWARD THE
37 TUITION CHARGED FOR EACH SEMESTER, QUARTER OR TERM OF STUDY. TUITION FOR
38 EACH SEMESTER, QUARTER OR TERM OF STUDY SHALL NOT BE DUE FOR ANY STUDENT
39 ELIGIBLE TO RECEIVE SUCH TUITION CREDIT UNTIL THE TUITION CREDIT IS
40 CALCULATED AND APPLIED AGAINST THE TUITION CHARGED FOR THE CORRESPONDING
41 SEMESTER, QUARTER OR TERM. PROVIDED, FURTHER:

42 (1) THE BOARD OF TRUSTEES SHALL ONLY INCREASE THE RATE OF TUITION UPON
43 DETERMINATION THAT (A) ADMINISTRATIVE COST SAVINGS ARE BEING IMPLEMENTED
44 TO MITIGATE THE NEED FOR A TUITION INCREASE, PROVIDED THAT SUCH SAVINGS
45 SHALL NOT INCLUDE A STAFFING REDUCTION; AND (B) THE INCREASE IS JUSTI-
46 FIED BASED UPON INFLATIONARY INDICES.

47 (2) THE REVENUE RESULTING FROM AN INCREASE IN THE RATE OF TUITION
48 SHALL BE ALLOCATED TO EACH CAMPUS PURSUANT TO A PLAN APPROVED BY THE
49 BOARD OF TRUSTEES TO SUPPORT INVESTMENTS IN FACULTY, INSTRUCTION AND A
50 TUITION CREDIT FOR EACH ELIGIBLE STUDENT.

51 [(ii)] (III) On or before November thirtieth, two thousand [eleven]
52 SIXTEEN, the trustees shall approve and submit to the chairs of the
53 assembly ways and means committee and the senate finance committee and
54 to the director of the budget a master tuition plan setting forth the
55 tuition rates that the trustees propose for resident undergraduate
56 students for the five year period commencing with the two thousand

1 [eleven] SIXTEEN--two thousand [twelve] SEVENTEEN academic year and
2 ending in the two thousand [fifteen--two thousand sixteen] TWENTY--TWO
3 THOUSAND TWENTY-ONE academic year, and shall submit any proposed amend-
4 ments to such plan by November thirtieth of each subsequent year there-
5 after through November thirtieth, two thousand [fifteen] TWENTY, and
6 provided further, that with the approval of the board of trustees, each
7 university center may increase non-resident undergraduate tuition rates
8 each year by not more than ten percent over the tuition rates of the
9 prior academic year for a [five] TEN year period commencing with the
10 semester following the semester in which the governor and the chancellor
11 of the state university of New York approve the NY-SUNY 2020 proposal
12 for such university center.

13 [(iii)] (IV) The state shall appropriate annually and make available
14 general fund operating support, including fringe benefits, for the state
15 university in an amount not less than the amount appropriated and made
16 available to the state university in state fiscal year two thousand
17 eleven--two thousand twelve. Beginning in state fiscal year two thousand
18 twelve--two thousand thirteen and thereafter, the state shall appropriate
19 and make available general fund operating support, including fringe
20 benefits, for the state university in an amount not less than the amount
21 appropriated and made available in the prior state fiscal year;
22 provided, however, that if the governor declares a fiscal emergency, and
23 communicates such emergency to the temporary president of the senate and
24 speaker of the assembly, state support for operating expenses at the
25 state university and city university may be reduced in a manner propor-
26 tionate to one another, and the aforementioned provisions shall not
27 apply.

28 [(iv)] (V) For the state university fiscal years commencing two thou-
29 sand eleven--two thousand twelve and ending two thousand [fifteen--two
30 thousand sixteen] TWENTY--TWO THOUSAND TWENTY-ONE, each university
31 center may set aside a portion of its tuition revenues derived from
32 tuition increases to provide increased financial aid for New York state
33 resident undergraduate students whose net taxable income is eighty thou-
34 sand dollars or more subject to the approval of a NY-SUNY 2020 proposal
35 by the governor and the chancellor of the state university of New York.
36 Nothing in this paragraph shall be construed as to authorize that
37 students whose net taxable income is eighty thousand dollars or more are
38 eligible for tuition assistance program awards pursuant to section six
39 hundred sixty-seven of this chapter.

40 S 2. Paragraph (a) of subdivision 7 of section 6206 of the education
41 law, as amended by chapter 260 of the laws of 2011 and the opening para-
42 graph as amended by chapter 437 of the laws of 2015, is amended to read
43 as follows:

44 (a) The board of trustees shall establish positions, departments,
45 divisions and faculties; appoint and in accordance with the provisions
46 of law fix salaries of instructional and non-instructional employees
47 therein; establish and conduct courses and curricula; prescribe condi-
48 tions of student admission, attendance and discharge; and shall have the
49 power to determine in its discretion whether tuition shall be charged
50 and to regulate tuition charges, and other instructional and non-in-
51 structional fees and other fees and charges at the educational units of
52 the city university. The trustees shall review any proposed community
53 college tuition increase and the justification for such increase. The
54 justification provided by the community college for such increase shall
55 include a detailed analysis of ongoing operating costs, capital, debt
56 service expenditures, and all revenues. The trustees shall not impose a

1 differential tuition charge based upon need or income. All students
2 enrolled in programs leading to like degrees at the senior colleges
3 shall be charged a uniform rate of tuition, except for differential
4 tuition rates based on state residency. Notwithstanding any other
5 provision of this paragraph, the trustees may authorize the setting of a
6 separate category of tuition rate, that shall be greater than the
7 tuition rate for resident students and less than the tuition rate for
8 non-resident students, only for students enrolled in distance learning
9 courses who are not residents of the state; provided, however, that:

10 (i) Commencing with the two thousand eleven--two thousand twelve
11 academic year and ending in the two thousand fifteen--two thousand
12 sixteen academic year, the city university of New York board of trustees
13 shall be empowered to increase the resident undergraduate rate of
14 tuition by not more than three hundred dollars over the resident under-
15 graduate rate of tuition adopted by the board of trustees in the prior
16 academic year, provided however that if the annual resident undergradu-
17 ate rate of tuition would exceed five thousand dollars, then a tuition
18 credit for each eligible student, as determined and calculated by the
19 New York state higher education services corporation pursuant to section
20 six hundred eighty-nine-a of this chapter, shall be applied toward the
21 tuition charged for each semester, quarter or term of study. Tuition
22 for each semester, quarter or term of study shall not be due for any
23 student eligible to receive such tuition credit until the tuition credit
24 is calculated and applied against the tuition charged for the corre-
25 sponding semester, quarter or term.

26 (II) COMMENCING WITH THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN
27 ACADEMIC YEAR AND ENDING IN THE TWO THOUSAND TWENTY--TWO THOUSAND TWEN-
28 TY-ONE ACADEMIC YEAR THE CITY UNIVERSITY OF NEW YORK BOARD OF TRUSTEES
29 SHALL BE EMPOWERED TO INCREASE THE RESIDENT UNDERGRADUATE RATE OF
30 TUITION BY NOT MORE THAN THREE HUNDRED DOLLARS OVER THE RESIDENT UNDER-
31 GRADUATE RATE OF TUITION ADOPTED BY THE BOARD OF TRUSTEES IN THE PRIOR
32 ACADEMIC YEAR, PROVIDED HOWEVER THAT IF THE ANNUAL RESIDENT UNDERGRADU-
33 ATE RATE OF TUITION WOULD EXCEED FIVE THOUSAND DOLLARS, THEN A TUITION
34 CREDIT FOR EACH ELIGIBLE STUDENT, AS DETERMINED AND CALCULATED BY THE
35 NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION PURSUANT TO SECTION
36 SIX HUNDRED EIGHTY-NINE-A OF THIS TITLE, SHALL BE APPLIED TOWARD THE
37 TUITION CHARGED FOR EACH SEMESTER, QUARTER OR TERM OF STUDY. TUITION FOR
38 EACH SEMESTER, QUARTER OR TERM OF STUDY SHALL NOT BE DUE FOR ANY STUDENT
39 ELIGIBLE TO RECEIVE SUCH TUITION CREDIT UNTIL THE TUITION CREDIT IS
40 CALCULATED AND APPLIED AGAINST THE TUITION CHARGED FOR THE CORRESPONDING
41 SEMESTER, QUARTER OR TERM. PROVIDED, FURTHER:

42 (1) THE BOARD OF TRUSTEES SHALL ONLY INCREASE THE RATE OF TUITION UPON
43 DETERMINATION THAT (A) ADMINISTRATIVE COST SAVINGS ARE BEING IMPLEMENTED
44 TO MITIGATE THE NEED FOR A TUITION INCREASE, PROVIDED THAT SUCH SAVINGS
45 SHALL NOT INCLUDE A STAFFING REDUCTION; AND (B) THE INCREASE IS JUSTI-
46 FIED BASED UPON INFLATIONARY INDICES.

47 (2) THE REVENUE RESULTING FROM AN INCREASE IN THE RATE OF TUITION
48 SHALL BE ALLOCATED TO EACH CAMPUS PURSUANT TO A PLAN APPROVED BY THE
49 BOARD OF TRUSTEES TO SUPPORT INVESTMENTS IN FACULTY, INSTRUCTION AND A
50 TUITION CREDIT FOR EACH ELIGIBLE STUDENT.

51 [(ii)] (III) On or before November thirtieth, two thousand [eleven]
52 SIXTEEN, the trustees shall approve and submit to the chairs of the
53 assembly ways and means committee and the senate finance committee and
54 to the director of the budget a master tuition plan setting forth the
55 tuition rates that the trustees propose for resident undergraduate
56 students for the five year period commencing with the two thousand

1 [eleven] SIXTEEN--two thousand [twelve] SEVENTEEN academic year and
2 ending in the two thousand [fifteen--two thousand sixteen] TWENTY--TWO
3 THOUSAND TWENTY-ONE academic year, and shall submit any proposed amend-
4 ments to such plan by November thirtieth of each subsequent year there-
5 after through November thirtieth, two thousand [fifteen] TWENTY.

6 [(iii)] (IV) The state shall appropriate annually and make available
7 state support for operating expenses, including fringe benefits, for the
8 city university in an amount not less than the amount appropriated and
9 made available to the city university in state fiscal year two thousand
10 eleven--two thousand twelve. Beginning in state fiscal year two thousand
11 twelve--two thousand thirteen and [thereafter] ENDING IN STATE FISCAL
12 YEAR TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN, the state shall appro-
13 priate and make available state support for operating expenses, includ-
14 ing fringe benefits, for the city university in an amount not less than
15 the amount appropriated and made available in the prior state fiscal
16 year; provided, however, that if the governor declares a fiscal emergen-
17 cy, and communicates such emergency to the temporary president of the
18 senate and speaker of the assembly, state support for operating expenses
19 of the state university and city university may be reduced in a manner
20 proportionate to one another, and the aforementioned provisions shall
21 not apply.

22 (V) BEGINNING IN ACADEMIC FISCAL YEAR TWO THOUSAND SIXTEEN--TWO THOU-
23 SAND SEVENTEEN AND THEREAFTER, THE STATE AND CITY OF NEW YORK SHALL
24 APPROPRIATE ANNUALLY AND MAKE AVAILABLE ITS REPRESENTATIVE SHARE OF
25 SUPPORT FOR EXPENSES PURSUANT TO SECTION SIX THOUSAND TWO HUNDRED TWEN-
26 TY-ONE OF THIS TITLE, INCLUDING FRINGE BENEFITS, FOR THE CITY UNIVERSITY
27 IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED AND MADE AVAILABLE
28 FOR EXPENSES IN THE PRIOR ACADEMIC FISCAL YEAR; PROVIDED, HOWEVER, THAT
29 IF THE GOVERNOR DECLARES A FISCAL EMERGENCY, AND COMMUNICATES SUCH EMER-
30 GENCY TO THE TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEM-
31 BLY, STATE SUPPORT FOR OPERATING EXPENSES OF THE STATE UNIVERSITY AND
32 CITY UNIVERSITY MAY BE REDUCED IN A MANNER PROPORTIONATE TO ONE ANOTHER,
33 AND THE AFOREMENTIONED PROVISIONS SHALL NOT APPLY.

34 S 3. Subdivision 5 of section 359 of the education law, as added by
35 chapter 260 of the laws of 2011, is amended to read as follows:

36 5. The state university trustees shall conduct a study regarding the
37 effectiveness and functionality of the New York state tuition assistance
38 program, which shall consider a variety of factors including, but not
39 limited to, the costs associated with pursuing a degree in undergraduate
40 study, current tuition assistance program thresholds and award levels,
41 current eligibility criteria to qualify for an award under the tuition
42 assistance program, and any other information the trustees determine to
43 be relevant. The study shall also include recommendations to improve the
44 tuition assistance program to better meet the future financial aid needs
45 of students who reside in New York state and to ensure continued access
46 and affordability of the state university of New York. The study shall
47 be submitted to the governor, the temporary president of the senate, the
48 speaker of the assembly, the director of the division of the budget, the
49 senate finance committee, the assembly ways and means committee and the
50 higher education committees of the legislature on or before October
51 first, two thousand thirteen. In addition, the state university shall
52 annually examine and report on each state-operated campus' efforts to
53 promote fiscal stability for the duration of the [five] TEN year tuition
54 plan by implementing cost saving measures [and increasing fundraising
55 efforts]. Further, the trustees shall [periodically review their patent
56 policies to ensure competitiveness, and shall] annually report on how

1 the revenue generated [by this paragraph has helped retain and grow
2 full-time faculty and increase program availability. The University
3 Centers shall also report annually to the state university trustees on
4 how research revenue yields quantifiable results for each of the four
5 campuses and state university of New York at Buffalo and state universi-
6 ty of New York at Stony Brook shall additionally report on what each
7 campus is doing to maintain their AAU status] HAS BEEN INVESTED IN
8 FACULTY, INSTRUCTION AND STUDENT FINANCIAL ASSISTANCE.

9 S 4. Subdivision 17 of section 6206 of the education law, as added by
10 chapter 260 of the laws of 2011, is amended to read as follows:

11 17. The city university trustees shall conduct a study regarding the
12 effectiveness and functionality of the New York state tuition assistance
13 program, which shall consider a variety of factors including, but not
14 limited to, the costs associated with pursuing a degree in undergraduate
15 study, current tuition assistance program thresholds and award levels,
16 current eligibility criteria to qualify for an award under the tuition
17 assistance program and any other information the trustees determine to
18 be relevant. The study shall also include recommendations to improve the
19 tuition assistance program to better meet the future financial aid needs
20 of students who reside in New York state and to ensure continued access
21 and affordability of the city university of New York. The study shall be
22 submitted to the governor, the temporary president of the senate, the
23 speaker of the assembly, the director of the division of budget, the
24 senate finance committee, the assembly ways and means committee and the
25 higher education committees of the legislature on or before October
26 first, two thousand thirteen. In addition, the city university shall
27 annually examine and report on each [state-operated campus'] SENIOR
28 COLLEGE'S efforts to promote fiscal stability for the duration of the
29 [five] TEN year tuition plan by implementing cost saving measures [and
30 increasing fundraising efforts]. FURTHER, THE TRUSTEES SHALL ANNUALLY
31 REPORT ON HOW THE REVENUE GENERATED HAS BEEN INVESTED IN FACULTY,
32 INSTRUCTION AND STUDENT FINANCIAL ASSISTANCE.

33 S 5. Section 16 of chapter 260 of the laws of 2011 amending the educa-
34 tion law and the New York state urban development corporation act relat-
35 ing to establishing components of the NY-SUNY 2020 challenge grant
36 program, as amended by section 65-a of part HH of chapter 57 of the laws
37 of 2013, is amended to read as follows:

38 S 16. This act shall take effect July 1, 2011; provided that sections
39 one, two, three, four, five, six, eight, nine, ten, eleven, twelve,
40 thirteen, fourteen and fifteen of this act shall expire [5] 10 years
41 after such effective date when upon such date the provisions of this act
42 shall be deemed repealed.

43 S 6. This act shall take effect immediately; provided that the amend-
44 ments to subparagraph 4 of paragraph h of subdivision 2 of section 355
45 of the education law made by section one of this act, the amendments to
46 paragraph (a) of subdivision 7 of section 6206 of the education law made
47 by section two of this act, the amendments to subdivision 5 of section
48 359 of the education law made by section three of this act, and the
49 amendments to subdivision 17 of section 6206 of the education law made
50 by section four of this act shall not affect the repeal of such
51 provisions and shall be deemed repealed therewith; provided further,
52 that if chapter 437 of the laws of 2015 shall not have taken effect by
53 such effective date, then sections one and two of this act shall take
54 effect on the same day and in the same manner as sections 1 and 3 of
55 chapter 437 of the laws of 2015, take effect.

1

PART E

2 Section 1. The state finance law is amended by adding a new section
3 99-y to read as follows:

4 S 99-Y. SUNY STONY BROOK AFFILIATION ESCROW FUND. 1. NOTWITHSTANDING
5 ANY OTHER PROVISION OF LAW, RULE, REGULATION, OR PRACTICE TO THE CONTRA-
6 RY, THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMPTROLLER
7 AND THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK (SUNY) A TRUST
8 AND AGENCY FUND, TO BE KNOWN AS THE "SUNY STONY BROOK AFFILIATION ESCROW
9 FUND" WHICH SHALL BE AVAILABLE WITHOUT FISCAL YEAR LIMITATION.

10 2. THE SUNY STONY BROOK AFFILIATION ESCROW FUND SHALL CONSIST OF (I)
11 ALL MONIES GENERATED THROUGH THE ACTIVITIES OF STONY BROOK AT SOUTHAMP-
12 TON HOSPITAL, INCLUDING BUT NOT LIMITED TO PATIENT REVENUE, FEDERAL
13 REIMBURSEMENT, AND OTHER ASSOCIATED REVENUE SOURCES, AND (II) RENT
14 PAYMENTS MADE BY STONY BROOK UNIVERSITY HOSPITAL TO THE SOUTHAMPTON
15 HOSPITAL ASSOCIATION UNDER A CERTAIN LEASE AGREEMENT APPROVED BY THE
16 DIRECTOR OF THE BUDGET, THE OFFICE OF THE NEW YORK STATE ATTORNEY GENER-
17 AL AND THE OFFICE OF THE NEW YORK STATE COMPTROLLER.

18 3. MONIES OF THE SUNY STONY BROOK AFFILIATION ESCROW FUND SHALL BE
19 EXPENDED ONLY FOR THE PURPOSES OF STONY BROOK HOSPITAL AT SOUTHAMPTON.

20 S 2. This act shall take effect immediately.

21

PART F

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

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

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

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

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

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

1 ATTENDED WITHIN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL
2 DIPLOMA; OR

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

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

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

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

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

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

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

51 (B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
52 SCHOOL EQUIVALENCY DIPLOMA, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE
53 ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR A GENERAL EQUIVALENCY
54 DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, SUBSEQUENTLY
55 APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE
56 GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, AND ATTENDED THE INSTITU-

1 TION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS
2 SOUGHT WITHIN TEN YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY
3 DIPLOMA; OR

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

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

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

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

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

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

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

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

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

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

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

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

19 S 8-a. Paragraph (a) of subdivision 7 of section 6206 of the education
20 law, as amended by chapter 327 of the laws of 2002, the opening para-
21 graph as amended by section 4 of chapter 437 of the laws of 2015, is
22 amended to read as follows:

23 (a) The board of trustees shall establish positions, departments,
24 divisions and faculties; appoint and in accordance with the provisions
25 of law fix salaries of instructional and non-instructional employees
26 therein; establish and conduct courses and curricula; prescribe condi-
27 tions of student admission, attendance and discharge; and shall have the
28 power to determine in its discretion whether tuition shall be charged
29 and to regulate tuition charges, and other instructional and non-in-
30 structional fees and other fees and charges at the educational units of
31 the city university. The trustees shall review any proposed community
32 college tuition increase and the justification for such increase. The
33 justification provided by the community college for such increase shall
34 include a detailed analysis of ongoing operating costs, capital, debt
35 service expenditures, and all revenues. The trustees shall not impose a
36 differential tuition charge based upon need or income. All students
37 enrolled in programs leading to like degrees at the senior colleges
38 shall be charged a uniform rate of tuition, except for differential
39 tuition rates based on state residency. Notwithstanding any other
40 provision of this paragraph, the trustees may authorize the setting of a
41 separate category of tuition rate, that shall be greater than the
42 tuition rate for resident students and less than the tuition rate for
43 non-resident students, only for students enrolled in distance learning
44 courses who are not residents of the state. The trustees shall further
45 provide that the payment of tuition and fees by any student who is not a
46 resident of New York state, other than a non-immigrant alien within the
47 meaning of paragraph (15) of subsection (a) of section 1101 of title 8
48 of the United States Code, shall be paid at a rate or charge no greater
49 than that imposed for students who are residents of the state if such
50 student:

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

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

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

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

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

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

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

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

1 institution or educational unit of the state university], EARNED ADMIS-
2 SION BASED ON THAT GENERAL EQUIVALENCY DIPLOMA, AND ATTENDED A COMMUNITY
3 COLLEGE within five years of receiving a general equivalency diploma
4 issued within New York state; or

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

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

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

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

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

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

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

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

50 (a) (I) Undergraduate science and technology entry program moneys may
51 be used for tutoring, counseling, remedial and special summer courses,
52 supplemental financial assistance, program administration, and other
53 activities which the commissioner may deem appropriate. To be eligible
54 for undergraduate collegiate science and technology entry program
55 support, a student must be a resident of New York [who is], OR MEET THE
56 REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, AND MUST BE either

1 economically disadvantaged or from a minority group historically under
2 represented in the scientific, technical, health and health-related
3 professions, and [who demonstrates] MUST DEMONSTRATE interest in and a
4 potential for a professional career if provided special services. Eligi-
5 ble students must be in good academic standing, enrolled full time in an
6 approved, undergraduate level program of study, as defined by the
7 regents.

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

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

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

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

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

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

47 (a) (I) Graduate science and technology entry program moneys may be
48 used for recruitment, academic enrichment, career planning, supplemental
49 financial assistance, review for licensing examinations, program admin-
50 istration, and other activities which the commissioner may deem appro-
51 priate. To be eligible for graduate collegiate science and technology
52 entry program support, a student must be a resident of New York [who
53 is], OR MEET THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH,
54 AND MUST BE either economically disadvantaged or from a minority group
55 historically underrepresented in the scientific, technical and health-
56 related professions. Eligible students must be in good academic stand-

1 ing, enrolled full time in an approved graduate level program, as
2 defined by the regents.

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

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

18 (B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
19 SCHOOL EQUIVALENCY DIPLOMA, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE
20 ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR A GENERAL EQUIVALENCY
21 DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, SUBSEQUENTLY
22 APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE
23 GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, AND ATTENDED THE INSTITU-
24 TION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS
25 SOUGHT WITHIN TEN YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY
26 DIPLOMA; OR

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

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

38 S 14. Subparagraph (i) of paragraph a of subdivision 2 of section
39 695-e of the education law, as amended by chapter 593 of the laws of
40 2003, is amended to read as follows:

41 (i) the name, address and social security number [or], employer iden-
42 tification number, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the
43 account owner UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN EFFECT PRIOR
44 TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN
45 THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A TAXPAYER IDENTIFICA-
46 TION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION NUMBER SHALL BE
47 ALLOWED UPON THE EXPIRATION OF THE CONTRACT;

48 S 15. Subparagraph (iii) of paragraph a of subdivision 2 of section
49 695-e of the education law, as amended by chapter 593 of the laws of
50 2003, is amended to read as follows:

51 (iii) the name, address, and social security number, EMPLOYER IDEN-
52 TIFICATION NUMBER, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the
53 designated beneficiary, UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN
54 EFFECT PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO
55 THOUSAND SIXTEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A

1 TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION
2 NUMBER SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT; and

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

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

19 S 18. This act shall take effect on the ninetieth day after the issu-
20 ance of regulations and the development of an application form by the
21 president of the higher education services corporation or on the nineti-
22 eth day after it shall have become a law, whichever shall be later;
23 provided, however, that:

24 a. the amendments to subparagraphs (i) and (ii) of paragraph (a-1) of
25 subdivision 7 of section 6206 of the education law made by section eight
26 of this act shall not affect the expiration of such paragraph and shall
27 be deemed to expire therewith; when upon such date the provisions of
28 section eight-a of this act shall take effect; and

29 b. the president of the higher education services corporation shall
30 notify the legislative bill drafting commission upon the occurrence of
31 the issuance of regulations and the development of an application form
32 provided for in this section in order that the commission may maintain
33 an accurate and timely effective data base of the official text of the
34 laws of the state of New York in furtherance of effectuating the
35 provisions of section 44 of the legislative law and section 70-b of the
36 public officers law.

37

PART G

38 Section 1. Subdivision (a) of section 50 of chapter 161 of the laws of
39 2005 amending the education law relating to the New York state licensed
40 social worker loan forgiveness program, as amended by section 1 of part
41 M of chapter 58 of the laws of 2011, is amended to read as follows:

42 (a) section two of this act shall expire and be deemed repealed June
43 30, [2016] 2021; and provided, further that the amendment to paragraph b
44 of subdivision 1 of section 679-c and the amendment to paragraph 2 of
45 subdivision a of section 679-d of the education law made by sections
46 three and four of this act shall not affect the repeal of such sections
47 and shall be deemed repealed therewith;

48 S 2. Section 3 of part V of chapter 57 of the laws of 2005 amending
49 the education law relating to the New York state nursing faculty loan
50 forgiveness incentive program and the New York state nursing faculty
51 scholarship program, as amended by section 1 of part L of chapter 58 of
52 the laws of 2011, is amended to read as follows:

53 S 3. This act shall take effect on the same date and in the same
54 manner as Part H of this chapter; provided that section two of this act

1 shall take effect on the same date and in the same manner as Part I of
2 this chapter; and provided further that this act shall expire and be
3 deemed repealed on June 30, [2016] 2021.

4 S 3. Section 17 of chapter 31 of the laws of 1985 amending the educa-
5 tion law relating to regents scholarships in certain professions, as
6 amended by section 1 of part K of chapter 58 of the laws of 2011, is
7 amended to read as follows:

8 S 17. This act shall take effect immediately; provided, however, that
9 the scholarship and loan forgiveness programs established pursuant to
10 the provisions of this act shall terminate upon the granting of such
11 awards for the 2008-2009 school year provided, however, that the regents
12 physician loan forgiveness program established pursuant to this act
13 shall not terminate until the granting of such awards for the [2015-16]
14 2020-21 school year, provided that the final disbursement of any multi-
15 year awards granted in such school year shall be paid.

16 S 4. Paragraph a of subdivision 5 of section 679-c of the education
17 law, as amended by section 1 of part E3 of chapter 57 of the laws of
18 2007, is amended to read as follows:

19 a. The corporation shall convert to a student loan the full amount of
20 the award given pursuant to this section, plus interest, according to a
21 schedule to be determined by the corporation if: (1) three years after
22 the completion of the degree program it is found that an applicant did
23 not begin to provide nursing faculty or clinical nurse faculty services;
24 (2) if such applicant does not provide nursing faculty or clinical nurs-
25 ing faculty services for four years within seven years of the completion
26 of the master's degree program in nursing or doctoral degree; or (3) the
27 student fails to receive a master's degree in nursing or doctoral degree
28 that will qualify them as nursing faculty or adjunct clinical faculty
29 within the three years of receiving the award. THE TERMS AND CONDITIONS
30 OF THIS SUBDIVISION SHALL BE DEFERRED FOR ANY INTERRUPTION IN GRADUATE
31 OR DOCTORAL STUDY OR EMPLOYMENT AS ESTABLISHED BY THE RULES AND REGU-
32 LATIONS OF THE CORPORATION. ANY OBLIGATION TO COMPLY WITH SUCH
33 PROVISIONS AS OUTLINED IN THIS SECTION SHALL BE CANCELLED UPON THE DEATH
34 OF THE RECIPIENT. NOTWITHSTANDING ANY PROVISIONS OF THIS SUBDIVISION TO
35 THE CONTRARY, THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND
36 REGULATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL
37 OBLIGATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

38 S 5. Subdivision 5 of section 669-d of the education law, as amended
39 by section 1 of part H1 of section 109 of the laws of 2006, is amended
40 to read as follows:

41 5. The corporation shall convert to a student loan the full amount of
42 the award given pursuant to this section, plus interest, according to a
43 schedule to be determined by the corporation if: (a) two years after the
44 completion of the degree program and receipt of initial certification it
45 is found that a recipient is not teaching in the field of math or
46 science in a school located within New York state providing secondary
47 education recognized by the board of regents or the university of the
48 state of New York; or (b) a recipient has not taught in the field of
49 math or science in a school located within New York state providing
50 secondary education recognized by the board of regents or the university
51 of the state of New York for five of the seven years after the
52 completion of the degree program and receipt of initial certification;
53 or (c) a recipient fails to complete their degree program or changes
54 majors to an undergraduate degree program other than in science or math;
55 or (d) a recipient fails to receive or maintain their teaching certifi-
56 cate or license in New York state; or (e) a recipient fails to respond

1 to requests by the corporation for the status of his or her academic or
2 professional progress. THE TERMS AND CONDITIONS OF THIS SUBDIVISION
3 SHALL BE DEFERRED FOR ANY INTERRUPTION IN UNDERGRADUATE OR GRADUATE
4 STUDY OR EMPLOYMENT AS ESTABLISHED BY THE RULES AND REGULATIONS OF THE
5 CORPORATION. ANY OBLIGATION TO COMPLY WITH SUCH PROVISIONS AS OUTLINED
6 IN THIS SECTION SHALL BE CANCELLED UPON THE DEATH OF THE RECIPIENT.
7 NOTWITHSTANDING ANY PROVISIONS OF THIS SUBDIVISION TO THE CONTRARY, THE
8 CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS TO PROVIDE
9 FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL OBLIGATION WHICH WOULD
10 INVOLVE EXTREME HARDSHIP.

11 S 6. This act shall take effect immediately; provided that the amend-
12 ments to paragraph a of subdivision 5 of section 679-c of the education
13 law made by section four of this act shall not affect the repeal of such
14 section and shall be deemed repealed therewith.

15 PART H

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

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

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

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

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

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

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

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

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

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

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

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

35 (C) THE DIRECTORS AND OFFICERS OF ANY FIRM ESTABLISHED FOR THE BUSI-
36 NESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION
37 PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTI-
38 CLE MAY INCLUDE INDIVIDUALS WHO ARE NOT LICENSED TO PRACTICE PUBLIC
39 ACCOUNTANCY, PROVIDED HOWEVER THAT AT LEAST FIFTY-ONE PERCENT OF THE
40 DIRECTORS, AT LEAST FIFTY-ONE PERCENT OF THE OFFICERS AND THE PRESIDENT,
41 THE CHAIRPERSON OF THE BOARD OF DIRECTORS AND THE CHIEF EXECUTIVE OFFI-
42 CER OR OFFICERS ARE AUTHORIZED BY LAW TO PRACTICE IN THIS STATE A
43 PROFESSION WHICH SUCH CORPORATION IS AUTHORIZED TO PRACTICE, AND ARE
44 EITHER SHAREHOLDERS OF SUCH CORPORATION OR ENGAGED IN THE PRACTICE OF
45 THEIR PROFESSIONS IN SUCH CORPORATION.

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

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

50 If any shareholder, director, officer or employee of a professional
51 service corporation, including a design professional service corpo-
52 ration, OR ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORAT-
53 ING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF
54 SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE, who has been rendering
55 professional service to the public becomes legally disqualified to prac-
56 tice his profession within this state, he shall sever all employment

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

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

20 (a) No shareholder of a professional service corporation [or], INCLUD-
21 ING a design professional service corporation, OR ANY FIRM ESTABLISHED
22 FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE
23 CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE
24 OF THIS ARTICLE, may sell or transfer his shares in such corporation
25 except to another individual who is eligible to have shares issued to
26 him by such corporation or except in trust to another individual who
27 would be eligible to receive shares if he were employed by the corpo-
28 ration. Nothing herein contained shall be construed to prohibit the
29 transfer of shares by operation of law or by court decree. No transfer-
30 ee of shares by operation of law or court decree may vote the shares for
31 any purpose whatsoever except with respect to corporate action under
32 sections 909 and 1001 of this chapter. The restriction in the preceding
33 sentence shall not apply, however, where such transferee would be eligi-
34 ble to have shares issued to him if he were an employee of the corpo-
35 ration and, if there are other shareholders, a majority of such other
36 shareholders shall fail to redeem the shares so transferred, pursuant to
37 section 1510 of this article, within sixty days of receiving written
38 notice of such transfer. Any sale or transfer, except by operation of
39 law or court decree or except for a corporation having only one share-
40 holder, may be made only after the same shall have been approved by the
41 board of directors, or at a shareholders' meeting specially called for
42 such purpose by such proportion, not less than a majority, of the
43 outstanding shares as may be provided in the certificate of incorpo-
44 ration or in the by-laws of such professional service corporation. At
45 such shareholders' meeting the shares held by the shareholder proposing
46 to sell or transfer his shares may not be voted or counted for any
47 purpose, unless all shareholders consent that such shares be voted or
48 counted. The certificate of incorporation or the by-laws of the profes-
49 sional service corporation, or the professional service corporation and
50 the shareholders by private agreement, may provide, in lieu of or in
51 addition to the foregoing provisions, for the alienation of shares and
52 may require the redemption or purchase of such shares by such corpo-
53 ration at prices and in a manner specifically set forth therein. The
54 existence of the restrictions on the sale or transfer of shares, as
55 contained in this article and, if applicable, in the certificate of
56 incorporation, by-laws, stock purchase or stock redemption agreement,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 "Professional partnership" means (1) a partnership without limited
40 partners each of whose partners is a professional authorized by law to
41 render a professional service within this state, (2) a partnership with-
42 out limited partners each of whose partners is a professional, at least
43 one of whom is authorized by law to render a professional service within
44 this state or (3) a partnership without limited partners authorized by,
45 or holding a license, certificate, registration or permit issued by the
46 licensing authority pursuant to the education law to render a profes-
47 sional service within this state; except that all partners of a profes-
48 sional partnership that provides medical services in this state must be
49 licensed pursuant to article 131 of the education law to practice medi-
50 cine in this state and all partners of a professional partnership that
51 provides dental services in this state must be licensed pursuant to
52 article 133 of the education law to practice dentistry in this state;
53 [and further] except that all partners of a professional partnership
54 that provides professional engineering, land surveying, geologic, archi-
55 tectural and/or landscape architectural services in this state must be
56 licensed pursuant to article 145, article 147 and/or article 148 of the

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

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

36 (q) Each partner of a registered limited liability partnership formed
37 to provide medical services in this state must be licensed pursuant to
38 article 131 of the education law to practice medicine in this state and
39 each partner of a registered limited liability partnership formed to
40 provide dental services in this state must be licensed pursuant to arti-
41 cle 133 of the education law to practice dentistry in this state. Each
42 partner of a registered limited liability partnership formed to provide
43 veterinary services in this state must be licensed pursuant to article
44 135 of the education law to practice veterinary medicine in this state.
45 EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO
46 PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS
47 IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE
48 LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC
49 ACCOUNTANCY IN THIS STATE. Each partner of a registered limited liabil-
50 ity partnership formed to provide professional engineering, land survey-
51 ing, architectural and/or landscape architectural services in this state
52 must be licensed pursuant to article 145, article 147 and/or article 148
53 of the education law to practice one or more of such professions in this
54 state. Each partner of a registered limited liability partnership formed
55 to provide licensed clinical social work services in this state must be
56 licensed pursuant to article 154 of the education law to practice clin-

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

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

48 (q) Each partner of a registered limited liability partnership formed
49 to provide medical services in this state must be licensed pursuant to
50 article 131 of the education law to practice medicine in this state and
51 each partner of a registered limited liability partnership formed to
52 provide dental services in this state must be licensed pursuant to arti-
53 cle 133 of the education law to practice dentistry in this state. Each
54 partner of a registered limited liability partnership formed to provide
55 veterinary services in this state must be licensed pursuant to article
56 135 of the education law to practice veterinary medicine in this state.

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

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

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

6 (q) Each partner of a foreign limited liability partnership which
7 provides medical services in this state must be licensed pursuant to
8 article 131 of the education law to practice medicine in the state and
9 each partner of a foreign limited liability partnership which provides
10 dental services in the state must be licensed pursuant to article 133 of
11 the education law to practice dentistry in this state. Each partner of a
12 foreign limited liability partnership which provides veterinary service
13 in the state shall be licensed pursuant to article 135 of the education
14 law to practice veterinary medicine in this state. Each partner of a
15 foreign limited liability partnership which provides professional engi-
16 neering, land surveying, architectural and/or landscape architectural
17 services in this state must be licensed pursuant to article 145, article
18 147 and/or article 148 of the education law to practice one or more of
19 such professions. EACH PARTNER OF A FOREIGN REGISTERED LIMITED LIABILITY
20 PARTNERSHIP FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCI-
21 PAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUN-
22 TANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCA-
23 TION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. Each partner of a
24 foreign limited liability partnership which provides licensed clinical
25 social work services in this state must be licensed pursuant to article
26 154 of the education law to practice licensed clinical social work in
27 this state. Each partner of a foreign limited liability partnership
28 which provides creative arts therapy services in this state must be
29 licensed pursuant to article 163 of the education law to practice crea-
30 tive arts therapy in this state. Each partner of a foreign limited
31 liability partnership which provides marriage and family therapy
32 services in this state must be licensed pursuant to article 163 of the
33 education law to practice marriage and family therapy in this state.
34 Each partner of a foreign limited liability partnership which provides
35 mental health counseling services in this state must be licensed pursu-
36 ant to article 163 of the education law to practice mental health coun-
37 seling in this state. Each partner of a foreign limited liability part-
38 nership which provides psychoanalysis services in this state must be
39 licensed pursuant to article 163 of the education law to practice
40 psychoanalysis in this state. Each partner of a foreign limited liabil-
41 ity partnership which provides applied behavior analysis services in
42 this state must be licensed or certified pursuant to article 167 of the
43 education law to practice applied behavior analysis in this state.
44 NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A FOREIGN LIMITED LIABILITY
45 PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUN-
46 TANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE
47 EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF
48 THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING
49 OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S
50 OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY
51 IN SOME STATE, AND (2) THAT ALL PARTNERS OF A FOREIGN LIMITED LIABILITY
52 PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO
53 ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A
54 VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE
55 PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW.
56 ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS

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

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

18 (q) Each partner of a foreign limited liability partnership which
19 provides medical services in this state must be licensed pursuant to
20 article 131 of the education law to practice medicine in the state and
21 each partner of a foreign limited liability partnership which provides
22 dental services in the state must be licensed pursuant to article 133 of
23 the education law to practice dentistry in this state. Each partner of
24 a foreign limited liability partnership which provides veterinary
25 service in the state shall be licensed pursuant to article 135 of the
26 education law to practice veterinary medicine in this state. Each part-
27 ner of a foreign limited liability partnership which provides profes-
28 sional engineering, land surveying, geological services, architectural
29 and/or landscape architectural services in this state must be licensed
30 pursuant to article 145, article 147 and/or article 148 of the education
31 law to practice one or more of such professions. EACH PARTNER OF A
32 FOREIGN REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE
33 PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN
34 THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE
35 LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC
36 ACCOUNTANCY IN THIS STATE. Each partner of a foreign limited liability
37 partnership which provides licensed clinical social work services in
38 this state must be licensed pursuant to article 154 of the education law
39 to practice licensed clinical social work in this state. Each partner of
40 a foreign limited liability partnership which provides creative arts
41 therapy services in this state must be licensed pursuant to article 163
42 of the education law to practice creative arts therapy in this state.
43 Each partner of a foreign limited liability partnership which provides
44 marriage and family therapy services in this state must be licensed
45 pursuant to article 163 of the education law to practice marriage and
46 family therapy in this state. Each partner of a foreign limited liabil-
47 ity partnership which provides mental health counseling services in this
48 state must be licensed pursuant to article 163 of the education law to
49 practice mental health counseling in this state. Each partner of a
50 foreign limited liability partnership which provides psychoanalysis
51 services in this state must be licensed pursuant to article 163 of the
52 education law to practice psychoanalysis in this state. Each partner of
53 a foreign limited liability partnership which provides applied behavior
54 analysis services in this state must be licensed or certified pursuant
55 to article 167 of the education law to practice applied behavior analy-
56 sis in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A FOREIGN

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

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

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

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

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

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

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

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

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

1 article 148 of the education law to practice one or more of such
2 professions in this state. WITH RESPECT TO A PROFESSIONAL SERVICE
3 LIMITED LIABILITY COMPANY FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES
4 AS SUCH SERVICES ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW EACH
5 MEMBER OF SUCH LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSI-
6 NESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST
7 BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE
8 PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a professional service
9 limited liability company formed to provide licensed clinical social
10 work services as such services are defined in article 154 of the educa-
11 tion law, each member of such limited liability company shall be
12 licensed pursuant to article 154 of the education law to practice
13 licensed clinical social work in this state. With respect to a profes-
14 sional service limited liability company formed to provide creative arts
15 therapy services as such services are defined in article 163 of the
16 education law, each member of such limited liability company must be
17 licensed pursuant to article 163 of the education law to practice crea-
18 tive arts therapy in this state. With respect to a professional service
19 limited liability company formed to provide marriage and family therapy
20 services as such services are defined in article 163 of the education
21 law, each member of such limited liability company must be licensed
22 pursuant to article 163 of the education law to practice marriage and
23 family therapy in this state. With respect to a professional service
24 limited liability company formed to provide mental health counseling
25 services as such services are defined in article 163 of the education
26 law, each member of such limited liability company must be licensed
27 pursuant to article 163 of the education law to practice mental health
28 counseling in this state. With respect to a professional service limited
29 liability company formed to provide psychoanalysis services as such
30 services are defined in article 163 of the education law, each member of
31 such limited liability company must be licensed pursuant to article 163
32 of the education law to practice psychoanalysis in this state. With
33 respect to a professional service limited liability company formed to
34 provide applied behavior analysis services as such services are defined
35 in article 167 of the education law, each member of such limited liabil-
36 ity company must be licensed or certified pursuant to article 167 of the
37 education law to practice applied behavior analysis in this state.
38 NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFESSIONAL SERVICE
39 LIMITED LIABILITY COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF
40 PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTI-
41 CLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE
42 MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS,
43 INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE
44 FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC
45 ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A LIMITED PROFES-
46 SIONAL SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSI-
47 NESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC
48 ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION
49 7404 OF ARTICLE 149 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS
50 LICENSED UNDER SECTION 7405 OF ARTICLE 149 OF THE EDUCATION LAW.
51 ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS
52 MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUN-
53 TANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS
54 SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE
55 WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS,"
56 OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM

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

10 S 15. Subdivisions (a) and (f) of section 1301 of the limited liabil-
11 ity company law, subdivision (a) as amended by chapter 554 of the laws
12 of 2013 and subdivision (f) as amended by chapter 170 of the laws of
13 1996, are amended to read as follows:

14 (a) "Foreign professional service limited liability company" means a
15 professional service limited liability company, whether or not denomi-
16 nated as such, organized under the laws of a jurisdiction other than
17 this state, (i) each of whose members and managers, if any, is a profes-
18 sional authorized by law to render a professional service within this
19 state and who is or has been engaged in the practice of such profession
20 in such professional service limited liability company or a predecessor
21 entity, or will engage in the practice of such profession in the profes-
22 sional service limited liability company within thirty days of the date
23 such professional becomes a member, or each of whose members and manag-
24 ers, if any, is a professional at least one of such members is author-
25 ized by law to render a professional service within this state and who
26 is or has been engaged in the practice of such profession in such
27 professional service limited liability company or a predecessor entity,
28 or will engage in the practice of such profession in the professional
29 service limited liability company within thirty days of the date such
30 professional becomes a member, or (ii) authorized by, or holding a
31 license, certificate, registration or permit issued by the licensing
32 authority pursuant to, the education law to render a professional
33 service within this state; except that all members and managers, if any,
34 of a foreign professional service limited liability company that
35 provides health services in this state shall be licensed in this state.
36 With respect to a foreign professional service limited liability company
37 which provides veterinary services as such services are defined in arti-
38 cle 135 of the education law, each member of such foreign professional
39 service limited liability company shall be licensed pursuant to article
40 135 of the education law to practice veterinary medicine. With respect
41 to a foreign professional service limited liability company which
42 provides medical services as such services are defined in article 131 of
43 the education law, each member of such foreign professional service
44 limited liability company must be licensed pursuant to article 131 of
45 the education law to practice medicine in this state. With respect to a
46 foreign professional service limited liability company which provides
47 dental services as such services are defined in article 133 of the
48 education law, each member of such foreign professional service limited
49 liability company must be licensed pursuant to article 133 of the educa-
50 tion law to practice dentistry in this state. With respect to a foreign
51 professional service limited liability company which provides profes-
52 sional engineering, land surveying, architectural and/or landscape
53 architectural services as such services are defined in article 145,
54 article 147 and article 148 of the education law, each member of such
55 foreign professional service limited liability company must be licensed
56 pursuant to article 145, article 147 and/or article 148 of the education

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

1 FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTI-
2 FIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH
3 NON-LICENSEE OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL
4 BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE
5 FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT
6 LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH
7 BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL
8 PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM
9 OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY
10 PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDI-
11 VIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.
12 (f) "Professional partnership" means (1) a partnership without limited
13 partners each of whose partners is a professional authorized by law to
14 render a professional service within this state, (2) a partnership with-
15 out limited partners each of whose partners is a professional, at least
16 one of whom is authorized by law to render a professional service within
17 this state or (3) a partnership without limited partners authorized by,
18 or holding a license, certificate, registration or permit issued by the
19 licensing authority pursuant to the education law to render a profes-
20 sional service within this state; except that all partners of a profes-
21 sional partnership that provides medical services in this state must be
22 licensed pursuant to article 131 of the education law to practice medi-
23 cine in this state and all partners of a professional partnership that
24 provides dental services in this state must be licensed pursuant to
25 article 133 of the education law to practice dentistry in this state;
26 except that all partners of a professional partnership that provides
27 veterinary services in this state must be licensed pursuant to article
28 135 of the education law to practice veterinary medicine in this state;
29 and further except that all partners of a professional partnership that
30 provides professional engineering, land surveying, architectural, and/or
31 landscape architectural services in this state must be licensed pursuant
32 to article 145, article 147 and/or article 148 of the education law to
33 practice one or more of such professions. WITH RESPECT TO A PROFESSIONAL
34 PARTNERSHIP WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES
35 ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW, EACH MEMBER OF SUCH
36 PROFESSIONAL PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS
37 STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, SHALL BE LICENSED
38 PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUN-
39 TANCY. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFESSIONAL PART-
40 NERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY,
41 AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCA-
42 TION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE
43 OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNER-
44 SHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS,
45 BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME
46 STATE, AND (2) THAT ALL MEMBERS OF A LIMITED PROFESSIONAL PARTNERSHIP,
47 WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED
48 IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID
49 LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC
50 ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH
51 FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST
52 COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY.
53 NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY
54 NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS
55 "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE
56 ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT

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

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

13 (a) "Foreign professional service limited liability company" means a
14 professional service limited liability company, whether or not denomi-
15 nated as such, organized under the laws of a jurisdiction other than
16 this state, (i) each of whose members and managers, if any, is a profes-
17 sional authorized by law to render a professional service within this
18 state and who is or has been engaged in the practice of such profession
19 in such professional service limited liability company or a predecessor
20 entity, or will engage in the practice of such profession in the profes-
21 sional service limited liability company within thirty days of the date
22 such professional becomes a member, or each of whose members and manag-
23 ers, if any, is a professional at least one of such members is author-
24 ized by law to render a professional service within this state and who
25 is or has been engaged in the practice of such profession in such
26 professional service limited liability company or a predecessor entity,
27 or will engage in the practice of such profession in the professional
28 service limited liability company within thirty days of the date such
29 professional becomes a member, or (ii) authorized by, or holding a
30 license, certificate, registration or permit issued by the licensing
31 authority pursuant to, the education law to render a professional
32 service within this state; except that all members and managers, if any,
33 of a foreign professional service limited liability company that
34 provides health services in this state shall be licensed in this state.
35 With respect to a foreign professional service limited liability company
36 which provides veterinary services as such services are defined in arti-
37 cle 135 of the education law, each member of such foreign professional
38 service limited liability company shall be licensed pursuant to article
39 135 of the education law to practice veterinary medicine. With respect
40 to a foreign professional service limited liability company which
41 provides medical services as such services are defined in article 131 of
42 the education law, each member of such foreign professional service
43 limited liability company must be licensed pursuant to article 131 of
44 the education law to practice medicine in this state. With respect to a
45 foreign professional service limited liability company which provides
46 dental services as such services are defined in article 133 of the
47 education law, each member of such foreign professional service limited
48 liability company must be licensed pursuant to article 133 of the educa-
49 tion law to practice dentistry in this state. With respect to a foreign
50 professional service limited liability company which provides profes-
51 sional engineering, land surveying, geologic, architectural and/or land-
52 scape architectural services as such services are defined in article
53 145, article 147 and article 148 of the education law, each member of
54 such foreign professional service limited liability company must be
55 licensed pursuant to article 145, article 147 and/or article 148 of the
56 education law to practice one or more of such professions in this state.

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

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

11 (f) "Professional partnership" means (1) a partnership without limited
12 partners each of whose partners is a professional authorized by law to
13 render a professional service within this state, (2) a partnership with-
14 out limited partners each of whose partners is a professional, at least
15 one of whom is authorized by law to render a professional service within
16 this state or (3) a partnership without limited partners authorized by,
17 or holding a license, certificate, registration or permit issued by the
18 licensing authority pursuant to the education law to render a profes-
19 sional service within this state; except that all partners of a profes-
20 sional partnership that provides medical services in this state must be
21 licensed pursuant to article 131 of the education law to practice medi-
22 cine in this state and all partners of a professional partnership that
23 provides dental services in this state must be licensed pursuant to
24 article 133 of the education law to practice dentistry in this state;
25 except that all partners of a professional partnership that provides
26 veterinary services in this state must be licensed pursuant to article
27 135 of the education law to practice veterinary medicine in this state;
28 and further except that all partners of a professional partnership that
29 provides professional engineering, land surveying, geologic, architec-
30 tural, and/or landscape architectural services in this state must be
31 licensed pursuant to article 145, article 147 and/or article 148 of the
32 education law to practice one or more of such professions. WITH RESPECT
33 TO A PROFESSIONAL PARTNERSHIP WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES
34 AS SUCH SERVICES ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW, EACH
35 MEMBER OF SUCH PROFESSIONAL PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSI-
36 NESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES,
37 SHALL BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRAC-
38 TICE PUBLIC ACCOUNTANCY. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A
39 PROFESSIONAL PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF
40 PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTI-
41 CLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE
42 MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS,
43 INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE
44 FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC
45 ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A LIMITED PROFES-
46 SIONAL PARTNERSHIP, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE,
47 AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE,
48 HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR
49 ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW.
50 ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS
51 MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUN-
52 TANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS
53 SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE
54 WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS,"
55 OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM
56 THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO

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

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

13

PART I

14 Section 1. Section 34 of chapter 91 of the laws of 2002, amending the
15 education law and other laws relating to reorganization of the New York
16 city school construction authority, board of education and community
17 boards, as amended by section 1 of subpart D of part B of chapter 20 of
18 the laws of 2015, is amended to read as follows:

19 S 34. This act shall take effect July 1, 2002; provided, that sections
20 one through twenty, twenty-four, and twenty-six through thirty of this
21 act shall expire and be deemed repealed June 30, [2016] 2019 provided,
22 further, that notwithstanding any provision of article 5 of the general
23 construction law, on June 30, [2016] 2019 the provisions of subdivisions
24 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs
25 b, d, and e of subdivision 15, and subdivisions 17 and 21 of section
26 2554 of the education law as repealed by section three of this act,
27 subdivision 1 of section 2590-b of the education law as repealed by
28 section six of this act, paragraph (a) of subdivision 2 of section
29 2590-b of the education law as repealed by section seven of this act,
30 section 2590-c of the education law as repealed by section eight of this
31 act, paragraph c of subdivision 2 of section 2590-d of the education law
32 as repealed by section twenty-six of this act, subdivision 1 of section
33 2590-e of the education law as repealed by section twenty-seven of this
34 act, subdivision 28 of section 2590-h of the education law as repealed
35 by section twenty-eight of this act, subdivision 30 of section 2590-h of
36 the education law as repealed by section twenty-nine of this act, subdi-
37 vision 30-a of section 2590-h of the education law as repealed by
38 section thirty of this act shall be revived and be read as such
39 provisions existed in law on the date immediately preceding the effec-
40 tive date of this act; provided, however, that sections seven and eight
41 of this act shall take effect on November 30, 2003; provided further
42 that the amendments to subdivision 25 of section 2554 of the education
43 law made by section two of this act shall be subject to the expiration
44 and reversion of such subdivision pursuant to section 12 of chapter 147
45 of the laws of 2001, as amended, when upon such date the provisions of
46 section four of this act shall take effect.

47 S 2. Subdivision 12 of section 17 of chapter 345 of the laws of 2009,
48 amending the education law and other laws relating to the New York city
49 board of education, chancellor, community councils, and community super-
50 intendants, as amended by section 2 of subpart D of part B of chapter 20
51 of the laws of 2015, is amended to read as follows:

52 12. any provision in sections one, two, three, four, five, six, seven,
53 eight, nine, ten and eleven of this act not otherwise set to expire
54 pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or

1 section 17 of chapter 123 of the laws of 2003, as amended, shall expire
2 and be deemed repealed June 30, [2016] 2019.

3 S 3. This act shall take effect immediately.

4 PART J

5 Section 1. Subdivision 1 of section 813 of the labor law, as amended
6 by chapter 55 of the laws of 1992, is amended to read as follows:

7 1. The governor shall appoint a state apprenticeship and training
8 council, composed of NOT MORE THAN three representatives from employer
9 organizations [and three from], AN EQUAL NUMBER OF REPRESENTATIVES FROM
10 employee organizations and [one representative] AN EQUAL NUMBER of the
11 general public[, who shall be the chairman]. THE REPRESENTATIVES OF THE
12 GENERAL PUBLIC SHALL INCLUDE REPRESENTATIVES OF PUBLIC COLLEGES, COMMU-
13 NITY COLLEGES OR BOARDS OF COOPERATIVE EDUCATIONAL SERVICES THAT HAVE
14 EXPERIENCE PROVIDING RELATED INSTRUCTION FOR APPRENTICESHIP PROGRAMS.
15 THE GOVERNOR SHALL DESIGNATE ONE OF THE PUBLIC MEMBERS AS THE CHAIR. The
16 council by majority vote may designate one of its members, other than
17 the [chairman] CHAIR, as [vice-chairman] VICE-CHAIR to act in the
18 absence or inability of the [chairman] CHAIR. Each member shall be
19 appointed for a term of three years. Each member shall hold office until
20 his or her successor is appointed and has qualified, and any vacancy
21 shall be filled by appointment for the unexpired portion of the term.
22 The present members of the council shall continue to hold office until
23 the expiration of their present terms or their earlier terminations by
24 resignation or inability to act. The commissioner of education, the
25 commissioner of labor and the commissioner of economic development shall
26 [ex officio be] BE EX OFFICIO members of such council without vote. The
27 members of the council shall not receive a salary or other compensation,
28 but shall be reimbursed for transportation and other expenses actually
29 and necessarily incurred in the performance of their duties under this
30 article.

31 S 2. This act shall take effect immediately.

32 PART K

33 Section 1. Subdivision 1 of section 652 of the labor law, as amended
34 by section 1 of part P of chapter 57 of the laws of 2013, is amended to
35 read as follows:

36 1. Statutory. Every employer shall pay to each of its employees for
37 each hour worked a wage of not less than:

38 [\$4.25 on and after April 1, 1991,
39 \$5.15 on and after March 31, 2000,
40 \$6.00 on and after January 1, 2005,
41 \$6.75 on and after January 1, 2006,]
42 \$7.15 on and after January 1, 2007,
43 \$8.00 on and after December 31, 2013,
44 \$8.75 on and after December 31, 2014,
45 \$9.00 on and after December 31, 2015,
46 \$9.75 ON AND AFTER JULY 1, 2016,
47 \$10.75 ON AND AFTER DECEMBER 31, 2016,
48 \$11.75 ON AND AFTER DECEMBER 31, 2017,
49 \$12.75 ON AND AFTER DECEMBER 31, 2018,
50 \$13.75 ON AND AFTER DECEMBER 31, 2019,
51 \$14.50 ON AND AFTER DECEMBER 31, 2020,
52 \$15.00 ON AND AFTER JULY 1, 2021,

1 or, if greater, such other wage as may be established by federal law
2 pursuant to 29 U.S.C. section 206 or its successors or such other wage
3 as may be established in accordance with the provisions of this article.

4 S 2. Subdivision 6 of section 652 of the labor law is REPEALED and a
5 new subdivision 6 is added to read as follows:

6 6. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, THE MINIMUM WAGE
7 FOR AN EMPLOYEE WHO WORKS IN A CITY WITH A POPULATION IN EXCESS OF ONE
8 MILLION SHALL BE PHASED-IN ON THE FOLLOWING ACCELERATED SCHEDULE:

9 \$10.50 PER HOUR ON AND AFTER JULY 1, 2016,

10 \$12.00 PER HOUR ON AND AFTER DECEMBER 31, 2016,

11 \$13.50 PER HOUR ON AND AFTER DECEMBER 31, 2017,

12 \$15.00 PER HOUR ON AND AFTER DECEMBER 31, 2018,

13 OR, IF GREATER, SUCH OTHER WAGE AS MAY BE ESTABLISHED UNDER, OR PROVIDED
14 FOR BY, SUBDIVISION ONE OF THIS SECTION. THE RATES AND SCHEDULE ESTAB-
15 LISHED ABOVE SHALL NOT BE DEEMED TO BE THE MINIMUM WAGE UNDER SUBDIVI-
16 SION ONE OF THIS SECTION FOR PURPOSES OF THE CALCULATIONS SPECIFIED IN
17 SUBDIVISION TWO OF THIS SECTION AND IN SUBDIVISIONS ONE AND TWO OF
18 SECTION FIVE HUNDRED TWENTY-SEVEN OF THIS CHAPTER.

19 S 3. This act shall take effect immediately provided, however, that
20 the provisions of section two of this act shall expire July 1, 2021 when
21 upon such date the provisions of such section shall be deemed repealed.

22

PART L

23 Section 1. Subdivision (a) of section 25-a of the labor law, as
24 amended by section 1 of part AA of chapter 56 of the laws of 2015, is
25 amended to read as follows:

26 (a) The commissioner is authorized to establish and administer the
27 program established under this section to provide tax incentives to
28 employers for employing at risk youth in part-time and full-time posi-
29 tions. There will be five distinct pools of tax incentives. Program one
30 will cover tax incentives allocated for two thousand twelve and two
31 thousand thirteen. Program two will cover tax incentives allocated in
32 two thousand fourteen. Program three will cover tax incentives allocated
33 in two thousand fifteen. Program four will cover tax incentives allo-
34 cated in two thousand sixteen. Program five will cover tax incentives
35 allocated in two thousand seventeen. The commissioner is authorized to
36 allocate up to twenty-five million dollars of tax credits under program
37 one, ten million dollars of tax credits under program two, [and] twenty
38 million dollars of tax credits under [each of programs] PROGRAM three,
39 AND FIFTY MILLION DOLLARS OF TAX CREDITS UNDER EACH OF PROGRAMS four[,]
40 and five.

41 S 2. Subdivision (b) of section 25-a of the labor law is amended by
42 adding a new paragraph 3 to read as follows:

43 (3) FOR PROGRAMS FOUR AND FIVE, THE TAX CREDIT UNDER EACH PROGRAM
44 SHALL BE ALLOCATED AS FOLLOWS: (I) FORTY MILLION DOLLARS OF TAX CREDIT
45 FOR QUALIFIED EMPLOYEES; AND (II) TEN MILLION DOLLARS OF TAX CREDIT FOR
46 INDIVIDUALS WHO MEET ALL OF THE REQUIREMENTS FOR A QUALIFIED EMPLOYEE
47 EXCEPT FOR THE RESIDENCY REQUIREMENT OF SUBPARAGRAPH (II) OF PARAGRAPH
48 TWO OF THIS SUBDIVISION, WHICH INDIVIDUALS SHALL BE DEEMED TO MEET THE
49 RESIDENCY REQUIREMENTS OF SUBPARAGRAPH (II) OF PARAGRAPH TWO OF THIS
50 SUBDIVISION IF THEY RESIDE IN NEW YORK STATE.

51 S 3. This act shall take effect immediately.

52

PART M

1 Section 1. Clause (G) of subparagraph (vii) of paragraph 2 of subdivi-
2 sion (d) of section 1089 of the family court act, as added by section 27
3 of part A of chapter 3 of the laws of 2005, is amended to read as
4 follows:

5 (G) where a child has or will before the next permanency hearing reach
6 the age of fourteen, (I) the services and assistance necessary to assist
7 the child in learning independent living skills TO ASSIST THE CHILD TO
8 MAKE THE TRANSITION FROM FOSTER CARE TO SUCCESSFUL ADULTHOOD; AND (II)
9 A. THAT THE PERMANENCY PLAN DEVELOPED FOR THE CHILD IN FOSTER CARE WHO
10 HAS ATTAINED THE AGE OF FOURTEEN, AND ANY REVISION OR ADDITION TO THE
11 PLAN, SHALL BE DEVELOPED IN CONSULTATION WITH THE CHILD AND, AT THE
12 OPTION OF THE CHILD, WITH UP TO TWO MEMBERS OF THE CHILD'S PERMANENCY
13 PLANNING TEAM WHO ARE SELECTED BY THE CHILD AND WHO ARE NOT A FOSTER
14 PARENT OF, OR THE CASE WORKER, CASE PLANNER OR CASE MANAGER FOR, THE
15 CHILD EXCEPT THAT THE LOCAL COMMISSIONER OF SOCIAL SERVICES WITH CUSTODY
16 OF THE CHILD MAY REJECT AN INDIVIDUAL SO SELECTED BY THE CHILD IF SUCH
17 LOCAL COMMISSIONER HAS GOOD CAUSE TO BELIEVE THAT THE INDIVIDUAL WOULD
18 NOT ACT IN THE BEST INTERESTS OF THE CHILD, AND B. THAT ONE INDIVIDUAL
19 SO SELECTED BY THE CHILD MAY BE DESIGNATED TO BE THE CHILD'S ADVISOR
20 AND, AS NECESSARY, ADVOCATE, WITH RESPECT TO THE APPLICATION OF THE
21 REASONABLE AND PRUDENT PARENT STANDARD TO THE CHILD; and

22 S 2. Paragraph (b) of subdivision 7 of section 355.5 of the family
23 court act, as amended by section 17 of part L of chapter 56 of the laws
24 of 2015, is amended to read as follows:

25 (b) in the case of a respondent who has attained the age of fourteen,
26 (I) the services needed, if any, to assist the respondent to make the
27 transition from foster care to [independent living] SUCCESSFUL ADULT-
28 HOOD; AND (II)(A) THAT THE PERMANENCY PLAN DEVELOPED FOR THE RESPONDENT,
29 AND ANY REVISION OR ADDITION TO THE PLAN, SHALL BE DEVELOPED IN CONSUL-
30 TATION WITH THE RESPONDENT AND, AT THE OPTION OF THE RESPONDENT, WITH UP
31 TO TWO MEMBERS OF THE RESPONDENT'S PERMANENCY PLANNING TEAM WHO ARE
32 SELECTED BY THE RESPONDENT AND WHO ARE NOT A FOSTER PARENT OF, OR CASE
33 WORKER, CASE PLANNER OR CASE MANAGER FOR, THE CHILD, EXCEPT THAT THE
34 LOCAL COMMISSIONER OF SOCIAL SERVICES WITH CUSTODY OF THE RESPONDENT OR
35 THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES IF SUCH
36 OFFICE HAS CUSTODY OF THE RESPONDENT MAY REJECT AN INDIVIDUAL SELECTED
37 BY THE RESPONDENT IF SUCH COMMISSIONER HAS GOOD CAUSE TO BELIEVE THAT
38 THE INDIVIDUAL WOULD NOT ACT IN THE BEST INTERESTS OF THE RESPONDENT,
39 AND (B) THAT ONE INDIVIDUAL SO SELECTED BY THE RESPONDENT MAY BE DESIG-
40 NATED TO BE THE RESPONDENT'S ADVISOR AND, AS NECESSARY, ADVOCATE, WITH
41 RESPECT TO THE APPLICATION OF THE REASONABLE AND PRUDENT PARENT
42 STANDARD;

43 S 3. Paragraph (ii) of subdivision (d) of section 756-a of the family
44 court act, as amended by section 22 of part L of chapter 56 of the laws
45 of 2015, is amended to read as follows:

46 (ii) in the case of a child who has attained the age of fourteen, (A)
47 the services needed, if any, to assist the child to make the transition
48 from foster care to [independent living] SUCCESSFUL ADULTHOOD; AND
49 (B)(1) THAT THE PERMANENCY PLAN DEVELOPED FOR THE CHILD, AND ANY
50 REVISION OR ADDITION TO THE PLAN SHALL BE DEVELOPED IN CONSULTATION WITH
51 THE CHILD AND, AT THE OPTION OF THE CHILD, WITH UP TO TWO ADDITIONAL
52 MEMBERS OF THE CHILD'S PERMANENCY PLANNING TEAM WHO ARE SELECTED BY THE
53 CHILD AND WHO ARE NOT A FOSTER PARENT OF, OR CASE WORKER, CASE PLANNER
54 OR CASE MANAGER FOR, THE CHILD, EXCEPT THAT THE LOCAL COMMISSIONER OF
55 SOCIAL SERVICES WITH CUSTODY OF THE CHILD MAY REJECT AN INDIVIDUAL SO
56 SELECTED BY THE CHILD IF SUCH COMMISSIONER HAS GOOD CAUSE TO BELIEVE

1 THAT THE INDIVIDUAL WOULD NOT ACT IN THE BEST INTERESTS OF THE CHILD,
2 AND (2) THAT ONE INDIVIDUAL SO SELECTED BY THE CHILD MAY BE DESIGNATED
3 TO BE THE CHILD'S ADVISOR AND, AS NECESSARY, ADVOCATE WITH RESPECT TO
4 THE APPLICATION OF THE REASONABLE AND PRUDENT PARENT STANDARD;

5 S 4. Subdivisions 1 and 2 of section 458-c of the social services law,
6 as added by section 4 of part F of chapter 58 of the laws of 2010, are
7 amended to read as follows:

8 1. A social services official shall make payments for non-recurring
9 guardianship expenses incurred by or on behalf of the relatives OR
10 SUCCESSOR GUARDIANS who have been approved by the social services offi-
11 cial to receive kinship guardianship assistance payments, when such
12 expenses are incurred in connection with assuming the guardianship of a
13 foster child OR A FORMER FOSTER CHILD IN REGARD TO SUCCESSOR GUARDIANS.
14 The agreement for the payment of non-recurring guardianship expenses
15 must be reflected in the written agreement set forth in subdivision four
16 of section four hundred fifty-eight-b of this title. In accordance with
17 subdivision two of this section, the payments shall be made by the
18 social services official either to the relative OR SUCCESSOR guardian or
19 guardians directly or to an attorney on behalf of the relative OR
20 SUCCESSOR guardian or guardians, AS APPLICABLE, for the allowable amount
21 of non-recurring guardianship expenses incurred in connection with
22 obtaining such guardianship.

23 2. The amount of the payment made pursuant to this section shall not
24 exceed two thousand dollars for each foster child for whom the
25 relatives, OR EACH FORMER FOSTER CHILD FOR WHOM THE SUCCESSOR GUARDIANS,
26 seek guardianship or permanent guardianship and shall be available only
27 for those expenses that are determined to be eligible for reimbursement
28 by the social services official in accordance with the regulations of
29 the office of children and family services.

30 S 5. The social services law is amended by adding a new section 383-a
31 to read as follows:

32 S 383-A. QUALIFIED IMMUNITY FROM LIABILITY FOR APPLICATION OF THE
33 REASONABLE AND PRUDENT PARENT STANDARD. 1. DEFINITIONS. AS USED IN THIS
34 SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

35 (A) "CAREGIVER" SHALL MEAN A FOSTER PARENT, THE EMPLOYEE OF A CHILD
36 CARE FACILITY OPERATED BY A VOLUNTARY AUTHORIZED AGENCY THAT IS DESIG-
37 NATED TO APPLY THE REASONABLE AND PRUDENT PARENT STANDARD, OR A LOCAL
38 DEPARTMENT OF SOCIAL SERVICES OR A VOLUNTARY AUTHORIZED AGENCY THAT IS
39 RESPONSIBLE FOR THE CARE OF A FOSTER CHILD AT THE RELEVANT TIME.

40 (B) "CHILD" SHALL MEAN A CHILD WHO IS IN FOSTER CARE OR WHO WAS IN
41 FOSTER CARE AT THE RELEVANT TIME.

42 (C) "CHILD CARE FACILITY" SHALL MEAN AN INSTITUTION, GROUP RESIDENCE,
43 GROUP HOME, AGENCY OPERATED BOARDING HOME, OR SUPERVISED INDEPENDENT
44 LIVING PROGRAM.

45 (D) "REASONABLE AND PRUDENT PARENT STANDARD" SHALL MEAN, IN ACCORDANCE
46 WITH 42 U.S.C. 675 AS AMENDED BY P.L. 113-183, THE STANDARD CHARACTER-
47 IZED BY CAREFUL AND SENSIBLE PARENTAL DECISIONS THAT MAINTAIN THE
48 HEALTH, SAFETY, AND BEST INTERESTS OF A CHILD WHILE AT THE SAME TIME
49 ENCOURAGING THE EMOTIONAL AND DEVELOPMENTAL GROWTH OF THE CHILD THAT A
50 CAREGIVER SHALL USE WHEN DETERMINING WHETHER TO ALLOW A CHILD IN FOSTER
51 CARE TO PARTICIPATE IN EXTRACURRICULAR, ENRICHMENT, CULTURAL OR SOCIAL
52 ACTIVITIES.

53 2. A CAREGIVER SHALL NOT BE LIABLE FOR INJURIES TO THE CHILD THAT
54 OCCUR AS A RESULT OF ACTING IN ACCORDANCE WITH THE REASONABLE AND
55 PRUDENT PARENT STANDARD AS DEFINED IN PARAGRAPH (D) OF SUBDIVISION ONE

1 OF THIS SECTION, UNLESS SUCH INJURIES WERE CAUSED BY GROSS NEGLIGENCE OR
2 WILLFUL AND WANTON MISCONDUCT ON THE PART OF SUCH CAREGIVER.

3 3. IN DETERMINING WHETHER THE REASONABLE AND PRUDENT PARENT STANDARD
4 WAS APPLIED BY A CAREGIVER IN RELATION TO A PARTICULAR CHILD, ANY GUID-
5 ANCE ISSUED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES OR THE UNITED
6 STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES IN ACCORDANCE WITH 42
7 U.S.C. 675 AS AMENDED BY P.L. 113-183, MAY BE CONSIDERED.

8 S 6. The opening paragraph of paragraph (e) of subdivision 2 of
9 section 378-a of the social services law, as amended by section 10 of
10 part L of chapter 56 of the laws of 2015, is amended to read as follows:

11 [After] EXCEPT AS SET FORTH IN PARAGRAPH (M) OF THIS SECTION, AFTER
12 reviewing any criminal history record information provided by the divi-
13 sion of criminal justice services, the office of children and family
14 services shall promptly notify the authorized agency or other state
15 agency that:

16 S 7. Subdivision 2 of section 378-a of the social services law is
17 amended by adding a new paragraph (m) to read as follows:

18 (M)(1) THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL NOT RELEASE
19 THE CONTENT OF THE RESULTS OF THE NATIONWIDE CRIMINAL HISTORY RECORD
20 CHECK CONDUCTED BY THE FEDERAL BUREAU OF INVESTIGATION IN ACCORDANCE
21 WITH THIS SUBDIVISION TO AN AUTHORIZED AGENCY, AS DEFINED IN PARAGRAPHS
22 (A) OR (C) OF SUBDIVISION TEN OF SECTION THREE HUNDRED SEVENTY-ONE OF
23 THIS TITLE.

24 (2) FOR ANY APPLICATION MADE TO SUCH AN AUTHORIZED AGENCY UNDER THIS
25 SUBDIVISION, THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL:

26 (A) REVIEW AND EVALUATE THE RESULTS OF THE NATIONWIDE CRIMINAL HISTORY
27 RECORD CHECK OF THE PROSPECTIVE FOSTER PARENT, PROSPECTIVE ADOPTIVE
28 PARENT AND ANY OTHER PERSON OVER THE AGE OF EIGHTEEN WHO RESIDES IN THE
29 HOME OF SUCH APPLICANT IN ACCORDANCE WITH THE STANDARDS SET FORTH IN
30 PARAGRAPH (E) OF THIS SUBDIVISION RELATING TO MANDATORY DISQUALIFYING
31 CONVICTIONS, HOLD IN ABEYANCE CHARGES OR CONVICTIONS, AND DISCRETIONARY
32 CHARGES AND CONVICTIONS; AND

33 (B) BASED ON THE RESULTS OF THE NATIONWIDE CRIMINAL HISTORY RECORD
34 CHECK, INFORM SUCH AUTHORIZED AGENCY THAT THE APPLICATION FOR CERTIF-
35 ICATION OR APPROVAL OF THE PROSPECTIVE FOSTER PARENT OR THE PROSPECTIVE
36 ADOPTIVE PARENT EITHER: (I) MUST BE DENIED; (II) MUST BE HELD IN ABEY-
37 ANCE PENDING SUBSEQUENT NOTIFICATION FROM THE OFFICE OF CHILDREN AND
38 FAMILY SERVICES; OR (III) THAT THE OFFICE OF CHILDREN AND FAMILY
39 SERVICES HAS NO OBJECTION, SOLELY BASED ON THE NATIONWIDE CRIMINAL
40 HISTORY RECORD CHECK, FOR THE AUTHORIZED AGENCY TO PROCEED WITH A DETER-
41 MINATION ON SUCH APPLICATION BASED ON THE STANDARDS FOR CERTIFICATION OR
42 APPROVAL OF A PROSPECTIVE FOSTER PARENT OR PROSPECTIVE ADOPTIVE PARENT,
43 AS SET FORTH IN THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY
44 SERVICES.

45 (3) WHERE THE OFFICE OF CHILDREN AND FAMILY SERVICES DIRECTS THE
46 AUTHORIZED AGENCY TO DENY THE APPLICATION OF A PROSPECTIVE FOSTER PARENT
47 OR A PROSPECTIVE ADOPTIVE PARENT IN ACCORDANCE WITH THIS PARAGRAPH, THE
48 OFFICE OF CHILDREN AND FAMILY SERVICES SHALL ALSO NOTIFY THE PROSPECTIVE
49 FOSTER PARENT, PROSPECTIVE ADOPTIVE PARENT OR OTHER PERSON OVER THE AGE
50 OF EIGHTEEN WHO RESIDED IN THE HOME OF THE APPLICANT WHOSE CRIMINAL
51 HISTORY WAS THE BASIS FOR THE DENIAL.

52 (4) THIS PARAGRAPH DOES NOT APPLY TO NATIONWIDE CRIMINAL HISTORY
53 RECORD CHECKS CONDUCTED BY THE FEDERAL BUREAU OF INVESTIGATION ON BEHALF
54 OF STATE AGENCIES OR AUTHORIZED AGENCIES, AS DEFINED IN PARAGRAPH (B) OF
55 SUBDIVISION TEN OF SECTION THREE HUNDRED SEVENTY-ONE OF THIS TITLE, OR

1 TO THE RESULTS OF STATEWIDE CRIMINAL HISTORY RECORD CHECKS CONDUCTED BY
2 THE DIVISION OF CRIMINAL JUSTICE SERVICES.

3 S 8. Severability. If any clause, sentence, paragraph, subdivision,
4 section or part contained in any part of this act shall be adjudged by
5 any court of competent jurisdiction to be invalid, such judgement shall
6 not affect, impair, or invalidate the remainder thereof, but shall be
7 confined in its operation to the clause, sentence, paragraph, subdivi-
8 sion, section or part contained in any part thereof directly involved in
9 the controversy in which such judgment shall have been rendered. It is
10 hereby declared to be the intent of the legislature that this act would
11 have been enacted even if such invalid provisions had not been included
12 herein.

13 S 9. This act shall take effect immediately, provided however that
14 sections six and seven of this act shall take effect on the ninetieth
15 day after it shall have become a law.

16 PART N

17 Section 1. The criminal procedure law is amended by adding a new arti-
18 cle 722 to read as follows:

19 ARTICLE 722

20 PROCEEDINGS AGAINST JUVENILE OFFENDERS; ESTABLISHMENT OF YOUTH

21 PART AND RELATED PROCEDURES

22 SECTION 722.00 PROBATION CASE PLANNING AND SERVICES.

23 722.10 YOUTH PART OF THE SUPERIOR COURT ESTABLISHED.

24 722.20 PROCEEDINGS IN A YOUTH PART OF THE SUPERIOR COURT.

25 S 722.00 PROBATION CASE PLANNING AND SERVICES.

26 1. EVERY PROBATION DEPARTMENT SHALL CONDUCT A RISK AND NEEDS ASSESS-
27 MENT WITH RESPECT TO ANY JUVENILE RELEASED ON RECOGNIZANCE, RELEASED
28 UNDER SUPERVISION, OR POSTING BAIL FOLLOWING ARRAIGNMENT BY A YOUTH PART
29 WITHIN ITS JURISDICTION. THE COURT SHALL ORDER ANY SUCH JUVENILE TO
30 REPORT WITHIN SEVEN CALENDAR DAYS TO THE PROBATION DEPARTMENT FOR
31 PURPOSES OF ASSESSMENT. BASED UPON THE ASSESSMENT FINDINGS, THE
32 PROBATION DEPARTMENT SHALL REFER THE JUVENILE TO AVAILABLE SPECIALIZED
33 AND EVIDENCE-BASED SERVICES TO MITIGATE ANY RISKS IDENTIFIED AND TO
34 ADDRESS INDIVIDUAL NEEDS.

35 2. ANY JUVENILE UNDERGOING SERVICES SHALL EXECUTE APPROPRIATE AND
36 NECESSARY CONSENT FORMS, WHERE APPLICABLE, TO ENSURE THAT THE PROBATION
37 DEPARTMENT MAY COMMUNICATE WITH ANY SERVICE PROVIDER AND RECEIVE
38 PROGRESS REPORTS WITH RESPECT TO SERVICES OFFERED AND/OR DELIVERED
39 INCLUDING, BUT NOT LIMITED TO, DIAGNOSIS, TREATMENT, PROGNOSIS, TEST
40 RESULTS, JUVENILE ATTENDANCE AND INFORMATION REGARDING JUVENILE COMPLI-
41 ANCE OR NONCOMPLIANCE WITH PROGRAM SERVICE REQUIREMENTS, IF ANY.

42 3. NOTHING SHALL PRECLUDE THE PROBATION DEPARTMENT AND JUVENILE FROM
43 ENTERING INTO A VOLUNTARY WRITTEN/FORMAL CASE PLAN AS TO TERMS AND
44 CONDITIONS TO BE MET, INCLUDING, BUT NOT LIMITED TO, REPORTING TO THE
45 PROBATION DEPARTMENT AND OTHER PROBATION DEPARTMENT CONTACTS, UNDERGOING
46 ALCOHOL, SUBSTANCE ABUSE, OR MENTAL HEALTH TESTING, PARTICIPATING IN
47 SPECIFIC SERVICES, ADHERING TO SERVICE PROGRAM REQUIREMENTS, AND SCHOOL
48 ATTENDANCE, WHERE APPLICABLE. FOLLOWING THE JUVENILE'S SUCCESSFUL
49 COMPLETION OF THE CONDITIONS OF HIS OR HER CASE PLAN, THE COURT, WITH
50 THE CONSENT OF THE DISTRICT ATTORNEY MAY DISMISS THE INDICTMENT OR ANY
51 COUNT THEREOF IN ACCORDANCE WITH SECTION 210.40 OF THIS CHAPTER.

52 4. WHEN PREPARING A PRE-SENTENCE INVESTIGATION REPORT OF ANY SUCH
53 YOUTH, THE PROBATION DEPARTMENT SHALL INCORPORATE A SUMMARY OF THE

1 ASSESSMENT FINDINGS, ANY REFERRALS AND PROGRESS WITH RESPECT TO MITIGAT-
2 ING RISK AND ADDRESSING ANY IDENTIFIED JUVENILE NEEDS.
3 S 722.10 YOUTH PART OF THE SUPERIOR COURT ESTABLISHED.

4 THE CHIEF ADMINISTRATOR OF THE COURTS IS HEREBY DIRECTED TO ESTABLISH,
5 IN A SUPERIOR COURT IN EACH COUNTY OF THE STATE THAT EXERCISES CRIMINAL
6 JURISDICTION, A PART OF COURT TO BE KNOWN AS THE YOUTH PART OF THE SUPE-
7 RIOR COURT FOR THE COUNTY IN WHICH SUCH COURT PRESIDES. JUDGES PRESID-
8 ING IN THE YOUTH PART SHALL RECEIVE TRAINING IN SPECIALIZED AREAS,
9 INCLUDING, BUT NOT LIMITED TO, JUVENILE JUSTICE, ADOLESCENT DEVELOPMENT
10 AND EFFECTIVE TREATMENT METHODS FOR REDUCING CRIME COMMISSION BY ADOLES-
11 CENTS. THE YOUTH PART SHALL HAVE EXCLUSIVE JURISDICTION OF ALL
12 PROCEEDINGS IN RELATION TO JUVENILE OFFENDERS, EXCEPT AS PROVIDED IN
13 SECTION 180.75 OF THIS CHAPTER.

14 S 722.20 PROCEEDINGS IN A YOUTH PART OF THE SUPERIOR COURT.

15 1. WHEN A JUVENILE OFFENDER IS ARRAIGNED BEFORE A YOUTH PART, THE
16 PROVISIONS OF THIS SECTION SHALL APPLY. IF THE YOUTH PART IS NOT IN
17 SESSION, THE DEFENDANT SHALL BE BROUGHT BEFORE THE MOST ACCESSIBLE
18 MAGISTRATE DESIGNATED BY THE APPELLATE DIVISION OF THE SUPREME COURT TO
19 ACT AS A YOUTH PART FOR THE PURPOSE OF MAKING A DETERMINATION WHETHER
20 SUCH JUVENILE SHALL BE DETAINED. IF THE DEFENDANT IS ORDERED TO BE
21 DETAINED, HE OR SHE SHALL BE BROUGHT BEFORE THE NEXT SESSION OF THE
22 YOUTH PART. IF THE DEFENDANT IS NOT DETAINED, HE OR SHE SHALL BE ORDERED
23 TO APPEAR AT THE NEXT SESSION OF THE YOUTH PART.

24 2. IF THE DEFENDANT WAIVES A HEARING UPON THE FELONY COMPLAINT, THE
25 COURT MUST ORDER THAT THE DEFENDANT BE HELD FOR THE ACTION OF THE GRAND
26 JURY WITH RESPECT TO THE CHARGE OR CHARGES CONTAINED IN THE FELONY
27 COMPLAINT.

28 3. IF THERE BE A HEARING, THEN AT THE CONCLUSION OF THE HEARING, THE
29 COURT MUST DISPOSE OF THE FELONY COMPLAINT AS FOLLOWS:

30 (A) IF THERE IS A REASONABLE CAUSE TO BELIEVE THAT THE DEFENDANT
31 COMMITTED A CRIME FOR WHICH A PERSON UNDER THE AGE OF SEVENTEEN, OR
32 COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, A PERSON UNDER THE AGE
33 OF EIGHTEEN IS CRIMINALLY RESPONSIBLE, THE COURT MUST ORDER THAT THE
34 DEFENDANT BE HELD FOR THE ACTION OF A GRAND JURY; OR

35 (B) IF THERE IS NOT REASONABLE CAUSE TO BELIEVE THAT THE DEFENDANT
36 COMMITTED A CRIME FOR WHICH A PERSON UNDER THE AGE OF SEVENTEEN, OR
37 COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, A PERSON UNDER THE AGE
38 OF EIGHTEEN IS CRIMINALLY RESPONSIBLE BUT THERE IS REASONABLE CAUSE TO
39 BELIEVE THAT THE DEFENDANT IS A "JUVENILE DELINQUENT" AS DEFINED IN
40 SUBDIVISION ONE OF SECTION 301.2 OF THE FAMILY COURT ACT, THE COURT MUST
41 SPECIFY THE ACT OR ACTS IT FOUND REASONABLE CAUSE TO BELIEVE THE DEFEND-
42 ANT DID AND DIRECT THAT THE ACTION BE REMOVED TO THE FAMILY COURT IN
43 ACCORDANCE WITH THE PROVISIONS OF ARTICLE SEVEN HUNDRED TWENTY-FIVE OF
44 THIS TITLE; OR

45 (C) IF THERE IS NOT REASONABLE CAUSE TO BELIEVE THAT THE DEFENDANT
46 COMMITTED ANY CRIMINAL ACT, THE COURT MUST DISMISS THE FELONY COMPLAINT
47 AND DISCHARGE THE DEFENDANT FROM CUSTODY IF HE OR SHE IS IN CUSTODY, OR
48 IF HE OR SHE IS AT LIBERTY ON BAIL, IT MUST EXONERATE THE BAIL.

49 4. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION THREE OF THIS
50 SECTION, A YOUTH PART SHALL, WITH THE CONSENT OF THE DISTRICT ATTORNEY,
51 (A) ORDER REMOVAL OF AN ACTION AGAINST A JUVENILE OFFENDER ACCUSED OF
52 ROBBERY IN THE SECOND DEGREE AS DEFINED IN SUBDIVISION TWO OF SECTION
53 160.10 OF THE PENAL LAW AND A JUVENILE OFFENDER ACCUSED OF COMMITTING A
54 VIOLENT FELONY OFFENSE AS DEFINED IN SECTION 70.02 OF THE PENAL LAW AT
55 AGE SIXTEEN, OR AFTER JANUARY FIRST, TWO THOUSAND NINETEEN, AT AGE
56 SIXTEEN OR SEVENTEEN, FOR WHICH A YOUTH AGE FIFTEEN OR YOUNGER IS NOT

1 CRIMINALLY RESPONSIBLE, TO THE FAMILY COURT PURSUANT TO THE PROVISIONS
2 OF ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THIS TITLE IF, AFTER CONSIDER-
3 ATION OF THE FACTORS SET FORTH IN PARAGRAPH (C) OF THIS SUBDIVISION, THE
4 COURT DETERMINES THAT TO DO SO WOULD BE IN THE INTERESTS OF JUSTICE.
5 PROVIDED, HOWEVER, THAT THE COURT SHALL FIND THAT SUCH REMOVAL IS NOT IN
6 THE INTERESTS OF JUSTICE IF THE YOUTH PLAYED A PRIMARY ROLE IN COMMIS-
7 SION OF THE CRIME OR AGGRAVATING CIRCUMSTANCES, INCLUDING BUT NOT LIMIT-
8 ED TO THE YOUTH'S USE OF A WEAPON, ARE PRESENT.

9 (B) AT THE REQUEST OF THE DISTRICT ATTORNEY, ORDER REMOVAL OF AN
10 ACTION AGAINST A JUVENILE OFFENDER, OTHER THAN AN ACTION SUBJECT TO
11 PARAGRAPH (A) OF THIS SUBDIVISION, TO THE FAMILY COURT PURSUANT TO THE
12 PROVISIONS OF ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THIS TITLE IF, UPON
13 CONSIDERATION OF THE CRITERIA SET FORTH IN PARAGRAPH (C) OF THIS SUBDI-
14 VISION, IT IS DETERMINED THAT TO DO SO WOULD BE IN THE INTERESTS OF
15 JUSTICE. WHERE, HOWEVER, THE FELONY COMPLAINT CHARGES THE JUVENILE
16 OFFENDER CHARGED WITH MURDER IN THE SECOND DEGREE AS DEFINED IN SECTION
17 125.25 OF THE PENAL LAW; RAPE IN THE FIRST DEGREE, AS DEFINED IN SUBDI-
18 VISION ONE OF SECTION 130.35 OF THE PENAL LAW; CRIMINAL SEXUAL ACT IN
19 THE FIRST DEGREE, AS DEFINED IN SUBDIVISION ONE OF SECTION 130.50 OF THE
20 PENAL LAW; COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE
21 AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION 130.75 OF THE
22 PENAL LAW; PREDATORY SEXUAL ASSAULT AS DEFINED IN SECTION 130.95 OF THE
23 PENAL LAW WHERE THE UNDERLYING CRIME IS RAPE IN THE FIRST DEGREE, AS
24 DEFINED IN SUBDIVISION ONE OF SECTION 130.35 OF THE PENAL LAW OR CRIMI-
25 NAL SEXUAL ACT IN THE FIRST DEGREE, AS DEFINED IN SUBDIVISION ONE OF
26 SECTION 130.50 OF THE PENAL LAW; OR AN ARMED FELONY AS DEFINED IN PARA-
27 GRAPH (A) OF SUBDIVISION FORTY-ONE OF SECTION 1.20 OF THIS CHAPTER, A
28 DETERMINATION THAT SUCH ACTION BE REMOVED TO THE FAMILY COURT SHALL, IN
29 ADDITION, BE BASED UPON A FINDING OF ONE OR MORE OF THE FOLLOWING
30 FACTORS: (I) MITIGATING CIRCUMSTANCES THAT BEAR DIRECTLY UPON THE MANNER
31 IN WHICH THE CRIME WAS COMMITTED; (II) WHERE THE DEFENDANT WAS NOT THE
32 SOLE PARTICIPANT IN THE CRIME, THE DEFENDANT'S PARTICIPATION WAS RELA-
33 TIVELY MINOR ALTHOUGH NOT SO MINOR AS TO CONSTITUTE A DEFENSE TO THE
34 PROSECUTION; OR (III) POSSIBLE DEFICIENCIES IN THE PROOF OF THE CRIME.

35 (C) IN MAKING ITS DETERMINATION PURSUANT TO PARAGRAPH (A) OF THIS
36 SUBDIVISION THE COURT SHALL, TO THE EXTENT APPLICABLE, EXAMINE INDIVID-
37 UALLY AND COLLECTIVELY, THE FOLLOWING:

38 (I) THE SERIOUSNESS AND CIRCUMSTANCES OF THE OFFENSE;

39 (II) THE EXTENT OF HARM CAUSED BY THE OFFENSE;

40 (III) THE EVIDENCE OF GUILT, WHETHER ADMISSIBLE OR INADMISSIBLE AT
41 TRIAL;

42 (IV) THE HISTORY, CHARACTER AND CONDITION OF THE DEFENDANT;

43 (V) THE PURPOSE AND EFFECT OF IMPOSING UPON THE DEFENDANT A SENTENCE
44 AUTHORIZED FOR THE OFFENSE;

45 (VI) THE IMPACT OF A REMOVAL OF THE CASE TO THE FAMILY COURT ON THE
46 SAFETY OR WELFARE OF THE COMMUNITY;

47 (VII) THE IMPACT OF A REMOVAL OF THE CASE TO THE FAMILY COURT UPON THE
48 CONFIDENCE OF THE PUBLIC IN THE CRIMINAL JUSTICE SYSTEM;

49 (VIII) WHERE THE COURT DEEMS IT APPROPRIATE, THE ATTITUDE OF THE
50 COMPLAINANT OR VICTIM WITH RESPECT TO THE MOTION; AND

51 (IX) ANY OTHER RELEVANT FACT INDICATING THAT A JUDGMENT OF CONVICTION
52 IN THE CRIMINAL COURT WOULD SERVE NO USEFUL PURPOSE.

53 (D) FOR THE PURPOSE OF MAKING A DETERMINATION WHETHER TO REMOVE THE
54 CASE TO FAMILY COURT PURSUANT TO THIS SUBDIVISION, ANY EVIDENCE WHICH IS
55 NOT LEGALLY PRIVILEGED MAY BE INTRODUCED. IF THE DEFENDANT TESTIFIES,
56 HIS OR HER TESTIMONY MAY NOT BE INTRODUCED AGAINST HIM OR HER IN ANY

1 FUTURE PROCEEDING, EXCEPT TO IMPEACH HIS OR HER TESTIMONY AT SUCH FUTURE
2 PROCEEDING AS INCONSISTENT PRIOR TESTIMONY.

3 (E) THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT THE POWERS OF THE
4 GRAND JURY.

5 S 2. The opening paragraph and subdivisions 2 and 3 of section 725.05
6 of the criminal procedure law, as added by chapter 481 of the laws of
7 1978, are amended to read as follows:

8 When a [court] YOUTH PART directs that an action or charge is to be
9 removed to the family court the [court] YOUTH PART must issue an order
10 of removal in accordance with this section. Such order must be as
11 follows:

12 2. Where the direction is authorized pursuant to paragraph (b) of
13 subdivision [three] TWO of section [180.75] 725.20 of this [chapter]
14 TITLE, it must specify the act or acts it found reasonable cause to
15 believe the defendant did.

16 3. Where the direction is authorized pursuant to subdivision [four]
17 THREE of section [180.75] 725.20 of this [chapter] TITLE, it must speci-
18 fy the act or acts it found reasonable cause to allege.

19 S 3. Section 725.20 of the criminal procedure law, as added by chapter
20 481 of the laws of 1978, subdivisions 1 and 2 as amended by chapter 411
21 of the laws of 1979, is amended to read as follows:

22 S 725.20 Record of certain actions removed.

23 1. The provisions of this section shall apply in any case where an
24 order of removal to the family court is entered pursuant to a direction
25 authorized by subdivision [four] THREE of THIS section [180.75], [or
26 section 210.43,] or subparagraph (iii) of paragraph [(h)] (G) of subdi-
27 vision five of section 220.10 of this chapter, or section 330.25 of this
28 chapter.

29 2. When such an action is removed the court that directed the removal
30 must cause the following additional records to be filed with the clerk
31 of the county court or in the city of New York with the clerk of the
32 supreme court of the county wherein the action was pending and with the
33 division of criminal justice services:

34 (a) A certified copy of the order of removal;

35 (b) [Where the direction is one authorized by subdivision four of
36 section 180.75 of this chapter, a copy of the statement of the district
37 attorney made pursuant to paragraph (b) of subdivision six of section
38 180.75 of this chapter;

39 (c) Where the direction is authorized by section 180.75, a copy of
40 the portion of the minutes containing the statement by the court pursu-
41 ant to paragraph (a) of subdivision six of such section 180.75;

42 (d) [Where the direction is one authorized by subparagraph (iii) of
43 paragraph [(h)] (G) of subdivision five of section 220.10 or section
44 330.25 of this chapter, a copy of the minutes of the plea of guilty,
45 including the minutes of the memorandum submitted by the district attor-
46 ney and the court;

47 [(e) Where the direction is one authorized by subdivision one of
48 section 210.43 of this chapter, a copy of that portion of the minutes
49 containing the statement by the court pursuant to paragraph (a) of
50 subdivision five of section 210.43;

51 (f) Where the direction is one authorized by paragraph (b) of subdi-
52 vision one of section 210.43 of this chapter, a copy of that portion of
53 the minutes containing the statement of the district attorney made
54 pursuant to paragraph (b) of subdivision five of section 210.43;] and

55 [(g)] (C) In addition to the records specified in this subdivision,
56 such further statement or submission of additional information pertain-

1 ing to the proceeding in criminal court in accordance with standards
2 established by the commissioner of the division of criminal justice
3 services, subject to the provisions of subdivision three of this
4 section.

5 3. It shall be the duty of said clerk to maintain a separate file for
6 copies of orders and minutes filed pursuant to this section. Upon
7 receipt of such orders and minutes the clerk must promptly delete such
8 portions as would identify the defendant, but the clerk shall neverthe-
9 less maintain a separate confidential system to enable correlation of
10 the documents so filed with identification of the defendant. After
11 making such deletions the orders and minutes shall be placed within the
12 file and must be available for public inspection. Information permit-
13 ting correlation of any such record with the identity of any defendant
14 shall not be divulged to any person except upon order of a justice of
15 the supreme court based upon a finding that the public interest or the
16 interests of justice warrant disclosure in a particular cause for a
17 particular case or for a particular purpose or use.

18 S 4. The article heading of article 100 of the criminal procedure law
19 is amended to read as follows:

20 COMMENCEMENT OF ACTION IN LOCAL
21 CRIMINAL COURT OR YOUTH PART OF A SUPERIOR COURT--[LOCAL
22 CRIMINAL COURT] ACCUSATORY INSTRUMENTS

23 S 5. The first undesignated paragraph of section 100.05 of the crimi-
24 nal procedure law is amended to read as follows:

25 A criminal action is commenced by the filing of an accusatory instru-
26 ment with a criminal court, OR, IN THE CASE OF A JUVENILE OFFENDER, THE
27 YOUTH PART OF THE SUPERIOR COURT, and if more than one such instrument
28 is filed in the course of the same criminal action, such action
29 commences when the first of such instruments is filed. The only way in
30 which a criminal action can be commenced in a superior court, OTHER THAN
31 A CRIMINAL ACTION AGAINST A JUVENILE OFFENDER, is by the filing there-
32 with by a grand jury of an indictment against a defendant who has never
33 been held by a local criminal court for the action of such grand jury
34 with respect to any charge contained in such indictment. Otherwise, a
35 criminal action can be commenced only in a local criminal court, by the
36 filing therewith of a local criminal court accusatory instrument, name-
37 ly:

38 S 6. The section heading and subdivision 5 of section 100.10 of the
39 criminal procedure law are amended to read as follows:

40 Local criminal court AND YOUTH PART OF THE SUPERIOR COURT accusatory
41 instruments; definitions thereof.

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

47 S 7. The section heading of section 100.40 of the criminal procedure
48 law is amended to read as follows:

49 Local criminal court AND YOUTH PART OF THE SUPERIOR COURT accusatory
50 instruments; sufficiency on face.

51 S 8. The criminal procedure law is amended by adding a new section
52 100.60 to read as follows:

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

55 ANY YOUTH PART OF THE SUPERIOR COURT ACCUSATORY INSTRUMENT MAY BE
56 FILED WITH THE YOUTH PART OF THE SUPERIOR COURT OF A PARTICULAR COUNTY

1 WHEN AN OFFENSE CHARGED THEREIN WAS ALLEGEDLY COMMITTED IN SUCH COUNTY
2 OR THAT PART THEREOF OVER WHICH SUCH COURT HAS JURISDICTION.

3 S 9. The article heading of article 110 of the criminal procedure law
4 is amended to read as follows:

5 REQUIRING DEFENDANT'S APPEARANCE
6 IN LOCAL CRIMINAL COURT OR YOUTH PART OF SUPERIOR COURT
7 FOR ARRAIGNMENT

8 S 10. Section 110.10 of the criminal procedure law is amended to read
9 as follows:

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

13 1. After a criminal action has been commenced in a local criminal
14 court OR YOUTH PART OF THE SUPERIOR COURT by the filing of an accusatory
15 instrument therewith, a defendant who has not been arraigned in the
16 action and has not come under the control of the court may under certain
17 circumstances be compelled or required to appear for arraignment upon
18 such accusatory instrument by:

19 (a) The issuance and execution of a warrant of arrest, as provided in
20 article one hundred twenty; or

21 (b) The issuance and service upon him of a summons, as provided in
22 article one hundred thirty; or

23 (c) Procedures provided in articles five hundred sixty, five hundred
24 seventy, five hundred eighty, five hundred ninety and six hundred for
25 securing attendance of defendants in criminal actions who are not at
26 liberty within the state.

27 2. Although no criminal action against a person has been commenced in
28 any court, he may under certain circumstances be compelled or required
29 to appear in a local criminal court OR YOUTH PART OF A SUPERIOR COURT
30 for arraignment upon an accusatory instrument to be filed therewith at
31 or before the time of his appearance by:

32 (a) An arrest made without a warrant, as provided in article one
33 hundred forty; or

34 (b) The issuance and service upon him of an appearance ticket, as
35 provided in article one hundred fifty.

36 S 11. Section 110.20 of the criminal procedure law, as amended by
37 chapter 843 of the laws of 1980, is amended to read as follows:

38 S 110.20 Local criminal court OR YOUTH PART OF THE SUPERIOR COURT accu-
39 satory instruments; notice thereof to district attorney.

40 When a criminal action in which a crime is charged is commenced in a
41 local criminal court, OR YOUTH PART OF THE SUPERIOR COURT other than the
42 criminal court of the city of New York, a copy of the accusatory instru-
43 ment shall be promptly transmitted to the appropriate district attorney
44 upon or prior to the arraignment of the defendant on the accusatory
45 instrument. If a police officer or a peace officer is the complainant
46 or the filer of a simplified information, or has arrested the defendant
47 or brought him before the local criminal court OR YOUTH PART OF THE
48 SUPERIOR COURT on behalf of an arresting person pursuant to subdivision
49 one of section 140.20, such officer or his agency shall transmit the
50 copy of the accusatory instrument to the appropriate district attorney.
51 In all other cases, the clerk of the court in which the defendant is
52 arraigned shall so transmit it.

53 S 12. The opening paragraph of subdivision 1 of section 120.20 of the
54 criminal procedure law, as amended by chapter 506 of the laws of 2000,
55 is amended to read as follows:

1 When a criminal action has been commenced in a local criminal court OR
2 YOUTH PART OF THE SUPERIOR COURT by the filing therewith of an accusato-
3 ry instrument, other than a simplified traffic information, against a
4 defendant who has not been arraigned upon such accusatory instrument and
5 has not come under the control of the court with respect thereto:

6 S 13. Section 120.30 of the criminal procedure law is amended to read
7 as follows:

8 S 120.30 Warrant of arrest; by what courts issuable and in what courts
9 returnable.

10 1. A warrant of arrest may be issued only by the local criminal court
11 OR YOUTH PART OF THE SUPERIOR COURT with which the underlying accusatory
12 instrument has been filed, and it may be made returnable in such issuing
13 court only.

14 2. The particular local criminal court or courts OR YOUTH PART OF THE
15 SUPERIOR COURT with which any particular local criminal court OR YOUTH
16 PART OF THE SUPERIOR COURT accusatory instrument may be filed for the
17 purpose of obtaining a warrant of arrest are determined, generally, by
18 the provisions of section 100.55 OR 100.60. If, however, a particular
19 accusatory instrument may pursuant to said section 100.55 be filed with
20 a particular town court and such town court is not available at the time
21 such instrument is sought to be filed and a warrant obtained, such accu-
22 satory instrument may be filed with the town court of any adjoining town
23 of the same county. If such instrument may be filed pursuant to said
24 section 100.55 with a particular village court and such village court is
25 not available at the time, it may be filed with the town court of the
26 town embracing such village, or if such town court is not available
27 either, with the town court of any adjoining town of the same county.

28 S 14. Section 120.55 of the criminal procedure law, as amended by
29 section 71 of subpart B of part C of chapter 62 of the laws of 2011, is
30 amended to read as follows:

31 S 120.55 Warrant of arrest; defendant under parole or probation super-
32 vision.

33 If the defendant named within a warrant of arrest issued by a local
34 criminal court OR YOUTH PART OF THE SUPERIOR COURT pursuant to the
35 provisions of this article, or by a superior court issued pursuant to
36 subdivision three of section 210.10 of this chapter, is under the super-
37 vision of the state department of corrections and community supervision
38 or a local or state probation department, then a warrant for his or her
39 arrest may be executed by a parole officer or probation officer, when
40 authorized by his or her probation director, within his or her geograph-
41 ical area of employment. The execution of the warrant by a parole offi-
42 cer or probation officer shall be upon the same conditions and conducted
43 in the same manner as provided for execution of a warrant by a police
44 officer.

45 S 15. Subdivision 1 of section 120.70 of the criminal procedure law is
46 amended to read as follows:

47 1. A warrant of arrest issued by a district court, by the New York
48 City criminal court, THE YOUTH PART OF A SUPERIOR COURT or by a superior
49 court judge sitting as a local criminal court may be executed anywhere
50 in the state.

51 S 16. Subdivisions 1 and 6 of section 120.90 of the criminal procedure
52 law, as amended by chapter 424 of the laws of 1998, are amended and a
53 new subdivision 5-a is added to read as follows:

54 1. Upon arresting a defendant for any offense pursuant to a warrant
55 of arrest in the county in which the warrant is returnable or in any
56 adjoining county, or upon so arresting him for a felony in any other

1 county, a police officer, if he be one to whom the warrant is addressed,
2 must without unnecessary delay bring the defendant before the local
3 criminal court OR YOUTH PART OF THE SUPERIOR COURT in which such warrant
4 is returnable.

5 5-A. WHENEVER A POLICE OFFICER IS REQUIRED, PURSUANT TO THIS SECTION,
6 TO BRING AN ARRESTED DEFENDANT BEFORE A YOUTH PART OF A SUPERIOR COURT
7 IN WHICH A WARRANT OF ARREST IS RETURNABLE, AND IF SUCH COURT IS NOT
8 AVAILABLE AT THE TIME, SUCH OFFICER MUST BRING SUCH DEFENDANT BEFORE THE
9 MOST ACCESSIBLE MAGISTRATE DESIGNATED BY THE APPELLATE DIVISION OF THE
10 SUPREME COURT IN THE APPLICABLE DEPARTMENT TO ACT AS A YOUTH PART.

11 6. Before bringing a defendant arrested pursuant to a warrant before
12 the local criminal court OR YOUTH PART OF A SUPERIOR COURT in which such
13 warrant is returnable, a police officer must without unnecessary delay
14 perform all fingerprinting and other preliminary police duties required
15 in the particular case. In any case in which the defendant is not
16 brought by a police officer before such court but, following his arrest
17 in another county for an offense specified in subdivision one of section
18 160.10, is released by a local criminal court of such other county on
19 his own recognizance or on bail for his appearance on a specified date
20 before the local criminal court before which the warrant is returnable,
21 the latter court must, upon arraignment of the defendant before it,
22 direct that he be fingerprinted by the appropriate officer or agency,
23 and that he appear at an appropriate designated time and place for such
24 purpose.

25 S 17. Subdivision 1 of section 130.10 of the criminal procedure law,
26 as amended by chapter 446 of the laws of 1993, is amended to read as
27 follows:

28 1. A summons is a process issued by a local criminal court directing a
29 defendant designated in an information, a prosecutor's information, a
30 felony complaint or a misdemeanor complaint filed with such court, OR A
31 YOUTH PART OF A SUPERIOR COURT DIRECTING A DEFENDANT DESIGNATED IN A
32 FELONY COMPLAINT, or by a superior court directing a defendant desig-
33 nated in an indictment filed with such court, to appear before it at a
34 designated future time in connection with such accusatory instrument.
35 The sole function of a summons is to achieve a defendant's court appear-
36 ance in a criminal action for the purpose of arraignment upon the accu-
37 satory instrument by which such action was commenced.

38 S 18. Section 130.30 of the criminal procedure law, as amended by
39 chapter 506 of the laws of 2000, is amended to read as follows:
40 S 130.30 Summons; when issuable.

41 A local criminal court OR YOUTH PART OF THE SUPERIOR COURT may issue a
42 summons in any case in which, pursuant to section 120.20, it is author-
43 ized to issue a warrant of arrest based upon an information, a
44 prosecutor's information, a felony complaint or a misdemeanor complaint.
45 If such information, prosecutor's information, felony complaint or
46 misdemeanor complaint is not sufficient on its face as prescribed in
47 section 100.40, and if the court is satisfied that on the basis of the
48 available facts or evidence it would be impossible to draw and file an
49 authorized accusatory instrument that is sufficient on its face, the
50 court must dismiss the accusatory instrument. A superior court may issue
51 a summons in any case in which, pursuant to section 210.10, it is
52 authorized to issue a warrant of arrest based upon an indictment.

53 S 19. Subdivision 1 of section 140.20 of the criminal procedure law is
54 amended by adding a new paragraph (e) to read as follows:

55 (E) IF THE ARREST IS FOR A PERSON UNDER THE AGE OF SEVENTEEN OR,
56 COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, A PERSON UNDER THE AGE

1 OF EIGHTEEN, SUCH PERSON SHALL BE BROUGHT BEFORE THE YOUTH PART OF THE
2 SUPERIOR COURT. IF THE YOUTH PART IS NOT IN SESSION, SUCH PERSON SHALL
3 BE BROUGHT BEFORE THE MOST ACCESSIBLE MAGISTRATE DESIGNATED BY THE
4 APPELLATE DIVISION OF THE SUPREME COURT IN THE APPLICABLE DEPARTMENT TO
5 ACT AS A YOUTH PART.

6 S 20. Subdivision 6 of section 140.20 of the criminal procedure law,
7 as added by chapter 411 of the laws of 1979, is amended to read as
8 follows:

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

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

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

28 (C) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PRESENT AT SUCH QUES-
29 TIONING; AND

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

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

37 S 21. Subdivision 2 of section 140.27 of the criminal procedure law,
38 as amended by chapter 843 of the laws of 1980, is amended to read as
39 follows:

40 2. Upon arresting a person without a warrant, a peace officer, except
41 as otherwise provided in subdivision three OR THREE-A, must without
42 unnecessary delay bring him or cause him to be brought before a local
43 criminal court, as provided in section 100.55 and subdivision one of
44 section 140.20, and must without unnecessary delay file or cause to be
45 filed therewith an appropriate accusatory instrument. If the offense
46 which is the subject of the arrest is one of those specified in subdivi-
47 sion one of section 160.10, the arrested person must be fingerprinted
48 and photographed as therein provided. In order to execute the required
49 post-arrest functions, such arresting peace officer may perform such
50 functions himself or he may enlist the aid of a police officer for the
51 performance thereof in the manner provided in subdivision one of section
52 140.20.

53 S 22. Section 140.27 of the criminal procedure law is amended by
54 adding a new subdivision 3-a to read as follows:

55 3-A. IF THE ARREST IS FOR A PERSON UNDER THE AGE OF SEVENTEEN OR,
56 COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, A PERSON UNDER THE AGE

1 OF EIGHTEEN, SUCH PERSON SHALL BE BROUGHT BEFORE THE YOUTH PART OF THE
2 SUPERIOR COURT. IF THE YOUTH PART IS NOT IN SESSION, SUCH PERSON SHALL
3 BE BROUGHT BEFORE THE MOST ACCESSIBLE MAGISTRATE DESIGNATED BY THE
4 APPELLATE DIVISION OF THE SUPREME COURT IN THE APPLICABLE DEPARTMENT TO
5 ACT AS A YOUTH PART.

6 S 23. Subdivision 5 of section 140.27 of the criminal procedure law,
7 as added by chapter 411 of the laws of 1979, is amended to read as
8 follows:

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

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

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

27 (C) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PRESENT AT SUCH QUES-
28 TIONING; AND

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

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

36 S 24. Subdivision 5 of section 140.40 of the criminal procedure law,
37 as added by chapter 411 of the laws of 1979, is amended to read as
38 follows:

39 5. If a police officer takes an arrested juvenile offender into
40 custody, the police officer shall immediately notify the parent or other
41 person legally responsible for his OR HER care or the person with whom
42 he OR SHE is domiciled, that the juvenile offender has been arrested,
43 and the location of the facility where he OR SHE is being detained. IF
44 THE OFFICER DETERMINES THAT IT IS NECESSARY TO QUESTION A JUVENILE
45 OFFENDER OR A CHILD UNDER EIGHTEEN YEARS OF AGE WHO FITS WITHIN THE
46 DEFINITION OF A JUVENILE OFFENDER AS DEFINED IN SECTION 30.00 OF THE
47 PENAL LAW THE OFFICER MUST TAKE THE JUVENILE TO A FACILITY DESIGNATED BY
48 THE CHIEF ADMINISTRATOR OF THE COURTS AS A SUITABLE PLACE FOR THE QUES-
49 TIONING OF CHILDREN OR, UPON THE CONSENT OF A PARENT OR OTHER PERSON
50 LEGALLY RESPONSIBLE FOR THE CARE OF THE JUVENILE, TO THE JUVENILE'S
51 RESIDENCE AND THERE QUESTION HIM OR HER FOR A REASONABLE PERIOD OF TIME.
52 A JUVENILE SHALL NOT BE QUESTIONED PURSUANT TO THIS SECTION UNLESS THE
53 JUVENILE AND A PERSON REQUIRED TO BE NOTIFIED PURSUANT TO THIS SUBDIVI-
54 SION, IF PRESENT, HAVE BEEN ADVISED:

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

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

3 (C) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PRESENT AT SUCH QUES-
4 TIONING; AND

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

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

12 S 25. Subdivisions 2, 3, 4, 5 and 6 of section 180.75 of the criminal
13 procedure law are REPEALED.

14 S 26. Subdivision 1 of section 180.75 of the criminal procedure law,
15 as added by chapter 481 of the laws of 1978, is amended to read as
16 follows:

17 1. When a juvenile offender is arraigned before [a local criminal
18 court] THE YOUTH PART OF A SUPERIOR COURT, the provisions of [this
19 section] ARTICLE SEVEN HUNDRED TWENTY-TWO OF THIS CHAPTER shall apply in
20 lieu of the provisions of sections 180.30, 180.50 and 180.70 of this
21 article.

22 S 27. The opening paragraph of section 180.80 of the criminal proce-
23 dure law, as amended by chapter 556 of the laws of 1982, is amended to
24 read as follows:

25 Upon application of a defendant against whom a felony complaint has
26 been filed with a local criminal court OR THE YOUTH PART OF A SUPERIOR
27 COURT, and who, since the time of his arrest or subsequent thereto, has
28 been held in custody pending disposition of such felony complaint, and
29 who has been confined in such custody for a period of more than one
30 hundred twenty hours or, in the event that a Saturday, Sunday or legal
31 holiday occurs during such custody, one hundred forty-four hours, with-
32 out either a disposition of the felony complaint or commencement of a
33 hearing thereon, the [local criminal] court must release him on his own
34 recognizance unless:

35 S 28. Subdivisions (a) and (b) of section 190.71 of the criminal
36 procedure law, subdivision (a) as amended by chapter 7 of the laws of
37 2007 and subdivision (b) as added by chapter 481 of the laws of 1978,
38 are amended to read as follows:

39 (a) Except as provided in subdivision six of section 200.20 of this
40 chapter, a grand jury may not indict (i) a person thirteen years of age
41 for any conduct or crime other than conduct constituting a crime defined
42 in subdivisions one and two of section 125.25 (murder in the second
43 degree) or such conduct as a sexually motivated felony, where authorized
44 pursuant to section 130.91 of the penal law; (ii) a person fourteen
45 [or], fifteen, SIXTEEN OR COMMENCING JANUARY FIRST, TWO THOUSAND NINE-
46 TEEN, SEVENTEEN years of age for any conduct or crime other than conduct
47 constituting a crime defined in subdivisions one and two of section
48 125.25 (murder in the second degree) and in subdivision three of such
49 section provided that the underlying crime for the murder charge is one
50 for which such person is criminally responsible; 135.25 (kidnapping in
51 the first degree); 150.20 (arson in the first degree); subdivisions one
52 and two of section 120.10 (assault in the first degree); 125.20
53 (manslaughter in the first degree); subdivisions one and two of section
54 130.35 (rape in the first degree); subdivisions one and two of section
55 130.50 (criminal sexual act in the first degree); 130.70 (aggravated
56 sexual abuse in the first degree); 140.30 (burglary in the first

1 degree); subdivision one of section 140.25 (burglary in the second
2 degree); 150.15 (arson in the second degree); 160.15 (robbery in the
3 first degree); subdivision two of section 160.10 (robbery in the second
4 degree) of the penal law; subdivision four of section 265.02 of the
5 penal law, where such firearm is possessed on school grounds, as that
6 phrase is defined in subdivision fourteen of section 220.00 of the penal
7 law; or section 265.03 of the penal law, where such machine gun or such
8 firearm is possessed on school grounds, as that phrase is defined in
9 subdivision fourteen of section 220.00 of the penal law; or defined in
10 the penal law as an attempt to commit murder in the second degree or
11 kidnapping in the first degree, or such conduct as a sexually motivated
12 felony, where authorized pursuant to section 130.91 of the penal law;
13 (III) A PERSON SIXTEEN OR COMMENCING JANUARY FIRST, TWO THOUSAND NINE-
14 TEEN, SEVENTEEN YEARS OF AGE FOR ANY CONDUCT OR CRIME OTHER THAN CONDUCT
15 CONSTITUTING AN OFFENSE SET FORTH IN THE VEHICLE AND TRAFFIC LAW; A
16 VIOLENT FELONY DEFINED IN SECTION 70.02 OF THE PENAL LAW; A CRIME THAT
17 IS CLASSIFIED AS A CLASS A FELONY EXCEPTING THOSE CLASS A FELONIES WHICH
18 REQUIRE, AS AN ELEMENT OF THE OFFENSE, THAT THE DEFENDANT BE EIGHTEEN
19 YEARS OF AGE OR OLDER; A CRIME DEFINED IN THE FOLLOWING SECTIONS OF THE
20 PENAL LAW: SECTION 120.03 (VEHICULAR ASSAULT IN THE SECOND DEGREE);
21 120.04 (VEHICULAR ASSAULT IN THE FIRST DEGREE); 120.04-A (AGGRAVATED
22 VEHICULAR ASSAULT); 125.10 (CRIMINALLY NEGLIGENT HOMICIDE); 125.11
23 (AGGRAVATED CRIMINALLY NEGLIGENT HOMICIDE); 125.12 (VEHICULAR
24 MANSLAUGHTER IN THE SECOND DEGREE); 125.13 (VEHICULAR MANSLAUGHTER IN
25 THE FIRST DEGREE); 125.14 (AGGRAVATED VEHICULAR HOMICIDE); 125.15
26 (MANSLAUGHTER IN THE SECOND DEGREE); 125.20 (MANSLAUGHTER IN THE FIRST
27 DEGREE); 125.21 (AGGRAVATED MANSLAUGHTER IN THE SECOND DEGREE); 125.22
28 (AGGRAVATED MANSLAUGHTER IN THE FIRST DEGREE); 130.70 (AGGRAVATED SEXUAL
29 ABUSE IN THE FIRST DEGREE); 130.75 (COURSE OF SEXUAL CONDUCT AGAINST A
30 CHILD IN THE FIRST DEGREE); 215.11 (TAMPERING WITH A WITNESS IN THE
31 THIRD DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON
32 IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE;
33 215.12 (TAMPERING WITH A WITNESS IN THE SECOND DEGREE) PROVIDED THAT THE
34 CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH
35 SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.13 (TAMPERING WITH A WITNESS
36 IN THE FIRST DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE
37 PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSI-
38 BLE; 215.52 (AGGRAVATED CRIMINAL CONTEMPT); 130.95 (PREDATORY SEXUAL
39 ASSAULT); 220.18 (CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE
40 SECOND DEGREE); 220.21 (CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN
41 THE FIRST DEGREE); 220.41 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN
42 THE SECOND DEGREE); 220.43 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN
43 THE FIRST DEGREE); 220.77 (OPERATING AS A MAJOR TRAFFICKER); 460.22
44 (AGGRAVATED ENTERPRISE CORRUPTION); 490.45 (CRIMINAL POSSESSION OF A
45 CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE FIRST DEGREE); 490.50
46 (CRIMINAL USE OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE SECOND
47 DEGREE); 490.55 (CRIMINAL USE OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAP-
48 ON IN THE FIRST DEGREE); ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED
49 IN SUBDIVISION TWO OF SECTION 130.91 OF THE PENAL LAW WHEN COMMITTED AS
50 A SEXUALLY MOTIVATED FELONY; ACTS CONSTITUTING A SPECIFIED OFFENSE
51 DEFINED IN SUBDIVISION THREE OF SECTION 490.05 OF THE PENAL LAW WHEN
52 COMMITTED AS AN ACT OF TERRORISM; ACTS CONSTITUTING A FELONY DEFINED IN
53 ARTICLE FOUR HUNDRED NINETY OF THE PENAL LAW; AND ACTS CONSTITUTING A
54 CRIME SET FORTH IN SUBDIVISION ONE OF SECTION 105.10 AND SECTION 105.15
55 OF THE PENAL LAW PROVIDED THAT THE UNDERLYING CRIME FOR THE CONSPIRACY
56 CHARGE IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE.

1 (b) A grand jury may vote to file a request to remove a charge to the
2 family court if it finds that a person [thirteen, fourteen or fifteen]
3 SIXTEEN, OR COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN
4 years of age OR YOUNGER did an act which, if done by a person over the
5 age of sixteen, OR COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN,
6 SEVENTEEN, would constitute a crime provided (1) such act is one for
7 which it may not indict; (2) it does not indict such person for a crime;
8 and (3) the evidence before it is legally sufficient to establish that
9 such person did such act and competent and admissible evidence before it
10 provides reasonable cause to believe that such person did such act.

11 S 29. Subdivision 6 of section 200.20 of the criminal procedure law,
12 as added by chapter 136 of the laws of 1980, is amended to read as
13 follows:

14 6. Where an indictment charges at least one offense against a defend-
15 ant who was under the age of [sixteen] SEVENTEEN, OR COMMENCING JANUARY
16 FIRST, TWO THOUSAND NINETEEN, EIGHTEEN at the time of the commission of
17 the crime and who did not lack criminal responsibility for such crime by
18 reason of infancy, the indictment may, in addition, charge in separate
19 counts one or more other offenses for which such person would not have
20 been criminally responsible by reason of infancy, if:

21 (a) the offense for which the defendant is criminally responsible and
22 the one or more other offenses for which he OR SHE would not have been
23 criminally responsible by reason of infancy are based upon the same act
24 or upon the same criminal transaction, as that term is defined in subdivi-
25 sion two of section 40.10 of this chapter; or

26 (b) the offenses are of such nature that either proof of the first
27 offense would be material and admissible as evidence in chief upon a
28 trial of the second, or proof of the second would be material and admis-
29 sible as evidence in chief upon a trial of the first.

30 S 30. The opening paragraph of subdivision 1 and subdivision 5 of
31 section 210.43 of the criminal procedure law, as added by chapter 411 of
32 the laws of 1979, are amended to read as follows:

33 After [a motion by a juvenile offender, pursuant to subdivision five
34 of section 180.75 of this chapter, or after] arraignment of a juvenile
35 offender upon an indictment, the superior court may, on motion of any
36 party or on its own motion:

37 [5. a. If the court orders removal of the action to family court, it
38 shall state on the record the factor or factors upon which its determi-
39 nation is based, and, the court shall give its reasons for removal in
40 detail and not in conclusory terms.

41 b. The district attorney shall state upon the record the reasons for
42 his consent to removal of the action to the family court. The reasons
43 shall be stated in detail and not in conclusory terms.]

44 S 31. Subparagraphs (i) and (iii) of paragraph (g) of subdivision 5 of
45 section 220.10 of the criminal procedure law, subparagraph (i) as
46 amended by chapter 410 of the laws of 1979 and subparagraph (iii) as
47 amended by chapter 264 of the laws of 2003, are amended to read as
48 follows:

49 (i) If the indictment charges a person fourteen [or], fifteen OR
50 SIXTEEN, OR COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN
51 years old with the crime of murder in the second degree any plea of
52 guilty entered pursuant to subdivision three or four must be a plea of
53 guilty of a crime for which the defendant is criminally responsible;

54 (iii) Where the indictment does not charge a crime specified in
55 subparagraph (i) of this paragraph, the district attorney may recommend
56 removal of the action to the family court. Upon making such recommenda-

1 tion the district attorney shall submit a subscribed memorandum setting
2 forth: (1) a recommendation that the interests of justice would best be
3 served by removal of the action to the family court; and (2) if the
4 indictment charges a thirteen year old with the crime of murder in the
5 second degree, or a fourteen [or], fifteen OR SIXTEEN YEAR OLD, OR
6 COMMENCING JANUARY FIRST TWO THOUSAND NINETEEN, SEVENTEEN year old with
7 the crimes of rape in the first degree as defined in subdivision one of
8 section 130.35 of the penal law, or criminal sexual act in the first
9 degree as defined in subdivision one of section 130.50 of the penal law,
10 or an armed felony as defined in paragraph (a) of subdivision forty-one
11 of section 1.20 of this chapter specific factors, one or more of which
12 reasonably supports the recommendation, showing, (i) mitigating circum-
13 stances that bear directly upon the manner in which the crime was
14 committed, or (ii) where the defendant was not the sole participant in
15 the crime, that the defendant's participation was relatively minor
16 although not so minor as to constitute a defense to the prosecution, or
17 (iii) possible deficiencies in proof of the crime, or (iv) where the
18 juvenile offender has no previous adjudications of having committed a
19 designated felony act, as defined in subdivision eight of section 301.2
20 of the family court act, regardless of the age of the offender at the
21 time of commission of the act, that the criminal act was not part of a
22 pattern of criminal behavior and, in view of the history of the offen-
23 der, is not likely to be repeated.

24 S 32. Subdivision 2 of section 410.40 of the criminal procedure law,
25 as amended by chapter 652 of the laws of 2008, is amended to read as
26 follows:

27 2. Warrant. (A) Where the probation officer has requested that a
28 probation warrant be issued, the court shall, within seventy-two hours
29 of its receipt of the request, issue or deny the warrant or take any
30 other lawful action including issuance of a notice to appear pursuant to
31 subdivision one of this section. If at any time during the period of a
32 sentence of probation or of conditional discharge the court has reason-
33 able grounds to believe that the defendant has violated a condition of
34 the sentence, the court may issue a warrant to a police officer or to an
35 appropriate peace officer directing him or her to take the defendant
36 into custody and bring the defendant before the court without unneces-
37 sary delay; provided, however, if the court in which the warrant is
38 returnable is a superior court, and such court is not available, and the
39 warrant is addressed to a police officer or appropriate probation offi-
40 cer certified as a peace officer, such executing officer may UNLESS
41 OTHERWISE SPECIFIED UNDER PARAGRAPH (B) OF THIS SECTION, bring the
42 defendant to the local correctional facility of the county in which such
43 court sits, to be detained there until not later than the commencement
44 of the next session of such court occurring on the next business day; or
45 if the court in which the warrant is returnable is a local criminal
46 court, and such court is not available, and the warrant is addressed to
47 a police officer or appropriate probation officer certified as a peace
48 officer, such executing officer must without unnecessary delay bring the
49 defendant before an alternate local criminal court, as provided in
50 subdivision five of section 120.90 of this chapter. A court which issues
51 such a warrant may attach thereto a summary of the basis for the
52 warrant. In any case where a defendant arrested upon the warrant is
53 brought before a local criminal court other than the court in which the
54 warrant is returnable, such local criminal court shall consider such
55 summary before issuing a securing order with respect to the defendant.

1 (B) IF THE COURT IN WHICH THE WARRANT IS RETURNABLE IS A SUPERIOR
2 COURT, AND SUCH COURT IS NOT AVAILABLE, AND THE WARRANT IS ADDRESSED TO
3 A POLICE OFFICER OR APPROPRIATE PROBATION OFFICER CERTIFIED AS A PEACE
4 OFFICER, SUCH EXECUTING OFFICER SHALL, WHERE A DEFENDANT IS SIXTEEN
5 YEARS OF AGE OR YOUNGER WHO ALLEGEDLY COMMITS AN OFFENSE OR A VIOLATION
6 OF HIS OR HER PROBATION OR CONDITIONAL DISCHARGE IMPOSED FOR AN OFFENSE
7 ON OR AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN, OR WHERE A DEFENDANT
8 IS SEVENTEEN YEARS OF AGE OR YOUNGER WHO ALLEGEDLY COMMITS AN OFFENSE OR
9 A VIOLATION OF HIS OR HER PROBATION OR CONDITIONAL DISCHARGE IMPOSED FOR
10 AN OFFENSE ON OR AFTER JANUARY FIRST, TWO THOUSAND NINETEEN, BRING THE
11 DEFENDANT TO A JUVENILE DETENTION FACILITY, TO BE DETAINED THERE UNTIL
12 NOT LATER THAN THE COMMENCEMENT OF THE NEXT SESSION OF SUCH COURT OCCUR-
13 RING ON THE NEXT BUSINESS DAY.

14 S 33. Section 410.60 of the criminal procedure law, as amended by
15 chapter 652 of the laws of 2008, is amended to read as follows:
16 S 410.60 Appearance before court.

17 (A) A person who has been taken into custody pursuant to section
18 410.40 or section 410.50 of this article for violation of a condition of
19 a sentence of probation or a sentence of conditional discharge must
20 forthwith be brought before the court that imposed the sentence. Where a
21 violation of probation petition and report has been filed and the person
22 has not been taken into custody nor has a warrant been issued, an
23 initial court appearance shall occur within ten business days of the
24 court's issuance of a notice to appear. If the court has reasonable
25 cause to believe that such person has violated a condition of the
26 sentence, it may commit him OR HER to the custody of the sheriff or fix
27 bail or release such person on his OR HER own recognizance for future
28 appearance at a hearing to be held in accordance with section 410.70 of
29 this article. If the court does not have reasonable cause to believe
30 that such person has violated a condition of the sentence, it must
31 direct that he OR SHE be released.

32 (B) A JUVENILE OFFENDER WHO HAS BEEN TAKEN INTO CUSTODY PURSUANT TO
33 SECTION 410.40 OR SECTION 410.50 OF THIS ARTICLE FOR VIOLATION OF A
34 CONDITION OF A SENTENCE OF PROBATION OR A SENTENCE OF CONDITIONAL
35 DISCHARGE MUST FORTHWITH BE BROUGHT BEFORE THE COURT THAT IMPOSED THE
36 SENTENCE. WHERE A VIOLATION OF PROBATION PETITION AND REPORT HAS BEEN
37 FILED AND THE PERSON HAS NOT BEEN TAKEN INTO CUSTODY NOR HAS A WARRANT
38 BEEN ISSUED, AN INITIAL COURT APPEARANCE SHALL OCCUR WITHIN TEN BUSINESS
39 DAYS OF THE COURT'S ISSUANCE OF A NOTICE TO APPEAR. IF THE COURT HAS
40 REASONABLE CAUSE TO BELIEVE THAT SUCH PERSON HAS VIOLATED A CONDITION OF
41 THE SENTENCE, IT MAY COMMIT HIM OR HER TO THE CUSTODY OF THE SHERIFF OR
42 FIX BAIL OR RELEASE SUCH PERSON ON HIS OR HER OWN RECOGNIZANCE FOR
43 FUTURE APPEARANCE AT A HEARING TO BE HELD IN ACCORDANCE WITH SECTION
44 410.70 OF THIS ARTICLE. PROVIDED, HOWEVER, NOTHING HEREIN SHALL AUTHOR-
45 IZE A JUVENILE TO BE DETAINED FOR A VIOLATION OF A CONDITION THAT WOULD
46 NOT CONSTITUTE A CRIME IF COMMITTED BY AN ADULT UNLESS THE COURT DETER-
47 MINES (I) THAT THE JUVENILE POSES A SPECIFIC IMMINENT THREAT TO PUBLIC
48 SAFETY AND STATES THE REASONS FOR THE FINDING ON THE RECORD OR (II) THE
49 JUVENILE IS ON PROBATION FOR AN ACT THAT WOULD CONSTITUTE A VIOLENT
50 FELONY AS DEFINED IN SECTION 70.02 OF THE PENAL LAW IF COMMITTED BY AN
51 ADULT AND THE USE OF GRADUATED SANCTIONS HAS BEEN EXHAUSTED WITHOUT
52 SUCCESS. IF THE COURT DOES NOT HAVE REASONABLE CAUSE TO BELIEVE THAT
53 SUCH PERSON HAS VIOLATED A CONDITION OF THE SENTENCE, IT MUST DIRECT
54 THAT THE JUVENILE BE RELEASED.

1 S 34. Subdivision 5 of section 410.70 of the criminal procedure law,
2 as amended by chapter 17 of the laws of 2014, is amended to read as
3 follows:

4 5. Revocation; modification; continuation. (A) At the conclusion of
5 the hearing the court may revoke, continue or modify the sentence of
6 probation or conditional discharge. Where the court revokes the
7 sentence, it must impose sentence as specified in subdivisions three and
8 four of section 60.01 of the penal law. Where the court continues or
9 modifies the sentence, it must vacate the declaration of delinquency and
10 direct that the defendant be released. If the alleged violation is
11 sustained and the court continues or modifies the sentence, it may
12 extend the sentence up to the period of interruption specified in subdi-
13 vision two of section 65.15 of the penal law, but any time spent in
14 custody in any correctional institution OR JUVENILE DETENTION FACILITY
15 pursuant to section 410.40 OR 410.60 of this article shall be credited
16 against the term of the sentence. Provided further, where the alleged
17 violation is sustained and the court continues or modifies the sentence,
18 the court may also extend the remaining period of probation up to the
19 maximum term authorized by section 65.00 of the penal law. Provided,
20 however, a defendant shall receive credit for the time during which he
21 or she was supervised under the original probation sentence prior to any
22 declaration of delinquency and for any time spent in custody pursuant to
23 this article for an alleged violation of probation.

24 (B) NOTWITHSTANDING PARAGRAPH (A) OF THIS SUBDIVISION, NOTHING HEREIN
25 SHALL AUTHORIZE THE PLACEMENT OF A JUVENILE FOR A VIOLATION OF A CONDI-
26 TION THAT WOULD NOT CONSTITUTE A CRIME IF COMMITTED BY AN ADULT UNLESS
27 THE COURT DETERMINES (I) THAT THE JUVENILE POSES A SPECIFIC IMMINENT
28 THREAT TO PUBLIC SAFETY AND STATES THE REASONS FOR THE FINDING ON THE
29 RECORD OR (II) THE JUVENILE IS ON PROBATION FOR AN ACT THAT WOULD
30 CONSTITUTE A VIOLENT FELONY AS DEFINED IN SECTION 70.02 OF THE PENAL LAW
31 IF COMMITTED BY AN ADULT AND THE USE OF GRADUATED SANCTIONS HAS BEEN
32 EXHAUSTED WITHOUT SUCCESS.

33 S 35. The criminal procedure law is amended by adding a new section
34 410.90-a to read as follows:

35 S 410.90-A SUPERIOR COURT; YOUTH PART.

36 NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ARTICLE, ALL PROCEEDINGS
37 RELATING TO A JUVENILE OFFENDER SHALL BE HEARD IN THE YOUTH PART OF THE
38 SUPERIOR COURT HAVING JURISDICTION AND ANY INTRASTATE TRANSFERS UNDER
39 THIS ARTICLE SHALL BE BETWEEN COURTS DESIGNATED AS A YOUTH PART PURSUANT
40 TO ARTICLE SEVEN HUNDRED TWENTY-TWO OF THIS CHAPTER.

41 S 36. Section 510.15 of the criminal procedure law, as amended by
42 chapter 411 of the laws of 1979, subdivision 1 as designated and subdi-
43 vision 2 as added by chapter 359 of the laws of 1980, is amended to read
44 as follows:

45 S 510.15 Commitment of principal under [sixteen] SEVENTEEN OR EIGHTEEN.

46 1. When a principal who is (A) under the age of sixteen; OR (B)
47 COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN A PRINCIPAL WHO IS UNDER
48 THE AGE OF SEVENTEEN WHO COMMITTED AN OFFENSE ON OR AFTER JANUARY FIRST,
49 TWO THOUSAND EIGHTEEN; OR (C) COMMENCING JANUARY FIRST, TWO THOUSAND
50 NINETEEN, A PRINCIPAL WHO IS UNDER THE AGE OF EIGHTEEN WHO COMMITTED AN
51 OFFENSE ON OR AFTER JANUARY FIRST, TWO THOUSAND NINETEEN, is committed
52 to the custody of the sheriff the court must direct that the principal
53 be taken to and lodged in a place certified by the [state division for
54 youth] OFFICE OF CHILDREN AND FAMILY SERVICES as a juvenile detention
55 facility for the reception of children. Where such a direction is made
56 the sheriff shall deliver the principal in accordance therewith and such

1 person shall although lodged and cared for in a juvenile detention
2 facility continue to be deemed to be in the custody of the sheriff. No
3 principal under the age [of sixteen] SPECIFIED to whom the provisions of
4 this section may apply shall be detained in any prison, jail, lockup, or
5 other place used for adults convicted of a crime or under arrest and
6 charged with the commission of a crime without the approval of the
7 [state division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES in the
8 case of each principal and the statement of its reasons therefor. The
9 sheriff shall not be liable for any acts done to or by such principal
10 resulting from negligence in the detention of and care for such princi-
11 pal, when the principal is not in the actual custody of the sheriff.

12 2. Except upon consent of the defendant or for good cause shown, in
13 any case in which a new securing order is issued for a principal previ-
14 ously committed to the custody of the sheriff pursuant to this section,
15 such order shall further direct the sheriff to deliver the principal
16 from a juvenile detention facility to the person or place specified in
17 the order.

18 S 37. Subdivision 1 of section 720.10 of the criminal procedure law,
19 as amended by chapter 411 of the laws of 1979, is amended to read as
20 follows:

21 1. "Youth" means a person charged with a crime alleged to have been
22 committed when he OR SHE was at least sixteen years old and less than
23 [nineteen] TWENTY-ONE years old or a person charged with being a juve-
24 nile offender as defined in subdivision forty-two of section 1.20 of
25 this chapter.

26 S 38. Section 30.00 of the penal law, as amended by chapter 481 of the
27 laws of 1978, subdivision 2 as amended by chapter 7 of the laws of 2007,
28 is amended to read as follows:

29 S 30.00 Infancy.

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

34 2. A person thirteen, fourteen [or], fifteen, OR SIXTEEN YEARS OF AGE
35 OR, COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, A PERSON SEVENTEEN
36 years of age is criminally responsible for acts constituting murder in
37 the second degree as defined in subdivisions one and two of section
38 125.25 and in subdivision three of such section provided that the under-
39 lying crime for the murder charge is one for which such person is crimi-
40 nally responsible or for such conduct as a sexually motivated felony,
41 where authorized pursuant to section 130.91 of [the penal law] THIS
42 CHAPTER; and a person fourteen [or], fifteen, OR SIXTEEN YEARS OF AGE
43 OR, COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN years of
44 age is criminally responsible for acts constituting the crimes defined
45 in section 135.25 (kidnapping in the first degree); 150.20 (arson in the
46 first degree); subdivisions one and two of section 120.10 (assault in
47 the first degree); 125.20 (manslaughter in the first degree); subdivi-
48 sions one and two of section 130.35 (rape in the first degree); subdivi-
49 sions one and two of section 130.50 (criminal sexual act in the first
50 degree); 130.70 (aggravated sexual abuse in the first degree); 140.30
51 (burglary in the first degree); subdivision one of section 140.25
52 (burglary in the second degree); 150.15 (arson in the second degree);
53 160.15 (robbery in the first degree); subdivision two of section 160.10
54 (robbery in the second degree) of this chapter; or section 265.03 of
55 this chapter, where such machine gun or such firearm is possessed on
56 school grounds, as that phrase is defined in subdivision fourteen of

1 section 220.00 of this chapter; or defined in this chapter as an attempt
2 to commit murder in the second degree or kidnapping in the first degree,
3 or for such conduct as a sexually motivated felony, where authorized
4 pursuant to section 130.91 of [the penal law] THIS CHAPTER.

5 3. A PERSON SIXTEEN OR, COMMENCING JANUARY FIRST, TWO THOUSAND NINE-
6 TEEN, SEVENTEEN YEARS OLD IS CRIMINALLY RESPONSIBLE FOR ACTS CONSTITUT-
7 ING AN OFFENSE SET FORTH IN THE VEHICLE AND TRAFFIC LAW; ACTS CONSTITUT-
8 ING A VIOLENT FELONY DEFINED IN SECTION 70.02 OF THIS CHAPTER; ACTS
9 CONSTITUTING ANY CRIME IN THIS CHAPTER THAT IS CLASSIFIED AS A CLASS A
10 FELONY EXCEPTING THOSE CLASS A FELONIES WHICH REQUIRE, AS AN ELEMENT OF
11 THE OFFENSE, THAT THE DEFENDANT BE EIGHTEEN YEARS OF AGE OR OLDER; ACTS
12 CONSTITUTING THE CRIMES DEFINED IN SECTION 120.03 (VEHICULAR ASSAULT IN
13 THE SECOND DEGREE); 120.04 (VEHICULAR ASSAULT IN THE FIRST DEGREE);
14 120.04-A (AGGRAVATED VEHICULAR ASSAULT); 125.10 (CRIMINALLY NEGLIGENT
15 HOMICIDE); 125.11 (AGGRAVATED CRIMINALLY NEGLIGENT HOMICIDE); 125.12
16 (VEHICULAR MANSLAUGHTER IN THE SECOND DEGREE); 125.13 (VEHICULAR
17 MANSLAUGHTER IN THE FIRST DEGREE); 125.14 (AGGRAVATED VEHICULAR
18 MANSLAUGHTER); 125.15 (MANSLAUGHTER IN THE SECOND DEGREE); 125.20
19 (MANSLAUGHTER IN THE FIRST DEGREE); 125.21 (AGGRAVATED MANSLAUGHTER IN
20 THE SECOND DEGREE); 125.22 (AGGRAVATED MANSLAUGHTER IN THE FIRST
21 DEGREE); 130.70 (AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE); 130.75
22 (COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE); 215.11
23 (TAMPERING WITH A WITNESS IN THE THIRD DEGREE) PROVIDED THAT THE CRIMI-
24 NAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH
25 PERSON IS CRIMINALLY RESPONSIBLE; 215.12 (TAMPERING WITH A WITNESS IN
26 THE SECOND DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE
27 PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSI-
28 BLE; 215.13 (TAMPERING WITH A WITNESS IN THE FIRST DEGREE) PROVIDED THAT
29 THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR
30 WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.52 (AGGRAVATED CRIMINAL
31 CONTEMPT); ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION
32 TWO OF SECTION 130.91 OF THIS CHAPTER WHEN COMMITTED AS A SEXUALLY MOTI-
33 VATED FELONY; 130.95 (PREDATORY SEXUAL ASSAULT); 220.18 (CRIMINAL
34 POSSESSION OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE); 220.21
35 (CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE);
36 220.41 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE);
37 220.43 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE);
38 220.77 (OPERATING AS A MAJOR TRAFFICKER); 460.22 (AGGRAVATED ENTERPRISE
39 CORRUPTION); 490.45 (CRIMINAL POSSESSION OF A CHEMICAL WEAPON OR A
40 BIOLOGICAL WEAPON IN THE FIRST DEGREE); 490.50 (CRIMINAL USE OF A CHEMI-
41 CAL WEAPON OR A BIOLOGICAL WEAPON IN THE SECOND DEGREE); 490.55 (CRIMI-
42 NAL USE OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE FIRST
43 DEGREE); ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION
44 THREE OF SECTION 490.05 OF THIS CHAPTER WHEN COMMITTED AS AN ACT OF
45 TERRORISM; ACTS CONSTITUTING A FELONY DEFINED IN ARTICLE 490 OF THIS
46 CHAPTER; AND ACTS CONSTITUTING A CRIME SET FORTH IN SUBDIVISION ONE OF
47 SECTION 105.10 AND SECTION 105.15 PROVIDED THAT THE UNDERLYING CRIME FOR
48 THE CONSPIRACY CHARGE IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPON-
49 SIBLE.

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

52 S 39. Subdivision 2 of section 60.02 of the penal law, as amended by
53 chapter 471 of the laws of 1980, is amended to read as follows:

54 (2) If the sentence is to be imposed upon a youthful offender finding
55 which has been substituted for a conviction for any felony, AND THE
56 PERSON IS EIGHTEEN YEARS OF AGE OR YOUNGER, the court must impose a

1 sentence authorized to be imposed upon a person convicted of a class E
2 felony provided, however, that (A) the court must not impose a sentence
3 of [conditional discharge or] unconditional discharge if the youthful
4 offender finding was substituted for a conviction of a felony defined in
5 article two hundred twenty of this chapter; AND (B) NOTWITHSTANDING
6 PARAGRAPH (E) OF SUBDIVISION TWO OF SECTION 70.00 OF THIS TITLE, IF A
7 TERM OF IMPRISONMENT IS IMPOSED, SUCH TERM SHALL BE A DEFINITE SENTENCE
8 OF ONE YEAR OR LESS, OR A DETERMINATE SENTENCE, THE TERM OF WHICH MUST
9 BE AT LEAST ONE YEAR AND MUST NOT EXCEED THREE YEARS, AND MUST INCLUDE,
10 AS A PART THEREOF, A PERIOD OF POST RELEASE SUPERVISION IN ACCORDANCE
11 WITH SUBDIVISION TWO-B OF SECTION 70.45 OF THIS TITLE. IN ANY CASE,
12 WHERE A COURT IMPOSES A SENTENCE OF IMPRISONMENT IN CONJUNCTION WITH A
13 SENTENCE OF PROBATION OR CONDITIONAL DISCHARGE, SUCH IMPRISONMENT TERM
14 SHALL NOT BE IN EXCESS OF SIX MONTHS, OR IN THE CASE OF AN INTERMITTENT
15 TERM, NOT IN EXCESS OF FOUR MONTHS IN ACCORDANCE WITH PARAGRAPH (D) OF
16 SUBDIVISION TWO OF SECTION 60.01 OF THIS ARTICLE. IF THE SENTENCE IS TO
17 BE IMPOSED UPON A YOUTHFUL OFFENDER FINDING WHICH HAS BEEN SUBSTITUTED
18 FOR A CONVICTION OF ANY FELONY, AND THE PERSON IS NINETEEN OR TWENTY
19 YEARS OF AGE, THE COURT MUST SENTENCE SUCH PERSON PURSUANT TO THE
20 PROVISIONS OF THIS ARTICLE APPLICABLE TO A PERSON TWENTY-ONE YEARS OF
21 AGE OR OLDER CONVICTED OF THE SAME OFFENSE.

22 S 40. Section 60.10 of the penal law, as amended by chapter 411 of the
23 laws of 1979, is amended to read as follows:

24 S 60.10 Authorized disposition; juvenile offender.

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

35 2. Subdivision one of this section shall apply when sentencing a juve-
36 nile offender notwithstanding the provisions of any other law that deals
37 with the authorized sentence for persons who are not juvenile offenders.
38 Provided, however, that the limitation prescribed by this section shall
39 not be deemed or construed to bar use of a conviction of a juvenile
40 offender, other than a juvenile offender who has been adjudicated a
41 youthful offender pursuant to section 720.20 of the criminal procedure
42 law, as a previous or predicate felony offender under section 70.04,
43 70.06, 70.07, 70.08 [or], 70.10, 70.70, 70.71, 70.80, OR 485.10 OF THIS
44 CHAPTER, when sentencing a person who commits a felony after [he] SUCH
45 PERSON has reached the age of [sixteen] SEVENTEEN AS OF JANUARY FIRST,
46 TWO THOUSAND EIGHTEEN, AND EIGHTEEN AS OF JANUARY FIRST, TWO THOUSAND
47 NINETEEN.

48 S 41. Section 70.05 of the penal law, as added by chapter 481 of the
49 laws of 1978, subdivision 1 as amended by chapter 615 of the laws of
50 1984, paragraph (e) of subdivision 2 as added and paragraph (c) of
51 subdivision 3 as amended by chapter 435 of the laws of 1998, paragraph
52 (a) of subdivision 3 as amended by chapter 174 of the laws of 2003, is
53 amended to read as follows:

54 S 70.05 Sentence of imprisonment for juvenile offender.

55 1. [Indeterminate sentence] SENTENCE. A sentence of imprisonment for a
56 JUVENILE OFFENDER CONVICTED OF A CLASS A felony OTHER THAN MURDER IN THE

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

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

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

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

33 (B) WHERE THE DEFENDANT WAS AT LEAST FOURTEEN YEARS OLD BUT LESS THAN
34 SEVENTEEN YEARS OLD, AND, COMMENCING JANUARY FIRST, TWO THOUSAND NINE-
35 TEEN, WHERE THE DEFENDANT WAS AT LEAST FOURTEEN YEARS OLD BUT LESS THAN
36 EIGHTEEN YEARS OLD AT THE TIME OF SUCH OFFENSE, THE MINIMUM PERIOD OF
37 IMPRISONMENT SHALL BE AT LEAST SEVEN AND ONE HALF YEARS BUT SHALL NOT
38 EXCEED FIFTEEN YEARS.

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

43 [(c)] (B)(I) For a class B felony, OTHER THAN A CLASS B VIOLENT FELONY
44 AS DEFINED BY SECTION 70.02 OF THIS ARTICLE, the DETERMINATE term shall
45 be fixed by the court, and shall BE AT LEAST ONE YEAR BUT SHALL not
46 exceed [ten] SEVEN years;

47 (II) FOR A CLASS B VIOLENT FELONY AS DEFINED BY SECTION 70.02 OF THIS
48 ARTICLE, THE DETERMINATE TERM SHALL BE FIXED BY THE COURT, AND SHALL BE
49 AT LEAST FIVE YEARS BUT SHALL NOT EXCEED TWENTY-FIVE YEARS; PROVIDED,
50 HOWEVER, THAT WHERE THE COURT, HAVING REGARD TO THE NATURE AND CIRCUM-
51 STANCES OF THE CRIME AND TO THE HISTORY AND CHARACTER OF THE DEFENDANT,
52 IS OF THE OPINION THAT IT WOULD BE UNDULY HARSH TO IMPOSE A DETERMINATE
53 SENTENCE OF NO LESS THAN FIVE YEARS AND NO MORE THAN TWENTY-FIVE YEARS,
54 THE COURT MAY IMPOSE A DETERMINATE SENTENCE OF NO LESS THAN ONE YEAR AND
55 NO MORE THAN SEVEN YEARS;

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

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

7 (E) FOR A CLASS E FELONY, WHERE THE DEFENDANT WAS SIXTEEN YEARS OLD,
8 AND COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, WHERE THE DEFENDANT
9 WAS SIXTEEN OR SEVENTEEN YEARS OLD AT THE TIME OF SUCH OFFENSE, THE
10 DETERMINATE TERM SHALL BE FIXED BY THE COURT, AND SHALL BE AT LEAST ONE
11 YEAR BUT SHALL NOT EXCEED TWO YEARS.

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

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

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

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

29 S 42. Subdivision 1 of section 70.20 of the penal law, as amended by
30 section 124 of subpart B of part C of chapter 62 of the laws of 2011, is
31 amended to read as follows:

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

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

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

53 (d) Nothing in this subdivision shall preclude a parent or legal guar-
54 dian of an inmate who is not yet eighteen years of age from making a
55 motion on notice to the department of corrections and community super-
56 vision pursuant to article twenty-two of the civil practice law and

1 rules and section one hundred forty of the correction law, objecting to
2 routine medical, dental or mental health services and treatment being
3 provided to such inmate under the provisions of paragraph (b) of this
4 subdivision.

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

9 S 43. Subdivision 2 of section 70.20 of the penal law, as amended by
10 chapter 437 of the laws of 2013, is amended to read as follows:

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

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

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

28 S 44. Paragraph (a) of subdivision 4 of section 70.20 of the penal
29 law, as amended by section 124 of subpart B of part C of chapter 62 of
30 the laws of 2011, is amended and two new paragraphs (a-1) and (a-2) are
31 added to read as follows:

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

46 (A-1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A
47 PERSON SIXTEEN YEARS OF AGE WHO COMMITS A VEHICLE AND TRAFFIC LAW
48 OFFENSE THAT DOES NOT CONSTITUTE A JUVENILE OFFENDER OFFENSE ON OR AFTER
49 JANUARY FIRST, TWO THOUSAND EIGHTEEN AND A PERSON SEVENTEEN YEARS OF AGE
50 WHO COMMITS SUCH AN OFFENSE ON OR AFTER JANUARY FIRST, TWO THOUSAND
51 NINETEEN WHO IS SENTENCED TO A TERM OF IMPRISONMENT WHO IS UNDER THE AGE
52 OF TWENTY-ONE AT THE TIME HE OR SHE IS SENTENCED SHALL BE COMMITTED TO
53 THE CUSTODY OF THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY
54 SERVICES WHO SHALL ARRANGE CONFINEMENT OF SUCH OFFENDER IN FACILITIES OF
55 THE OFFICE.

1 (A-2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
2 COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, A PERSON WHO IS IN THE
3 CUSTODY OF, OR IS COMMITTED TO, THE DEPARTMENT OF CORRECTIONS AND COMMU-
4 NITY SUPERVISION WHO IS UNDER THE AGE OF EIGHTEEN SHALL, WITHIN THE
5 DISCRETION OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
6 AND THE OFFICE OF CHILDREN AND FAMILY SERVICES, SUBJECT TO AVAILABLE
7 CAPACITY, AND WHEN CONSISTENT WITH THE PERSON'S CIRCUMSTANCES, BE TRANS-
8 FERRED TO THE CUSTODY OF THE COMMISSIONER OF THE OFFICE OF CHILDREN AND
9 FAMILY SERVICES WHO SHALL ARRANGE FOR THE CONFINEMENT OF SUCH OFFENDER
10 IN FACILITIES OF THE OFFICE. THE PLACEMENT FACILITY AND RELEASE OR
11 TRANSFER OF SUCH OFFENDERS FROM THE OFFICE OF CHILDREN AND FAMILY
12 SERVICES SHALL BE GOVERNED BY SECTION FIVE HUNDRED EIGHT OF THE EXECU-
13 TIVE LAW.

14 S 44-a. Paragraph (f) of subdivision 1 of section 70.30 of the penal
15 law, as added by chapter 481 of the laws of 1978 and relettered by chap-
16 ter 3 of the laws of 1995, is amended to read as follows:

17 (f) [The aggregate maximum term of consecutive sentences imposed upon
18 a juvenile offender for two or more crimes, not including a class A
19 felony, committed before he has reached the age of sixteen, shall, if it
20 exceeds ten years, be deemed to be ten years. If consecutive indetermi-
21 nate sentences imposed upon a juvenile offender include a sentence for
22 the class A felony of arson in the first degree or for the class A felo-
23 ny of kidnapping in the first degree, then the aggregate maximum term of
24 such sentences shall, if it exceeds fifteen years, be deemed to be
25 fifteen years. Where the aggregate maximum term of two or more consec-
26 utive sentences is reduced by a calculation made pursuant to this para-
27 graph, the aggregate minimum period of imprisonment, if it exceeds one-
28 half of the aggregate maximum term as so reduced, shall be deemed to be
29 one-half of the aggregate maximum term as so reduced.] (I) THE AGGREGATE
30 TERM OR MAXIMUM TERM OF CONSECUTIVE SENTENCES IMPOSED UPON A JUVENILE
31 OFFENDER FOR TWO OR MORE CRIMES COMMITTED PRIOR TO THE TIME THE PERSON
32 WAS IMPRISONED UNDER ANY OF SUCH SENTENCES, OTHER THAN TWO OR MORE
33 SENTENCES THAT INCLUDE A SENTENCE FOR A CLASS A FELONY, OR A SENTENCE
34 FOR A CLASS B VIOLENT FELONY, SHALL, IF IT EXCEEDS TEN YEARS, BE DEEMED
35 TO BE TEN YEARS, PROVIDED:

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

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

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

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

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

1 (II) THE AGGREGATE MAXIMUM TERM OF CONSECUTIVE SENTENCES IMPOSED UPON
2 A JUVENILE OFFENDER FOR TWO OR MORE CRIMES COMMITTED PRIOR TO THE TIME
3 THE PERSON WAS IMPRISONED UNDER ANY OF SUCH SENTENCES, AT LEAST ONE OF
4 WHICH IS THE CLASS A FELONY OF ARSON IN THE FIRST DEGREE AS DEFINED BY
5 SECTION 150.20 OR KIDNAPPING IN THE FIRST DEGREE AS DEFINED BY SECTION
6 135.25 OF THIS CHAPTER BUT NO OTHER CLASS A FELONY, AND DOES NOT INCLUDE
7 A SENTENCE IMPOSED FOR A CLASS B VIOLENT FELONY, SHALL, IF IT EXCEEDS
8 FIFTEEN YEARS, BE DEEMED TO BE FIFTEEN YEARS, PROVIDED:

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

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

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

20 (1) IF THE AGGREGATE TERM OF THE DETERMINATE SENTENCES IS EQUAL TO OR
21 EXCEEDS FIFTEEN YEARS, THE JUVENILE OFFENDER SHALL BE DEEMED TO BE SERV-
22 ING A DETERMINATE TERM OF FIFTEEN YEARS; AND

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

30 S 44-b. Section 70.45 of the penal law is amended by adding a new
31 subdivision 2-b to read as follows:

32 2-B. PERIODS OF POST-RELEASE SUPERVISION FOR JUVENILE OFFENDERS AND
33 YOUTHFUL OFFENDERS. (A) THE PERIOD OF POST-RELEASE SUPERVISION FOR A
34 DETERMINATE SENTENCE IMPOSED UPON A YOUTHFUL OFFENDER OR A JUVENILE
35 OFFENDER ADJUDICATED A YOUTHFUL OFFENDER MUST BE FIXED BY THE COURT AT
36 ONE YEAR.

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

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

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

46 (III) SUCH PERIOD SHALL BE NOT LESS THAN ONE YEAR NOR MORE THAN THREE
47 YEARS WHENEVER A DETERMINATE SENTENCE OF IMPRISONMENT IS IMPOSED UPON A
48 CONVICTION OF A CLASS B FELONY OFFENSE; PROVIDED, HOWEVER, THAT SUCH
49 PERIOD SHALL BE NOT LESS THAN ONE YEAR NOR MORE THAN FOUR YEARS; AND

50 (IV) SUCH PERIOD SHALL BE NOT LESS THAN ONE YEAR NOR MORE THAN FIVE
51 YEARS WHENEVER A DETERMINATE SENTENCE OF IMPRISONMENT IS IMPOSED UPON A
52 CONVICTION OF THE CLASS A FELONY OFFENSE OF ARSON IN THE FIRST DEGREE AS
53 DEFINED BY SECTION 150.20 OR KIDNAPPING IN THE FIRST DEGREE AS DEFINED
54 BY SECTION 135.25 OF THIS CHAPTER, AND A FIVE-YEAR PERIOD SHALL BE
55 IMPOSED PURSUANT TO SUBDIVISION TWO OF THIS SECTION WHENEVER A DETERMI-

1 NATE SENTENCE IMPOSED UPON A JUVENILE OFFENDER FOR ANY OTHER CLASS A
2 FELONY.

3 S 45. Subdivision 18 of section 10.00 of the penal law, as amended by
4 chapter 7 of the laws of 2007, is amended to read as follows:

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

10 (2) a person fourteen [or], fifteen OR SIXTEEN YEARS OLD OR COMMENCING
11 JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN years old who is crimi-
12 nally responsible for acts constituting the crimes defined in subdivi-
13 sions one and two of section 125.25 (murder in the second degree) and in
14 subdivision three of such section provided that the underlying crime for
15 the murder charge is one for which such person is criminally responsi-
16 ble; section 135.25 (kidnapping in the first degree); 150.20 (arson in
17 the first degree); subdivisions one and two of section 120.10 (assault
18 in the first degree); 125.20 (manslaughter in the first degree); subdivi-
19 sions one and two of section 130.35 (rape in the first degree); subdivi-
20 sions one and two of section 130.50 (criminal sexual act in the first
21 degree); 130.70 (aggravated sexual abuse in the first degree); 140.30
22 (burglary in the first degree); subdivision one of section 140.25
23 (burglary in the second degree); 150.15 (arson in the second degree);
24 160.15 (robbery in the first degree); subdivision two of section 160.10
25 (robbery in the second degree) of this chapter; or section 265.03 of
26 this chapter, where such machine gun or such firearm is possessed on
27 school grounds, as that phrase is defined in subdivision fourteen of
28 section 220.00 of this chapter; or defined in this chapter as an attempt
29 to commit murder in the second degree or kidnapping in the first degree,
30 or such conduct as a sexually motivated felony, where authorized pursu-
31 ant to section 130.91 of [the penal law] THIS CHAPTER; AND

32 (3) A PERSON SIXTEEN OR, COMMENCING JANUARY FIRST, TWO THOUSAND NINE-
33 TEEN, SEVENTEEN YEARS OLD WHO IS CRIMINALLY RESPONSIBLE FOR ACTS CONSTI-
34 TUTING AN OFFENSE SET FORTH IN THE VEHICLE AND TRAFFIC LAW; ACTS CONSTI-
35 TUTING A VIOLENT FELONY DEFINED IN SECTION 70.02 OF THIS CHAPTER; ACTS
36 CONSTITUTING ANY CRIME IN THIS CHAPTER THAT IS CLASSIFIED AS A CLASS A
37 FELONY EXCEPTING THOSE CLASS A FELONIES WHICH REQUIRE, AS AN ELEMENT OF
38 THE OFFENSE, THAT THE DEFENDANT BE EIGHTEEN YEARS OF AGE OR OLDER; ACTS
39 CONSTITUTING THE CRIMES DEFINED IN SECTION 120.03 (VEHICULAR ASSAULT IN
40 THE SECOND DEGREE); 120.04 (VEHICULAR ASSAULT IN THE FIRST DEGREE);
41 120.04-A (AGGRAVATED VEHICULAR ASSAULT); 125.10 (CRIMINALLY NEGLIGENT
42 HOMICIDE); 125.11 (AGGRAVATED CRIMINALLY NEGLIGENT HOMICIDE); 125.12
43 (VEHICULAR MANSLAUGHTER IN THE SECOND DEGREE); 125.13 (VEHICULAR
44 MANSLAUGHTER IN THE FIRST DEGREE); 125.14 (AGGRAVATED VEHICULAR
45 MANSLAUGHTER); 125.15 (MANSLAUGHTER IN THE SECOND DEGREE); 125.20
46 (MANSLAUGHTER IN THE FIRST DEGREE); 125.21 (AGGRAVATED MANSLAUGHTER IN
47 THE SECOND DEGREE); 125.22 (AGGRAVATED MANSLAUGHTER IN THE FIRST
48 DEGREE); 130.70 (AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE); 130.75
49 (COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE); 215.11
50 (TAMPERING WITH A WITNESS IN THE THIRD DEGREE) PROVIDED THAT THE CRIMI-
51 NAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH
52 PERSON IS CRIMINALLY RESPONSIBLE; 215.12 (TAMPERING WITH A WITNESS IN
53 THE SECOND DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE
54 PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSI-
55 BLE; 215.13 (TAMPERING WITH A WITNESS IN THE FIRST DEGREE) PROVIDED THAT
56 THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR

1 WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.52 (AGGRAVATED CRIMINAL
2 CONTEMPT); 130.95 (PREDATORY SEXUAL ASSAULT); 220.41 (CRIMINAL SALE OF A
3 CONTROLLED SUBSTANCE IN THE SECOND DEGREE); 220.43 (CRIMINAL SALE OF A
4 CONTROLLED SUBSTANCE IN THE FIRST DEGREE); 220.77 (OPERATING AS A MAJOR
5 TRAFFICKER); 460.22 (AGGRAVATED ENTERPRISE CORRUPTION); 490.45 (CRIMINAL
6 POSSESSION OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE FIRST
7 DEGREE); 490.50 (CRIMINAL USE OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAP-
8 ON IN THE SECOND DEGREE); 490.55 (CRIMINAL USE OF A CHEMICAL WEAPON OR A
9 BIOLOGICAL WEAPON IN THE FIRST DEGREE); ACTS CONSTITUTING A SPECIFIED
10 OFFENSE DEFINED IN SUBDIVISION TWO OF SECTION 130.91 OF THIS CHAPTER
11 WHEN COMMITTED AS A SEXUALLY MOTIVATED FELONY; ACTS CONSTITUTING A SPEC-
12 IFIED OFFENSE DEFINED IN SUBDIVISION THREE OF SECTION 490.05 OF THIS
13 CHAPTER WHEN COMMITTED AS AN ACT OF TERRORISM; ACTS CONSTITUTING A FELO-
14 NY DEFINED IN ARTICLE FOUR HUNDRED NINETY OF THIS CHAPTER; AND ACTS
15 CONSTITUTING A CRIME SET FORTH IN SUBDIVISION ONE OF SECTION 105.10 AND
16 SECTION 105.15 PROVIDED THAT THE UNDERLYING CRIME FOR THE CONSPIRACY
17 CHARGE IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE.

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

20 42. "Juvenile offender" means (1) a person, thirteen years old who is
21 criminally responsible for acts constituting murder in the second degree
22 as defined in subdivisions one and two of section 125.25 of the penal
23 law, or such conduct as a sexually motivated felony, where authorized
24 pursuant to section 130.91 of the penal law; [and] (2) a person fourteen
25 [or], fifteen OR SIXTEEN YEARS OLD, OR COMMENCING JANUARY FIRST, TWO
26 THOUSAND NINETEEN, SEVENTEEN years old who is criminally responsible for
27 acts constituting the crimes defined in subdivisions one and two of
28 section 125.25 (murder in the second degree) and in subdivision three of
29 such section provided that the underlying crime for the murder charge is
30 one for which such person is criminally responsible; section 135.25
31 (kidnapping in the first degree); 150.20 (arson in the first degree);
32 subdivisions one and two of section 120.10 (assault in the first
33 degree); 125.20 (manslaughter in the first degree); subdivisions one and
34 two of section 130.35 (rape in the first degree); subdivisions one and
35 two of section 130.50 (criminal sexual act in the first degree); 130.70
36 (aggravated sexual abuse in the first degree); 140.30 (burglary in the
37 first degree); subdivision one of section 140.25 (burglary in the second
38 degree); 150.15 (arson in the second degree); 160.15 (robbery in the
39 first degree); subdivision two of section 160.10 (robbery in the second
40 degree) of the penal law; or section 265.03 of the penal law, where such
41 machine gun or such firearm is possessed on school grounds, as that
42 phrase is defined in subdivision fourteen of section 220.00 of the penal
43 law; or defined in the penal law as an attempt to commit murder in the
44 second degree or kidnapping in the first degree, or such conduct as a
45 sexually motivated felony, where authorized pursuant to section 130.91
46 of the penal law; AND (3) A PERSON SIXTEEN OR, COMMENCING JANUARY FIRST,
47 TWO THOUSAND NINETEEN, A PERSON SIXTEEN OR SEVENTEEN YEARS OLD WHO IS
48 CRIMINALLY RESPONSIBLE FOR ACTS CONSTITUTING AN OFFENSE SET FORTH IN THE
49 VEHICLE AND TRAFFIC LAW; A VIOLENT FELONY DEFINED IN SECTION 70.02 OF
50 THE PENAL LAW; ACTS CONSTITUTING ANY CRIME IN THE PENAL LAW THAT IS
51 CLASSIFIED AS A CLASS A FELONY EXCEPTING THOSE CLASS A FELONIES WHICH
52 REQUIRE, AS AN ELEMENT OF THE OFFENSE, THAT THE DEFENDANT BE EIGHTEEN
53 YEARS OF AGE OR OLDER; ACTS CONSTITUTING THE CRIMES DEFINED IN SECTION
54 120.03 (VEHICULAR ASSAULT IN THE SECOND DEGREE); 120.04 (VEHICULAR
55 ASSAULT IN THE FIRST DEGREE); 120.04-A (AGGRAVATED VEHICULAR ASSAULT);
56 125.10 (CRIMINALLY NEGLIGENT HOMICIDE); 125.11 (AGGRAVATED CRIMINALLY

1 NEGLIGENT HOMICIDE); 125.12 (VEHICULAR MANSLAUGHTER IN THE SECOND
2 DEGREE); 125.13 (VEHICULAR MANSLAUGHTER IN THE FIRST DEGREE); 125.14
3 (AGGRAVATED VEHICULAR HOMICIDE); 125.15 (MANSLAUGHTER IN THE SECOND
4 DEGREE); 125.20 (MANSLAUGHTER IN THE FIRST DEGREE); 125.21 (AGGRAVATED
5 MANSLAUGHTER IN THE SECOND DEGREE); 125.22 (AGGRAVATED MANSLAUGHTER IN
6 THE FIRST DEGREE); 130.70 (AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE);
7 130.75 (COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE);
8 215.11 (TAMPERING WITH A WITNESS IN THE THIRD DEGREE) PROVIDED THAT THE
9 CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH
10 SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.12 (TAMPERING WITH A WITNESS
11 IN THE SECOND DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE
12 PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSI-
13 BLE; 215.13 (TAMPERING WITH A WITNESS IN THE FIRST DEGREE) PROVIDED THAT
14 THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR
15 WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.52 (AGGRAVATED CRIMINAL
16 CONTEMPT); 130.95 (PREDATORY SEXUAL ASSAULT); 220.18 (CRIMINAL
17 POSSESSION OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE); 220.21
18 (CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE);
19 220.41 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE);
20 220.43 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE);
21 220.77 (OPERATING AS A MAJOR TRAFFICKER); 460.22 (AGGRAVATED ENTERPRISE
22 CORRUPTION); 490.45 (CRIMINAL POSSESSION OF A CHEMICAL WEAPON OR A
23 BIOLOGICAL WEAPON IN THE FIRST DEGREE); 490.50 (CRIMINAL USE OF A CHEMI-
24 CAL WEAPON OR A BIOLOGICAL WEAPON IN THE SECOND DEGREE); 490.55 (CRIMI-
25 NAL USE OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE FIRST
26 DEGREE); ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION
27 TWO OF SECTION 130.91 OF THE PENAL LAW WHEN COMMITTED AS A SEXUALLY
28 MOTIVATED FELONY; ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN
29 SUBDIVISION THREE OF SECTION 490.05 OF THE PENAL LAW WHEN COMMITTED AS
30 AN ACT OF TERRORISM; ACTS CONSTITUTING A FELONY DEFINED IN ARTICLE FOUR
31 HUNDRED NINETY OF THE PENAL LAW; AND ACTS CONSTITUTING A CRIME SET FORTH
32 IN SUBDIVISION ONE OF SECTION 105.10 AND SECTION 105.15 OF THE PENAL LAW
33 PROVIDED THAT THE UNDERLYING CRIME FOR THE CONSPIRACY CHARGE IS ONE FOR
34 WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE.

35 S 47. Subdivision 1 of section 500-a of the correction law is amended
36 by adding a new paragraph (h) to read as follows:

37 (H) NOTWITHSTANDING ANY OTHER PROVISION OF LAW COMMENCING JANUARY
38 FIRST, TWO THOUSAND EIGHTEEN, NO COUNTY JAIL SHALL BE USED FOR THE
39 CONFINEMENT OF ANY PERSON UNDER THE AGE OF SEVENTEEN WHO IS SENTENCED
40 FOR AN OFFENSE COMMITTED ON OR AFTER JANUARY FIRST, TWO THOUSAND EIGH-
41 TEEN, AND, COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, NO COUNTY
42 JAIL SHALL BE USED FOR THE CONFINEMENT OF ANY PERSON UNDER THE AGE OF
43 EIGHTEEN WHO IS SENTENCED FOR AN OFFENSE COMMITTED ON OR AFTER JANUARY
44 FIRST, TWO THOUSAND NINETEEN. PLACEMENT OF ANY PERSON WHO MAY NOT BE
45 CONFINED TO A COUNTY JAIL PURSUANT TO THIS SUBDIVISION SHALL BE DETER-
46 MINED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES.

47 S 48. The criminal procedure law is amended by adding a new section
48 160.59 to read as follows:

49 S 160.59 SEALING OF CERTAIN CONVICTIONS.

50 1. DEFINITIONS: AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL
51 HAVE THE FOLLOWING MEANINGS;

52 (A) "ELIGIBLE CONVICTION" SHALL MEAN ANY OFFENSE DEFINED IN THE LAWS
53 OF THIS STATE OTHER THAN A SEX OFFENSE DEFINED IN ARTICLE ONE HUNDRED
54 THIRTY OF THE PENAL LAW, AN OFFENSE DEFINED IN ARTICLE TWO HUNDRED
55 SIXTY-THREE OF THE PENAL LAW, A FELONY OFFENSE DEFINED IN ARTICLE ONE
56 HUNDRED TWENTY-FIVE OF THE PENAL LAW, A VIOLENT FELONY OFFENSE DEFINED

1 IN SECTION 70.02 OF THE PENAL LAW, A CLASS A FELONY OFFENSE DEFINED IN
2 THE PENAL LAW OTHER THAN A CLASS A FELONY OFFENSE DEFINED IN ARTICLE TWO
3 HUNDRED TWENTY OF THE PENAL LAW, OR AN OFFENSE FOR WHICH REGISTRATION AS
4 A SEX OFFENDER IS REQUIRED PURSUANT TO ARTICLE SIX-C OF THE CORRECTION
5 LAW.

6 (B) "SENTENCING JUDGE" SHALL MEAN THE JUDGE WHO PRONOUNCED SENTENCE
7 UPON THE CONVICTION UNDER CONSIDERATION, OR IF THAT JUDGE IS NO LONGER
8 SITTING IN A COURT IN THE JURISDICTION IN WHICH THE CONVICTION WAS
9 OBTAINED, ANY OTHER JUDGE WHO IS SITTING IN THE CRIMINAL COURT WHERE THE
10 JUDGMENT OF CONVICTION WAS ENTERED.

11 2. (A) A DEFENDANT WHO HAS BEEN CONVICTED OF UP TO TWO ELIGIBLE
12 OFFENSES BUT NOT MORE THAN ONE FELONY OFFENSE MAY APPLY TO THE COURT IN
13 WHICH HE OR SHE WAS CONVICTED OF THE MOST SERIOUS OFFENSE TO HAVE SUCH
14 CONVICTION SEALED. IF ALL OFFENSES ARE OFFENSES WITH THE SAME CLASSI-
15 FICATION, THE APPLICATION SHALL BE MADE TO THE COURT IN WHICH THE
16 DEFENDANT WAS LAST CONVICTED.

17 (B) AN APPLICATION SHALL CONTAIN (I) A COPY OF A CERTIFICATE OF DISPO-
18 SITION OR OTHER SIMILAR DOCUMENTATION FOR ANY OFFENSE FOR WHICH THE
19 DEFENDANT HAS BEEN CONVICTED, OR AN EXPLANATION OF WHY SUCH CERTIFICATE
20 OR OTHER DOCUMENTATION IS NOT AVAILABLE; (II) A SWORN STATEMENT OF THE
21 DEFENDANT AS TO WHETHER HE OR SHE HAS FILED, OR THEN INTENDS TO FILE,
22 ANY APPLICATION FOR SEALING OF ANY OTHER ELIGIBLE OFFENSE; (III) A COPY
23 OF ANY OTHER SUCH APPLICATION THAT HAS BEEN FILED; AND (IV) A STATEMENT
24 AS TO THE CONVICTION OR CONVICTIONS FOR WHICH RELIEF IS BEING SOUGHT.

25 (C) A COPY OF ANY APPLICATION FOR SUCH SEALING SHALL BE SERVED UPON
26 THE DISTRICT ATTORNEY OF THE COUNTY IN WHICH THE CONVICTION WAS
27 OBTAINED.

28 (D) WHEN SUCH APPLICATION IS FILED WITH THE COURT, IT SHALL BE
29 ASSIGNED TO THE SENTENCING JUDGE UNLESS MORE THAN ONE APPLICATION IS
30 FILED IN WHICH CASE THE APPLICATION SHALL BE ASSIGNED TO THE COUNTY
31 COURT OR THE SUPREME COURT OF THE COUNTY IN WHICH THE CRIMINAL COURT IS
32 LOCATED, WHO SHALL REQUEST AND RECEIVE FROM THE DIVISION OF CRIMINAL
33 JUSTICE SERVICES A FINGERPRINT BASED CRIMINAL HISTORY RECORD OF THE
34 DEFENDANT, INCLUDING ANY SEALED OR SUPPRESSED RECORDS. THE DIVISION OF
35 CRIMINAL JUSTICE SERVICES ALSO SHALL INCLUDE A CRIMINAL HISTORY REPORT,
36 IF ANY, FROM THE FEDERAL BUREAU OF INVESTIGATION REGARDING ANY CRIMINAL
37 HISTORY INFORMATION THAT OCCURRED IN OTHER JURISDICTIONS. THE DIVISION
38 IS HEREBY AUTHORIZED TO RECEIVE SUCH INFORMATION FROM THE FEDERAL BUREAU
39 OF INVESTIGATION FOR THIS PURPOSE, AND TO MAKE SUCH INFORMATION AVAIL-
40 ABLE TO THE COURT, WHICH MAY MAKE THIS INFORMATION AVAILABLE TO THE
41 DISTRICT ATTORNEY AND THE DEFENDANT.

42 3. THE SENTENCING JUDGE, OR COUNTY OR SUPREME COURT SHALL SUMMARILY
43 DENY THE DEFENDANT'S APPLICATION WHEN:

44 (A) THE DEFENDANT IS REQUIRED TO REGISTER AS A SEX OFFENDER PURSUANT
45 TO ARTICLE SIX-C OF THE CORRECTION LAW; OR

46 (B) THE DEFENDANT HAS PREVIOUSLY OBTAINED SEALING OF THE MAXIMUM
47 NUMBER OF CONVICTIONS ALLOWABLE UNDER SECTION 160.58 OF THE CRIMINAL
48 PROCEDURE LAW; OR

49 (C) THE DEFENDANT HAS PREVIOUSLY OBTAINED SEALING OF THE MAXIMUM
50 NUMBER OF CONVICTIONS ALLOWABLE UNDER SUBDIVISION FOUR OF THIS SECTION;
51 OR

52 (D) THE TIME PERIOD SPECIFIED IN SUBDIVISION FIVE OF THIS SECTION HAS
53 NOT YET BEEN SATISFIED; OR

54 (E) THE DEFENDANT HAS AN UNDISPOSED ARREST OR CHARGE PENDING; OR

55 (F) THE DEFENDANT WAS CONVICTED OF ANY OFFENSE AFTER THE DATE OF THE
56 ENTRY OF JUDGEMENT OF THE LAST CONVICTION FOR WHICH SEALING IS SOUGHT.

1 4. PROVIDED THAT THE APPLICATION IS NOT SUMMARILY DENIED FOR THE
2 REASONS SET FORTH IN SUBDIVISION THREE OF THIS SECTION, A DEFENDANT WHO
3 STANDS CONVICTED OF UP TO TWO ELIGIBLE OFFENSES, MAY OBTAIN SEALING OF
4 NO MORE THAN TWO ELIGIBLE OFFENSES BUT NOT MORE THAN ONE FELONY OFFENSE.

5 5. ANY ELIGIBLE OFFENSE MAY BE SEALED ONLY AFTER AT LEAST TEN YEARS
6 HAVE PASSED SINCE THE ENTRY OF THE JUDGMENT OF THE DEFENDANT'S LATEST
7 CONVICTION OR, IF THE DEFENDANT WAS SENTENCED TO INCARCERATION, INCLUD-
8 ING A PERIOD OF INCARCERATION IMPOSED IN CONJUNCTION WITH A SENTENCE OF
9 PROBATION, THE DEFENDANT'S RELEASE FROM INCARCERATION IMPOSED ON HIS OR
10 HER LATEST CONVICTION.

11 6. UPON DETERMINING THAT THE APPLICATION IS NOT SUBJECT TO MANDATORY
12 DENIAL PURSUANT TO SUBDIVISION THREE OF THIS SECTION AND THAT THE APPLI-
13 CATION IS OPPOSED BY THE DISTRICT ATTORNEY, THE SENTENCING JUDGE OR
14 COUNTY OR SUPREME COURT SHALL CONDUCT A HEARING ON THE APPLICATION IN
15 ORDER TO CONSIDER ANY EVIDENCE OFFERED BY EITHER PARTY THAT WOULD AID
16 THE SENTENCING JUDGE IN HIS OR HER DECISION WHETHER TO SEAL THE RECORDS
17 OF THE DEFENDANT'S CONVICTIONS. NO HEARING IS REQUIRED IF THE DISTRICT
18 ATTORNEY DOES NOT OPPOSE THE APPLICATION.

19 7. IN CONSIDERING ANY SUCH APPLICATION, THE SENTENCING JUDGE OR COUNTY
20 OR SUPREME COURT SHALL CONSIDER ANY RELEVANT FACTORS, INCLUDING BUT NOT
21 LIMITED TO:

22 (A) THE AMOUNT OF TIME THAT HAS ELAPSED SINCE THE DEFENDANT'S LAST
23 CONVICTION;

24 (B) THE CIRCUMSTANCES AND SERIOUSNESS OF THE OFFENSE FOR WHICH THE
25 DEFENDANT IS SEEKING RELIEF;

26 (C) THE CIRCUMSTANCES AND SERIOUSNESS OF ANY OTHER OFFENSES FOR WHICH
27 THE DEFENDANT STANDS CONVICTED;

28 (D) THE CHARACTER OF THE DEFENDANT, INCLUDING ANY MEASURES THAT THE
29 DEFENDANT HAS TAKEN TOWARD REHABILITATION, SUCH AS PARTICIPATING IN
30 TREATMENT PROGRAMS, WORK, OR SCHOOLING, AND PARTICIPATING IN COMMUNITY
31 SERVICE OR OTHER VOLUNTEER PROGRAMS;

32 (E) ANY STATEMENTS MADE BY THE VICTIM OF THE OFFENSE FOR WHICH THE
33 DEFENDANT IS SEEKING RELIEF;

34 (F) THE IMPACT OF SEALING THE DEFENDANT'S RECORD UPON HIS OR HER REHA-
35 BILITATION AND UPON HIS OR HER SUCCESSFUL AND PRODUCTIVE REENTRY AND
36 REINTEGRATION INTO SOCIETY; AND

37 (G) THE IMPACT OF SEALING THE DEFENDANT'S RECORD ON PUBLIC SAFETY AND
38 UPON THE PUBLIC'S CONFIDENCE IN AND RESPECT FOR THE LAW.

39 8. WHEN A SENTENCING JUDGE OR COUNTY OR SUPREME COURT ORDERS SEALING
40 PURSUANT TO THIS SECTION, ALL OFFICIAL RECORDS AND PAPERS RELATING TO
41 THE ARRESTS, PROSECUTIONS, AND CONVICTIONS, INCLUDING ALL DUPLICATES AND
42 COPIES THEREOF, ON FILE WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES
43 OR ANY COURT SHALL BE SEALED AND NOT MADE AVAILABLE TO ANY PERSON OR
44 PUBLIC OR PRIVATE AGENCY EXCEPT AS PROVIDED FOR IN SUBDIVISION NINE OF
45 THIS SECTION; PROVIDED, HOWEVER, THE DIVISION SHALL RETAIN ANY FINGER-
46 PRINTS, PALMPRINTS AND PHOTOGRAPHS, OR DIGITAL IMAGES OF THE SAME. THE
47 CLERK OF SUCH COURT SHALL IMMEDIATELY NOTIFY THE COMMISSIONER OF THE
48 DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING THE RECORDS THAT SHALL
49 BE SEALED PURSUANT TO THIS SECTION. THE CLERK ALSO SHALL NOTIFY ANY
50 COURT IN WHICH THE DEFENDANT HAS STATED, PURSUANT TO PARAGRAPH (B) OF
51 SUBDIVISION TWO OF THIS SECTION, THAT HE OR SHE HAS FILED OR INTENDS TO
52 FILE AN APPLICATION FOR SEALING OF ANY OTHER ELIGIBLE OFFENSE.

53 9. RECORDS SEALED PURSUANT TO THIS SECTION SHALL BE MADE AVAILABLE TO:

54 (A) THE DEFENDANT OR THE DEFENDANT'S DESIGNATED AGENT;

55 (B) QUALIFIED AGENCIES, AS DEFINED IN SUBDIVISION NINE OF SECTION
56 EIGHT HUNDRED THIRTY-FIVE OF THE EXECUTIVE LAW, AND FEDERAL AND STATE

1 LAW ENFORCEMENT AGENCIES, WHEN ACTING WITHIN THE SCOPE OF THEIR LAW
2 ENFORCEMENT DUTIES; OR

3 (C) ANY STATE OR LOCAL OFFICER OR AGENCY WITH RESPONSIBILITY FOR THE
4 ISSUANCE OF LICENSES TO POSSESS GUNS, WHEN THE PERSON HAS MADE APPLICA-
5 TION FOR SUCH A LICENSE; OR

6 (D) ANY PROSPECTIVE EMPLOYER OF A POLICE OFFICER OR PEACE OFFICER AS
7 THOSE TERMS ARE DEFINED IN SUBDIVISIONS THIRTY-THREE AND THIRTY-FOUR OF
8 SECTION 1.20 OF THIS CHAPTER, IN RELATION TO AN APPLICATION FOR EMPLOY-
9 MENT AS A POLICE OFFICER OR PEACE OFFICER; PROVIDED, HOWEVER, THAT EVERY
10 PERSON WHO IS AN APPLICANT FOR THE POSITION OF POLICE OFFICER OR PEACE
11 OFFICER SHALL BE FURNISHED WITH A COPY OF ALL RECORDS OBTAINED UNDER
12 THIS PARAGRAPH AND AFFORDED AN OPPORTUNITY TO MAKE AN EXPLANATION THERE-
13 TO; OR

14 (E) THE CRIMINAL JUSTICE INFORMATION SERVICES DIVISION OF THE FEDERAL
15 BUREAU OF INVESTIGATION, FOR THE PURPOSES OF RESPONDING TO QUERIES TO
16 THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM REGARDING ATTEMPTS
17 TO PURCHASE OR OTHERWISE TAKE POSSESSION OF FIREARMS, AS DEFINED IN 18
18 USC 921 (A) (3).

19 S 48-a. Subdivision 16 of section 296 of the executive law, as sepa-
20 rately amended by section 3 of part N and section 14 of part AAA of
21 chapter 56 of the laws of 2009, is amended to read as follows:

22 16. It shall be an unlawful discriminatory practice, unless specif-
23 ically required or permitted by statute, for any person, agency, bureau,
24 corporation or association, including the state and any political subdivi-
25 sion thereof, to make any inquiry about, whether in any form of appli-
26 cation or otherwise, or to act upon adversely to the individual
27 involved, any arrest or criminal accusation of such individual not then
28 pending against that individual which was followed by a termination of
29 that criminal action or proceeding in favor of such individual, as
30 defined in subdivision two of section 160.50 of the criminal procedure
31 law, or by a youthful offender adjudication, as defined in subdivision
32 one of section 720.35 of the criminal procedure law, or by a conviction
33 for a violation sealed pursuant to section 160.55 of the criminal proce-
34 dure law or by a conviction which is sealed pursuant to section 160.59
35 OR 160.58 of the criminal procedure law, in connection with the licens-
36 ing, employment or providing of credit or insurance to such individual;
37 provided, further, that no person shall be required to divulge informa-
38 tion pertaining to any arrest or criminal accusation of such individual
39 not then pending against that individual which was followed by a termi-
40 nation of that criminal action or proceeding in favor of such individ-
41 ual, as defined in subdivision two of section 160.50 of the criminal
42 procedure law, or by a youthful offender adjudication, as defined in
43 subdivision one of section 720.35 of the criminal procedure law, or by a
44 conviction for a violation sealed pursuant to section 160.55 of the
45 criminal procedure law, or by a conviction which is sealed pursuant to
46 section 160.58 OR 160.59 of the criminal procedure law. The provisions
47 of this subdivision shall not apply to the licensing activities of
48 governmental bodies in relation to the regulation of guns, firearms and
49 other deadly weapons or in relation to an application for employment as
50 a police officer or peace officer as those terms are defined in subdivi-
51 sions thirty-three and thirty-four of section 1.20 of the criminal
52 procedure law; provided further that the provisions of this subdivision
53 shall not apply to an application for employment or membership in any
54 law enforcement agency with respect to any arrest or criminal accusation
55 which was followed by a youthful offender adjudication, as defined in
56 subdivision one of section 720.35 of the criminal procedure law, or by a

1 conviction for a violation sealed pursuant to section 160.55 of the
2 criminal procedure law, or by a conviction which is sealed pursuant to
3 section 160.58 OR 160.59 of the criminal procedure law.

4 S 49. Subdivision 3 of section 720.15 of the criminal procedure law,
5 as amended by chapter 774 of the laws of 1985, is amended to read as
6 follows:

7 3. The provisions of subdivisions one and two of this section requir-
8 ing or authorizing the accusatory instrument filed against a youth to be
9 sealed, and the arraignment and all proceedings in the action to be
10 conducted in private shall not apply in connection with a pending charge
11 of committing any [felony] offense [as] defined in ARTICLE ONE HUNDRED
12 THIRTY OR ARTICLE TWO HUNDRED SIXTY-THREE OF the penal law. [The
13 provisions of subdivision one requiring the accusatory instrument filed
14 against a youth to be sealed shall not apply where such youth has previ-
15 ously been adjudicated a youthful offender or convicted of a crime.]

16 S 50. Subdivision 1 of section 720.20 of the criminal procedure law,
17 as amended by chapter 652 of the laws of 1974, is amended to read as
18 follows:

19 1. Upon conviction of an eligible youth, the court must order a pre-
20 sentence investigation of the defendant. After receipt of a written
21 report of the investigation and at the time of pronouncing sentence the
22 court must determine whether or not the eligible youth is a youthful
23 offender. Such determination shall be in accordance with the following
24 criteria:

25 (a) If in the opinion of the court the interest of justice would be
26 served by relieving the eligible youth from the onus of a criminal
27 record and by not imposing an indeterminate term of imprisonment of more
28 than four years, the court may, in its discretion, find the eligible
29 youth is a youthful offender; [and]

30 (b) Where the conviction is had in a local criminal court and the
31 eligible youth had not prior to commencement of trial or entry of a plea
32 of guilty been convicted of a crime or found a youthful offender, the
33 court must find he is a youthful offender[.]; AND

34 (C) THERE SHALL BE A PRESUMPTION TO GRANT YOUTHFUL OFFENDER STATUS TO
35 AN ELIGIBLE YOUTH WHO HAS NOT PREVIOUSLY BEEN CONVICTED AND SENTENCED
36 FOR A FELONY, UNLESS THE DISTRICT ATTORNEY UPON MOTION WITH NOT LESS
37 THAN SEVEN DAYS' NOTICE TO SUCH PERSON OR HIS OR HER ATTORNEY DEMON-
38 STRATES TO THE SATISFACTION OF THE COURT THAT THE INTERESTS OF JUSTICE
39 REQUIRES OTHERWISE.

40 S 51. Intentionally omitted.

41 S 52. Intentionally omitted.

42 S 53. Intentionally omitted.

43 S 54. Paragraph (vi) of subdivision (a) and subdivision (e) of section
44 115 of the family court act, paragraph (vi) of subdivision (a) as
45 amended and subdivision (e) as added by chapter 222 of the laws of 1994,
46 are amended to read as follows:

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

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

55 S 55. Subdivision (b) of section 117 of the family court act is
56 REPEALED and a new subdivision (b) is added to read as follows:

1 (B) THERE IS HEREBY ESTABLISHED IN THE FAMILY COURT IN THE CITY OF NEW
2 YORK AT LEAST ONE "DESIGNATED FELONY ACT PART" WHICH SHALL BE HELD SEPA-
3 RATE FROM ALL OTHER PROCEEDINGS OF THE COURT, AND SHALL HAVE JURISDIC-
4 TION OVER ALL JUVENILE DELINQUENCY PROCEEDINGS INVOLVING AN ALLEGATION
5 THAT A PERSON COMMITTED AN ACT THAT WOULD CONSTITUTE A DESIGNATED FELONY
6 ACT AS DEFINED IN SUBDIVISION EIGHT OF SECTION 301.2 OF THIS CHAPTER
7 THAT ARE NOT REFERRED TO THE YOUTH PART OF A SUPERIOR COURT. ALL SUCH
8 PROCEEDINGS SHALL BE ORIGINATED IN OR BE TRANSFERRED TO SUCH PART FROM
9 OTHER PARTS AS THEY ARE MADE KNOWN TO THE COURT. OUTSIDE THE CITY OF
10 NEW YORK, ALL PROCEEDINGS INVOLVING SUCH AN ALLEGATION SHALL HAVE A
11 HEARING PREFERENCE OVER EVERY OTHER PROCEEDING IN THE COURT, EXCEPT
12 PROCEEDINGS UNDER ARTICLE TEN OF THIS CHAPTER.

13 S 56. Subdivision 1 of section 301.2 of the family court act, as added
14 by chapter 920 of the laws of 1982, is amended to read as follows:

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

21 (A) WHO IS:

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

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

29 (III) SIXTEEN YEARS OF AGE OR COMMENCING JANUARY FIRST, TWO THOUSAND
30 NINETEEN, SIXTEEN OR SEVENTEEN YEARS OF AGE WHO COMMITTED AN ACT THAT
31 WOULD CONSTITUTE A CRIME, OR DISORDERLY CONDUCT AS DEFINED IN SECTION
32 240.20 OF THE PENAL LAW, OR HARASSMENT IN THE SECOND DEGREE AS DEFINED
33 IN SECTION 240.26 OF THE PENAL LAW IF COMMITTED BY AN ADULT; AND

34 (B) WHO IS EITHER:

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

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

40 S 57. Subdivisions 8 and 9 of section 301.2 of the family court act,
41 subdivision 8 as amended by chapter 7 of the laws of 2007 and subdivi-
42 sion 9 as added by chapter 920 of the laws of 1982, are amended to read
43 as follows:

44 8. "Designated felony act" means an act which, if done by an adult,
45 would be a crime: (i) defined in sections 125.27 (murder in the first
46 degree); 125.25 (murder in the second degree); 135.25 (kidnapping in the
47 first degree); or 150.20 (arson in the first degree) of the penal law
48 committed by a person thirteen, fourteen [or], fifteen, OR SIXTEEN, OR
49 COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN years of age;
50 or such conduct committed as a sexually motivated felony, where author-
51 ized pursuant to section 130.91 of the penal law; (ii) defined in
52 sections 120.10 (assault in the first degree); 125.20 (manslaughter in
53 the first degree); 130.35 (rape in the first degree); 130.50 (criminal
54 sexual act in the first degree); 130.70 (aggravated sexual abuse in the
55 first degree); 135.20 (kidnapping in the second degree) but only where
56 the abduction involved the use or threat of use of deadly physical

1 force; 150.15 (arson in the second degree) or 160.15 (robbery in the
2 first degree) of the penal law committed by a person thirteen, fourteen
3 [or], fifteen, OR SIXTEEN, OR, COMMENCING JANUARY FIRST, TWO THOUSAND
4 NINETEEN, SEVENTEEN years of age; or such conduct committed as a sexual-
5 ly motivated felony, where authorized pursuant to section 130.91 of the
6 penal law; (iii) defined in the penal law as an attempt to commit murder
7 in the first or second degree or kidnapping in the first degree commit-
8 ted by a person thirteen, fourteen [or], fifteen, OR SIXTEEN, OR
9 COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN years of age;
10 or such conduct committed as a sexually motivated felony, where author-
11 ized pursuant to section 130.91 of the penal law; (iv) defined in
12 section 140.30 (burglary in the first degree); subdivision one of
13 section 140.25 (burglary in the second degree); subdivision two of
14 section 160.10 (robbery in the second degree) of the penal law; or
15 section 265.03 of the penal law, where such machine gun or such firearm
16 is possessed on school grounds, as that phrase is defined in subdivision
17 fourteen of section 220.00 of the penal law committed by a person four-
18 teen or fifteen years of age; or such conduct committed as a sexually
19 motivated felony, where authorized pursuant to section 130.91 of the
20 penal law; (v) defined in section 120.05 (assault in the second degree)
21 or 160.10 (robbery in the second degree) of the penal law committed by a
22 person fourteen [or], fifteen, OR SIXTEEN OR, COMMENCING JANUARY FIRST,
23 TWO THOUSAND NINETEEN, SEVENTEEN years of age but only where there has
24 been a prior finding by a court that such person has previously commit-
25 ted an act which, if committed by an adult, would be the crime of
26 assault in the second degree, robbery in the second degree or any desig-
27 nated felony act specified in paragraph (i), (ii), or (iii) of this
28 subdivision regardless of the age of such person at the time of the
29 commission of the prior act; [or] (vi) other than a misdemeanor commit-
30 ted by a person at least [seven] TWELVE but less than [sixteen] SEVEN-
31 TEEN years of age, OR COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN A
32 PERSON AT LEAST TWELVE BUT LESS THAN EIGHTEEN YEARS OF AGE, but only
33 where there has been two prior findings by the court that such person
34 has committed a prior felony; OR (VII) DEFINED IN SECTION 125.10 (CRIMI-
35 NAL NEGLIGENT HOMICIDE) OF THE PENAL LAW; 125.11 (AGGRAVATED CRIMINALLY
36 NEGLIGENT HOMICIDE) OF THE PENAL LAW; 125.15 (MANSLAUGHTER IN THE SECOND
37 DEGREE) OF THE PENAL LAW; 125.21 (AGGRAVATED MANSLAUGHTER IN THE SECOND
38 DEGREE) OF THE PENAL LAW; 125.22 (AGGRAVATED MANSLAUGHTER IN THE FIRST
39 DEGREE) OF THE PENAL LAW; 130.75 (COURSE OF SEXUAL CONDUCT AGAINST A
40 CHILD) OF THE PENAL LAW; 130.95 (PREDATORY SEXUAL ASSAULT) OF THE PENAL
41 LAW; 220.77 (OPERATING AS A MAJOR TRAFFICKER) OF THE PENAL LAW; 490.45
42 (CRIMINAL POSSESSION OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE
43 FIRST DEGREE) OF THE PENAL LAW; 490.55 (CRIMINAL USE OF A CHEMICAL WEAP-
44 ON OR A BIOLOGICAL WEAPON IN THE FIRST DEGREE) OF THE PENAL LAW; ACTS
45 CONSTITUTING A SPECIFIED OFFENSE DEFINED IN 130.91 OF THE PENAL LAW WHEN
46 COMMITTED AS A SEXUALLY MOTIVATED FELONY; ACTS CONSTITUTING A SPECIFIED
47 OFFENSE DEFINED IN SUBDIVISION THREE OF SECTION 490.05 OF THE PENAL LAW
48 WHEN COMMITTED AS AN ACT OF TERRORISM; OR ACTS CONSTITUTING A FELONY
49 DEFINED IN ARTICLE FOUR HUNDRED NINETY OF THE PENAL LAW, COMMITTED BY A
50 PERSON AT LEAST TWELVE BUT LESS THAN SEVENTEEN YEARS OF AGE, OR COMMENC-
51 ING JANUARY FIRST, TWO THOUSAND NINETEEN, LESS THAN EIGHTEEN YEARS OF
52 AGE.

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

1 S 58. Subdivision 1 of section 302.1 of the family court act, as added
2 by chapter 920 of the laws of 1982, is amended to read as follows:

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

9 S 59. Section 304.1 of the family court act, as added by chapter 920
10 of the laws of 1982, subdivision 2 as amended by chapter 419 of the laws
11 of 1987, is amended to read as follows:

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

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

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

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

35 S 60. Subdivision 1 of section 304.2 of the family court act, as added
36 by chapter 683 of the laws of 1984, is amended to read as follows:

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

44 S 61. Subdivision 1 of section 305.1 of the family court act, as added
45 by chapter 920 of the laws of 1982, is amended to read as follows:

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

51 S 62. Subdivision 2 of section 305.2 of the family court act, as added
52 by chapter 920 of the laws of 1982, is amended to read as follows:

53 2. An officer may take a child [under the age of sixteen] WHO MAY BE
54 SUBJECT TO THE PROVISIONS OF THIS ARTICLE FOR COMMITTING AN ACT THAT
55 WOULD BE A CRIME IF COMMITTED BY AN ADULT into custody without a warrant

1 in cases in which [he] THE OFFICER may arrest a person for a crime under
2 article one hundred forty of the criminal procedure law.

3 S 63. Paragraph (b) of subdivision 4 of section 305.2 of the family
4 court act, as amended by chapter 492 of the laws of 1987, is amended to
5 read as follows:

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

19 S 64. Subdivision 1 of section 306.1 of the family court act, as
20 amended by chapter 645 of the laws of 1996, is amended to read as
21 follows:

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

27 (a) the child is eleven years of age or older and the crime which is
28 the subject of the arrest or which is charged in the petition consti-
29 tutes a class [A or B] A-I felony; [or] (b) THE CHILD IS TWELVE YEARS OF
30 AGE OR OLDER AND THE CRIME WHICH IS THE SUBJECT OF THE ARREST OR WHICH
31 IS CHARGED IN THE PETITION CONSTITUTES A CLASS A OR B FELONY; OR

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

35 S 65. Subdivisions 2 and 4 of section 307.3 of the family court act,
36 subdivision 2 as amended by chapter 419 of the laws of 1987 and subdivi-
37 sion 4 as added by chapter 920 of the laws of 1982, are amended to read
38 as follows:

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

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

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

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

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

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

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

10 4. If the agency for any reason does not release a child under this
11 section, such child shall be brought before the appropriate family
12 court, OR WHEN SUCH FAMILY COURT IS NOT IN SESSION, TO THE MOST ACCESSI-
13 BLE MAGISTRATE, IF ANY, DESIGNATED BY THE APPELLATE DIVISION OF THE
14 SUPREME COURT IN THE APPLICABLE DEPARTMENT; PROVIDED, HOWEVER, THAT IF
15 SUCH FAMILY COURT IS NOT IN SESSION AND IF A MAGISTRATE IS NOT AVAIL-
16 ABLE, SUCH YOUTH SHALL BE BROUGHT BEFORE SUCH FAMILY COURT within seven-
17 ty-two hours or the next day the court is in session, whichever is soon-
18 er. Such agency shall thereupon file an application for an order
19 pursuant to section 307.4 and shall forthwith serve a copy of the appli-
20 cation upon the appropriate presentment agency. Nothing in this subdivi-
21 sion shall preclude the adjustment of suitable cases pursuant to section
22 308.1.

23 S 66. The section heading and subdivisions 1, 2, 3, 9, 12 and 13 of
24 section 308.1 of the family court act, the section heading and subdivi-
25 sions 1, 3, 9, 12 and 13 as added by chapter 920 of the laws of 1982 and
26 subdivision 2 as amended by section 3 of part V of chapter 55 of the
27 laws of 2012, are amended to read as follows:

28 [Rules of court for preliminary] PRELIMINARY procedure; ADJUSTMENT OF
29 CASES. 1. [Rules of court shall authorize and determine the circum-
30 stances under which the] THE probation service may confer with any
31 person seeking to have a juvenile delinquency petition filed, the poten-
32 tial respondent and other interested persons concerning the advisability
33 of requesting that a petition be filed IN ACCORDANCE WITH THIS SECTION.

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

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

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

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

4 (E) Nothing in this section shall prohibit the probation service or
5 the court from directing a respondent to obtain employment and to make
6 restitution from the earnings from such employment. Nothing in this
7 section shall prohibit the probation service or the court from directing
8 an eligible person to complete an education reform program in accordance
9 with section four hundred fifty-eight-1 of the social services law.

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

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

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

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

38 S 67. Paragraph (c) of subdivision 3 of section 311.1 of the family
39 court act, as added by chapter 920 of the laws of 1982, is amended to
40 read as follows:

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

44 S 68. Subdivision 3 of section 320.5 of the family court act is
45 amended by adding a new paragraph (a-1) to read as follows:

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

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

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

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

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

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

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

11 S 69. Paragraphs (a) and (b) of subdivision 5 of section 322.2 of the
12 family court act, paragraph (a) as amended by chapter 41 of the laws of
13 2010 and paragraph (b) as added by chapter 920 of the laws of 1982, are
14 amended to read as follows:

15 5. (a) If the court finds that there is probable cause to believe that
16 the respondent committed a felony, it shall order the respondent commit-
17 ted to the custody of the commissioner of mental health or the commis-
18 sioner of [mental retardation and] PERSONS WITH developmental disabili-
19 ties for an initial period not to exceed one year from the date of such
20 order. Such period may be extended annually upon further application to
21 the court by the commissioner having custody or his or her designee.
22 Such application must be made not more than sixty days prior to the
23 expiration of such period on forms that have been prescribed by the
24 chief administrator of the courts. At that time, the commissioner must
25 give written notice of the application to the respondent, the counsel
26 representing the respondent and the mental hygiene legal service if the
27 respondent is at a residential facility. Upon receipt of such applica-
28 tion, the court must conduct a hearing to determine the issue of capaci-
29 ty. If, at the conclusion of a hearing conducted pursuant to this subdivi-
30 sion, the court finds that the respondent is no longer incapacitated,
31 he or she shall be returned to the family court for further proceedings
32 pursuant to this article. If the court is satisfied that the respondent
33 continues to be incapacitated, the court shall authorize continued
34 custody of the respondent by the commissioner for a period not to exceed
35 one year. Such extensions shall not continue beyond a reasonable period
36 of time necessary to determine whether the respondent will attain the
37 capacity to proceed to a fact finding hearing in the foreseeable future
38 but in no event shall continue beyond the respondent's eighteenth birth-
39 day OR, IF THE RESPONDENT WAS AT LEAST SIXTEEN YEARS OF AGE WHEN THE ACT
40 WAS COMMITTED, BEYOND THE RESPONDENT'S TWENTY-FIRST BIRTHDAY.

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

47 S 70. Subdivisions 1 and 5 of section 325.1 of the family court act,
48 subdivision 1 as amended by chapter 398 of the laws of 1983, subdivision
49 5 as added by chapter 920 of the laws of 1982, are amended to read as
50 follows:

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

1 5. Where the petition consists of an order of removal pursuant to
2 article seven hundred twenty-five of the criminal procedure law, unless
3 the removal was pursuant to subdivision three of section 725.05 of such
4 law and the respondent was not afforded a probable cause hearing pursu-
5 ant to subdivision [three] TWO of section [180.75] 725.20 of such law
6 [for a reason other than his waiver thereof pursuant to subdivision two
7 of section 180.75 of such law], the petition shall be deemed to be based
8 upon a determination that probable cause exists to believe the respond-
9 ent is a juvenile delinquent and the respondent shall not be entitled to
10 any further inquiry on the subject of whether probable cause exists.
11 After the filing of any such petition the court must, however, exercise
12 independent, de novo discretion with respect to release or detention as
13 set forth in section 320.5 OF THIS PART.

14 S 71. Paragraph (a) of subdivision 2 of section 352.2 of the family
15 court act, as amended by chapter 880 of the laws of 1985, is amended to
16 read as follows:

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

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

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

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

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

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

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

46 S 72. The opening paragraph of subparagraph (iii) of paragraph (a) and
47 paragraph (d) of subdivision 4 of section 353.5 of the family court act,
48 as amended by section 6 of subpart A of part G of chapter 57 of the laws
49 of 2012, are amended to read as follows:

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

1 THE RESPONDENT WAS UNDER SIXTEEN YEARS OF AGE, once the time frames in
2 subparagraph (ii) of this paragraph are met:

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

14 S 73. Paragraph (d) of subdivision 4 of section 353.5 of the family
15 court act, as amended by chapter 398 of the laws of 1983, is amended to
16 read as follows:

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

26 S 74. Subdivision 1, 2, 6 and 7 of section 354.1 of the family court
27 act, subdivision 1 as added by chapter 920 of the laws of 1982, subdivi-
28 sions 2, 6 and 7 as amended by chapter 645 of the laws of 1996, are
29 amended to read as follows:

30 1. If a person whose fingerprints, palmprints or photographs were
31 taken pursuant to section 306.1 or was initially fingerprinted as a
32 juvenile offender and the action is subsequently removed to a family
33 court pursuant to article seven hundred twenty-five of the criminal
34 procedure law is adjudicated to be a juvenile delinquent for a felony,
35 the family court shall forward or cause to be forwarded to the division
36 of criminal justice services notification of such adjudication and such
37 related information as may be required by such division, provided,
38 however, in the case of a person eleven [or twelve] years of age such
39 notification shall be provided only if the act upon which the adjudi-
40 cation is based would constitute a class [A or B] A-1 felony OR, IN THE
41 CASE OF A PERSON TWELVE YEARS OF AGE, SUCH NOTIFICATION SHALL BE
42 PROVIDED ONLY IF THE ACT UPON WHICH THE ADJUDICATION IS BASED WOULD
43 CONSTITUTE A CLASS A OR B FELONY.

44 2. If a person whose fingerprints, palmprints or photographs were
45 taken pursuant to section 306.1 or was initially fingerprinted as a
46 juvenile offender and the action is subsequently removed to family court
47 pursuant to article seven hundred twenty-five of the criminal procedure
48 law has had all petitions disposed of by the family court in any manner
49 other than an adjudication of juvenile delinquency for a felony, but in
50 the case of acts committed when such person was eleven [or twelve] years
51 of age which would constitute a class [A or B] A-1 felony only, OR, IN
52 THE CASE OF ACTS COMMITTED WHEN SUCH PERSON WAS TWELVE YEARS OF AGE
53 WHICH WOULD CONSTITUTE A CLASS A OR B FELONY ONLY, all such finger-
54 prints, palmprints, photographs, and copies thereof, and all information
55 relating to such allegations obtained by the division of criminal
56 justice services pursuant to section 306.1 shall be destroyed forthwith.

1 The clerk of the court shall notify the commissioner of the division of
2 criminal justice services and the heads of all police departments and
3 law enforcement agencies having copies of such records, who shall
4 destroy such records without unnecessary delay.

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

16 7. When a person fingerprinted pursuant to section 306.1 and subse-
17 quently adjudicated a juvenile delinquent for a felony, but in the case
18 of acts committed when such person was eleven [or twelve] years of age
19 which would constitute a class [A or B] A-1 felony only, OR, IN THE CASE
20 OF ACTS COMMITTED WHEN SUCH A PERSON WAS TWELVE YEARS OF AGE WHICH WOULD
21 CONSTITUTE A CLASS A OR B FELONY ONLY, reaches the age of twenty-one, or
22 has been discharged from placement under this act for at least three
23 years, whichever occurs later, and has no criminal convictions or pend-
24 ing criminal actions which ultimately terminate in a criminal
25 conviction, all fingerprints, palmprints, photographs, and related
26 information and copies thereof obtained pursuant to section 306.1 in the
27 possession of the division of criminal justice services, any police
28 department, law enforcement agency or any other agency shall be
29 destroyed forthwith. The division of criminal justice services shall
30 notify the agency or agencies which forwarded fingerprints to such divi-
31 sion pursuant to section 306.1 of their obligation to destroy those
32 records in their possession. In the case of a pending criminal action
33 which does not terminate in a criminal conviction, such records shall be
34 destroyed forthwith upon such determination.

35 S 75. Subdivision 6 of section 355.3 of the family court act, as
36 amended by chapter 663 of the laws of 1985, is amended to read as
37 follows:

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

44 S 76. Paragraph (b) of subdivision 3 of section 355.5 of the family
45 court act, as amended by chapter 145 of the laws of 2000, is amended to
46 read as follows:

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

53 S 77. Section 360.3 of the family court act is amended by adding a new
54 subdivision 7 to read as follows:

55 7. NOTHING HEREIN SHALL AUTHORIZE A RESPONDENT TO BE DETAINED UNDER
56 SUBDIVISION TWO OF THIS SECTION OR PLACED UNDER SUBDIVISION SIX OF THIS

1 SECTION FOR A VIOLATION OF A CONDITION THAT WOULD NOT CONSTITUTE A CRIME
2 IF COMMITTED BY AN ADULT UNLESS THE COURT DETERMINES (A) THAT THE
3 RESPONDENT POSES A SPECIFIC IMMINENT THREAT TO PUBLIC SAFETY AND STATES
4 THE REASONS FOR THE FINDING ON THE RECORD OR (B) THE RESPONDENT IS ON
5 PROBATION FOR AN ACT THAT WOULD CONSTITUTE A VIOLENT FELONY AS DEFINED
6 IN SECTION 70.02 OF THE PENAL LAW IF COMMITTED BY AN ADULT AND THE USE
7 OF GRADUATED SANCTIONS HAS BEEN EXHAUSTED WITHOUT SUCCESS.

8 S 78. Subdivisions 5 and 6 of section 371 of the social services law,
9 subdivision 5 as added by chapter 690 of the laws of 1962, and subdivi-
10 sion 6 as amended by chapter 596 of the laws of 2000, are amended to
11 read as follows:

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

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

21 S 79. Subdivisions 3 and 4 of section 502 of the executive law, subdivi-
22 sion 3 as amended by section 1 of subpart B of part Q of chapter 58 of
23 the laws of 2011 and subdivision 4 as added by chapter 465 of the laws
24 of 1992, are amended to read as follows:

25 3. "Detention" means the temporary care and maintenance of youth held
26 away from their homes pursuant to article three [or seven] of the family
27 court act, or held pending a hearing for alleged violation of the condi-
28 tions of release from an office of children and family services facility
29 or authorized agency, or held pending a hearing for alleged violation of
30 the condition of parole as a juvenile offender, or held pending return
31 to a jurisdiction other than the one in which the youth is held, or held
32 pursuant to a securing order of a criminal court if the youth named
33 therein as principal is charged as a juvenile offender or held pending a
34 hearing on an extension of placement or held pending transfer to a
35 facility upon commitment or placement by a court OR PURSUANT TO ARTICLE
36 SEVEN OF THE FAMILY COURT ACT IF THE PETITION PURSUANT TO SUCH ARTICLE
37 WAS FILED PRIOR TO JANUARY FIRST, TWO THOUSAND NINETEEN. Only alleged or
38 convicted juvenile offenders who have not attained their eighteenth OR,
39 COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, THEIR TWENTY-FIRST
40 birthday shall be subject to detention in a detention facility.

41 4. For purposes of this article, the term "youth" shall [be synonymous
42 with the term "child" and means] MEAN a person not less than seven years
43 of age and not more than twenty OR COMMENCING JANUARY FIRST, TWO THOU-
44 SAND EIGHTEEN, NOT MORE THAN TWENTY-TWO years of age.

45 S 80. Paragraph (a) of subdivision 2 and subdivision 5 of section
46 507-a of the executive law, as amended by chapter 465 of the laws of
47 1992, are amended to read as follows:

48 (a) Consistent with other provisions of law, only those youth who have
49 reached the age of [seven] TEN but who have not reached the age of twen-
50 ty-one may be placed in[, committed to or remain in] the [division's]
51 custody OF THE OFFICE OF CHILDREN AND FAMILY SERVICES. EXCEPT AS
52 PROVIDED FOR IN PARAGRAPH (A-1) OF THIS SUBDIVISION, NO YOUTH WHO HAS
53 REACHED THE AGE OF TWENTY-ONE MAY REMAIN IN CUSTODY OF THE OFFICE OF
54 CHILDREN AND FAMILY SERVICES.

55 (A-1) (I) A YOUTH WHO IS COMMITTED TO THE OFFICE OF CHILDREN AND FAMI-
56 LY SERVICES AS A JUVENILE OFFENDER OR YOUTHFUL OFFENDER MAY REMAIN IN

1 THE CUSTODY OF THE OFFICE DURING THE PERIOD OF HIS OR HER SENTENCE
2 BEYOND THE AGE OF TWENTY-ONE IN ACCORDANCE WITH THE PROVISIONS OF SUBDI-
3 VISION FIVE OF SECTION FIVE HUNDRED EIGHT OF THIS TITLE BUT IN NO EVENT
4 MAY SUCH A YOUTH REMAIN IN THE CUSTODY OF THE OFFICE BEYOND HIS OR HER
5 TWENTY-THIRD BIRTHDAY; AND (II) A YOUTH FOUND TO HAVE COMMITTED A DESIG-
6 NATED CLASS A FELONY ACT WHO IS RESTRICTIVELY PLACED WITH THE OFFICE
7 UNDER SUBDIVISION FOUR OF SECTION 353.5 OF THE FAMILY COURT ACT FOR
8 COMMITTING AN ACT ON OR AFTER THE YOUTH'S SIXTEENTH BIRTHDAY MAY REMAIN
9 IN THE CUSTODY OF THE OFFICE OF CHILDREN AND FAMILY SERVICES UP TO THE
10 AGE OF TWENTY-THREE IN ACCORDANCE WITH HIS OR HER PLACEMENT ORDER.

11 (A-2) Whenever it shall appear to the satisfaction of the [division]
12 OFFICE OF CHILDREN AND FAMILY SERVICES that any youth placed therewith
13 is not of proper age to be so placed or is not properly placed, or is
14 mentally or physically incapable of being materially benefited by the
15 program of the [division] OFFICE, the [division] OFFICE shall cause the
16 return of such youth to the county from which placement was made.

17 5. Consistent with other provisions of law, in the discretion of the
18 [director, youth] COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY
19 SERVICES, YOUTH PLACED WITHIN THE OFFICE UNDER THE FAMILY COURT ACT who
20 attain the age of eighteen while in [division] custody OF THE OFFICE AND
21 WHO ARE NOT REQUIRED TO REMAIN IN THE PLACEMENT WITH THE OFFICE AS A
22 RESULT OF A DISPOSITIONAL ORDER OF THE FAMILY COURT may reside in a
23 non-secure facility until the age of twenty-one, provided that such
24 youth attend a full-time vocational or educational program and are like-
25 ly to benefit from such program.

26 S 81. Paragraphs (a), (b), (c), (d) and (e) of subdivision 2 and
27 subdivision 4 of section 508 of the executive law are REPEALED.

28 S 82. Subdivisions 1, 2, 3, 5, 6, 7, 8 and 9 of section 508 of the
29 executive law, subdivision 1 as amended by chapter 738 of the laws of
30 2004, subdivision 2 as amended by chapter 572 of the laws of 1985,
31 subdivision 3 as added by chapter 481 of the laws of 1978 and renumbered
32 by chapter 465 of the laws of 1992, subdivisions 5, 6 and 7 as amended
33 by section 97 of subpart B of part C of chapter 62 of the laws of 2011,
34 subdivision 8 as added by chapter 560 of the laws of 1984 and subdivi-
35 sion 9 as added by chapter 7 of the laws of 2007, are amended and a new
36 subdivision 1-a is added to read as follows:

37 1. The office of children and family services shall maintain [secure]
38 facilities for the care and confinement of juvenile offenders committed
39 [for an indeterminate, determinate or definite sentence] TO THE OFFICE
40 pursuant to the sentencing provisions of the penal law. Such facilities
41 shall provide appropriate services to juvenile offenders including but
42 not limited to residential care, educational and vocational training,
43 physical and mental health services, and employment counseling.

44 1-A. (A) (I) THE STATE SHALL ESTABLISH ONE OR MORE FACILITIES WITH
45 ENHANCED SECURITY FEATURES AND SPECIALLY TRAINED STAFF TO SERVE THOSE
46 YOUTH SENTENCED FOR COMMITTING OFFENSES ON OR AFTER THEIR SIXTEENTH
47 BIRTHDAY WHO ARE DETERMINED, BASED ON THE PLACEMENT CLASSIFICATION
48 PROTOCOL ESTABLISHED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, TO
49 NEED AN ENHANCED LEVEL OF SECURE CARE WHICH SHALL BE ADMINISTERED BY THE
50 OFFICE OF CHILDREN AND FAMILY SERVICES.

51 (II) A COUNCIL COMPRISED OF THE COMMISSIONER OF THE OFFICE OF CHILDREN
52 AND FAMILY SERVICES, THE COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS
53 AND COMMUNITY SUPERVISION, THE COMMISSIONER OF THE STATE COMMISSION OF
54 CORRECTION, AND THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE
55 SERVICES SHALL BE ESTABLISHED TO OVERSEE THE OPERATION OF THE FACILITY.
56 THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE COUNCIL. THE COUNCIL SHALL

1 HAVE THE POWER TO PERFORM ALL ACTS NECESSARY TO CARRY OUT ITS DUTIES
2 INCLUDING MAKING UNANNOUNCED VISITS AND INSPECTIONS OF THE FACILITY AT
3 ANY TIME. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE
4 CONTRARY, THE COUNCIL MAY REQUEST AND THE OFFICE SHALL SUBMIT TO THE
5 COUNCIL, TO THE EXTENT PERMITTED BY FEDERAL LAW, ALL INFORMATION IN THE
6 FORM AND MANNER AND AT SUCH TIMES AS THE COUNCIL MAY REQUIRE THAT IS
7 APPROPRIATE TO THE PURPOSES AND OPERATION OF THE COUNCIL. THE COUNCIL
8 SHALL BE SUBJECT TO THE SAME LAWS AS APPLY TO THE OFFICE REGARDING THE
9 PROTECTION AND CONFIDENTIALITY OF THE INFORMATION MADE AVAILABLE TO THE
10 COUNCIL AND SHALL PREVENT ACCESS THERETO BY, OR THE DISTRIBUTION THEREOF
11 TO, PERSONS NOT AUTHORIZED BY LAW.

12 (III) YOUTH DIVISION AIDES AND OTHER APPROPRIATE STAFF WORKING IN THE
13 FACILITY SHALL RECEIVE SPECIALIZED TRAINING TO ADDRESS WORKING WITH THE
14 TYPES OF YOUTH PLACED IN THE FACILITY, WHICH SHALL INCLUDE BUT NOT BE
15 LIMITED TO, TRAINING ON TACTICAL RESPONSES AND DE-ESCALATION TECHNIQUES.
16 ANY APPLICANT FOR EMPLOYMENT IN THE FACILITY AS A YOUTH DIVISION AIDE
17 SHALL BE SUBJECT TO THE SAME REQUIREMENTS AND PROCESSES FOR PSYCHOLOG-
18 ICAL SCREENING AS APPLICANTS FOR EMPLOYMENT AS CORRECTIONAL OFFICERS
19 WITH THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION PURSUANT TO
20 SECTION EIGHT OF THE CORRECTION LAW INCLUDING THE RIGHT TO REVIEW BY THE
21 INDEPENDENT ADVISORY BOARD ESTABLISHED PURSUANT TO SUCH SECTION,
22 PROVIDED, HOWEVER, THAT WHEN REFERRED TO IN SUCH SECTION "DEPARTMENT"
23 SHALL MEAN THE OFFICE OF CHILDREN AND FAMILY SERVICES AND "COMMISSIONER"
24 SHALL MEAN THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY
25 SERVICES. ALL STAFF OF THE FACILITY SHALL BE SUBJECT TO RANDOM DRUG
26 TESTS.

27 (B) THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION OR THE
28 STATE COMMISSION OF CORRECTION SHALL ASSIGN AN ASSISTANT COMMISSIONER TO
29 ASSIST THE OFFICE OF CHILDREN AND FAMILY SERVICES, ON A PERMANENT BASIS,
30 WITH THE SECURITY ISSUES RELATING TO OPERATING FACILITIES SERVING THE
31 ADDITIONAL YOUTH SENTENCED TO THE OFFICE.

32 (C) THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION OR THE
33 STATE COMMISSION OF CORRECTION AND THE OFFICE OF CHILDREN AND FAMILY
34 SERVICES SHALL JOINTLY ESTABLISH A PLACEMENT CLASSIFICATION PROTOCOL TO
35 BE USED BY THE ASSISTANT COMMISSIONER ASSIGNED TO THE OFFICE PURSUANT TO
36 PARAGRAPH (B) OF THIS SUBDIVISION AND AN OFFICE OF CHILDREN AND FAMILY
37 SERVICES OFFICIAL DESIGNATED BY THE COMMISSIONER OF THE OFFICE TO DETER-
38 MINE THE APPROPRIATE LEVEL OF CARE FOR EACH YOUTH SENTENCED TO THE
39 OFFICE. THE PROTOCOL SHALL INCLUDE, BUT NOT NECESSARILY BE LIMITED TO,
40 CONSIDERATION OF THE NATURE OF THE YOUTH'S OFFENSE AND THE YOUTH'S
41 HISTORY AND SERVICE NEEDS.

42 (D) ANY NEW FACILITIES DEVELOPED BY THE OFFICE OF CHILDREN AND FAMILY
43 SERVICES TO SERVE THE ADDITIONAL YOUTH PLACED WITH THE OFFICE AS A
44 RESULT OF RAISING THE AGE OF JUVENILE JURISDICTION SHALL, TO THE EXTENT
45 PRACTICABLE, CONSIST OF SMALLER, MORE HOME-LIKE FACILITIES LOCATED NEAR
46 THE YOUTHS' HOMES AND FAMILIES THAT PROVIDE GENDER-RESPONSIVE PROGRAM-
47 MING, SERVICES AND TREATMENT IN SMALL, CLOSELY SUPERVISED GROUPS THAT
48 OFFER EXTENSIVE AND ON-GOING INDIVIDUAL ATTENTION AND ENCOURAGE SUPPORT-
49 IVE PEER RELATIONSHIPS.

50 2. Juvenile offenders COMMITTED TO THE OFFICE FOR COMMITTING CRIMES
51 PRIOR TO THE AGE OF SIXTEEN shall be confined in such facilities until
52 the age of twenty-one IN ACCORDANCE WITH THEIR SENTENCES, and shall not
53 be released, discharged or permitted home visits except pursuant to the
54 provisions of this section.

55 3. The [division] OFFICE OF CHILDREN AND FAMILY SERVICES shall report
56 in writing to the sentencing court and district attorney, not less than

1 once every six months during the period of confinement, on the status,
2 adjustment, programs and progress of the offender.

3 [5.] 4. The office of children and family services may transfer an
4 offender not less than eighteen [nor more than twenty-one] years of age
5 to the department of corrections and community supervision if the
6 commissioner of the office certifies to the commissioner of corrections
7 and community supervision that there is no substantial likelihood that
8 the youth will benefit from the programs offered by office facilities.

9 [6. At age twenty-one, all] 5. (A) ALL juvenile offenders COMMITTED TO
10 THE OFFICE FOR COMMITTING A CRIME PRIOR TO THE YOUTH'S SIXTEENTH BIRTH-
11 DAY WHO STILL HAVE TIME LEFT ON THEIR SENTENCES OF IMPRISONMENT shall be
12 transferred AT AGE TWENTY-ONE to the custody of the department of
13 corrections and community supervision for confinement pursuant to the
14 correction law.

15 [7.] (B) ALL OFFENDERS COMMITTED OR TRANSFERRED TO THE OFFICE FOR
16 COMMITTING A CRIME ON OR AFTER THEIR SIXTEENTH BIRTHDAY WHO STILL HAVE
17 TIME LEFT ON THEIR SENTENCES OF IMPRISONMENT SHALL BE TRANSFERRED TO THE
18 CUSTODY OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION FOR
19 CONFINEMENT PURSUANT TO THE CORRECTION LAW AFTER COMPLETING TWO YEARS OF
20 CARE IN OFFICE OF CHILDREN AND FAMILY SERVICES FACILITIES UNLESS THEY
21 ARE WITHIN FOUR MONTHS OF COMPLETING THE IMPRISONMENT PORTION OF THEIR
22 SENTENCE AND THE OFFICE DETERMINES, IN ITS DISCRETION, ON A CASE-BY-CASE
23 BASIS THAT THE YOUTH SHOULD BE PERMITTED TO REMAIN WITH THE OFFICE FOR
24 THE ADDITIONAL SHORT PERIOD OF TIME NECESSARY TO ENABLE THEM TO COMPLETE
25 THEIR SENTENCE. IN MAKING SUCH A DETERMINATION, THE FACTORS THE OFFICE
26 MAY CONSIDER INCLUDE, BUT ARE NOT LIMITED TO, THE AGE OF THE YOUTH, THE
27 AMOUNT OF TIME REMAINING ON THE YOUTH'S SENTENCE OF IMPRISONMENT, THE
28 LEVEL OF THE YOUTH'S PARTICIPATION IN THE PROGRAM, THE YOUTH'S EDUCA-
29 TIONAL AND VOCATIONAL PROGRESS, THE OPPORTUNITIES AVAILABLE TO THE YOUTH
30 THROUGH THE OFFICE AND THROUGH THE DEPARTMENT, AND THE LENGTH OF THE
31 YOUTH'S POST-RELEASE SUPERVISION SENTENCE. NOTHING IN THIS PARAGRAPH
32 SHALL AUTHORIZE A YOUTH TO REMAIN IN AN OFFICE FACILITY BEYOND HIS OR
33 HER TWENTY-THIRD BIRTHDAY.

34 (C) COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, ALL JUVENILE
35 OFFENDERS WHO ARE ELIGIBLE TO BE RELEASED FROM AN OFFICE OF CHILDREN AND
36 FAMILY SERVICES FACILITY BEFORE THEY ARE REQUIRED TO BE TRANSFERRED TO
37 THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION AND WHO ARE ABLE
38 TO COMPLETE THE FULL-TERM OF THEIR POST-RELEASE SUPERVISION SENTENCES
39 BEFORE THEY TURN TWENTY-THREE YEARS OF AGE SHALL REMAIN WITH THE OFFICE
40 OF CHILDREN AND FAMILY SERVICES FOR POST-RELEASE SUPERVISION.

41 (D) COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, ALL JUVENILE
42 OFFENDERS RELEASED FROM AN OFFICE OF CHILDREN AND FAMILY SERVICES FACIL-
43 ITY BEFORE THEY ARE TRANSFERRED TO THE DEPARTMENT OF CORRECTIONS AND
44 COMMUNITY SUPERVISION WHO ARE UNABLE TO COMPLETE THE FULL-TERM OF THEIR
45 POST-RELEASE SUPERVISION SENTENCES BEFORE THEY TURN TWENTY-THREE YEARS
46 OF AGE SHALL BE UNDER THE SUPERVISION OF THE DEPARTMENT OF CORRECTIONS
47 AND COMMUNITY SUPERVISION UNTIL EXPIRATION OF THE MAXIMUM TERM OR PERIOD
48 OF SENTENCE, OR EXPIRATION OF SUPERVISION, INCLUDING ANY POST-RELEASE
49 SUPERVISION AS THE CASE MAY BE PROVIDED, HOWEVER, THAT THE OFFICE SHALL
50 ASSIST SUCH DEPARTMENT IN PLANNING FOR THE YOUTH'S POST-RELEASE SUPER-
51 VISION.

52 6. While in the custody of the office of children and family services,
53 an offender shall be subject to the rules and regulations of the office,
54 except that his OR HER parole, POST-RELEASE SUPERVISION, temporary
55 release and discharge shall be governed by the laws applicable to
56 inmates of state correctional facilities and his OR HER transfer to

1 state hospitals in the office of mental health shall be governed by
2 section five hundred nine of this chapter; PROVIDED, HOWEVER, THAT AN
3 OTHERWISE ELIGIBLE JUVENILE OFFENDER MAY RECEIVE THE SIX-MONTH LIMITED
4 CREDIT TIME ALLOWANCE FOR SUCCESSFUL PARTICIPATION IN ONE OR MORE
5 PROGRAMS DEVELOPED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES THAT
6 ARE COMPARABLE TO THE PROGRAMS SET FORTH IN SECTION EIGHT HUNDRED
7 THREE-B OF THE CORRECTION LAW, TAKING INTO CONSIDERATION THE AGE OF
8 JUVENILE OFFENDERS. The commissioner of the office of children and
9 family services shall, however, establish and operate temporary release
10 programs at office of children and family services facilities AND
11 PROVIDE POST-RELEASE SUPERVISION for eligible juvenile offenders and
12 [contract with the department of corrections and community supervision
13 for the provision of parole] PROVIDE supervision [services] for tempo-
14 rary releasees AND JUVENILES ON POST-RELEASE SUPERVISION. The rules and
15 regulations for these programs shall not be inconsistent with the laws
16 for temporary release AND POST-RELEASE SUPERVISION applicable to inmates
17 of state correctional facilities. For the purposes of temporary release
18 programs for juvenile offenders only, when referred to or defined in
19 article twenty-six of the correction law, "institution" shall mean any
20 facility designated by the commissioner of the office of children and
21 family services, "department" shall mean the office of children and
22 family services, "inmate" shall mean a juvenile offender residing in an
23 office of children and family services facility, and "commissioner"
24 shall mean the [director] COMMISSIONER of the office of children and
25 family services. FOR THE PURPOSES OF SUCH POST-RELEASE SUPERVISION FOR
26 JUVENILE OFFENDERS UNDER PARAGRAPH (C) OF SUBDIVISION FIVE OF THIS
27 SECTION ONLY, WHEN REFERRED TO IN SECTION 70.45 OF THE PENAL LAW OR
28 ARTICLE TWELVE-B OF THE EXECUTIVE LAW, THE TERM "DEPARTMENT OF
29 CORRECTIONS AND COMMUNITY SUPERVISION", "DEPARTMENT", "DIVISION OF
30 PAROLE", "DIVISION", "BOARD OF PAROLE" AND "BOARD" SHALL MEAN THE OFFICE
31 OF CHILDREN AND FAMILY SERVICES, AND THE TERM "COMMISSIONER" SHALL MEAN
32 THE OFFICE OF CHILDREN AND FAMILY SERVICES. Time spent in office of
33 children and family services facilities and in juvenile detention facil-
34 ities shall be credited towards the sentence imposed in the same manner
35 and to the same extent applicable to inmates of state correctional
36 facilities.

37 [8] 7. Whenever a juvenile offender or a juvenile offender adjudi-
38 cated a youthful offender shall be delivered to the director of [a divi-
39 sion for youth] AN OFFICE OF CHILDREN AND FAMILY SERVICES facility
40 pursuant to a commitment to the [director of the division for youth]
41 OFFICE OF CHILDREN AND FAMILY SERVICES, the officer so delivering such
42 person shall deliver to such facility director a certified copy of the
43 sentence received by such officer from the clerk of the court by which
44 such person shall have been sentenced, a copy of the report of the
45 probation officer's investigation and report, any other pre-sentence
46 memoranda filed with the court, a copy of the person's fingerprint
47 records, a detailed summary of available medical records, psychiatric
48 records and reports relating to assaults, or other violent acts,
49 attempts at suicide or escape by the person while in the custody of a
50 local detention facility.

51 [9] 8. Notwithstanding any provision of law, including section five
52 hundred one-c of this article, the office of children and family
53 services shall make records pertaining to a person convicted of a sex
54 offense as defined in subdivision (p) of section 10.03 of the mental
55 hygiene law available upon request to the commissioner of mental health
56 or the commissioner of [mental retardation and] THE OFFICE FOR PERSONS

1 WITH developmental disabilities, as appropriate; a case review panel;
2 and the attorney general; in accordance with the provisions of article
3 ten of the mental hygiene law.

4 S 83. Section 712 of the family court act, as amended by chapter 920
5 of the laws of 1982, subdivision (a) as amended by section 7 of part G
6 of chapter 58 of the laws of 2010, subdivision (b) as amended by chapter
7 465 of the laws of 1992, subdivision (g) as amended by section 2 of part
8 B of chapter 3 of the laws of 2005, subdivision (h) as added by chapter
9 7 of the laws of 1999, subdivision (i) as amended and subdivisions (j),
10 (k), (l) and (m) as added by chapter 38 of the laws of 2014, is amended
11 to read as follows:

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

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

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

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

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

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

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

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

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

47 [(i)] (F) "Diversion services". Services provided to children and
48 families pursuant to section seven hundred thirty-five of this article
49 for the purpose of avoiding the need to file a petition [or direct the
50 detention of the child]. Diversion services shall include: efforts to
51 adjust cases pursuant to this article before a petition is filed, or by
52 order of the court, after the petition is filed but before fact-finding
53 is commenced; and preventive services provided in accordance with
54 section four hundred nine-a of the social services law to avert the
55 placement of the child [into foster care], including crisis intervention
56 and respite services. Diversion services may also include, in cases

1 where any person is seeking to file a petition that alleges that the
2 child has a substance use disorder or is in need of immediate detoxifi-
3 cation or substance use disorder services, an assessment for substance
4 use disorder; provided, however, that notwithstanding any other
5 provision of law to the contrary, the designated lead agency shall not
6 be required to pay for all or any portion of the costs of such assess-
7 ment or substance use disorder or detoxification services, except in
8 cases where medical assistance for needy persons may be used to pay for
9 all or any portion of the costs of such assessment or services.

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

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

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

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

28 S 84. The part heading of part 2 of article 7 of the family court act
29 is amended to read as follows:

30 CUSTODY [AND DETENTION]

31 S 85. Section 720 of the family court act, as amended by chapter 419
32 of the laws of 1987, subdivision 3 as amended by section 9 of subpart B
33 of part Q of chapter 58 of the laws of 2011, subdivision 5 as amended by
34 section 3 of part E of chapter 57 of the laws of 2005, and paragraph (c)
35 of subdivision 5 as added by section 8 of part G of chapter 58 of the
36 laws of 2010, is amended to read as follows:

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

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

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

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

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

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

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

25 S 86. Section 727 of the family court act is REPEALED.

26 S 87. The section heading and subdivisions (c) and (d) of section 728
27 of the family court act, subdivision (d) as added by chapter 145 of the
28 laws of 2000, paragraph (i) as added and paragraph (ii) of subdivision
29 (d) as renumbered by section 5 of part E of chapter 57 of the laws of
30 2005, and paragraph (iii) as amended and paragraph (iv) of subdivision
31 (d) as added by section 10 of subpart B of part Q of chapter 58 of the
32 laws of 2011, are amended to read as follows:

33 Discharge[,] OR release [or detention] by judge after hearing and
34 before filing of petition in custody cases.

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

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

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

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

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

55 (iv) whether the setting of the detention takes into account the prox-
56 imity to the community in which the person alleged to be or adjudicated

1 as a person in need of supervision lives with such person's parents or
2 to which such person will be discharged, and the existing educational
3 setting of such person and the proximity of such setting to the location
4 of the detention setting.]

5 S 88. Section 729 of the family court act is REPEALED.

6 S 89. Subdivisions (b) and (f) and paragraph (i) of subdivision (d) of
7 section 735 of the family court act, subdivision (b) as amended by chap-
8 ter 38 of the laws of 2014, paragraph (i) of subdivision (d) as amended
9 by chapter 535 of the laws of 2011 and subdivision (f) as added by
10 section 7 of part E of chapter 57 of the laws of 2005, are amended to
11 read as follows:

12 (b) The designated lead agency shall:

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

17 (ii) diligently attempt to prevent the filing of a petition under this
18 article or, after the petition is filed, to prevent the placement of the
19 youth into foster care; and

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

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

25 (v) determine whether alternatives to detention are appropriate to
26 avoid remand of the youth to detention INCLUDING WHETHER THE YOUTH AND
27 HIS OR HER FAMILY SHOULD BE REFERRED TO AN AVAILABLE FAMILY SUPPORT
28 CENTER; and

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

42 (i) providing, at the first contact, information on the availability
43 of or a referral to services in the geographic area where the youth and
44 his or her family are located that may be of benefit in avoiding the
45 need to file a petition under this article; including the availability,
46 for up to twenty-one days, of a residential respite program, if the
47 youth and his or her parent or other person legally responsible for his
48 or her care agree, and the availability of other non-residential crisis
49 intervention programs such as A FAMILY SUPPORT CENTER, family crisis
50 counseling or alternative dispute resolution programs or an educational
51 program as defined in section four hundred fifty-eight-1 of the social
52 services law.

53 (f) Efforts to prevent the filing of a petition pursuant to this
54 section may extend until the designated lead agency determines that
55 there is no substantial likelihood that the youth and his or her family
56 will benefit from further attempts. Efforts at diversion pursuant to

1 this section may continue after the filing of a petition where the
2 designated lead agency determines that the youth and his or her family
3 will benefit from further attempts to prevent PLACEMENT OF the youth
4 [from entering foster care] IN ACCORDANCE WITH SECTION SEVEN HUNDRED
5 FIFTY-SIX OF THIS ARTICLE.

6 S 90. Section 739 of the family court act, as amended by chapter 920
7 of the laws of 1982, subdivision (a) as amended by section 10 of part G
8 of chapter 58 of the laws of 2010, subdivision (c) as added by chapter
9 145 of the laws of 2000, is amended to read as follows:

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

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

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

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

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

44 S 91. Section 741-a of the family court act, as amended by section 3
45 of part B of chapter 327 of the laws of 2007, is amended to read as
46 follows:

47 S 741-a. Notice and right to be heard. The foster parent caring for
48 [the child] A SEXUALLY EXPLOITED CHILD PLACED IN ACCORDANCE WITH SECTION
49 SEVEN HUNDRED FIFTY-SIX OF THIS ARTICLE or any pre-adoptive parent or
50 relative providing care for the respondent shall be provided with notice
51 of any permanency hearing held pursuant to this article by the social
52 services official. Such foster parent, pre-adoptive parent or relative
53 shall have the right to be heard at any such hearing; provided, however,
54 no such foster parent, pre-adoptive parent or relative shall be
55 construed to be a party to the hearing solely on the basis of such
56 notice and right to be heard. The failure of the foster parent, pre-a-

1 doptive parent, or relative caring for the child to appear at a perman-
2 ency hearing shall constitute a waiver of the right to be heard and such
3 failure to appear shall not cause a delay of the permanency hearing nor
4 shall such failure to appear be a ground for the invalidation of any
5 order issued by the court pursuant to this section.

6 S 92. Section 747 of the family court act is REPEALED.

7 S 93. Section 748 of the family court act is REPEALED.

8 S 94. Subdivision (b) of section 749 of the family court act, as
9 amended by chapter 806 of the laws of 1973, is amended to read as
10 follows:

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

20 S 95. Paragraph (a) of subdivision 2 of section 754 of the family
21 court act, as amended by chapter 7 of the laws of 1999, subparagraph
22 (ii) of paragraph (a) as amended by section 20 of part L of chapter 56
23 of the laws of 2015, is amended to read as follows:

24 (a) The order shall state the court's reasons for the particular
25 disposition. If the court places the child in accordance with section
26 seven hundred fifty-six of this part, the court in its order shall
27 determine: (i) whether continuation in the child's home would be contra-
28 ry to the best interest of the child and where appropriate, that reason-
29 able efforts were made prior to the date of the dispositional hearing
30 held pursuant to this article to prevent or eliminate the need for
31 removal of the child from his or her home and, if the child was removed
32 from his or her home prior to the date of such hearing, that such
33 removal was in the child's best interest and, where appropriate, reason-
34 able efforts were made to make it possible for the child to return safe-
35 ly home. If the court determines that reasonable efforts to prevent or
36 eliminate the need for removal of the child from the home were not made
37 but that the lack of such efforts was appropriate under the circum-
38 stances, the court order shall include such a finding; and (ii) in the
39 case of a child who has attained the age of fourteen, the services need-
40 ed, if any, to assist the child to make the transition from foster care
41 to independent living. [Nothing in this subdivision shall be construed
42 to modify the standards for directing detention set forth in section
43 seven hundred thirty-nine of this article.]

44 S 96. Section 756 of the family court act, as amended by chapter 920
45 of the laws of 1982, paragraph (i) of subdivision (a) as amended by
46 chapter 309 of the laws of 1996, the opening paragraph of paragraph (ii)
47 of subdivision (a) as amended by section 11 of part G of chapter 58 of
48 the laws of 2010, subdivision (b) as amended by chapter 7 of the laws of
49 1999, and subdivision (c) as amended by section 10 of part E of chapter
50 57 of the laws of 2005, is amended to read as follows:

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

55 (ii) [Where the child is placed] IF THE COURT FINDS THAT THE RESPOND-
56 ENT IS A SEXUALLY EXPLOITED CHILD AS DEFINED IN SUBDIVISION ONE OF

1 SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW, THE COURT
2 MAY PLACE THE CHILD with the commissioner of the local social services
3 district[, the court] AND may direct the commissioner to place the child
4 with an authorized agency or class of authorized agencies, including[,
5 if the court finds that the respondent is a sexually exploited child as
6 defined in subdivision one of section four hundred forty-seven-a of the
7 social services law,] an available long-term safe house. Unless the
8 dispositional order provides otherwise, the court so directing shall
9 include one of the following alternatives to apply in the event that the
10 commissioner is unable to so place the child:

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

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

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

30 (c) A placement pursuant to this section with the commissioner of
31 social services shall not be directed in any detention facility, but the
32 court may direct detention pending transfer to a placement authorized
33 and ordered under this section for no more than than fifteen days after
34 such order of placement is made. Such direction shall be subject to
35 extension pursuant to subdivision three of section three hundred nine-
36 ty-eight of the social services law, upon written documentation to the
37 office of children and family services that the youth is in need of
38 specialized treatment or placement and the diligent efforts by the
39 commissioner of social services to locate an appropriate placement.]

40 S 97. Section 758-a of the family court act, as amended by chapter 73
41 of the laws of 1979, subdivision 1 as amended by chapter 4 of the laws
42 of 1987, paragraph (b) of subdivision 1 as amended by chapter 575 of the
43 laws of 2007, subdivision 2 as amended by chapter 309 of the laws of
44 1996, and subdivision 3 as separately amended by chapter 568 of the laws
45 of 1979, is amended to read as follows:

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

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

1 probation or suspended judgment, the] THE court may require that the
2 [infant] CHILD pay out of his or her own funds or earnings the amount of
3 replacement or damage, either in a lump sum or in periodic payments in
4 amounts set by the court; and/or

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

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

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

35 [4.] 3. The court, upon receipt of the reports provided for in subdi-
36 vision two [or three] of this section may, on its own motion or the
37 motion of any party or the agency, hold a hearing to determine whether
38 the [placement] CONDITION should be altered or modified.

39 S 98. Section 774 of the family court act is amended to read as
40 follows:

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

51 S 98-a. Article 6 of the social services law is amended by adding a
52 new title 12 to read as follows:

53 TITLE 12

54 FAMILY SUPPORT CENTERS

55 SECTION 458-M. FAMILY SUPPORT CENTERS.

56 458-N. FUNDING FOR FAMILY SUPPORT CENTERS.

1 S 458-M. FAMILY SUPPORT CENTERS. 1. AS USED IN THIS TITLE, THE TERM
2 "FAMILY SUPPORT CENTER" SHALL MEAN A PROGRAM ESTABLISHED PURSUANT TO THIS
3 TITLE TO PROVIDE COMMUNITY-BASED SUPPORTIVE SERVICES TO CHILDREN AND
4 FAMILIES WITH THE GOAL OF PREVENTING A CHILD FROM BEING ADJUDICATED A
5 PERSON IN NEED OF SUPERVISION AND HELP PREVENT THE OUT OF HOME PLACE-
6 MENTS OF SUCH YOUTH UNDER ARTICLE SEVEN OF THE FAMILY COURT ACT.

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

10 (A) RAPID FAMILY ASSESSMENTS AND SCREENINGS;

11 (B) CRISIS INTERVENTION;

12 (C) FAMILY MEDIATION AND SKILLS BUILDING;

13 (D) MENTAL AND BEHAVIORAL HEALTH SERVICES INCLUDING COGNITIVE INTER-
14 VENTIONS;

15 (E) CASE MANAGEMENT;

16 (F) RESPITE SERVICES;

17 (G) EDUCATION ADVOCACY; AND

18 (H) OTHER FAMILY SUPPORT SERVICES.

19 3. THE SERVICES THAT ARE PROVIDED SHALL BE TRAUMA RESPONSIVE, FAMILY
20 FOCUSED, GENDER-RESPONSIVE, AND EVIDENCE BASED OR INFORMED AND STRENGTHS
21 BASED AND SHALL BE TAILORED TO THE INDIVIDUALIZED NEEDS OF THE CHILD AND
22 FAMILY BASED ON THE ASSESSMENTS AND SCREENINGS CONDUCTED BY SUCH FAMILY
23 SUPPORT CENTER.

24 4. FAMILY SUPPORT CENTERS SHALL HAVE THE CAPACITY TO SERVE FAMILIES
25 OUTSIDE OF REGULAR BUSINESS HOURS INCLUDING EVENINGS AND WEEKENDS.

26 S 458-N. FUNDING FOR FAMILY SUPPORT CENTERS. 1. NOTWITHSTANDING ANY
27 OTHER PROVISION OF LAW TO THE CONTRARY, TO THE EXTENT THAT FUNDS ARE
28 AVAILABLE FOR SUCH PURPOSE, THE OFFICE OF CHILDREN AND FAMILY SERVICES
29 SHALL DISTRIBUTE FUNDING TO THE HIGHEST NEED SOCIAL SERVICES DISTRICTS
30 TO CONTRACT WITH NOT-FOR-PROFIT CORPORATIONS TO OPERATE FAMILY SUPPORT
31 CENTERS IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE AND THE SPECIFIC
32 PROGRAM MODEL REQUIREMENTS ISSUED BY THE OFFICE.

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

37 (A) THE TOTAL AMOUNT OF AVAILABLE FUNDING AND THE AMOUNT OF FUNDING
38 REQUIRED FOR FAMILY SUPPORT CENTERS TO MEET THE OBJECTIVES OUTLINED IN
39 SECTION FOUR HUNDRED FIFTY-EIGHT-M OF THIS TITLE;

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

42 (I) THE AVAILABILITY OF SERVICES WITHIN SUCH DISTRICT TO PREVENT OR
43 REDUCE DETENTION OR RESIDENTIAL PLACEMENT OF YOUTH PURSUANT TO ARTICLE
44 SEVEN OF THE FAMILY COURT ACT; AND

45 (II) RELATIVE TO THE YOUTH POPULATION OF SUCH SOCIAL SERVICES
46 DISTRICT:

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

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

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

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

55 3. SOCIAL SERVICES DISTRICTS RECEIVING FUNDING UNDER THIS TITLE SHALL
56 REPORT TO THE OFFICE OF CHILDREN AND FAMILY SERVICES, IN THE FORM AND

1 MANNER AND AT SUCH TIMES AS DETERMINED BY THE OFFICE, ON THE PERFORMANCE
2 OUTCOMES OF ANY FAMILY SUPPORT CENTER LOCATED WITHIN SUCH DISTRICT THAT
3 RECEIVES FUNDING UNDER THIS TITLE.

4 S 98-b. Subdivisions 3, 3-a, 11 and 12 of section 398 of the social
5 services law, subdivision 3 as amended by chapter 419 of the laws of
6 1987, paragraph (c) of subdivision 3 as amended by section 19 of part E
7 of chapter 57 of the laws of 2005, subdivision 3-a as added by section 1
8 of subpart B of part G of chapter 57 of the laws of 2012, subdivision 11
9 as added by chapter 514 of the laws of 1976 and subdivision 12 as
10 amended by section 12 of subpart B of part Q of chapter 58 of the laws
11 of 2011, are amended to read as follows:

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

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

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

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

26 [3-a. As to delinquent children:

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

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

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

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

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

55 (i) If, in the opinion of the social services district, there is no
56 suitable parent, relative or guardian to whom a juvenile delinquent can

1 be conditionally released, and suitable care cannot otherwise be
2 secured, the district may conditionally release such juvenile delinquent
3 to the care of any other suitable person; provided that where such suit-
4 able person has no legal relationship with the juvenile, the district
5 shall advise such person of the procedures for obtaining custody or
6 guardianship of the juvenile.

7 (ii) If a conditionally released juvenile delinquent is subject to
8 article sixty-five of the education law or elects to participate in an
9 educational program leading to a high school diploma, he or she shall be
10 enrolled in a school or educational program leading to a high school
11 diploma following release, or, if such release occurs during the summer
12 recess, upon the commencement of the next school term. If a condi-
13 tionally released juvenile delinquent is not subject to article sixty-
14 five of the education law, and does not elect to participate in an
15 educational program leading to a high school diploma, steps shall be
16 taken, to the extent possible, to facilitate his or her gainful employ-
17 ment or enrollment in a vocational program following release.

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

26 (1) was due to an arrest or surrender based upon the absence; or
27 (2) arose from an arrest or surrender on another charge which did not
28 culminate in a conviction, adjudication or adjustment.

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

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

45 12. A social services official shall be permitted to place persons
46 adjudicated [in need of supervision or] delinquent[, and alleged persons
47 to be in need of supervision] in detention pending transfer to a place-
48 ment, in the same foster care facilities as are providing care to desti-
49 tute, neglected, abused or abandoned children. Such foster care facili-
50 ties shall not provide care to a youth in the care of a social services
51 official as a convicted juvenile offender.

52 S 98-c. Paragraph (a) of subdivision 1 of section 409-a of the social
53 services law, as amended by chapter 87 of the laws of 1993, subparagraph
54 (i) as amended by chapter 342 of the laws of 2010, and subparagraph (ii)
55 as amended by section 22 of part C of chapter 83 of the laws of 2002, is
56 amended to read as follows:

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

28 S 99. Subdivision 1, the opening paragraph of subdivision 2 and
29 subparagraphs (i) and (iii) of paragraph (a) of subdivision 3 of section
30 529-b of the executive law, as added by section 3 of subpart B of part Q
31 of chapter 58 of the laws of 2011, are amended to read as follows:

32 1. (a) Notwithstanding any provision of law to the contrary, eligible
33 expenditures by an eligible municipality for services to divert youth at
34 risk of, alleged to be, or adjudicated as juvenile delinquents [or
35 persons alleged or adjudicated to be in need of supervision], or youth
36 alleged to be or convicted as juvenile offenders from placement in
37 detention or in residential care shall be subject to state reimbursement
38 under the supervision and treatment services for juveniles program for
39 up to sixty-two percent of the municipality's expenditures, subject to
40 available appropriations and exclusive of any federal funds made avail-
41 able for such purposes, not to exceed the municipality's distribution
42 under the supervision and treatment services for juveniles program.

43 (b) The state funds appropriated for the supervision and treatment
44 services for juveniles program shall be distributed to eligible munic-
45 ipalities by the office of children and family services based on a plan
46 developed by the office which may consider historical information
47 regarding the number of youth seen at probation intake for an alleged
48 act of delinquency, THE NUMBER OF ALLEGED PERSONS IN NEED OF SUPERVISION
49 RECEIVING DIVERSION SERVICES UNDER SECTION SEVEN HUNDRED THIRTY-FIVE OF
50 THE FAMILY COURT ACT, the number of youth remanded to detention, the
51 number of juvenile delinquents placed with the office, the number of
52 juvenile delinquents [and persons in need of supervision] placed in
53 residential care with the municipality, the municipality's reduction in
54 the use of detention and residential placements, and other factors as
55 determined by the office. Such plan developed by the office shall be
56 subject to the approval of the director of the budget. The office is

1 authorized, in its discretion, to make advance distributions to a muni-
2 cipality in anticipation of state reimbursement.

3 As used in this section, the term "municipality" shall mean a county,
4 or a city having a population of one million or more, and "supervision
5 and treatment services for juveniles" shall mean community-based
6 services or programs designed to safely maintain youth in the community
7 pending a family court disposition or conviction in criminal court and
8 services or programs provided to youth adjudicated as juvenile delin-
9 quents [or persons in need of supervision,] or youth alleged to be juve-
10 nile offenders to prevent residential placement of such youth or a
11 return to placement where such youth have been released to the community
12 from residential placement OR PROGRAMS PROVIDED TO YOUTH ADJUDICATED
13 PERSONS IN NEED OF SUPERVISION TO MAINTAIN SUCH YOUTH IN THEIR HOMES.
14 Supervision and treatment services for juveniles may include but are not
15 limited to services or programs that:

16 (i) an analysis that identifies the neighborhoods or communities from
17 which the greatest number of juvenile delinquents [and persons in need
18 of supervision] are remanded to detention or residentially placed AND
19 FROM WHICH THE GREATEST NUMBER OF ALLEGED PERSONS IN NEED OF SUPERVISION
20 ARE OFFERED DIVERSION SERVICES;

21 (iii) a description of how the services and programs proposed for
22 funding will reduce the number of youth from the municipality who are
23 detained and residentially OR OTHERWISE placed; how such services and
24 programs are family-focused; and whether such services and programs are
25 capable of being replicated across multiple sites;

26 S 100. The opening paragraph and paragraph (a) of subdivision 2 and
27 subdivisions 4, 5, 6 and 7 of section 530 of the executive law, the
28 opening paragraph of subdivision 2 and subdivision 4 as amended by
29 section 4 of subpart B of part Q of chapter 58 of the laws of 2011,
30 paragraph (a) of subdivision 2 as amended by section 1 of part M of
31 chapter 57 of the laws of 2012, subdivision 5 as amended by chapter 920
32 of the laws of 1982, subparagraphs 1, 2 and 4 of paragraph (a) and para-
33 graph (b) of subdivision 5 as amended by section 5 of subpart B of part
34 Q of chapter 58 of the laws of 2011, subdivision 6 as amended by chapter
35 880 of the laws of 1976, and subdivision 7 as amended by section 6 of
36 subpart B of part Q of chapter 58 of the laws of 2011, are amended to
37 read as follows:

38 [Expenditures] EXCEPT AS PROVIDED FOR IN SUBDIVISION EIGHT OF THIS
39 SECTION, EXPENDITURES made by municipalities in providing care, mainte-
40 nance and supervision to youth in detention facilities designated pursu-
41 ant to [sections seven hundred twenty and] SECTION 305.2 of the family
42 court act and certified by [the division for youth] OFFICE OF CHILDREN
43 AND FAMILY SERVICES, shall be subject to reimbursement by the state, as
44 follows:

45 (a) Notwithstanding any provision of law to the contrary, eligible
46 expenditures by a municipality during a particular program year for the
47 care, maintenance and supervision [in foster care programs certified by
48 the office of children and family services, certified or approved family
49 boarding homes, and non-secure detention facilities certified by the
50 office for those youth alleged to be persons in need of supervision or
51 adjudicated persons in need of supervision held pending transfer to a
52 facility upon placement; and] in secure and non-secure detention facili-
53 ties certified by the office in accordance with section five hundred
54 three of this article for those youth alleged to be juvenile delin-
55 quents; adjudicated juvenile delinquents held pending transfer to a
56 facility upon placement, and juvenile delinquents held at the request of

1 the office of children and family services pending extension of place-
2 ment hearings or release revocation hearings or while awaiting disposi-
3 tion of such hearings; and youth alleged to be or convicted as juvenile
4 offenders AND, PRIOR TO JANUARY FIRST, TWO THOUSAND NINETEEN, YOUTH
5 ALLEGED TO BE PERSONS IN NEED OF SUPERVISION OR ADJUDICATED PERSONS IN
6 NEED OF SUPERVISION HELD PENDING TRANSFER TO A FACILITY UPON PLACEMENT
7 IN FOSTER CARE PROGRAMS CERTIFIED BY THE OFFICE OF CHILDREN AND FAMILY
8 SERVICES, CERTIFIED OR APPROVED FAMILY BOARDING HOMES, AND NON-SECURE
9 DETENTION FACILITIES CERTIFIED BY THE OFFICE, shall be subject to state
10 reimbursement for up to fifty percent of the municipality's expendi-
11 tures, exclusive of any federal funds made available for such purposes,
12 not to exceed the municipality's distribution from funds that have been
13 appropriated specifically therefor for that program year. Municipalities
14 shall implement the use of detention risk assessment instruments in a
15 manner prescribed by the office so as to inform detention decisions.
16 Notwithstanding any other provision of state law to the contrary, data
17 necessary for completion of a detention risk assessment instrument may
18 be shared among law enforcement, probation, courts, detention adminis-
19 trators, detention providers, and the attorney for the child upon
20 retention or appointment; solely for the purpose of accurate completion
21 of such risk assessment instrument, and a copy of the completed
22 detention risk assessment instrument shall be made available to the
23 applicable detention provider, the attorney for the child and the court.

24 4. (a) The municipality must notify the office of children and family
25 services of state aid received under other state aid formulas by each
26 detention facility for which the municipality is seeking reimbursement
27 pursuant to this section, including but not limited to, aid for educa-
28 tion, probation and mental health services.

29 (b) EXCEPT AS PROVIDED IN SUBDIVISION EIGHT OF THIS SECTION: (I) In
30 computing reimbursement to the municipality pursuant to this section,
31 the office shall insure that the aggregate of state aid under all state
32 aid formulas shall not exceed fifty percent of the cost of care, mainte-
33 nance and supervision provided to detainees eligible for state
34 reimbursement under subdivision two of this section, exclusive of feder-
35 al aid for such purposes not to exceed the amount of the municipality's
36 distribution under the juvenile detention services program.

37 [(c)] (II) Reimbursement for administrative related expenditures as
38 defined by the office of children and family services, for secure and
39 nonsecure detention services shall not exceed seventeen percent of the
40 total approved expenditures for facilities of twenty-five beds or more
41 and shall not exceed twenty-one percent of the total approved expendi-
42 tures for facilities with less than twenty-five beds.

43 5. (a) Except as provided in paragraph (b) of this subdivision, care,
44 maintenance and supervision for the purpose of this section shall mean
45 and include only:

46 (1) temporary care, maintenance and supervision provided TO alleged
47 juvenile delinquents and persons in need of supervision in detention
48 facilities certified pursuant to sections seven hundred twenty and 305.2
49 of the family court act by the office of children and family services,
50 pending adjudication of alleged delinquency or alleged need of super-
51 vision by the family court, or pending transfer to institutions to which
52 committed or placed by such court or while awaiting disposition by such
53 court after adjudication or held pursuant to a securing order of a crim-
54 inal court if the person named therein as principal is under [sixteen]
55 SEVENTEEN YEARS OF AGE; or[,]

1 (1-A) COMMENCING ON JANUARY FIRST, TWO THOUSAND NINETEEN, TEMPORARY
2 CARE, MAINTENANCE, AND SUPERVISION PROVIDED TO ALLEGED JUVENILE DELIN-
3 QUENTS IN DETENTION FACILITIES CERTIFIED BY THE OFFICE OF CHILDREN AND
4 FAMILY SERVICES, PENDING ADJUDICATION OF ALLEGED DELINQUENCY BY THE
5 FAMILY COURT, OR PENDING TRANSFER TO INSTITUTIONS TO WHICH COMMITTED OR
6 PLACED BY SUCH COURT OR WHILE AWAITING DISPOSITION BY SUCH COURT AFTER
7 ADJUDICATION OR HELD PURSUANT TO A SECURING ORDER OF A CRIMINAL COURT IF
8 THE PERSON NAMED THEREIN AS PRINCIPAL IS UNDER TWENTY-ONE; OR

9 (2) temporary care, maintenance and supervision provided juvenile
10 delinquents in approved detention facilities at the request of the
11 office of children and family services pending release revocation hear-
12 ings or while awaiting disposition after such hearings; or

13 (3) temporary care, maintenance and supervision in approved detention
14 facilities for youth held pursuant to the family court act or the inter-
15 state compact on juveniles, pending return to their place of residence
16 or domicile[.]; OR

17 (4) PRIOR TO JANUARY FIRST, TWO THOUSAND NINETEEN, temporary care,
18 maintenance and supervision provided youth detained in foster care
19 facilities or certified or approved family boarding homes pursuant to
20 article seven of the family court act.

21 (b) Payments made for reserved accommodations, whether or not in full
22 time use, approved AND CERTIFIED by the office of children and family
23 services [and certified pursuant to sections seven hundred twenty and
24 305.2 of the family court act], in order to assure that adequate accom-
25 modations will be available for the immediate reception and proper care
26 therein of youth for which detention costs are reimbursable pursuant to
27 paragraph (a) of this subdivision, shall be reimbursed as expenditures
28 for care, maintenance and supervision under the provisions of this
29 section, provided the office shall have given its prior approval for
30 reserving such accommodations.

31 6. The [director of the division for youth] OFFICE OF CHILDREN AND
32 FAMILY SERVICES may adopt, amend, or rescind all rules and regulations,
33 subject to the approval of the director of the budget and certification
34 to the chairmen of the senate finance and assembly ways and means
35 committees, necessary to carry out the provisions of this section.

36 7. The agency administering detention for each county and the city of
37 New York shall submit to the office of children and family services, at
38 such times and in such form and manner and containing such information
39 as required by the office of children and family services, an annual
40 report on youth remanded pursuant to article three or seven of the fami-
41 ly court act who are detained during each calendar year including,
42 commencing January first, two thousand twelve, the risk level of each
43 detained youth as assessed by a detention risk assessment instrument
44 approved by the office of children and family services PROVIDED, HOWEV-
45 ER, THAT THE REPORT DUE JANUARY FIRST, TWO THOUSAND TWENTY AND THEREAFT-
46 ER SHALL NOT BE REQUIRED TO CONTAIN ANY INFORMATION ON YOUTH WHO ARE
47 SUBJECT TO ARTICLE SEVEN OF THE FAMILY COURT ACT. The office may
48 require that such data on detention use be submitted to the office elec-
49 tronically. Such report shall include, but not be limited to, the reason
50 for the court's determination in accordance with section 320.5 or seven
51 hundred thirty-nine of the family court act, IF APPLICABLE, to detain
52 the youth; the offense or offenses with which the youth is charged; and
53 all other reasons why the youth remains detained. The office shall
54 submit a compilation of all the separate reports to the governor and the
55 legislature.

1 S 100-a. Subparagraph 1 of paragraph d of subdivision 3 of section
2 3214 of the education law, as amended by chapter 425 of the laws of
3 2002, is amended to read as follows:

4 (1) Consistent with the federal gun-free schools act, any public
5 school pupil who is determined under this subdivision to have brought a
6 firearm to or possessed a firearm at a public school shall be suspended
7 for a period of not less than one calendar year and any nonpublic school
8 pupil participating in a program operated by a public school district
9 using funds from the elementary and secondary education act of nineteen
10 hundred sixty-five who is determined under this subdivision to have
11 brought a firearm to or possessed a firearm at a public school or other
12 premises used by the school district to provide such programs shall be
13 suspended for a period of not less than one calendar year from partic-
14 ipation in such program. The procedures of this subdivision shall apply
15 to such a suspension of a nonpublic school pupil. A superintendent of
16 schools, district superintendent of schools or community superintendent
17 shall have the authority to modify this suspension requirement for each
18 student on a case-by-case basis. The determination of a superintendent
19 shall be subject to review by the board of education pursuant to para-
20 graph c of this subdivision and the commissioner pursuant to section
21 three hundred ten of this chapter. Nothing in this subdivision shall be
22 deemed to authorize the suspension of a student with a disability in
23 violation of the individuals with disabilities education act or article
24 eighty-nine of this chapter. A superintendent shall refer the pupil
25 under the age of sixteen who has been determined to have brought a weap-
26 on or firearm to school in violation of this subdivision to a present-
27 ment agency for a juvenile delinquency proceeding consistent with arti-
28 cle three of the family court act except a student fourteen or fifteen
29 years of age who qualifies for juvenile offender status under subdivi-
30 sion forty-two of section 1.20 of the criminal procedure law; PROVIDED
31 HOWEVER, THAT COMMENCING ON JANUARY FIRST, TWO THOUSAND EIGHTEEN, A
32 SUPERINTENDENT SHALL REFER THE PUPIL UNDER THE AGE OF SEVENTEEN WHO HAS
33 BEEN DETERMINED TO HAVE BROUGHT A WEAPON OR FIREARM TO SCHOOL IN
34 VIOLATION OF THIS SUBDIVISION TO A PRESENTMENT AGENCY FOR A JUVENILE
35 DELINQUENCY PROCEEDING CONSISTENT WITH ARTICLE THREE OF THE FAMILY COURT
36 ACT EXCEPT A STUDENT WHO QUALIFIES FOR JUVENILE OFFENDER STATUS UNDER
37 SUBDIVISION FORTY-TWO OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW; AND
38 PROVIDED FURTHER THAT COMMENCING ON JANUARY FIRST, TWO THOUSAND NINE-
39 TEEN, A SUPERINTENDENT SHALL REFER THE PUPIL UNDER THE AGE OF EIGHTEEN
40 WHO HAS BEEN DETERMINED TO HAVE BROUGHT A WEAPON OR FIREARM TO SCHOOL IN
41 VIOLATION OF THIS SUBDIVISION TO A PRESENTMENT AGENCY FOR A JUVENILE
42 DELINQUENCY PROCEEDING CONSISTENT WITH ARTICLE THREE OF THE FAMILY COURT
43 ACT EXCEPT A STUDENT WHO QUALIFIES FOR JUVENILE OFFENDER STATUS UNDER
44 SUBDIVISION FORTY-TWO OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW. A
45 superintendent shall refer any pupil sixteen years of age or older or a
46 student fourteen or fifteen years of age who qualifies for juvenile
47 offender status under subdivision forty-two of section 1.20 of the crim-
48 inal procedure law, who has been determined to have brought a weapon or
49 firearm to school in violation of this subdivision to the appropriate
50 law enforcement officials.

51 S 100-b. Paragraph b of subdivision 4 of section 3214 of the education
52 law, as amended by chapter 181 of the laws of 2000, is amended to read
53 as follows:

54 b. The school authorities may institute proceedings before a court
55 having jurisdiction to determine the liability of a person in parental
56 relation to contribute towards the maintenance of a school delinquent

1 under [sixteen] SEVENTEEN years of age OR COMMENCING JANUARY FIRST, TWO
2 THOUSAND NINETEEN, UNDER EIGHTEEN YEARS OF AGE ordered to attend upon
3 instruction under confinement. If the court shall find the person in
4 parental relation able to contribute towards the maintenance of such a
5 minor, it may issue an order fixing the amount to be paid weekly.

6 S 101. The executive law is amended by adding a new section 259-p to
7 read as follows:

8 S 259-P. INTERSTATE DETENTION. (1) NOTWITHSTANDING ANY OTHER PROVISION
9 OF LAW, A DEFENDANT SUBJECT TO SECTION TWO HUNDRED FIFTY-NINE-MM OF THIS
10 ARTICLE, MAY BE DETAINED AS AUTHORIZED BY THE INTERSTATE COMPACT FOR
11 ADULT OFFENDER SUPERVISION.

12 (2) A DEFENDANT SHALL BE DETAINED AT A LOCAL CORRECTIONAL FACILITY,
13 EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION THREE OF THIS SECTION.

14 (3) (A) A DEFENDANT SIXTEEN YEARS OF AGE OR YOUNGER, WHO ALLEGEDLY
15 COMMITS A CRIMINAL ACT OR VIOLATION OF HIS OR HER SUPERVISION ON OR
16 AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN OR (B) A DEFENDANT SEVENTEEN
17 YEARS OF AGE OR YOUNGER WHO ALLEGEDLY COMMITS A CRIMINAL ACT OR
18 VIOLATION OF HIS OR HER SUPERVISION ON OR AFTER JANUARY FIRST, TWO THOU-
19 SAND NINETEEN, SHALL BE DETAINED IN A JUVENILE DETENTION FACILITY.

20 S 102. Section 153-k of the social services law is amended by adding a
21 new subdivision 2-a to read as follows:

22 2-A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
23 COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, STATE REIMBURSEMENT
24 SHALL BE MADE AVAILABLE FOR ONE HUNDRED PERCENT OF EXPENDITURES MADE BY
25 SOCIAL SERVICES DISTRICTS, EXCLUSIVE OF ANY FEDERAL FUNDS MADE AVAILABLE
26 FOR SUCH PURPOSES, FOR PREVENTIVE SERVICES, AFTERCARE SERVICES, INDE-
27 PENDENT LIVING SERVICES AND FOSTER CARE SERVICES PROVIDED TO YOUTH AGE
28 SIXTEEN YEARS OF AGE OR OLDER WHEN SUCH SERVICES WOULD NOT OTHERWISE
29 HAVE BEEN PROVIDED TO SUCH YOUTH ABSENT THE PROVISIONS IN A CHAPTER OF
30 THE LAWS OF TWO THOUSAND SIXTEEN THAT INCREASED THE AGE OF JUVENILE
31 JURISDICTION ABOVE FIFTEEN YEARS OF AGE.

32 S 103. The opening paragraph of paragraph (a) of subdivision 8 of
33 section 404 of the social services law, as added by section 1 of subpart
34 A of part G of chapter 57 of the laws of 2012, is amended and a new
35 paragraph (a-1) is added to read as follows:

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

54 (A-1) STATE REIMBURSEMENT SHALL BE MADE AVAILABLE FOR ONE HUNDRED
55 PERCENT OF ELIGIBLE EXPENDITURES MADE BY A SOCIAL SERVICES DISTRICT,
56 EXCLUSIVE OF ANY FEDERAL FUNDS MADE AVAILABLE FOR SUCH PURPOSES, FOR

1 APPROVED JUVENILE JUSTICE SERVICES UNDER AN APPROVED CLOSE TO HOME
2 INITIATIVE PROVIDED TO YOUTH SIXTEEN YEARS OF AGE OR OLDER WHEN SUCH
3 SERVICES WOULD NOT OTHERWISE HAVE BEEN PROVIDED TO SUCH YOUTH ABSENT THE
4 PROVISIONS IN A CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT
5 INCREASED THE AGE OF JUVENILE JURISDICTION ABOVE FIFTEEN YEARS OF AGE.

6 S 104. Subdivision 4 of section 246 of the executive law, as amended
7 by section 10 of part D of chapter 56 of the laws of 2010, is amended to
8 read as follows:

9 4. An approved plan and compliance with standards relating to the
10 administration of probation services promulgated by the commissioner of
11 the division of criminal justice services shall be a prerequisite to
12 eligibility for state aid.

13 The commissioner of the division of criminal justice services may take
14 into consideration granting additional state aid from an appropriation
15 made for state aid for county probation services for counties or the
16 city of New York when a county or the city of New York demonstrates that
17 additional probation services were dedicated to intensive supervision
18 programs[,] AND intensive programs for sex offenders [or programs
19 defined as juvenile risk intervention services]. THE COMMISSIONER SHALL
20 GRANT ADDITIONAL STATE AID FROM AN APPROPRIATION DEDICATED TO JUVENILE
21 RISK INTERVENTION SERVICES COORDINATION BY PROBATION DEPARTMENTS WHICH
22 SHALL INCLUDE, BUT NOT BE LIMITED TO, PROBATION SERVICES PERFORMED UNDER
23 ARTICLE THREE OF THE FAMILY COURT ACT. The administration of such addi-
24 tional grants shall be made according to rules and regulations promul-
25 gated by the commissioner of the division of criminal justice services.
26 Each county and the city of New York shall certify the total amount
27 collected pursuant to section two hundred fifty-seven-c of this chapter.
28 The commissioner of the division of criminal justice services shall
29 thereupon certify to the comptroller for payment by the state out of
30 funds appropriated for that purpose, the amount to which the county or
31 the city of New York shall be entitled under this section. THE COMMIS-
32 SIONER SHALL, SUBJECT TO AN APPROPRIATION MADE AVAILABLE FOR SUCH
33 PURPOSE, ESTABLISH AND PROVIDE FUNDING TO PROBATION DEPARTMENTS FOR A
34 CONTINUUM OF EVIDENCE-BASED INTERVENTION SERVICES FOR YOUTH ALLEGED OR
35 ADJUDICATED JUVENILE DELINQUENTS PURSUANT TO ARTICLE THREE OF THE FAMILY
36 COURT ACT OR FOR ELIGIBLE YOUTH BEFORE OR SENTENCED UNDER THE YOUTH PART
37 IN ACCORDANCE WITH THE CRIMINAL PROCEDURE LAW. SUCH ADDITIONAL STATE
38 AID SHALL BE MADE IN AN AMOUNT NECESSARY TO PAY ONE HUNDRED PERCENT OF
39 THE EXPENDITURES FOR EVIDENCE-BASED PRACTICES AND JUVENILE RISK AND
40 EVIDENCE-BASED INTERVENTION SERVICES PROVIDED TO YOUTH SIXTEEN YEARS OF
41 AGE OR OLDER WHEN SUCH SERVICES WOULD NOT OTHERWISE HAVE BEEN PROVIDED
42 ABSENT THE PROVISIONS OF A CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN
43 THAT INCREASED THE AGE OF JUVENILE JURISDICTION.

44 S 105. The second undesignated paragraph of subdivision 4 of section
45 246 of the executive law, as added by chapter 479 of the laws of 1970,
46 is amended to read as follows:

47 [The director shall thereupon certify to the comptroller for payment
48 by the state out of funds appropriated for that purpose, the amount to
49 which the county or the city of New York shall be entitled under this
50 section.]

51 THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES MAY TAKE
52 INTO CONSIDERATION GRANTING ADDITIONAL STATE AID FROM AN APPROPRIATION
53 MADE FOR STATE AID FOR COUNTY PROBATION SERVICES FOR COUNTIES OR THE
54 CITY OF NEW YORK WHEN A COUNTY OR THE CITY OF NEW YORK DEMONSTRATES THAT
55 ADDITIONAL PROBATION SERVICES WERE DEDICATED TO INTENSIVE SUPERVISION
56 PROGRAMS AND INTENSIVE PROGRAMS FOR SEX OFFENDERS. THE COMMISSIONER

1 SHALL GRANT ADDITIONAL STATE AID FROM AN APPROPRIATION DEDICATED TO
2 JUVENILE RISK INTERVENTION SERVICES COORDINATION BY PROBATION DEPART-
3 MENTS WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, PROBATION SERVICES
4 PERFORMED UNDER ARTICLE THREE OF THE FAMILY COURT ACT. THE ADMINIS-
5 TRATION OF SUCH ADDITIONAL GRANTS SHALL BE MADE ACCORDING TO RULES AND
6 REGULATIONS PROMULGATED BY THE COMMISSIONER OF THE DIVISION OF CRIMINAL
7 JUSTICE SERVICES. EACH COUNTY AND THE CITY OF NEW YORK SHALL CERTIFY THE
8 TOTAL AMOUNT COLLECTED PURSUANT TO SECTION TWO HUNDRED FIFTY-SEVEN-C OF
9 THIS CHAPTER. THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE
10 SERVICES SHALL THEREUPON CERTIFY TO THE COMPTROLLER FOR PAYMENT BY THE
11 STATE OUT OF FUNDS APPROPRIATED FOR THAT PURPOSE, THE AMOUNT TO WHICH
12 THE COUNTY OR THE CITY OF NEW YORK SHALL BE ENTITLED UNDER THIS SECTION.
13 THE COMMISSIONER SHALL, SUBJECT TO AN APPROPRIATION MADE AVAILABLE FOR
14 SUCH PURPOSE, ESTABLISH AND PROVIDE FUNDING TO PROBATION DEPARTMENTS FOR
15 A CONTINUUM OF EVIDENCE-BASED INTERVENTION SERVICES FOR YOUTH ALLEGED OR
16 ADJUDICATED JUVENILE DELINQUENTS PURSUANT TO ARTICLE THREE OF THE FAMILY
17 COURT ACT OR FOR ELIGIBLE YOUTH BEFORE OR SENTENCED UNDER THE YOUTH PART
18 IN ACCORDANCE WITH THE CRIMINAL PROCEDURE LAW. SUCH ADDITIONAL STATE
19 AID SHALL BE MADE IN AN AMOUNT NECESSARY TO PAY ONE HUNDRED PERCENT OF
20 THE EXPENDITURES FOR EVIDENCE-BASED PRACTICES AND JUVENILE RISK AND
21 EVIDENCE-BASED INTERVENTION SERVICES PROVIDED TO YOUTH SIXTEEN YEARS OF
22 AGE OR OLDER WHEN SUCH SERVICES WOULD NOT OTHERWISE HAVE BEEN PROVIDED
23 ABSENT THE PROVISIONS OF A CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN
24 THAT INCREASED THE AGE OF JUVENILE JURISDICTION.

25 S 106. Section 529 of the executive law is amended by adding a new
26 subdivision 5-b to read as follows:

27 5-B. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO
28 REIMBURSEMENT SHALL BE REQUIRED FROM A SOCIAL SERVICES DISTRICT FOR
29 EXPENDITURES MADE BY THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR THE
30 CARE, MAINTENANCE, SUPERVISION OR AFTERCARE SUPERVISION OF YOUTH SIXTEEN
31 YEARS OF AGE OR OLDER THAT WOULD NOT OTHERWISE HAVE BEEN MADE ABSENT THE
32 PROVISIONS OF A CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT
33 INCREASED THE AGE OF JUVENILE JURISDICTION ABOVE FIFTEEN YEARS OF AGE OR
34 THAT AUTHORIZED THE PLACEMENT IN OFFICE OF CHILDREN AND FAMILY SERVICES
35 FACILITIES OF CERTAIN OTHER YOUTH WHO COMMITTED A CRIME ON OR AFTER
36 THEIR SIXTEENTH BIRTHDAYS.

37 S 106-a. Section 530 of the executive law is amended by adding a new
38 subdivision 8 to read as follows:

39 8. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
40 COMMENCING APRIL FIRST, TWO THOUSAND SEVENTEEN, STATE REIMBURSEMENT
41 SHALL BE MADE AVAILABLE FOR ONE HUNDRED PERCENT OF A MUNICIPALITY'S
42 ELIGIBLE EXPENDITURES FOR THE CARE, MAINTENANCE AND SUPERVISION OF YOUTH
43 SIXTEEN YEARS OF AGE OR OLDER IN NON-SECURE AND SECURE DETENTION FACILI-
44 TIES WHEN SUCH DETENTION WOULD NOT OTHERWISE HAVE OCCURRED ABSENT THE
45 PROVISIONS OF A CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT
46 INCREASED THE AGE OF JUVENILE JURISDICTION ABOVE FIFTEEN YEARS OF AGE.

47 S 107. Severability. If any clause, sentence, paragraph, subdivision,
48 section or part contained in any part of this act shall be adjudged by
49 any court of competent jurisdiction to be invalid, such judgment shall
50 not affect, impair, or invalidate the remainder thereof, but shall be
51 confined in its operation to the clause, sentence, paragraph, subdivi-
52 sion, section or part contained in any part thereof directly involved in
53 the controversy in which such judgment shall have been rendered. It is
54 hereby declared to be the intent of the legislature that this act would
55 have been enacted even if such invalid provisions had not been included
56 herein.

1 S 108. This act shall take effect immediately; provided that:

2 a. sections forty-eight and forty-eight-a of this act shall take
3 effect on the sixtieth day after this act shall have become a law and
4 shall be deemed to apply to offenses committed prior to, on, or after
5 such effective date;

6 b. sections one through forty-one, forty-four through forty-seven,
7 forty-nine, fifty, fifty-four through eighty, one hundred-a, one
8 hundred-b and one hundred one of this act shall take effect January 1,
9 2018; provided, however, that when the applicability of such provision
10 is dependent on the age of the youth that is alleged or adjudicated to
11 have been committed or is convicted of a crime or an act that would
12 constitute a crime if committed by an adult:

13 (i) effective January 1, 2018, such provisions shall be deemed to
14 apply to youth who have been alleged to have committed, adjudicated for,
15 or convicted of, an offense that occurred on or after such effective
16 date and who were 16 years of age at the time the offense occurred, and

17 (ii) effective January 1, 2019, such provisions shall be deemed to
18 apply to youth who have been alleged to have committed, adjudicated for,
19 or convicted of, an offense that occurred on or after such effective
20 date and who were seventeen years of age at the time such offense
21 occurred;

22 c. sections ninety-eight-a and one hundred two through one hundred
23 six-a of this act shall take effect April 1, 2017;

24 d. sections eighty-three through ninety-eight and sections ninety-
25 eight-b through one hundred of this act shall take effect January 1,
26 2019 and shall be deemed to be applicable to the detention or placement
27 of youth pursuant to petitions filed pursuant to article seven of the
28 family court act on or after such effective date;

29 e. sections forty-two and forty-three of this act shall take effect
30 January 1, 2020;

31 f. the amendments to subdivision 1 of section 70.02 of the penal law
32 made by section forty-two of this act shall not affect the expiration of
33 such subdivision and shall be deemed to expire therewith;

34 g. the amendments to paragraph d of section 3214 of the education law
35 made by section fifty-one of this act shall not affect the expiration of
36 such paragraph and shall be deemed to expire therewith;

37 h. the amendments to subdivision 4 of section 353.5 of the family
38 court act made by section seventy-two of this act shall be subject to
39 the expiration and reversion of such subdivision pursuant to section 11
40 of subpart A of part G of chapter 57 of the laws of 2012, as amended,
41 when upon such date the provisions of section seventy-three of this act
42 shall take effect;

43 i. the amendments to section 153-k of the social services law made by
44 section one hundred two of this act shall not affect the expiration of
45 such section and shall be deemed repealed therewith;

46 j. the amendments to subdivision 3-a of section 398 of the social
47 services law made by section ninety-eight-b of this act shall not affect
48 the expiration of such subdivision and shall be deemed repealed there-
49 with;

50 k. the amendments to subparagraph (ii) of paragraph (a) of subdivision
51 1 of section 409-a of the social services law made by section ninety-
52 eight-c of this act shall not affect the expiration of such subparagraph
53 and shall be deemed to expire therewith;

54 l. the amendments to section 404 of the social services law made by
55 section one hundred three of this act shall not affect the expiration of
56 such section and shall be deemed repealed therewith;

1 m. the amendments to the second undesignated paragraph of subdivision
2 4 of section 246 of the executive law made by section one hundred four
3 of this act shall be subject to the expiration and reversion of such
4 undesignated paragraph as provided in subdivision (aa) of section 427 of
5 chapter 55 of the laws of 1992, as amended, when upon such date section
6 one hundred five of this act shall take effect; and
7 n. the amendments to paragraph (f) of subdivision 1 of section 70.30
8 of the penal law made by section forty-four-a of this act shall not
9 affect the expiration and reversion of such paragraph and shall expire
10 and be deemed repealed therewith.

11 PART O

12 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
13 section 131-o of the social services law, as amended by section 1 of
14 part I of chapter 56 of the laws of 2015, are amended to read as
15 follows:

16 (a) in the case of each individual receiving family care, an amount
17 equal to at least \$141.00 for each month beginning on or after January
18 first, two thousand [fifteen] SIXTEEN.

19 (b) in the case of each individual receiving residential care, an
20 amount equal to at least \$163.00 for each month beginning on or after
21 January first, two thousand [fifteen] SIXTEEN.

22 (c) in the case of each individual receiving enhanced residential
23 care, an amount equal to at least \$193.00 for each month beginning on or
24 after January first, two thousand [fifteen] SIXTEEN.

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

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

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

36 S 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of
37 section 209 of the social services law, as amended by section 2 of part
38 I of chapter 56 of the laws of 2015, are amended to read as follows:

39 (a) On and after January first, two thousand [fifteen] SIXTEEN, for an
40 eligible individual living alone, \$820.00; and for an eligible couple
41 living alone, \$1204.00.

42 (b) On and after January first, two thousand [fifteen] SIXTEEN, for an
43 eligible individual living with others with or without in-kind income,
44 \$756.00; and for an eligible couple living with others with or without
45 in-kind income, \$1146.00.

46 (c) On and after January first, two thousand [fifteen] SIXTEEN, (i)
47 for an eligible individual receiving family care, \$999.48 if he or she
48 is receiving such care in the city of New York or the county of Nassau,
49 Suffolk, Westchester or Rockland; and (ii) for an eligible couple
50 receiving family care in the city of New York or the county of Nassau,
51 Suffolk, Westchester or Rockland, two times the amount set forth in
52 subparagraph (i) of this paragraph; or (iii) for an eligible individual
53 receiving such care in any other county in the state, \$961.48; and (iv)
54 for an eligible couple receiving such care in any other county in the

1 state, two times the amount set forth in subparagraph (iii) of this
2 paragraph.

3 (d) On and after January first, two thousand [fifteen] SIXTEEN, (i)
4 for an eligible individual receiving residential care, \$1168.00 if he or
5 she is receiving such care in the city of New York or the county of
6 Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible
7 couple receiving residential care in the city of New York or the county
8 of Nassau, Suffolk, Westchester or Rockland, two times the amount set
9 forth in subparagraph (i) of this paragraph; or (iii) for an eligible
10 individual receiving such care in any other county in the state,
11 \$1138.00; and (iv) for an eligible couple receiving such care in any
12 other county in the state, two times the amount set forth in subpara-
13 graph (iii) of this paragraph.

14 (e) (i) On and after January first, two thousand [fifteen] SIXTEEN,
15 for an eligible individual receiving enhanced residential care,
16 \$1427.00; and (ii) for an eligible couple receiving enhanced residential
17 care, two times the amount set forth in subparagraph (i) of this para-
18 graph.

19 (f) The amounts set forth in paragraphs (a) through (e) of this subdi-
20 vision shall be increased to reflect any increases in federal supple-
21 mental security income benefits for individuals or couples which become
22 effective on or after January first, two thousand [sixteen] SEVENTEEN
23 but prior to June thirtieth, two thousand [sixteen] SEVENTEEN.

24 S 3. This act shall take effect December 31, 2016.

25

PART P

26 Section 1. Notwithstanding any other provision of law, the housing
27 trust fund corporation may provide, for purposes of the rural rental
28 assistance program, a sum not to exceed twenty-two million two hundred
29 ninety-two thousand dollars for the fiscal year ending March 31, 2017.
30 Notwithstanding any other provision of law, and subject to the approval
31 of the New York state director of the budget, the board of directors of
32 the state of New York mortgage agency shall authorize the transfer to
33 the housing trust fund corporation, for the purposes of reimbursing any
34 costs associated with rural rental assistance program contracts author-
35 ized by this section, a total sum not to exceed twenty-two million two
36 hundred ninety-two thousand dollars, such transfer to be made from (i)
37 the special account of the mortgage insurance fund created pursuant to
38 section 2429-b of the public authorities law, in an amount not to exceed
39 the actual excess balance in the special account of the mortgage insur-
40 ance fund, as determined and certified by the state of New York mortgage
41 agency for the fiscal year 2015-2016 in accordance with section 2429-b
42 of the public authorities law, if any, and/or (ii) provided that the
43 reserves in the project pool insurance account of the mortgage insurance
44 fund created pursuant to section 2429-b of the public authorities law
45 are sufficient to attain and maintain the credit rating (as determined
46 by the state of New York mortgage agency) required to accomplish the
47 purposes of such account, the project pool insurance account of the
48 mortgage insurance fund, such transfer to be made as soon as practicable
49 but no later than June 30, 2016. Notwithstanding any other provision of
50 law, such funds may be used by the corporation in support of contracts
51 scheduled to expire in the fiscal year ending March 31, 2017 for as many
52 as 10 additional years; in support of contracts for new eligible
53 projects for a period not to exceed 5 years; and in support of contracts

1 which reach their 25 year maximum in and/or prior to the fiscal year
2 ending March 31, 2017 for an additional one year period.

3 S 2. Notwithstanding any other provision of law, the housing finance
4 agency may provide, for costs associated with the rehabilitation of
5 Mitchell Lama housing projects, a sum not to exceed forty-two million
6 dollars for the fiscal year ending March 31, 2017. Notwithstanding any
7 other provision of law, and subject to the approval of the New York
8 state director of the budget, the board of directors of the state of New
9 York mortgage agency shall authorize the transfer to the housing finance
10 agency, for the purposes of reimbursing any costs associated with Mitc-
11 hell Lama housing projects authorized by this section, a total sum not
12 to exceed forty-two million dollars, such transfer to be made from (i)
13 the special account of the mortgage insurance fund created pursuant to
14 section 2429-b of the public authorities law, in an amount not to exceed
15 the actual excess balance in the special account of the mortgage insur-
16 ance fund, as determined and certified by the state of New York mortgage
17 agency for the fiscal year 2015-2016 in accordance with section 2429-b
18 of the public authorities law, if any, and/or (ii) provided that the
19 reserves in the project pool insurance account of the mortgage insurance
20 fund created pursuant to section 2429-b of the public authorities law
21 are sufficient to attain and maintain the credit rating (as determined
22 by the state of New York mortgage agency) required to accomplish the
23 purposes of such account, the project pool insurance account of the
24 mortgage insurance fund, such transfer to be made as soon as practicable
25 but no later than March 31, 2017.

26 S 3. Notwithstanding any other provision of law, the housing trust
27 fund corporation may provide, for purposes of the neighborhood preserva-
28 tion program, a sum not to exceed eight million four hundred seventy-
29 nine thousand dollars for the fiscal year ending March 31, 2017.
30 Notwithstanding any other provision of law, and subject to the approval
31 of the New York state director of the budget, the board of directors of
32 the state of New York mortgage agency shall authorize the transfer to
33 the housing trust fund corporation, for the purposes of reimbursing any
34 costs associated with neighborhood preservation program contracts
35 authorized by this section, a total sum not to exceed eight million four
36 hundred seventy-nine thousand dollars, such transfer to be made from (i)
37 the special account of the mortgage insurance fund created pursuant to
38 section 2429-b of the public authorities law, in an amount not to exceed
39 the actual excess balance in the special account of the mortgage insur-
40 ance fund, as determined and certified by the state of New York mortgage
41 agency for the fiscal year 2015-2016 in accordance with section 2429-b
42 of the public authorities law, if any, and/or (ii) provided that the
43 reserves in the project pool insurance account of the mortgage insurance
44 fund created pursuant to section 2429-b of the public authorities law
45 are sufficient to attain and maintain the credit rating (as determined
46 by the state of New York mortgage agency) required to accomplish the
47 purposes of such account, the project pool insurance account of the
48 mortgage insurance fund, such transfer to be made as soon as practicable
49 but no later than June 30, 2016.

50 S 4. Notwithstanding any other provision of law, the housing trust
51 fund corporation may provide, for purposes of the rural preservation
52 program, a sum not to exceed three million five hundred thirty-nine
53 thousand dollars for the fiscal year ending March 31, 2017. Notwith-
54 standing any other provision of law, and subject to the approval of the
55 New York state director of the budget, the board of directors of the
56 state of New York mortgage agency shall authorize the transfer to the

1 housing trust fund corporation, for the purposes of reimbursing any
2 costs associated with rural preservation program contracts authorized by
3 this section, a total sum not to exceed three million five hundred thir-
4 ty-nine thousand dollars, such transfer to be made from (i) the special
5 account of the mortgage insurance fund created pursuant to section
6 2429-b of the public authorities law, in an amount not to exceed the
7 actual excess balance in the special account of the mortgage insurance
8 fund, as determined and certified by the state of New York mortgage
9 agency for the fiscal year 2015-2016 in accordance with section 2429-b
10 of the public authorities law, if any, and/or (ii) provided that the
11 reserves in the project pool insurance account of the mortgage insurance
12 fund created pursuant to section 2429-b of the public authorities law
13 are sufficient to attain and maintain the credit rating (as determined
14 by the state of New York mortgage agency) required to accomplish the
15 purposes of such account, the project pool insurance account of the
16 mortgage insurance fund, such transfer to be made as soon as practicable
17 but no later than June 30, 2016.

18 S 5. Notwithstanding any other provision of law, the housing trust
19 fund corporation may provide, for purposes of the rural and urban commu-
20 nity investment fund program created pursuant to article XXVII of the
21 private housing finance law, a sum not to exceed thirty-five million two
22 hundred fifty thousand dollars for the fiscal year ending March 31,
23 2017. Notwithstanding any other provision of law, and subject to the
24 approval of the New York state director of the budget, the board of
25 directors of the state of New York mortgage agency shall authorize the
26 transfer to the housing trust fund corporation, for the purposes of
27 reimbursing any costs associated with rural and urban community invest-
28 ment fund program contracts authorized by this section, a total sum not
29 to exceed thirty-five million two hundred fifty thousand dollars, such
30 transfer to be made from (i) the special account of the mortgage insur-
31 ance fund created pursuant to section 2429-b of the public authorities
32 law, in an amount not to exceed the actual excess balance in the special
33 account of the mortgage insurance fund, as determined and certified by
34 the state of New York mortgage agency for the fiscal year 2015-2016 in
35 accordance with section 2429-b of the public authorities law, if any,
36 and/or (ii) provided that the reserves in the project pool insurance
37 account of the mortgage insurance fund created pursuant to section
38 2429-b of the public authorities law are sufficient to attain and main-
39 tain the credit rating (as determined by the state of New York mortgage
40 agency) required to accomplish the purposes of such account, the project
41 pool insurance account of the mortgage insurance fund, such transfer to
42 be made as soon as practicable but no later than March 31, 2017.

43 S 6. Notwithstanding any other provision of law, the housing trust
44 fund corporation may provide, for the purposes of carrying out the
45 provisions of the low income housing trust fund program created pursuant
46 to article XVIII of the private housing finance law, a sum not to exceed
47 ten million dollars for the fiscal year ending March 31, 2017. Notwith-
48 standing any other provision of law, and subject to the approval of the
49 New York state director of the budget, the board of directors of the
50 state of New York mortgage agency shall authorize the transfer to the
51 housing trust fund corporation, for the purposes of carrying out the
52 provisions of the low income housing trust fund program created pursuant
53 to article XVIII of the private housing finance law authorized by this
54 section, a total sum not to exceed ten million dollars, such transfer to
55 be made from (i) the special account of the mortgage insurance fund
56 created pursuant to section 2429-b of the public authorities law, in an

1 amount not to exceed the actual excess balance in the special account of
2 the mortgage insurance fund, as determined and certified by the state of
3 New York mortgage agency for the fiscal year 2015-2016 in accordance
4 with section 2429-b of the public authorities law, if any, and/or (ii)
5 provided that the reserves in the project pool insurance account of the
6 mortgage insurance fund created pursuant to section 2429-b of the public
7 authorities law are sufficient to attain and maintain the credit rating
8 (as determined by the state of New York mortgage agency) required to
9 accomplish the purposes of such account, the project pool insurance
10 account of the mortgage insurance fund, such transfer to be made as soon
11 as practicable but no later than March 31, 2017.

12 S 7. Notwithstanding any other provision of law, the housing trust
13 fund corporation may provide, for purposes of the homes for working
14 families program for deposit in the housing trust fund created pursuant
15 to section 59-a of the private housing finance law and subject to the
16 provisions of article XVIII of the private housing finance law, a sum
17 not to exceed twelve million seven hundred fifty thousand dollars for
18 the fiscal year ending March 31, 2017. Notwithstanding any other
19 provision of law, and subject to the approval of the New York state
20 director of the budget, the board of directors of the state of New York
21 mortgage agency shall authorize the transfer to the housing trust fund
22 corporation, for the purposes of reimbursing any costs associated with
23 homes for working families program contracts authorized by this section,
24 a total sum not to exceed twelve million seven hundred fifty thousand
25 dollars, such transfer to be made from (i) the special account of the
26 mortgage insurance fund created pursuant to section 2429-b of the public
27 authorities law, in an amount not to exceed the actual excess balance in
28 the special account of the mortgage insurance fund, as determined and
29 certified by the state of New York mortgage agency for the fiscal year
30 2015-2016 in accordance with section 2429-b of the public authorities
31 law, if any, and/or (ii) provided that the reserves in the project pool
32 insurance account of the mortgage insurance fund created pursuant to
33 section 2429-b of the public authorities law are sufficient to attain
34 and maintain the credit rating (as determined by the state of New York
35 mortgage agency) required to accomplish the purposes of such account,
36 the project pool insurance account of the mortgage insurance fund, such
37 transfer to be made as soon as practicable but no later than March 31,
38 2017.

39 S 8. Notwithstanding any other provision of law, the homeless housing
40 and assistance corporation may provide, for purposes of the New York
41 state supportive housing program, the solutions to end homelessness
42 program or the operational support for AIDS housing program, or to qual-
43 ified grantees under those programs, in accordance with the requirements
44 of those programs, a sum not to exceed fifteen million six hundred nine-
45 ty thousand dollars for the fiscal year ending March 31, 2017. The home-
46 less housing and assistance corporation may enter into an agreement with
47 the office of temporary and disability assistance to administer such sum
48 in accordance with the requirements of the programs. Notwithstanding any
49 other provision of law, and subject to the approval of the director of
50 the budget, the board of directors of the state of New York mortgage
51 agency shall authorize the transfer to the homeless housing and assist-
52 ance corporation, a total sum not to exceed fifteen million six hundred
53 ninety thousand dollars, such transfer to be made from (i) the special
54 account of the mortgage insurance fund created pursuant to section
55 2429-b of the public authorities law, in an amount not to exceed the
56 actual excess balance in the special account of the mortgage insurance

1 fund, as determined and certified by the state of New York mortgage
2 agency for the fiscal year 2015-2016 in accordance with section 2429-b
3 of the public authorities law, if any, and/or (ii) provided that the
4 reserves in the project pool insurance account of the mortgage insurance
5 fund created pursuant to section 2429-b of the public authorities law
6 are sufficient to attain and maintain the credit rating (as determined
7 by the state of New York mortgage agency) required to accomplish the
8 purposes of such account, the project pool insurance account of the
9 mortgage insurance fund, such transfer to be made as soon as practicable
10 but no later than March 31, 2017.

11 S 9. This act shall take effect immediately.

12 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
13 sion, section or part of this act shall be adjudged by any court of
14 competent jurisdiction to be invalid, such judgment shall not affect,
15 impair, or invalidate the remainder thereof, but shall be confined in
16 its operation to the clause, sentence, paragraph, subdivision, section
17 or part thereof directly involved in the controversy in which such judg-
18 ment shall have been rendered. It is hereby declared to be the intent of
19 the legislature that this act would have been enacted even if such
20 invalid provisions had not been included herein.

21 S 3. This act shall take effect immediately provided, however, that
22 the applicable effective date of Parts A through P of this act shall be
23 as specifically set forth in the last section of such Parts.