

74--A

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- recommitted to the Committee on Crime Victims, Crime and Correction in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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

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

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1 probation or of conditional discharge imposed pursuant to the penal law
2 in effect after September first, nineteen hundred sixty-seven.

3 [2. For the purposes of this article the following rules of
4 construction shall apply:

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

7 (b) Two or more convictions of felonies charged in two or more indict-
8 ments or information, filed in the same court prior to entry of judgment
9 under any of them, shall be deemed to be one conviction; and

10 (c) A plea or a verdict of guilty upon which sentence or the execution
11 of sentence has been suspended or upon which a sentence of probation,
12 conditional discharge, or unconditional discharge has been imposed shall
13 be deemed to be a conviction.]

14 S 2. Section 701 of the correction law, as amended by chapter 342 of
15 the laws of 1972, subdivision 2 as amended by chapter 235 of the laws of
16 2007, is amended to read as follows:

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

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

1 traffic law may only be issued upon a determination that compelling
2 circumstances warrant such relief.

3 3. A certificate of [relief from disabilities] RESTORATION shall not,
4 however, in any way prevent any judicial, administrative, licensing or
5 other body, board or authority from [relying upon] CONSIDERING the
6 conviction specified therein as the basis for the exercise of its
7 discretionary power to suspend, revoke, refuse to issue or refuse to
8 renew any license, permit or other authority or privilege IN ACCORDANCE
9 WITH THE PROVISIONS OF ARTICLE TWENTY-THREE-A OF THIS CHAPTER.

10 4. NOTWITHSTANDING ANY OTHER SECTION OF LAW, A CERTIFICATE OF GOOD
11 CONDUCT OR A CERTIFICATE OF RELIEF FROM DISABILITIES SHALL BE CONSTRUED
12 TO MEAN A CERTIFICATE OF RESTORATION, BUT SHALL NOT BE CONSTRUED TO
13 EXPAND OR LIMIT ANY RELIEF PREVIOUSLY GRANTED. ANY CERTIFICATE OF RELIEF
14 FROM DISABILITIES OR CERTIFICATE OF GOOD CONDUCT ISSUED PRIOR TO THE
15 EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT
16 ADDED THIS SUBDIVISION SHALL BE DEEMED THE EQUIVALENT OF A CERTIFICATE
17 OF RESTORATION AND SHALL REMAIN IN FULL FORCE AND EFFECT ON AND AFTER
18 SUCH EFFECTIVE DATE. NOTHING IN THE CHAPTER OF THE LAWS OF TWO THOUSAND
19 SIXTEEN THAT ADDED THIS SUBDIVISION SHALL BE READ TO INVALIDATE A
20 CERTIFICATE OF RELIEF FROM DISABILITIES OR A CERTIFICATE OF GOOD CONDUCT
21 ISSUED PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO
22 THOUSAND SIXTEEN THAT ADDED THIS SUBDIVISION ON OR AFTER SUCH EFFECTIVE
23 DATE.

24 S 3. Section 702 of the correction law, as amended by chapter 342 of
25 the laws of 1972, the section heading as amended by chapter 931 of the
26 laws of 1976, subdivision 1 as amended by chapter 488 of the laws of
27 2011, subdivision 3 as amended by section 64 of part A of chapter 56 of
28 the laws of 2010 and subdivisions 4 and 6 as amended by section 32 of
29 subpart B of part C of chapter 62 of the laws of 2011, is amended to
30 read as follows:

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

48 2. Such certificate shall not be issued by the court unless the court
49 is satisfied that:

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

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

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

1 3. Where a certificate of [relief from disabilities] RESTORATION is
2 not issued at the time sentence is pronounced it shall only be issued
3 thereafter upon verified application to the court. The court may, for
4 the purpose of determining whether such certificate shall be issued,
5 request its probation service to conduct an investigation of the appli-
6 cant, or if the court has no probation service it may request the
7 probation service of the county court for the county in which the court
8 is located to conduct such investigation. Any probation officer
9 requested to make an investigation pursuant to this section shall
10 prepare and submit to the court a written report in accordance with such
11 request.

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

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

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

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

52 S 703. Certificates of [relief from disabilities] RESTORATION issued
53 by the department of corrections and community supervision. 1. The
54 department of corrections and community supervision shall have the power
55 to issue a certificate of [relief from disabilities] RESTORATION to:

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

7 (b) any eligible offender who resides within this state and whose
8 judgment of conviction was rendered by a court in any other jurisdic-
9 tion.

10 2. Where the department has issued a certificate of [relief from disa-
11 bilities] RESTORATION, the department may at any time issue a new
12 certificate enlarging the relief previously granted.

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

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

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

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

22 (D) THREE YEARS HAVE ELAPSED SINCE UNREVOKED RELEASE FROM CUSTODY FOR
23 PERSONS WITH MULTIPLE FELONY CONVICTIONS WHERE THE MOST SERIOUS CRIME
24 FOR WHICH THE INDIVIDUAL WAS CONVICTED IS A CLASS C, D OR E FELONY, OR
25 FIVE YEARS HAVE ELAPSED SINCE UNREVOKED RELEASE FROM CUSTODY FOR PERSONS
26 CONVICTED OF A CLASS A OR B FELONY AT ANY TIME.

27 4. Any certificate of relief from disabilities issued by the depart-
28 ment to an eligible offender who at time of the issuance of the certif-
29 icate is under the department's supervision, shall be deemed to be a
30 temporary certificate until such time as the eligible offender is
31 discharged from the department's supervision, and, while temporary, such
32 certificate may be revoked by the department for violation of the condi-
33 tions of community supervision. Revocation shall be upon notice to the
34 releasee, who shall be accorded an opportunity to explain the violation
35 prior to decision thereon. If the certificate is not so revoked, it
36 shall become a permanent certificate upon expiration or termination of
37 the department's jurisdiction over the individual.

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

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

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

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

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

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

8 2. A person who knowingly uses or attempts to use, a revoked certif-
9 icate of [relief from disabilities] RESTORATION in order to obtain or to
10 exercise any right or privilege that he would not be entitled to obtain
11 or to exercise without a valid certificate shall be guilty of a misde-
12 meanor.

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

16 S 705. Forms and filing. 1. All applications, certificates and orders
17 of revocation necessary for the purposes of this article shall be upon
18 forms prescribed pursuant to agreement among the state commissioner of
19 corrections and community supervision, the chairman of the state board
20 of parole and the administrator of the state judicial conference. Such
21 forms relating to [certificates of relief from disabilities] CERTIF-
22 ICATES OF RESTORATION shall be distributed by the office of probation
23 and correctional alternatives [and forms relating to certificates of
24 good conduct shall be distributed] AND by the [commissioner of the]
25 department of corrections and community supervision.

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

30 S 8. Paragraph (h) of subdivision 1 of section 130 of the executive
31 law, as amended by section 1 of part LL of chapter 56 of the laws of
32 2010, is amended to read as follows:

33 (h) vagrancy or prostitution, and who has not subsequent to such
34 conviction received an executive pardon therefor or a certificate of
35 [relief from disabilities or a certificate of good conduct] RESTORATION
36 pursuant to article twenty-three of the correction law to remove the
37 disability under this section because of such conviction.

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

41 3. Upon a showing by the attorney general in an application for an
42 injunction that any person engaged in solicitation has been convicted in
43 this state or elsewhere of a felony or of a misdemeanor involving the
44 misappropriation, misapplication or misuse of the money or property of
45 another, and who has not, subsequent to such conviction, received execu-
46 tive pardon therefor or a certificate of [relief from disabilities or a
47 certificate of good conduct] RESTORATION pursuant to article twenty-
48 three of the correction law, the supreme court, after a hearing, may
49 enjoin such person from engaging in any solicitation.

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

53 (1) a person convicted of a crime who has not received a pardon, [a
54 certificate of of restoration, good conduct] or a certificate of [relief
55 from disabilities] RESTORATION;

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

4 (c) If a person convicted of a felony or crime deemed hereby to be a
5 felony is subsequently pardoned by the governor of the state where such
6 conviction was had, or by the president of the United States, or shall
7 receive a certificate of [relief from disabilities or a certificate of
8 good conduct] RESTORATION pursuant to article twenty-three of the
9 correction law for the purpose of removing the disability under this
10 section because of such conviction, the tax commission may, in its
11 discretion, on application of such person and compliance with subdivi-
12 sion two of this section, and on the submission to it of satisfactory
13 evidence of good moral character and suitability, again register such
14 person as a distributor under this article.

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

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

38 S 13. Subparagraph (i) of paragraph (a) of subdivision 1 of section
39 509-cc of the vehicle and traffic law, as amended by section 27 of part
40 LL of chapter 56 of the laws of 2010, is amended to read as follows:

41 (i) has been convicted of or forfeited bond or collateral which
42 forfeiture order has not been vacated or the subject of an order of
43 remission upon a violation committed prior to September fifteenth, nine-
44 teen hundred eighty-five, of section 130.30, 130.35, 130.45, 130.50,
45 130.60, or 130.65 of the penal law, or an offense committed under a
46 former section of the penal law which would constitute a violation of
47 the aforesaid sections of the penal law or any offense committed outside
48 of this state which would constitute a violation of the aforesaid
49 sections of the penal law, provided, however, the provisions of this
50 subparagraph shall not apply to convictions, suspensions or revocations
51 or forfeitures of bonds for collateral upon any of the charges listed in
52 this subparagraph for violations which occurred prior to September
53 first, nineteen hundred seventy-four committed by a person employed as a
54 bus driver on September first, nineteen hundred seventy-four. However,
55 such disqualification may be waived provided that five years have
56 expired since the applicant was discharged or released from a sentence

1 of imprisonment imposed pursuant to conviction of an offense that
2 requires disqualification under this paragraph and that the applicant
3 shall have been granted a certificate of [relief from disabilities or a
4 certificate of good conduct] RESTORATION pursuant to article twenty-
5 three of the correction law. When the certificate is issued by a court
6 for a conviction which occurred in this state, it shall only be issued
7 by the court having jurisdiction over such conviction. Such certificate
8 shall specifically indicate that the authority granting such certificate
9 has considered the bearing, if any, the criminal offense or offenses for
10 which the person was convicted will have on the applicant's fitness or
11 ability to operate a bus transporting school children to the applicant's
12 prospective employment, prior to granting such a certificate; or

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

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

21 S 15. Subparagraph (iii) of paragraph c of subdivision 2 of section
22 510-a of the vehicle and traffic law, as amended by section 30 of part
23 LL of chapter 56 of the laws of 2010, is amended to read as follows:

24 (iii) after such documentation, if required, is accepted, that such
25 person is granted a certificate of [relief from disabilities or a
26 certificate of good conduct] RESTORATION pursuant to article twenty-
27 three of the correction law by the court in which such person was last
28 penalized.

29 S 16. Subdivision 2 of section 102 of the alcoholic beverage control
30 law, as amended by section 1 of part OO of chapter 56 of the laws of
31 2010, the opening paragraph as separately amended by section 3 of part
32 LL of chapter 56 of the laws of 2010 and paragraph (g) as separately
33 amended by chapter 232 of the laws of 2010, is amended to read as
34 follows:

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

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

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

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

54 (d) Unlawful entry of a building;

55 (e) Aiding escape from prison;

1 (f) Unlawfully possessing or distributing habit forming narcotic
2 drugs;

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

7 (h) Vagrancy or prostitution; or

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

10 If, as hereinabove provided, the state liquor authority issues its
11 written approval for the employment by a licensee, in a specified capac-
12 ity, of a person previously convicted of a felony or any of the offenses
13 above enumerated, such person, may, unless he OR SHE is subsequently
14 convicted of a felony or any of such offenses, thereafter be employed in
15 the same capacity by any other licensee without the further written
16 approval of the authority unless the prior approval given by the author-
17 ity is terminated.

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

20 As used in this subdivision, "recreational facility" shall mean: (i)
21 premises that are part of a facility the principal business of which
22 shall be the providing of recreation in the form of golf, tennis, swim-
23 ming, skiing or boating; and (ii) premises in which the principal busi-
24 ness shall be the operation of a theatre, concert hall, opera house,
25 bowling establishment, excursion and sightseeing vessel, or accommo-
26 dation of athletic events, sporting events, expositions and other simi-
27 lar events or occasions requiring the accommodation of large gatherings
28 of persons.

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

32 (d) A statement that such applicant or the applicant's spouse has not
33 been convicted of a crime addressed by the provisions of section one
34 hundred twenty-six of this article which would forbid the applicant
35 (including any officers, directors, shareholders or partners listed in
36 the statement of identity under paragraph (a) of this subdivision or the
37 spouse of such person) or the applicant's spouse to traffic in alcoholic
38 beverages, a statement whether or not the applicant (including any offi-
39 cers, directors, shareholders or partners listed in the statement of
40 identity under paragraph (a) of this subdivision or the spouse of any
41 such person) or the applicant's spouse is an official described in
42 section one hundred twenty-eight of this article, and a description of
43 any crime that the applicant (including any officers, directors, share-
44 holders or partners listed under paragraph (a) of this subdivision or
45 the spouse of any such person) or the applicant's spouse has been
46 convicted of and whether such person has received a pardon, OR A certif-
47 icate of [good conduct or certificate of relief from disabilities]
48 RESTORATION; provided, however, that no person shall be denied any
49 license solely on the grounds that such person is the spouse of a person
50 otherwise disqualified from holding a license under this chapter.

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

54 1. Except as provided in subdivision one-a of this section, a person
55 who has been convicted of a felony or any of the misdemeanors mentioned
56 in section eleven hundred forty-six of the former penal law as in force

1 and effect immediately prior to September first, nineteen hundred
2 sixty-seven, or of an offense defined in section 230.20 or 230.40 of the
3 penal law, unless subsequent to such conviction such person shall have
4 received an executive pardon therefor removing this disability, OR a
5 certificate of [good conduct granted by the department of corrections
6 and community supervision, or a certificate of relief from disabilities]
7 RESTORATION granted by the department of corrections and community
8 supervision or a court of this state pursuant to the provisions of arti-
9 cle twenty-three of the correction law to remove the disability under
10 this section because of such conviction.

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

36 4. A copartnership or a corporation, unless each member of the part-
37 nership, or each of the principal officers and directors of the corpo-
38 ration, is a citizen of the United States or an alien lawfully admitted
39 for permanent residence in the United States, not less than twenty-one
40 years of age, and has not been convicted of any felony or any of the
41 misdemeanors, specified in section eleven hundred forty-six of the
42 former penal law as in force and effect immediately prior to September
43 first, nineteen hundred sixty-seven, or of an offense defined in section
44 230.20 or 230.40 of the penal law, or if so convicted has received,
45 subsequent to such conviction, an executive pardon therefor removing
46 this disability, OR a certificate of [good conduct granted by the
47 department of corrections and community supervision, or a certificate of
48 relief from disabilities] RESTORATION granted by the department of
49 corrections and community supervision or a court of this state pursuant
50 to the provisions of article twenty-three of the correction law to
51 remove the disability under this section because of such conviction;
52 provided however that a corporation which otherwise conforms to the
53 requirements of this section and chapter may be licensed if each of its
54 principal officers and more than one-half of its directors are citizens
55 of the United States or aliens lawfully admitted for permanent residence
56 in the United States; and provided further that a corporation organized

1 under the not-for-profit corporation law or the education law which
2 otherwise conforms to the requirements of this section and chapter may
3 be licensed if each of its principal officers and more than one-half of
4 its directors are not less than twenty-one years of age and none of its
5 directors are less than eighteen years of age; and provided further that
6 a corporation organized under the not-for-profit corporation law or the
7 education law and located on the premises of a college as defined by
8 section two of the education law which otherwise conforms to the
9 requirements of this section and chapter may be licensed if each of its
10 principal officers and each of its directors are not less than eighteen
11 years of age.

12 S 19. Subdivision 4 of section 96-z-3 of the agriculture and markets
13 law, as amended by section 4 of part LL of chapter 56 of the laws of
14 2010, is amended to read as follows:

15 (4) applicant, an officer, director, partner, or holder of ten per
16 centum or more of the voting stock of an applicant has been convicted of
17 a felony by a court of the United States or any state or territory ther-
18 eof, without subsequent pardon by the governor or other appropriate
19 authority of the state or jurisdiction in which such conviction
20 occurred, or the receipt of a certificate of [relief from disabilities
21 or a certificate of good conduct] RESTORATION pursuant to article twen-
22 ty-three of the correction law,

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

26 (d) The applicant or registrant, or an officer, director, partner or
27 holder of ten per centum or more of the voting stock of the applicant or
28 registrant, has been convicted of a felony by a court of the United
29 States or any state or territory thereof, without subsequent pardon by
30 the governor or other appropriate authority of the state or jurisdiction
31 in which such conviction occurred, or receipt of a certificate of
32 [relief from disabilities or a certificate of good conduct] RESTORATION
33 pursuant to article twenty-three of the correction law;

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

37 (c) If a person convicted of a felony or crime deemed hereby to be a
38 felony is subsequently pardoned by the governor of the state where such
39 conviction was had, or by the president of the United States, or shall
40 receive a certificate of [relief from disabilities or a certificate of
41 good conduct] RESTORATION pursuant to article twenty-three of the
42 correction law for the purpose of removing the disability under this
43 section because of such conviction, the board may, in its discretion, on
44 application of such person, and on the submission to it of satisfactory
45 evidence, restore to such person the right to practice nursing home
46 administration in this state.

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

50 S 3454. Restoration of licenses after conviction of a felony. If a
51 person convicted of a felony or crime deemed to be a felony is subse-
52 quently pardoned by the governor of the state where such conviction was
53 had or by the president of the United States, or shall receive a certif-
54 icate of [relief from disabilities or a certificate of good conduct]
55 RESTORATION pursuant to article twenty-three of the correction law to
56 remove the disability under this section because of such conviction, the

1 commissioner may, in his OR HER discretion, on application of such
2 person, and on the submission to him OR HER of satisfactory evidence,
3 restore to such person the right to practice in this state.

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

7 (a) No person convicted of a felony shall continue to hold a license
8 to practice radiologic technology, unless he or she has been granted an
9 executive pardon, OR a certificate of [relief from disabilities or a
10 certificate of good conduct] RESTORATION for such felony and, the
11 commissioner, in his or her discretion, restores the license after
12 determining that the individual does not pose a threat to patient health
13 and safety.

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

17 (1) a person convicted of a crime who has not received a pardon, OR a
18 certificate of [good conduct or a certificate of relief from disabili-
19 ties] RESTORATION;

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

23 (a) Issuance of licenses to conduct games of chance. If such clerk or
24 department shall determine that the applicant is duly qualified to be
25 licensed to conduct games of chance under this article; that the member
26 or members of the applicant designated in the application to manage
27 games of chance are bona fide active members of the applicant and are
28 persons of good moral character and have never been convicted of a
29 crime, or, if convicted, have received a pardon, OR a certificate of
30 [good conduct or a certificate of relief from disabilities] RESTORATION
31 pursuant to article twenty-three of the correction law; that such games
32 are to be conducted in accordance with the provisions of this article
33 and in accordance with the rules and regulations of the board and appli-
34 cable local laws or ordinances and that the proceeds thereof are to be
35 disposed of as provided by this article, and if such clerk or department
36 is satisfied that no commission, salary, compensation, reward or recom-
37 pense whatever will be paid or given to any person managing, operating
38 or assisting therein except as in this article otherwise provided; it
39 shall issue a license to the applicant for the conduct of games of
40 chance upon payment of a license fee of twenty-five dollars for each
41 license period.

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

45 (a) Issuance of licenses to conduct bingo. If the governing body of
46 the municipality shall determine that the applicant is duly qualified to
47 be licensed to conduct bingo under this article; that the member or
48 members of the applicant designated in the application to conduct bingo
49 are bona fide active members of the applicant and are persons of good
50 moral character and have never been convicted of a crime or, if
51 convicted, have received a pardon or a certificate of [good conduct or a
52 certificate of relief from disabilities] RESTORATION pursuant to article
53 twenty-three of the correction law; that such games are to be conducted
54 in accordance with the provisions of this article and in accordance with
55 the rules and regulations of the commission, and that the proceeds ther-
56 eof are to be disposed of as provided by this article, and if the

1 governing body is satisfied that no commission, salary, compensation,
2 reward or recompense whatever will be paid or given to any person hold-
3 ing, operating or conducting or assisting in the holding, operation and
4 conduct of any such games except as in this article otherwise provided;
5 and that no prize will be offered and given in excess of the sum or
6 value of one thousand dollars in any single game and that the aggregate
7 of all prizes offered and given in all of such games conducted on a
8 single occasion, under said license shall not exceed the sum or value of
9 three thousand dollars, it shall issue a license to the applicant for
10 the conduct of bingo upon payment of a license fee of eighteen dollars
11 and seventy-five cents for each bingo occasion; provided, however, that
12 the governing body shall refuse to issue a license to an applicant seek-
13 ing to conduct bingo in premises of a licensed commercial lessor where
14 it determines that the premises presently owned or occupied by said
15 applicant are in every respect adequate and suitable for conducting
16 bingo games.

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

20 (a) a person convicted of a crime who has not received a pardon or a
21 certificate of [good conduct or a certificate of relief from disabili-
22 ties] RESTORATION pursuant to article twenty-three of the correction
23 law;

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

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

29 STATEMENT OF ABSENTEE VOTER

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

55 I hereby declare that the foregoing is a true statement to the best of
56 my knowledge and belief, and I understand that if I make any material

1 false statement in the foregoing statement of absentee voter, I shall be
2 guilty of a misdemeanor.

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

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

7 b. On the reverse side of such envelope shall be printed the follow-
8 ing statement:

9 STATEMENT OF ABSENTEE VOTER

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

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

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

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

43 b. On the reverse side of such envelope shall be printed the follow-
44 ing statement:

45 STATEMENT OF ABSENTEE VOTER

46 I do declare that I will have been a citizen of the United States for
47 thirty days, and will be at least eighteen years of age, on the date of
48 the district election; that I will have been a resident of this state
49 and of the district if any, shown on the reverse side of this envelope
50 for thirty days next preceding the said election and that I am or on
51 such date will be, a registered voter of said district; that I will be
52 unable to appear personally on the day of said district election at the
53 polling place of the said district in which I am or will be a qualified
54 voter because of the reason stated on my application heretofore submit-
55 ted; that I have not qualified, or do I intend to vote, elsewhere than

1 as set forth on the reverse side of this envelope; that I have not
2 received or offered, do not expect to receive, have not paid, offered or
3 promised to pay, contributed, offered or promised to contribute to
4 another to be paid or used, any money or other valuable thing, as a
5 compensation or reward for the giving or withholding of a vote at this
6 district election, and have not made any promise to influence the giving
7 or withholding of any such votes; that I have not made or become direct-
8 ly or indirectly interested in any bet or wager depending upon the
9 result of this district election; and that I have not been convicted of
10 bribery or any infamous crime, or, if so convicted, that I have been
11 pardoned or restored to all the rights of a citizen, without restriction
12 as to the right of suffrage, or received a certificate of [relief from
13 disabilities or a certificate of good conduct] RESTORATION pursuant to
14 article twenty-three of the correction law removing my disability to
15 register and vote OR MY MAXIMUM SENTENCE OF IMPRISONMENT HAS EXPIRED.

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

20 Date..... Signature of Voter

21 S 31. Paragraph b of subdivision 5 of section 2018-a of the education
22 law, as amended by section 8 of part LL of chapter 56 of the laws of
23 2010, is amended to read as follows:

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

26 STATEMENT OF ABSENTEE VOTER

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

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

5 Date.....Signature of Voter

6 S 32. Paragraph b of subdivision 6 of section 2018-b of the education
7 law, as amended by section 9 of part LL of chapter 56 of the laws of
8 2010, is amended to read as follows:

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

11 STATEMENT OF ABSENTEE VOTER

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

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

42 Date.....Signature of Voter

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

46 2. (A) After the filing of an applicant's fingerprint cards, the
47 secretary of state shall forward such fingerprints to the division of
48 criminal justice services to be compared with the fingerprints on file
49 with the division of criminal justice services in order to ascertain

1 whether the applicant has been convicted of a felony involving fraud,
2 bribery, perjury or theft pursuant to article one hundred forty, one
3 hundred fifty-five, one hundred sixty, one hundred sixty-five, one
4 hundred seventy, one hundred seventy-five, one hundred seventy-six, one
5 hundred eighty, one hundred eighty-five, one hundred ninety, one hundred
6 ninety-five, two hundred or two hundred ten of the penal law; or has a
7 criminal action which has been pending for such a felony for under one
8 year without a final disposition unless adjourned in contemplation of
9 dismissal; provided, however, that for the purposes of this article,
10 none of the following shall be considered criminal convictions or
11 reported as such:

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

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

19 [(c)] (III) A conviction for which a certificate of [relief from disa-
20 bilities or a certificate of good conduct] RESTORATION has been issued
21 pursuant to ARTICLE TWENTY-THREE OF the correction law.

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

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

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

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

45 (iii) A conviction for which a certificate of [relief from disabili-
46 ties or a certificate of good conduct] RESTORATION, has been issued
47 pursuant to ARTICLE TWENTY-THREE OF the correction law.

48 S 34. Subdivision 2 of section 74 of the general business law, as
49 amended by chapter 680 of the laws of 1967, paragraph (g) as amended by
50 chapter 232 of the laws of 2010 and paragraph (h) as amended by section
51 13 of part LL of chapter 56 of the laws of 2010, is amended to read as
52 follows:

53 2. Except as hereinafter in this subdivision provided, no such license
54 shall be issued to any person who has been convicted in this state or
55 any other state or territory of a felony, or any of the following
56 offenses, to wit: (a) illegally using, carrying or possessing a pistol

1 or other dangerous weapon; (b) making or possessing burglar's instru-
2 ments; (c) buying or receiving or criminally possessing stolen property;
3 (d) unlawful entry of a building; (e) aiding escape from prison; (f)
4 unlawfully possessing or distributing habit forming narcotic drugs; (g)
5 violating subdivision six of section seven hundred twenty-two of the
6 former penal law as in force and effect immediately prior to September
7 first, nineteen hundred sixty-seven, or violating section 165.25 or
8 165.30 of the penal law; (h) violating section seven hundred forty-two,
9 section seven hundred forty-three, or section seven hundred forty-five
10 of the said former penal law, or violating any section contained in
11 article two hundred fifty of the penal law. Except as hereinafter in
12 this subdivision provided, no license shall be issued to any person
13 whose license has been previously revoked by the department of state or
14 the authorities of any other state or territory because of conviction of
15 any of the offenses specified in this section. The provisions of this
16 subdivision shall not prevent the issuance of a license to any person
17 who, subsequent to his conviction, shall have received executive pardon
18 therefor removing this disability, or who has received a certificate of
19 [relief from disabilities or a certificate of good conduct] RESTORATION
20 pursuant to article twenty-three of the correction law to remove the
21 disability under this section because of such conviction or previous
22 license revocation occasioned thereby.

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

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

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

53 S 36. Paragraph 4 of subsection (d) of section 2108 of the insurance
54 law, as amended by section 18 of part LL of chapter 56 of the laws of
55 2010, is amended to read as follows:

(4) This subsection shall not prevent the employment of or the issuance of a license to any person who, subsequent to his conviction, shall have received executive pardon therefor removing this disability, or who has received a certificate of [relief from disabilities or a certificate of good conduct] RESTORATION pursuant to article twenty-three of the correction law to remove the disability under this section because of such conviction or previous license revocation occasioned thereby.

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

6. The superintendent may refuse to issue a license pursuant to this article if he shall find that the applicant, or any person who is a director, officer, partner, agent, employee or substantial stockholder of the applicant, (a) has been convicted of a crime in any jurisdiction or (b) is associating or consorting with any person who has, or persons who have, been convicted of a crime or crimes in any jurisdiction or jurisdictions; provided, however, that the superintendent shall not issue such a license if he shall find that the applicant, or any person who is a director, officer, partner, agent, employee or substantial stockholder of the applicant, has been convicted of a felony in any jurisdiction or of a crime which, if committed within this state, would constitute a felony under the laws thereof. For the purposes of this article, a person shall be deemed to have been convicted of a crime if such person shall have pleaded guilty to a charge thereof before a court or magistrate, or shall have been found guilty thereof by the decision or judgment of a court or magistrate or by the verdict of a jury, irrespective of the pronouncement of sentence or the suspension thereof, unless such plea of guilty, or such decision, judgment or verdict, shall have been set aside, reversed or otherwise abrogated by lawful judicial process or unless the person convicted of the crime shall have received a pardon therefor from the president of the United States or the governor or other pardoning authority in the jurisdiction where the conviction was had, or shall have received a certificate of [relief from disabilities or a certificate of good conduct] RESTORATION pursuant to article twenty-three of the correction law to remove the disability under this article because of such conviction. The term "substantial stockholder," as used in this subdivision, shall be deemed to refer to a person owning or controlling ten per centum or more of the total outstanding stock of the corporation in which such person is a stockholder. In making a determination pursuant to this subdivision, the superintendent shall require fingerprinting of the applicant. Such fingerprints shall be submitted to the division of criminal justice services for a state criminal history record check, as defined in subdivision one of section three thousand thirty-five of the education law, and may be submitted to the federal bureau of investigation for a national criminal history record check.

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

5. Possession of a rifle or shotgun by a person other than a person who has been convicted of a class A-I felony or a violent felony offense, as defined in subdivision one of section 70.02 of this chapter, who has been convicted as specified in subdivision four of section 265.01 OF THIS ARTICLE to whom a certificate of [good conduct] RESTORA-

1 TION has been issued pursuant to [section seven hundred three-b] ARTICLE
2 TWENTY-THREE of the correction law.

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

5 S 751. Applicability. The provisions of this article shall apply to
6 any application by any person for a license or employment at any public
7 or private employer, who has previously been convicted of one or more
8 criminal offenses in this state or in any other jurisdiction, and to any
9 license or employment held by any person whose conviction of one or more
10 criminal offenses in this state or in any other jurisdiction preceded
11 such employment or granting of a license, except where a mandatory
12 forfeiture, disability or bar to employment is imposed by law, and has
13 not been removed by an executive pardon, OR A certificate of [relief
14 from disabilities or certificate of good conduct] RESTORATION PURSUANT
15 TO ARTICLE TWENTY-THREE OF THIS CHAPTER. Nothing in this article shall
16 be construed to affect any right an employer may have with respect to an
17 intentional misrepresentation in connection with an application for
18 employment made by a prospective employee or previously made by a
19 current employee.

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

22 2. In making a determination pursuant to section seven hundred fifty-
23 two of this [chapter] ARTICLE, the public agency or private employer
24 shall also give consideration to a certificate of [relief from disabili-
25 ties or a certificate of good conduct] RESTORATION issued PURSUANT TO
26 ARTICLE TWENTY-THREE OF THIS CHAPTER to the applicant, which certificate
27 shall create a presumption of rehabilitation in regard to the offense or
28 offenses specified therein.

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

32 5. Nothing in this section shall be deemed to preclude the issuance of
33 a certificate of [relief from disabilities or a certificate of good
34 conduct] RESTORATION pursuant to article twenty-three of the correction
35 law to a person who previously has been sentenced to imprisonment for
36 life.

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

40 No person, co-partnership, limited liability company or corporation
41 shall engage in or follow the business or occupation of, or hold
42 himself, HERSELF or itself out or act temporarily or otherwise as a real
43 estate broker or real estate salesman in this state without first
44 procuring a license therefor as provided in this article. No person
45 shall be entitled to a license as a real estate broker under this arti-
46 cle, either as an individual or as a member of a co-partnership, or as a
47 member or manager of a limited liability company or as an officer of a
48 corporation, unless he or she is twenty years of age or over, a citizen
49 of the United States or an alien lawfully admitted for permanent resi-
50 dence in the United States. No person shall be entitled to a license as
51 a real estate salesman under this article unless he or she is over the
52 age of eighteen years. No person shall be entitled to a license as a
53 real estate broker or real estate salesman under this article who has
54 been convicted in this state or elsewhere of a felony, of a sex offense,
55 as defined in subdivision two of section one hundred sixty-eight-a of
56 the correction law or any offense committed outside of this state which

1 would constitute a sex offense, or a sexually violent offense, as
2 defined in subdivision three of section one hundred sixty-eight-a of the
3 correction law or any offense committed outside this state which would
4 constitute a sexually violent offense, and who has not subsequent to
5 such conviction received executive pardon therefor or a certificate of
6 [relief from disabilities or a certificate of good conduct] RESTORATION
7 pursuant to article twenty-three of the correction law, to remove the
8 disability under this section because of such conviction. No person
9 shall be entitled to a license as a real estate broker or real estate
10 salesman under this article who does not meet the requirements of
11 section 3-503 of the general obligations law.

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

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

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

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

1 office of temporary and disability assistance or in violation of the
2 public officers law.

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

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

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

38 (ii) that such person is granted a certificate of [relief from disa-
39 bilities or a certificate of good conduct] RESTORATION pursuant to arti-
40 cle twenty-three of the correction law.

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

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

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

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

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

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

13 (iii) after such documentation is accepted, that such person is grant-
14 ed a certificate of [relief from disabilities or a certificate of good
15 conduct] RESTORATION pursuant to article twenty-three of the correction
16 law.

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

21 (iii) after such documentation is accepted, that such person is grant-
22 ed a certificate of [relief from disabilities or a certificate of good
23 conduct] RESTORATION pursuant to article twenty-three of the correction
24 law by the court in which such person was last penalized.

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

28 (g) Notwithstanding anything to the contrary contained in a certif-
29 icate of [relief from disabilities or a certificate of good conduct]
30 RESTORATION issued pursuant to article twenty-three of the correction
31 law, any conditional license or privilege issued to a person convicted
32 of a violation of any subdivision of section eleven hundred ninety-two
33 of this article shall not be valid for the operation of any commercial
34 motor vehicle. In addition, no such conditional license or privilege
35 shall be valid for the operation of a taxicab as defined in this chap-
36 ter.

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