

776--A

2015-2016 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2015

---

Introduced by Sens. RIVERA, ESPAILLAT, HAMILTON, PERKINS, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance 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 executive law, the election law, the public officers law, the tax law, the general obligations law, the education law, the alcoholic beverage control law, the general city law, chapter 882 of the laws of 1953, establishing a compact with the state of New Jersey for the elimination of criminal and corrupt practices in the handling of waterborne freight within the port of New York district, the public health law, the general business law, the real property law, the judiciary law, the vehicle and traffic law, the social services law and the correction law, in relation to enacting the "New York is home act" to establish New York state citizenship, regardless of federal immigration status, and requiring the provision of certain rights of such citizenship; to repeal subdivision 1 of section 502 of the vehicle and traffic law relating to applications for drivers' licenses; to repeal section 131-k of the social services law relating to illegal aliens; and to repeal subdivision 3 of section 661 of the education law relating to residency for eligibility for student financial aid

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "New York is home act".

3     S 2. Legislative findings. The legislature hereby finds that New York  
4     is home to over 19.5 million individuals, including workers, consumers,  
5     students, neighbors and taxpayers. The wellbeing of this state is inex-  
6     tricably linked to the wellbeing of all these New Yorkers. These New

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

LBD03792-02-6

1 Yorkers share a common destiny and common dreams: a thriving New York  
2 state replete with healthy families, healthy communities and striving  
3 businesses. New York is home to these individuals, regardless of their  
4 federal immigration status.

5 This act addresses the compelling need to lift up all state residents,  
6 upon whom this state's society, vibrancy, health and economic growth  
7 depend. Our state recognizes the value of those who contribute to and  
8 make our state home.

9 It also makes economic sense to enable all New Yorkers, who are pres-  
10 ent in and a part of the fabric of our state, to contribute fully to our  
11 state revenue, to participate in our state conversations, and to access  
12 benefits that are the foundation of a healthy, thriving New York state.  
13 Although the futures of many New Yorkers are undeniably circumscribed by  
14 current federal immigration law, many of those New Yorkers also enjoy an  
15 inchoate federal permission to be here, and this state enables them to  
16 make our state their home, as well. Many of these New Yorkers pay taxes,  
17 with approximately \$744 million paid in state and local taxes each year.  
18 However, current state law prevents them from accessing equal higher  
19 education opportunities, health care benefits, drivers licenses and  
20 professional licenses. Denying New Yorkers these benefits means denying  
21 the state its full potential to succeed.

22 The state of New York respects the exclusive province of the federal  
23 government to regulate immigration and the flow of immigrants into and  
24 out of our country. However, this state retains and asserts its historic  
25 authority to define its citizenry, and to affirmatively provide state  
26 and local public benefits to citizens of the state of New York. The  
27 state seeks to provide such benefits to all of its citizens, irrespec-  
28 tive of that individual's eligibility for the same under federal law or  
29 pursuant to federal funding. There is nothing in this act that should be  
30 deemed to conflict with federal law.

31 S 3. The executive law is amended by adding a new article 14-A to read  
32 as follows:

#### 33 ARTICLE 14-A

#### 34 NEW YORK STATE CITIZENSHIP

#### 35 SECTION 275. DEFINITIONS.

36 275-A. STATE CITIZENSHIP; ADMINISTRATION.

37 275-B. ELIGIBILITY CRITERIA.

38 275-C. ACCEPTABILITY; BENEFITS.

39 275-D. STATE AGENCY REVIEW.

40 275-E. SEVERABILITY.

41 275-F. LOCAL LAWS.

#### 42 S 275. DEFINITIONS. AS USED IN THIS ARTICLE:

43 1. "NEW YORK STATE CITIZEN" OR "CITIZEN" SHALL MEAN ANY INDIVIDUAL WHO  
44 SATISFIES THE REQUIREMENTS OF SUBDIVISION ONE OF SECTION TWO HUNDRED  
45 SEVENTY-FIVE-C OF THIS ARTICLE.

46 2. "NEW YORK STATE IDENTIFICATION CARD" SHALL MEAN THE PHYSICAL IDEN-  
47 TIFICATION CARD THAT A CITIZEN IS ELIGIBLE TO RECEIVE, AND WHICH  
48 INCLUDES THAT CITIZEN'S NEW YORK STATE IDENTIFICATION NUMBER AND SUCH  
49 CARD'S DATE OF ISSUANCE.

50 3. "NEW YORK STATE IDENTIFICATION NUMBER" SHALL MEAN THE UNIQUE IDEN-  
51 TIFICATION NUMBER THAT A CITIZEN IS ASSIGNED BY THE OFFICE AND WHICH  
52 APPEARS ON SUCH CITIZEN'S NEW YORK STATE IDENTIFICATION CARD.

53 4. "OFFICE" SHALL MEAN THE OFFICE FOR NEW AMERICANS ESTABLISHED BY THE  
54 GOVERNOR.

55 S 275-A. STATE CITIZENSHIP; ADMINISTRATION. 1. THE PROVISIONS OF THIS  
56 ARTICLE SHALL BE ADMINISTERED BY THE OFFICE. THE OFFICE SHALL:

1 (A) RECOGNIZE THE NEW YORK STATE CITIZENSHIP OF ANY INDIVIDUAL  
2 DESCRIBED IN SUBDIVISION ONE OF SECTION TWO HUNDRED SEVENTY-FIVE-B OF  
3 THIS ARTICLE, AND GRANT AND RENEW NEW YORK STATE CITIZENSHIP TO ANY  
4 INDIVIDUAL WHO MEETS THE CRITERIA SET FORTH IN SUBDIVISION TWO OF  
5 SECTION TWO HUNDRED SEVENTY-FIVE-B OF THIS ARTICLE;

6 (B) GRANT A NEW YORK STATE IDENTIFICATION CARD AND NEW YORK STATE  
7 IDENTIFICATION NUMBER TO ANY CITIZEN;

8 (C) GRANT A RENEWED NEW YORK STATE IDENTIFICATION CARD AND NEW YORK  
9 STATE IDENTIFICATION NUMBER TO ANY CITIZEN DESCRIBED IN SUBDIVISION ONE  
10 OF SECTION TWO HUNDRED SEVENTY-FIVE-B OF THIS ARTICLE, AND TO ANY CITI-  
11 ZEN DESCRIBED IN SUBDIVISION TWO OF SECTION TWO HUNDRED SEVENTY-FIVE-B  
12 OF THIS ARTICLE, WHO DEMONSTRATES THAT THEY CONTINUE TO SATISFY THE  
13 CRITERIA SET FORTH THEREIN;

14 (D) PROMULGATE RULES AND REGULATIONS TO EFFECT THE PURPOSES OF THIS  
15 ARTICLE; AND

16 (E) ESTABLISH, PUBLICIZE AND ADMINISTER PROCEDURES TO GRANT NEW YORK  
17 STATE CITIZENSHIP, NEW YORK STATE IDENTIFICATION CARDS AND NEW YORK  
18 STATE IDENTIFICATION NUMBERS.

19 2. NEW YORK STATE CITIZENSHIP SHALL BE A CONTINUING STATUS THAT SHALL  
20 END WHEN AN INDIVIDUAL IS NO LONGER A RESIDENT OF THE STATE. THE NEW  
21 YORK STATE IDENTIFICATION CARD AND NEW YORK STATE IDENTIFICATION NUMBER  
22 SHALL BE VALID FOR A PERIOD OF FIVE YEARS AFTER THE DATE OF ISSUANCE.

23 S 275-B. ELIGIBILITY CRITERIA. ANY INDIVIDUAL, REGARDLESS OF HIS OR  
24 HER IMMIGRATION STATUS, WHO MEETS EITHER OF THE FOLLOWING REQUIREMENTS  
25 SHALL BE DEEMED TO BE A CITIZEN:

26 1. IS A RESIDENT OF THE STATE WHO IS A CITIZEN OF THE UNITED STATES;  
27 OR

28 2. IS ADJUDGED BY THE OFFICE TO SATISFY ALL OF THE FOLLOWING CRITERIA:

29 (A) HAS PROOF OF IDENTITY;

30 (B) HAS BEEN A RESIDENT OF THE STATE FOR NOT LESS THAN THREE YEARS;

31 (C) HAS PAID STATE RESIDENT PERSONAL INCOME TAXES, PURSUANT TO ARTICLE  
32 TWENTY-TWO OF THE TAX LAW, FOR A PERIOD OF NOT LESS THAN THREE TAXABLE  
33 YEARS; PROVIDED HOWEVER, THAT SUCH REQUIREMENT SHALL NOT APPLY TO INDIV-  
34 IDUALS WHO ARE STUDENTS, PRIMARY CAREGIVERS, UNABLE TO WORK DUE TO  
35 DISABILITY, UNEMPLOYED OR OTHERWISE NOT REQUIRED PURSUANT TO SUCH ARTI-  
36 CLE OF THE TAX LAW TO REPORT HIS OR HER INCOME;

37 (D) HAS PLEDGED TO ABIDE BY THE LAWS OF THE STATE AND TO UPHOLD THE  
38 PROVISIONS OF THE STATE CONSTITUTION; AND

39 (E) HAS ATTESTED TO HIS OR HER WILLINGNESS TO SERVE ON JURY DUTY,  
40 PURSUANT TO ARTICLE SIXTEEN OF THE JUDICIARY LAW, AND TO CONTINUE TO PAY  
41 ANY TAXES REQUIRED TO BE PAID BY HIM OR HER PURSUANT TO ANY PROVISION OF  
42 STATE OR LOCAL LAW.

43 3. (A) THE STATE SHALL NOT RETAIN ORIGINALS OR COPIES OF RECORDS  
44 PROVIDED BY AN APPLICANT TO PROVE IDENTITY OR RESIDENCY OR OTHER ELIGI-  
45 BILITY REQUIREMENTS OF STATE CITIZENSHIP.

46 (B) TO THE MAXIMUM EXTENT ALLOWED BY APPLICABLE FEDERAL AND STATE LAW,  
47 INFORMATION COLLECTED ABOUT APPLICANTS FOR STATE CITIZENSHIP SHALL BE  
48 TREATED AS CONFIDENTIAL AND SHALL NOT BE DISCLOSED TO GOVERNMENT ENTI-  
49 TIES OR PRIVATE PARTIES UNLESS SUCH DISCLOSURE IS:

50 (I) AUTHORIZED IN WRITING BY THE INDIVIDUAL TO WHOM SUCH INFORMATION  
51 PERTAINS, OR IF SUCH INDIVIDUAL IS A MINOR OR IS OTHERWISE NOT LEGALLY  
52 COMPETENT, BY SUCH INDIVIDUAL'S PARENT OR LEGAL GUARDIAN; OR

53 (II) SO ORDERED BY A COURT OF COMPETENT JURISDICTION.

54 S 275-C. ACCEPTABILITY; BENEFITS. 1. EXCEPT AS OTHERWISE PROVIDED BY  
55 FEDERAL LAW, A NEW YORK STATE IDENTIFICATION CARD SHALL BE ACCEPTED AND  
56 BE DEEMED TO BE VALID GOVERNMENT IDENTIFICATION WHERE A STATE DRIVERS'

LICENSE WOULD BE ACCEPTED, AND THE NEW YORK STATE IDENTIFICATION NUMBER SHALL BE ACCEPTED FOR USE IN SUBSTITUTION FOR A SOCIAL SECURITY NUMBER.

2. ANY PERSON IN POSSESSION OF A VALID NEW YORK STATE IDENTIFICATION CARD SHALL NOT BE DISQUALIFIED FROM ELIGIBILITY FOR ANY OF THE FOLLOWING STATE BENEFITS BY VIRTUE OF HIS OR HER LACK OF DOCUMENTATION OF FEDERAL IMMIGRATION STATUS:

(A) ANY LICENSE, PERMIT, CERTIFICATE OR GRANT OF PERMISSION, AS DEFINED IN PARAGRAPH C OF SUBDIVISION ONE OF SECTION 3-503 OF THE GENERAL OBLIGATIONS LAW AND REQUIRED BY THE LAWS OF THIS STATE, ITS POLITICAL SUBDIVISIONS OR INSTRUMENTALITIES AS A CONDITION FOR THE LAWFUL PRACTICE OF ANY OCCUPATION, EMPLOYMENT, TRADE, VOCATION, BUSINESS OR PROFESSION, AND ISSUED BY THE STATE OR ANY POLITICAL SUBDIVISION THEREOF;

(B) THE ABILITY TO REGISTER FOR AND VOTE AT STATE AND LOCAL ELECTIONS, AS PROVIDED IN SECTION 5-100 OF THE ELECTION LAW;

(C) PUBLIC HEALTH BENEFITS;

(D) A DRIVERS' LICENSE, PURSUANT TO SECTION FIVE HUNDRED TWO OF THE VEHICLE AND TRAFFIC LAW; AND

(E) BENEFITS GOVERNED BY ARTICLES THIRTEEN AND FOURTEEN OF THE EDUCATION LAW, SUCH AS GENERAL AWARDS, ACADEMIC PERFORMANCE AWARDS AND STUDENT LOANS FOR HIGHER EDUCATION; ASSISTANCE UNDER THE HIGHER EDUCATION OPPORTUNITY PROGRAMS AND THE COLLEGIATE SCIENCE AND TECHNOLOGY ENTRY PROGRAM; FINANCIAL AID OPPORTUNITIES FOR STUDENTS OF THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK AND COMMUNITY COLLEGES; AND THE NEW YORK STATE COLLEGE CHOICE TUITION SAVINGS PROGRAM.

3. NOTHING IN THIS SECTION SHALL BE DEEMED TO DEPRIVE ANY INDIVIDUAL OF ANY BENEFIT RECEIVED BY HIM OR HER PURSUANT TO LAW PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE.

S 275-D. STATE AGENCY REVIEW. ALL STATE AGENCIES SHALL REVIEW THEIR RULES AND REGULATIONS TO MAKE SURE THEY ARE CONSISTENT WITH THIS ARTICLE, AND MAKE SUCH NECESSARY CHANGES WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE.

S 275-E. SEVERABILITY. IF ANY CLAUSE, SENTENCE, PARAGRAPH, SECTION OR PART OF THIS ARTICLE SHALL BE ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID, SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER THEREOF, BUT SHALL BE CONFINED IN ITS OPERATION TO THE CLAUSE, SENTENCE, PARAGRAPH, SECTION, OR PART THEREOF DIRECTLY INVOLVED IN THE CONTROVERSY IN WHICH SUCH JUDGMENT SHALL HAVE BEEN RENDERED.

S 275-F. LOCAL LAWS. THIS ARTICLE SHALL NOT PREVENT THE ESTABLISHMENT, CONTINUING IN EFFECT OR ENFORCEMENT OF ANY LAW OR REGULATION OF ANY POLITICAL SUBDIVISION OF THE STATE THAT PROTECTS THE RIGHTS OR FOSTERS THE INTEGRATION OF NEW YORK STATE CITIZENS IN A MANNER NOT INCONSISTENT WITH THE PROVISIONS OF THIS ARTICLE.

S 4. Subdivision 1 of section 5-102 of the election law is amended to read as follows:

1. No person shall be qualified to register for and vote at any election unless he OR SHE is a citizen of the United States OR HE OR SHE POSSESSES A NEW YORK STATE IDENTIFICATION CARD, and is or will be, on the day of such election, eighteen years of age or over, and a resident of this state and of the county, city or village for a minimum of thirty days next preceding such election.

S 5. Subdivision 1 of section 3 of the public officers law, as amended by chapter 251 of the laws of 2014, is amended to read as follows:

1. No person shall be capable of holding a civil office who shall not, at the time he or she shall be chosen thereto, have attained the age of eighteen years, except that in the case of youth boards, youth commis-

1 sions, recreation commissions, or community boards in the city of New  
2 York only, members of such boards or commissions may be under the age of  
3 eighteen years, but must have attained the age of sixteen years on or  
4 before appointment to such youth board, youth commission, recreation  
5 commission, or community board in the city of New York, be a citizen of  
6 the United States OR A NEW YORK STATE CITIZEN, a resident of the state,  
7 and if it be a local office, a resident of the political subdivision or  
8 municipal corporation of the state for which he or she shall be chosen,  
9 or within which the electors electing him or her reside, or within which  
10 his or her official functions are required to be exercised, or who shall  
11 have been or shall be convicted of a violation of the selective draft  
12 act of the United States, enacted May eighteenth, nineteen hundred  
13 seventeen, or the acts amendatory or supplemental thereto, or of the  
14 federal selective training and service act of nineteen hundred forty or  
15 the acts amendatory thereof or supplemental thereto.

16 S 6. Subparagraphs vi and vii of paragraph (b) of subdivision 2 of  
17 section 89 of the public officers law, as amended by section 11 of part  
18 U of chapter 61 of the laws of 2011, are amended and two new subpara-  
19 graphs viii and ix are added to read as follows:

20 vi. information of a personal nature contained in a workers' compen-  
21 sation record, except as provided by section one hundred ten-a of the  
22 workers' compensation law; [or]

23 vii. disclosure of electronic contact information, such as an e-mail  
24 address or a social network username, that has been collected from a  
25 taxpayer under section one hundred four of the real property tax law[.];

26 VIII. DISCLOSURE OF INFORMATION USED TO OBTAIN NEW YORK STATE CITIZEN-  
27 SHIP ON A NEW YORK STATE IDENTIFICATION CARD INCLUDING BUT NOT LIMITED  
28 TO NAMES, ADDRESSES AND IDENTIFYING INFORMATION OF RECIPIENTS OR APPLI-  
29 CANTS OF SUCH CITIZENSHIP OR CARDS, AND ANY INFORMATION THAT COULD  
30 REASONABLY BE EXPECTED TO LEAD TO SUCH DISCLOSURE; OR

31 IX. DISCLOSURE OF INFORMATION WHEN DISCLOSURE WOULD RESULT IN IDEN-  
32 TIFICATION OF PEOPLE WHO ARE NEW YORK STATE CITIZENS.

33 S 7. Subdivision 2 of section 5 of the tax law, as amended by chapter  
34 170 of the laws of 1994, is amended to read as follows:

35 2. Requiring information. Notwithstanding any other provision of law,  
36 every covered agency shall, as part of the procedure for granting,  
37 renewing, amending, supplementing or restating the license of any person  
38 or at the time the covered agency contracts to purchase or purchases  
39 goods or services or leases real or personal property from any person,  
40 require that each such person provide to the covered agency such  
41 person's federal social security account number [or], federal employer  
42 identification number OR NEW YORK STATE IDENTIFICATION NUMBER, or [both]  
43 ALL such numbers when such person has [both] MORE THAN ONE such  
44 [numbers] NUMBER, or, where such person does not have such number or  
45 numbers, the reason or reasons why such person does not have such number  
46 or numbers. Such numbers or reasons shall be obtained by such covered  
47 agency as part of the administration of the taxes administered by the  
48 commissioner for the purpose of establishing the identification of  
49 persons affected by such taxes.

50 S 8. Subparagraph 3 of paragraph (a) of subdivision 3 of section 5 of  
51 the tax law, as amended by chapter 170 of the laws of 1994, is amended  
52 to read as follows:

53 (3) federal social security account number [or], federal employer  
54 identification number OR NEW YORK STATE IDENTIFICATION NUMBER, or [both]  
55 ALL such numbers where such person has [both] MORE THAN ONE such

1 [numbers] NUMBER, or the reason or reasons, furnished by such person,  
2 why such person does not have such number or numbers.

3 S 9. The opening paragraph of subdivision 2 of section 3-503 of the  
4 general obligations law, as amended by chapter 398 of the laws of 1997,  
5 is amended to read as follows:

6 Every applicant for a license or renewal thereof shall provide his or  
7 her social security number OR, IF HE OR SHE DOES NOT HAVE A SOCIAL SECU-  
8 RITY NUMBER, HIS OR HER NEW YORK STATE IDENTIFICATION NUMBER on the  
9 application. Additionally, every applicant for a license or renewal  
10 thereof shall certify in the application in a written statement under  
11 oath, duly sworn and subscribed, that as of the date the application is  
12 filed he or she is (or is not) under obligation to pay child support and  
13 that if he or she is under such an obligation, that he or she does (or  
14 does not) meet one of the following requirements:

15 S 10. Paragraph (f) of subdivision 6 of section 6506 of the education  
16 law, as amended by chapter 133 of the laws of 1982, is amended to read  
17 as follows:

18 (f) Citizenship or immigration status: be a United States citizen  
19 [or], an alien lawfully admitted for permanent residence in the United  
20 States OR A NEW YORK STATE CITIZEN;

21 S 11. Subdivision 6 of section 6524 of the education law, as amended  
22 by chapter 379 of the laws of 2008, is amended to read as follows:

23 (6) Citizenship or immigration status: be a United States citizen  
24 [or], an alien lawfully admitted for permanent residence in the United  
25 States[; provided, however that the board of regents may grant a three  
26 year waiver for an alien physician to practice in an area which has been  
27 designated by the department as medically underserved, except that the  
28 board of regents may grant an additional extension not to exceed six  
29 years to an alien physician to enable him or her to secure citizenship  
30 or permanent resident status, provided such status is being actively  
31 pursued; and provided further that the board of regents may grant an  
32 additional three year waiver, and at its expiration, an extension for a  
33 period not to exceed six additional years, for the holder of an H-1b  
34 visa, an O-1 visa, or an equivalent or successor visa thereto] OR A NEW  
35 YORK STATE CITIZEN;

36 S 12. Subdivision 6 of section 6554 of the education law, as amended  
37 by chapter 133 of the laws of 1982, is amended to read as follows:

38 (6) Citizenship or immigration status: be a United States citizen  
39 [or], an alien lawfully admitted for permanent residence in the United  
40 States OR A NEW YORK STATE CITIZEN;

41 S 13. Subdivision 6 of section 6604 of the education law, as amended  
42 by chapter 403 of the laws of 2002, is amended to read as follows:

43 (6) Citizenship or immigration status: be a United States citizen  
44 [or], an alien lawfully admitted for permanent residence in the United  
45 States[; provided, however, that the board of regents may grant a three  
46 year waiver for an alien to practice in an area which has been desig-  
47 nated a federal dental health professions shortage area, except that the  
48 board of regents may grant an additional extension not to exceed six  
49 years to an alien to enable him or her to secure citizenship or perma-  
50 nent resident status, provided such status is being actively pursued] OR  
51 A NEW YORK STATE CITIZEN;

52 S 14. Subdivision 7 of section 6604-b of the education law, as added  
53 by chapter 537 of the laws of 2008, is amended to read as follows:

54 7. In order to be eligible for a restricted dental faculty license an  
55 applicant must be a United States citizen [or], an alien lawfully admit-  
56 ted for permanent residence in the United States[; provided, however,

1 that the department may grant a three year waiver for an alien who  
2 otherwise meets all other requirements for a restricted dental faculty  
3 license except that the department may grant an additional extension not  
4 to exceed six years to an alien to enable him or her to secure citizen-  
5 ship or permanent resident status, provided such status is being active-  
6 ly pursued. No current faculty member shall be displaced by the holder  
7 of a restricted dental faculty license] OR A NEW YORK STATE CITIZEN.

8 S 15. Subdivision 6 of section 6609 of the education law, as amended  
9 by chapter 403 of the laws of 2002, is amended to read as follows:

10 (6) Citizenship or immigration status: be a United States citizen  
11 [or], an alien lawfully admitted for permanent residence in the United  
12 States[; provided, however, that the board of regents may grant a three  
13 year waiver for an alien to practice in an area which has been desig-  
14 nated a federal dental health professions shortage area, except that the  
15 board of regents may grant an additional extension not to exceed six  
16 years to an alien to enable him or her to secure citizenship or perma-  
17 nent resident status, provided such status is being actively pursued] OR  
18 A NEW YORK STATE CITIZEN;

19 S 16. Subdivision 6 of section 6704 of the education law, as amended  
20 by chapter 201 of the laws of 2007, is amended to read as follows:

21 (6) Citizenship or immigration status: be a United States citizen  
22 [or], an alien lawfully admitted for permanent residence in the United  
23 States[; provided, however that the board of regents may grant a one-  
24 time three-year waiver for a veterinarian who otherwise meets the  
25 requirements of this article and who has accepted an offer to practice  
26 veterinary medicine in a county in the state which the department has  
27 certified as having a shortage of qualified applicants to fill existing  
28 vacancies in veterinary medicine, and provided further that the board of  
29 regents may grant an extension of such three-year waiver of not more  
30 than one year] OR A NEW YORK STATE CITIZEN;

31 S 17. Subdivision 6 of section 6711 of the education law, as amended  
32 by chapter 80 of the laws of 2000, is amended to read as follows:

33 6. Citizenship or immigration status: be a United States citizen [or],  
34 an alien lawfully admitted for permanent residence in the United  
35 States[; provided, however that the board of regents may grant a one-  
36 time three-year waiver for an animal health technician who otherwise  
37 meets the requirements of this article and provided further that the  
38 board of regents may grant an extension of such three-year waiver of not  
39 more than one year] OR A NEW YORK STATE CITIZEN;

40 S 18. Subdivision 1 of section 6711-a of the education law, as amended  
41 by chapter 333 of the laws of 1990, is amended to read as follows:

42 1. Eligibility. Persons shall be eligible for a limited permit who  
43 fulfill all requirements for a license as a veterinary technician except  
44 those relating to the examination [and citizenship or permanent resi-  
45 dence in the United States].

46 S 19. Paragraph 6 of subdivision 1 of section 6805 of the education  
47 law, as amended by chapter 133 of the laws of 1982, is amended to read  
48 as follows:

49 (6) Citizenship or immigration status: be a United States citizen  
50 [or], an alien lawfully admitted for permanent residence in the United  
51 States OR A NEW YORK STATE CITIZEN;

52 S 20. Subdivision 6 of section 6955 of the education law, as added by  
53 chapter 327 of the laws of 1992, is amended to read as follows:

54 6. Citizenship or immigration status: be a United States citizen [or],  
55 an alien lawfully admitted for permanent residence in the United States  
56 OR A NEW YORK STATE CITIZEN.

1 S 21. Paragraph 6 of subdivision 1 of section 7206 of the education  
2 law, as amended by chapter 133 of the laws of 1982, is amended to read  
3 as follows:

4 (6) Citizenship or immigration status: be a United States citizen  
5 [or], an alien lawfully admitted for permanent residence in the United  
6 States OR A NEW YORK STATE CITIZEN;

7 S 22. Paragraph 6 of subdivision 1 of section 7206-a of the education  
8 law, as amended by chapter 133 of the laws of 1982, is amended to read  
9 as follows:

10 (6) Citizenship or immigration status: be a United States citizen  
11 [or], an alien lawfully admitted for permanent residence in the United  
12 States OR A NEW YORK STATE CITIZEN;

13 S 23. Paragraph 6 of subdivision 1 of section 7324 of the education  
14 law, as amended by chapter 133 of the laws of 1982, is amended to read  
15 as follows:

16 (6) Citizenship or immigration status: be a United States citizen  
17 [or], an alien lawfully admitted for permanent residence in the United  
18 States OR A NEW YORK STATE CITIZEN;

19 S 24. Paragraph 6 of subdivision 1 of section 7504 of the education  
20 law, as amended by chapter 133 of the laws of 1982, is amended to read  
21 as follows:

22 (6) Citizenship or immigration status: be a United States citizen [or]  
23 , an alien lawfully admitted for permanent residence in the United  
24 States OR A NEW YORK STATE CITIZEN;

25 S 25. Subdivision 5 of section 7804 of the education law, as amended  
26 by chapter 230 of the laws of 1997, is amended to read as follows:

27 (5) Citizenship or immigration status: be a United States citizen  
28 [or], an alien lawfully admitted for permanent residence in the United  
29 States OR A NEW YORK STATE CITIZEN;

30 S 26. Subdivisions 3 and 4 of section 126 of the alcoholic beverage  
31 control law, subdivision 3 as added by chapter 133 of the laws of 1982  
32 and subdivision 4 as amended by section 50 of subpart B of part C of  
33 chapter 62 of the laws of 2011, are amended to read as follows:

34 3. A person who is not a citizen of the United States [or], an alien  
35 lawfully admitted for permanent residence in the United States OR A NEW  
36 YORK STATE CITIZEN.

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



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

13 S 27. Section 10 of the general city law, as amended by chapter 133 of  
14 the laws of 1982, is amended to read as follows:

15 S 10. Licenses to adult blind persons. The mayor of any city shall  
16 have the power to issue a license to any adult blind person for the  
17 vending of goods, or newspapers in such places as he OR SHE may set  
18 aside for this purpose. The license shall be issued for a term of one  
19 year and no charge shall be made for the license. A license shall not be  
20 issued to a blind person unless he or she is a resident for three years  
21 in the city in which application for such license is made, and is a  
22 citizen of the United States [or], an alien lawfully admitted for perma-  
23 nent residence in the United States OR A NEW YORK STATE CITIZEN.

24 This license shall be revocable only for cause.

25 S 28. Paragraphs (a) and (c) of subdivision 2 of article X of section  
26 1 of part I of chapter 882 of the laws of 1953, establishing a compact  
27 with the state of New Jersey for the elimination of criminal and corrupt  
28 practices in the handling of waterborne freight within the port of New  
29 York district, are amended to read as follows:

30 (a) The full name, residence, business address (if any), place and  
31 date of birth, and THE social security number OR THE NEW YORK STATE  
32 IDENTIFICATION NUMBER of the applicant;

33 (c) The citizenship of the applicant and, if he OR SHE is a natural-  
34 ized citizen of the United States, the court and date of his OR HER  
35 naturalization, OR IF HE OR SHE IS A NEW YORK STATE CITIZEN, THE DATE OF  
36 ISSUANCE OF HIS OR HER NEW YORK STATE IDENTIFICATION CARD; and

37 S 29. Paragraph (a) of subdivision 2 of section 3421 of the public  
38 health law, as amended by chapter 534 of the laws of 1983, is amended to  
39 read as follows:

40 (a) is a citizen of the United States [or], an alien lawfully admitted  
41 for permanent residence in the United States OR A NEW YORK STATE  
42 CITIZEN;

43 S 30. Section 41 of the general business law, as amended by chapter  
44 321 of the laws of 1983, is amended to read as follows:

45 S 41. Licenses, how obtained; penalty for carrying on business without  
46 license. The mayor or such local licensing authority may from time to  
47 time grant, under his OR HER hand and the official seal of his OR HER  
48 office, to such citizens OF THE UNITED STATES, [or] aliens lawfully  
49 admitted for permanent residence in the United States OR NEW YORK STATE  
50 CITIZENS, as he OR SHE shall deem proper and who shall produce to him OR  
51 HER satisfactory evidence of their good character, a license authorizing  
52 such person to carry on the business of a collateral loan broker, which  
53 license shall designate the house in which such person shall carry on  
54 said business, and no person, corporation, partnership or firm shall  
55 carry on the business of a collateral loan broker without being duly  
56 licensed, nor in any other house than the one designated in said

1 license, under a penalty of one hundred dollars for each day he, SHE or  
2 they shall exercise or carry on said business without such license or at  
3 any other house than the one so designated. Any person receiving such  
4 license shall pay therefor the sum of five hundred dollars for the use  
5 of the city yearly where such business is to be conducted in a city with  
6 a population of more than one million persons, and where the business is  
7 to be conducted elsewhere the fee for such license shall not exceed two  
8 hundred fifty dollars yearly, and every such license shall expire one  
9 year from the date thereof, and may be renewed on application to the  
10 mayor or local licensing authority each and every year on payment of the  
11 same sum and upon performance of the other conditions herein contained.  
12 Every person so licensed shall, at the time of receiving such license,  
13 file with the mayor or such local licensing authority granting the same  
14 a bond to the local authorities, to be executed by the person so  
15 licensed and by two responsible sureties, in the penal sum of ten thou-  
16 sand dollars, to be approved by such mayor or local licensing authority,  
17 which bond shall be conditioned for the faithful performance of the  
18 duties and obligations pertaining to the business so licensed, and the  
19 mayor or such local licensing authority shall have full power and  
20 authority to revoke such license for cause.

21 S 31. Subdivision 1 of section 72 of the general business law, as  
22 amended by chapter 164 of the laws of 2003, is amended to read as  
23 follows:

24 1. If the applicant is a person, the application shall be subscribed  
25 by such person, and if the applicant is a firm or partnership the appli-  
26 cation shall be subscribed by each individual composing or intending to  
27 compose such firm or partnership. The application shall state the full  
28 name, age, residences within the past three years, present and previous  
29 occupations of each person or individual so signing the same, that each  
30 person or individual is a citizen of the United States [or], an alien  
31 lawfully admitted for permanent residence in the United States OR A NEW  
32 YORK STATE CITIZEN and shall also specify the name of the city, town or  
33 village, stating the street and number, if the premises have a street  
34 and number, and otherwise such apt description as will reasonably indi-  
35 cate the location thereof, where is to be located the principal place of  
36 business and the bureau, agency, sub-agency, office or branch office for  
37 which the license is desired, and such further facts as may be required  
38 by the department of state to show the good character, competency and  
39 integrity of each person or individual so signing such application. Each  
40 person or individual signing such application shall, together with such  
41 application, submit to the department of state, his OR HER photograph,  
42 taken within six months prior thereto in duplicate, in passport size and  
43 also two sets of fingerprints of his OR HER two hands recorded in such  
44 manner as may be specified by the secretary of state or the secretary of  
45 state's authorized representative. Before approving such application it  
46 shall be the duty of the secretary of state or the secretary of state's  
47 authorized representative to forward one copy of such fingerprints to  
48 the division of criminal justice services. Upon receipt of such finger-  
49 prints, such division shall forward to the secretary of state a report  
50 with respect to the applicant's previous criminal history, if any, or a  
51 statement that the applicant has no previous criminal history according  
52 to its files. If additional copies of fingerprints are required the  
53 applicant shall furnish them upon request. Such fingerprints may be  
54 submitted to the federal bureau of investigation for a national criminal  
55 history record check. The secretary shall reveal the name of the appli-  
56 cant to the chief of police and the district attorney of the applicant's

1 residence and of the proposed place of business and shall request of  
2 them a report concerning the applicant's character in the event they  
3 shall have information concerning it. The secretary shall take such  
4 other steps as may be necessary to investigate the honesty, good charac-  
5 ter and integrity of each applicant. Every such applicant for a license  
6 as private investigator shall establish to the satisfaction of the  
7 secretary of state (a) if the applicant be a person, or, (b) in the case  
8 of a firm, limited liability company, partnership or corporation, at  
9 least one member of such firm, partnership, limited liability company or  
10 corporation, has been regularly employed, for a period of not less than  
11 three years, undertaking such investigations as those described as  
12 performed by a private investigator in subdivision one of section seven-  
13 ty-one of this article, as a sheriff, police officer in a city or county  
14 police department, or the division of state police, investigator in an  
15 agency of the state, county, or United States government, or employee of  
16 a licensed private investigator, or has had an equivalent position and  
17 experience or that such person or member was an employee of a police  
18 department who rendered service therein as a police officer for not less  
19 than twenty years or was an employee of a fire department who rendered  
20 service therein as a fire marshal for not less than twenty years. Howev-  
21 er, employment as a watchman, guard or private patrolman shall not be  
22 considered employment as a "private investigator" for purposes of this  
23 section. Every such applicant for a license as watch, guard or patrol  
24 agency shall establish to the satisfaction of the secretary of state (a)  
25 if the applicant be a person, or, (b) in the case of a firm, limited  
26 liability company, partnership or corporation, at least one member of  
27 such firm, partnership, limited liability company or corporation, has  
28 been regularly employed, for a period of not less than two years,  
29 performing such duties or providing such services as described as those  
30 performed or furnished by a watch, guard or patrol agency in subdivision  
31 two of section seventy-one of this article, as a sheriff, police officer  
32 in a city or county police department, or employee of an agency of the  
33 state, county or United States government, or licensed private investi-  
34 gator or watch, guard or patrol agency, or has had an equivalent posi-  
35 tion and experience; qualifying experience shall have been completed  
36 within such period of time and at such time prior to the filing of the  
37 application as shall be satisfactory to the secretary of state. The  
38 person or member meeting the experience requirement under this subdivi-  
39 sion and the person responsible for the operation and management of each  
40 bureau, agency, sub-agency, office or branch office of the applicant  
41 shall provide sufficient proof of having taken and passed a written  
42 examination prescribed by the secretary of state to test their under-  
43 standing of their rights, duties and powers as a private investigator  
44 and/or watchman, guard or private patrolman, depending upon the work to  
45 be performed under the license. In the case of an application subscribed  
46 by a resident of the state of New York such application shall be  
47 approved, as to each resident person or individual so signing the same,  
48 but not less than five reputable citizens of the community in which such  
49 applicant resides or transacts business, or in which it is proposed to  
50 own, conduct, manage or maintain the bureau, agency, sub-agency, office  
51 or branch office for which the license is desired, each of whom shall  
52 subscribe and affirm as true, under the penalties of perjury, that he OR  
53 SHE has personally known the said person or individual for a period of  
54 at least five years prior to the filing of such application, that he OR  
55 SHE has read such application and believes each of the statements made  
56 therein to be true, that such person is honest, of good character and

1 competent, and not related or connected to the person so certifying by  
2 blood or marriage. In the case of an application subscribed by a non-re-  
3 sident of the state of New York such application shall be approved, as  
4 to each non-resident person or individual so signing the same by not  
5 less than five reputable citizens of the community in which such appli-  
6 cant resides. The certificate of approval shall be signed by such  
7 reputable citizens and duly verified and acknowledged by them before an  
8 officer authorized to take oaths and acknowledgment of deeds. All  
9 provisions of this section, applying to corporations, shall also apply  
10 to joint-stock associations, except that each such joint-stock associ-  
11 ation shall file a duly certified copy of its certificate of organiza-  
12 tion in the place of the certified copy of its certificate of incorpo-  
13 ration herein required.

14 S 32. Subdivision 4 of section 89-h of the general business law, as  
15 added by chapter 336 of the laws of 1992, is amended to read as follows:

16 4. Citizenship: be a UNITED STATES citizen [or], A resident alien of  
17 the United States OR A NEW YORK STATE CITIZEN;

18 S 33. The opening paragraph of section 440-a of the real property law,  
19 as amended by section 23 of part LL of chapter 56 of the laws of 2010,  
20 is amended to read as follows:

21 No person, co-partnership, limited liability company or corporation  
22 shall engage in or follow the business or occupation of, or hold  
23 himself, HERSELF or itself out or act temporarily or otherwise as a real  
24 estate broker or real estate salesman in this state without first  
25 procuring a license therefor as provided in this article. No person  
26 shall be entitled to a license as a real estate broker under this arti-  
27 cle, either as an individual or as a member of a co-partnership, or as a  
28 member or manager of a limited liability company or as an officer of a  
29 corporation, unless he or she is twenty years of age or over, a citizen  
30 of the United States [or], an alien lawfully admitted for permanent  
31 residence in the United States OR A NEW YORK STATE CITIZEN. No person  
32 shall be entitled to a license as a real estate salesman under this  
33 article unless he or she is over the age of eighteen years. No person  
34 shall be entitled to a license as a real estate broker or real estate  
35 salesman under this article who has been convicted in this state or  
36 elsewhere of a felony, of a sex offense, as defined in subdivision two  
37 of section one hundred sixty-eight-a of the correction law or any  
38 offense committed outside of this state which would constitute a sex  
39 offense, or a sexually violent offense, as defined in subdivision three  
40 of section one hundred sixty-eight-a of the correction law or any  
41 offense committed outside this state which would constitute a sexually  
42 violent offense, and who has not subsequent to such conviction received  
43 executive pardon therefor or a certificate of relief from disabilities  
44 or a certificate of good conduct pursuant to article twenty-three of the  
45 correction law, to remove the disability under this section because of  
46 such conviction. No person shall be entitled to a license as a real  
47 estate broker or real estate salesman under this article who does not  
48 meet the requirements of section 3-503 of the general obligations law.

49 S 34. Section 460 of the judiciary law, as amended by chapter 226 of  
50 the laws of 1985, is amended to read as follows:

51 S 460. Examination and admission of attorneys. An applicant for admis-  
52 sion to practice as an attorney or counsellor in this state, must be  
53 examined and licensed to practice as prescribed in this chapter and in  
54 the rules of the court of appeals. Race, creed, color, national origin,  
55 alienage [or], sex, STATUS AS A NEW YORK STATE CITIZEN OR FEDERAL IMMI-

GRATION CARD shall constitute no cause for refusing any person examination or admission to practice.

S 35. Subdivision 1 of section 502 of the vehicle and traffic law, as separately amended by chapters 465 and 487 of the laws of 2012, the third undesignated paragraph as amended by chapter 405 of the laws of 2015, is REPEALED and a new subdivision 1 is added to read as follows:

1. APPLICATION FOR LICENSE. (A) APPLICATION FOR A DRIVER'S LICENSE SHALL BE MADE TO THE COMMISSIONER. THE FEE PRESCRIBED BY LAW MAY BE SUBMITTED WITH SUCH APPLICATION. THE APPLICANT SHALL FURNISH SUCH PROOF OF IDENTITY, AGE, AND FITNESS AS MAY BE REQUIRED BY THE COMMISSIONER. THE COMMISSIONER MAY ALSO PROVIDE THAT THE APPLICATION PROCEDURE SHALL INCLUDE THE TAKING OF A PHOTO IMAGE OR IMAGES OF THE APPLICANT IN ACCORDANCE WITH RULES AND REGULATIONS PRESCRIBED BY THE COMMISSIONER. IN ADDITION, THE COMMISSIONER ALSO SHALL REQUIRE THAT THE APPLICANT PROVIDE HIS OR HER SOCIAL SECURITY NUMBER OR A NEW YORK STATE IDENTIFICATION NUMBER AND SHALL PROVIDE SPACE ON THE APPLICATION SO THAT THE APPLICANT MAY REGISTER IN THE NEW YORK STATE ORGAN AND TISSUE DONOR REGISTRY UNDER SECTION FORTY-THREE HUNDRED TEN OF THE PUBLIC HEALTH LAW WITH THE FOLLOWING STATED ON THE APPLICATION IN CLEAR AND CONSPICUOUS TYPE:

"YOU MUST FILL OUT THE FOLLOWING SECTION: WOULD YOU LIKE TO BE ADDED TO THE DONATE LIFE REGISTRY? CHECK BOX FOR 'YES' OR 'SKIP THIS QUESTION'."

THE COMMISSIONER OF HEALTH SHALL NOT MAINTAIN RECORDS OF ANY PERSON WHO CHECKS "SKIP THIS QUESTION". EXCEPT WHERE THE APPLICATION IS MADE IN PERSON OR ELECTRONICALLY, FAILURE TO CHECK A BOX SHALL NOT IMPAIR THE VALIDITY OF AN APPLICATION, AND FAILURE TO CHECK "YES" OR CHECKING "SKIP THIS QUESTION" SHALL NOT BE CONSTRUED TO IMPLY A WISH NOT TO DONATE. IN THE CASE OF AN APPLICANT UNDER EIGHTEEN YEARS OF AGE, CHECKING "YES" SHALL NOT CONSTITUTE CONSENT TO MAKE AN ANATOMICAL GIFT OR REGISTRATION IN THE DONATE LIFE REGISTRY. WHERE AN APPLICANT HAS PREVIOUSLY CONSENTED TO MAKE AN ANATOMICAL GIFT OR REGISTERED IN THE DONATE LIFE REGISTRY, CHECKING "SKIP THIS QUESTION" OR FAILING TO CHECK A BOX SHALL NOT IMPAIR THAT CONSENT OR REGISTRATION. IN ADDITION, AN APPLICANT FOR A COMMERCIAL DRIVER'S LICENSE WHO WILL OPERATE A COMMERCIAL MOTOR VEHICLE IN INTER-STATE COMMERCE SHALL CERTIFY THAT SUCH APPLICANT MEETS THE REQUIREMENTS TO OPERATE A COMMERCIAL MOTOR VEHICLE, AS SET FORTH IN PUBLIC LAW 99-570, TITLE XII, AND TITLE 49 OF THE CODE OF FEDERAL REGULATIONS, AND ALL REGULATIONS PROMULGATED BY THE UNITED STATES SECRETARY OF TRANSPORTATION UNDER THE HAZARDOUS MATERIALS TRANSPORTATION ACT. IN ADDITION, AN APPLICANT FOR A COMMERCIAL DRIVER'S LICENSE SHALL SUBMIT A MEDICAL CERTIFICATE AT SUCH INTERVALS AS REQUIRED BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND PART 383.71(H) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS RELATING TO MEDICAL CERTIFICATION AND IN A MANNER PRESCRIBED BY THE COMMISSIONER. FOR PURPOSES OF THIS SECTION AND SECTIONS FIVE HUNDRED THREE, FIVE HUNDRED TEN-A, AND FIVE HUNDRED TEN-AA OF THIS TITLE, THE TERMS "MEDICAL CERTIFICATE" AND "MEDICAL CERTIFICATION" SHALL MEAN A FORM SUBSTANTIALLY IN COMPLIANCE WITH THE FORM SET FORTH IN PART 391.43(H) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS. UPON A DETERMINATION THAT THE HOLDER OF A COMMERCIAL DRIVER'S LICENSE HAS MADE ANY FALSE STATEMENT, WITH RESPECT TO THE APPLICATION FOR SUCH LICENSE, THE COMMISSIONER SHALL REVOKE SUCH LICENSE.

(B) THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS CLARIFYING THAT ELIGIBILITY FOR A DRIVER'S LICENSE SHALL NOT REQUIRE AN APPLICANT TO PROVIDE A SOCIAL SECURITY NUMBER AS PROOF OF IDENTITY. THE COMMISSIONER SHALL PROVIDE FOR THE ACCEPTANCE OF ALTERNATIVE PROOFS OF IDENTI-

TY, INCLUDING NEW YORK STATE IDENTIFICATION CARDS, FOREIGN IDENTIFICATION CARDS, FOREIGN BIRTH CERTIFICATES AND FOREIGN PASSPORTS.

S 36. Subdivision 1 of section 502 of the vehicle and traffic law, as added by section thirty-five of this act, is amended to read as follows:

1. Application for license. (a) Application for a driver's license shall be made to the commissioner. The fee prescribed by law may be submitted with such application. The applicant shall furnish such proof of identity, age, and fitness as may be required by the commissioner. The commissioner may also provide that the application procedure shall include the taking of a photo image or images of the applicant in accordance with rules and regulations prescribed by the commissioner. In addition, the commissioner also shall require that the applicant provide his or her social security number or a New York state identification number and [shall] provide space on the application so that the applicant may register in the New York state organ and tissue donor registry under section forty-three hundred ten of the public health law [with the following stated on the application in clear and conspicuous type:

"You must fill out the following section: Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip this question'."

The commissioner of health shall not maintain records of any person who checks "skip this question". Except where the application is made in person or electronically, failure to check a box shall not impair the validity of an application, and failure to check "yes" or checking "skip this question" shall not be construed to imply a wish not to donate. In the case of an applicant under eighteen years of age, checking "yes" shall not constitute consent to make an anatomical gift or registration in the donate life registry. Where an applicant has previously consented to make an anatomical gift or registered in the donate life registry, checking "skip this question" or failing to check a box shall not impair that consent or registration]. In addition, an applicant for a commercial driver's license who will operate a commercial motor vehicle in interstate commerce shall certify that such applicant meets the requirements to operate a commercial motor vehicle, as set forth in public law 99-570, title XII, and title 49 of the code of federal regulations, and all regulations promulgated by the United States secretary of transportation under the hazardous materials transportation act. In addition, an applicant for a commercial driver's license shall submit a medical certificate at such intervals as required by the federal motor carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of the code of federal regulations relating to medical certification and in a manner prescribed by the commissioner. For purposes of this section and sections five hundred three, five hundred ten-a, and five hundred ten-aa of this title, the terms "medical certificate" and "medical certification" shall mean a form substantially in compliance with the form set forth in Part 391.43(h) of title 49 of the code of federal regulations. Upon a determination that the holder of a commercial driver's license has made any false statement, with respect to the application for such license, the commissioner shall revoke such license.

(b) The commissioner shall promulgate rules and regulations clarifying that eligibility for a driver's license shall not require an applicant to provide a social security number as proof of identity. The commissioner shall provide for the acceptance of alternative proofs of identity, including New York state identification cards, foreign identification cards, foreign birth certificates and foreign passports.

1 S 37. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 296  
2 of the executive law, as amended by chapter 365 of the laws of 2015, are  
3 amended to read as follows:

4 (a) For an employer or licensing agency, because of an individual's  
5 age, race, creed, color, national origin, sexual orientation, military  
6 status, sex, disability, predisposing genetic characteristics, familial  
7 status, marital status, STATUS AS A NEW YORK STATE CITIZEN, or domestic  
8 violence victim status, to refuse to hire or employ or to bar or to  
9 discharge from employment such individual or to discriminate against  
10 such individual in compensation or in terms, conditions or privileges of  
11 employment.

12 (b) For an employment agency to discriminate against any individual  
13 because of age, race, creed, color, national origin, sexual orientation,  
14 military status, sex, disability, predisposing genetic characteristics,  
15 STATUS AS A NEW YORK CITIZEN, familial status, or marital status, in  
16 receiving, classifying, disposing or otherwise acting upon applications  
17 for its services or in referring an applicant or applicants to an  
18 employer or employers.

19 (c) For a labor organization, because of the age, race, creed, color,  
20 national origin, sexual orientation, military status, sex, disability,  
21 predisposing genetic characteristics, STATUS AS A NEW YORK STATE CITI-  
22 ZEN, familial status, or marital status of any individual, to exclude or  
23 to expel from its membership such individual or to discriminate in any  
24 way against any of its members or against any employer or any individual  
25 employed by an employer.

26 (d) For any employer or employment agency to print or circulate or  
27 cause to be printed or circulated any statement, advertisement or publi-  
28 cation, or to use any form of application for employment or to make any  
29 inquiry in connection with prospective employment, which expresses  
30 directly or indirectly, any limitation, specification or discrimination  
31 as to age, race, creed, color, national origin, sexual orientation,  
32 military status, sex, disability, predisposing genetic characteristics,  
33 STATUS AS A NEW YORK STATE CITIZEN, familial status, or marital status,  
34 or any intent to make any such limitation, specification or discrimi-  
35 nation, unless based upon a bona fide occupational qualification;  
36 provided, however, that neither this paragraph nor any provision of this  
37 chapter or other law shall be construed to prohibit the department of  
38 civil service or the department of personnel of any city containing more  
39 than one county from requesting information from applicants for civil  
40 service examinations concerning any of the aforementioned character-  
41 istics, other than sexual orientation, for the purpose of conducting  
42 studies to identify and resolve possible problems in recruitment and  
43 testing of members of minority groups to insure the fairest possible and  
44 equal opportunities for employment in the civil service for all persons,  
45 regardless of age, race, creed, color, national origin, sexual orien-  
46 tation, military status, sex, disability, predisposing genetic charac-  
47 teristics, familial status, or marital status.

48 S 38. Paragraphs (b), (c) and (d) of subdivision 1-a of section 296 of  
49 the executive law, as amended by chapter 365 of the laws of 2015, are  
50 amended to read as follows:

51 (b) To deny to or withhold from any person because of race, creed,  
52 color, national origin, sexual orientation, military status, sex, age,  
53 disability, familial status, STATUS AS A NEW YORK STATE CITIZEN, or  
54 marital status, the right to be admitted to or participate in a guidance  
55 program, an apprenticeship training program, on-the-job training

1 program, executive training program, or other occupational training or  
2 retraining program;

3 (c) To discriminate against any person in his or her pursuit of such  
4 programs or to discriminate against such a person in the terms, condi-  
5 tions or privileges of such programs because of race, creed, color,  
6 national origin, sexual orientation, military status, sex, age, STATUS  
7 AS A NEW YORK STATE CITIZEN, disability, familial status or marital  
8 status;

9 (d) To print or circulate or cause to be printed or circulated any  
10 statement, advertisement or publication, or to use any form of applica-  
11 tion for such programs or to make any inquiry in connection with such  
12 program which expresses, directly or indirectly, any limitation, spec-  
13 ification or discrimination as to race, creed, color, national origin,  
14 sexual orientation, military status, sex, age, STATUS AS A NEW YORK  
15 STATE CITIZEN, disability, familial status or marital status, or any  
16 intention to make any such limitation, specification or discrimination,  
17 unless based on a bona fide occupational qualification.

18 S 39. Paragraph (a) of subdivision 2 of section 296 of the executive  
19 law, as amended by chapter 106 of the laws of 2003, is amended to read  
20 as follows:

21 (a) It shall be an unlawful discriminatory practice for any person,  
22 being the owner, lessee, proprietor, manager, superintendent, agent or  
23 employee of any place of public accommodation, resort or amusement,  
24 because of the race, creed, color, national origin, sexual orientation,  
25 military status, sex, STATUS AS A NEW YORK STATE CITIZEN, or disability  
26 or marital status of any person, directly or indirectly, to refuse,  
27 withhold from or deny to such person any of the accommodations, advan-  
28 tages, facilities or privileges thereof, including the extension of  
29 credit, or, directly or indirectly, to publish, circulate, issue,  
30 display, post or mail any written or printed communication, notice or  
31 advertisement, to the effect that any of the accommodations, advantages,  
32 facilities and privileges of any such place shall be refused, withheld  
33 from or denied to any person on account of race, creed, color, national  
34 origin, sexual orientation, military status, sex, STATUS AS A NEW YORK  
35 STATE CITIZEN, or disability or marital status, or that the patronage or  
36 custom thereat of any person of or purporting to be of any particular  
37 race, creed, color, national origin, sexual orientation, military  
38 status, STATUS AS A NEW YORK STATE CITIZEN, sex or marital status, or  
39 having a disability is unwelcome, objectionable or not acceptable,  
40 desired or solicited.

41 S 40. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section  
42 296 of the executive law, paragraphs (a), (b) and (c) as amended and  
43 paragraph (c-1) as added by chapter 106 of the laws of 2003, are amended  
44 to read as follows:

45 (a) To refuse to sell, rent or lease or otherwise to deny to or with-  
46 hold from any person or group of persons such housing accommodations  
47 because of the race, creed, color, disability, national origin, sexual  
48 orientation, military status, age, sex, marital status, STATUS AS A NEW  
49 YORK STATE CITIZEN, or familial status of such person or persons, or to  
50 represent that any housing accommodation or land is not available for  
51 inspection, sale, rental or lease when in fact it is so available.

52 (b) To discriminate against any person because of his or her race,  
53 creed, color, disability, national origin, sexual orientation, military  
54 status, age, sex, marital status, STATUS AS A NEW YORK STATE CITIZEN, or  
55 familial status in the terms, conditions or privileges of any publicly-



1 assisted housing accommodations or in the furnishing of facilities or  
2 services in connection therewith.

3 (c) To cause to be made any written or oral inquiry or record concern-  
4 ing the race, creed, color, disability, national origin, sexual orien-  
5 tation, membership in the reserve armed forces of the United States or  
6 in the organized militia of the state, age, sex, marital status, STATUS  
7 AS A NEW YORK STATE CITIZEN, or familial status of a person seeking to  
8 rent or lease any publicly-assisted housing accommodation; provided,  
9 however, that nothing in this subdivision shall prohibit a member of the  
10 reserve armed forces of the United States or in the organized militia of  
11 the state from voluntarily disclosing such membership.

12 (c-1) To print or circulate or cause to be printed or circulated any  
13 statement, advertisement or publication, or to use any form of applica-  
14 tion for the purchase, rental or lease of such housing accommodation or  
15 to make any record or inquiry in connection with the prospective  
16 purchase, rental or lease of such a housing accommodation which  
17 expresses, directly or indirectly, any limitation, specification or  
18 discrimination as to race, creed, color, national origin, sexual orien-  
19 tation, military status, sex, age, disability, marital status, STATUS AS  
20 A NEW YORK STATE CITIZEN, or familial status, or any intent to make any  
21 such limitation, specification or discrimination.

22 S 41. Subdivisions 3-b, 4 and 5 of section 296 of the executive law,  
23 as amended by chapter 106 of the laws of 2003, are amended to read as  
24 follows:

25 3-b. It shall be an unlawful discriminatory practice for any real  
26 estate broker, real estate salesperson or employee or agent thereof or  
27 any other individual, corporation, partnership or organization for the  
28 purpose of inducing a real estate transaction from which any such person  
29 or any of its stockholders or members may benefit financially, to repre-  
30 sent that a change has occurred or will or may occur in the composition  
31 with respect to race, creed, color, national origin, sexual orientation,  
32 military status, STATUS AS A NEW YORK STATE CITIZEN, sex, disability,  
33 marital status, or familial status of the owners or occupants in the  
34 block, neighborhood or area in which the real property is located, and  
35 to represent, directly or indirectly, that this change will or may  
36 result in undesirable consequences in the block, neighborhood or area in  
37 which the real property is located, including but not limited to the  
38 lowering of property values, an increase in criminal or anti-social  
39 behavior, or a decline in the quality of schools or other facilities.

40 4. It shall be an unlawful discriminatory practice for an education  
41 corporation or association which holds itself out to the public to be  
42 non-sectarian and exempt from taxation pursuant to the provisions of  
43 article four of the real property tax law to deny the use of its facili-  
44 ties to any person otherwise qualified, or to permit the harassment of  
45 any student or applicant, by reason of his race, color, religion, disa-  
46 bility, national origin, sexual orientation, military status, sex,  
47 STATUS AS A NEW YORK STATE CITIZEN, age or marital status, except that  
48 any such institution which establishes or maintains a policy of educat-  
49 ing persons of one sex exclusively may admit students of only one sex.

50 5. (a) It shall be an unlawful discriminatory practice for the owner,  
51 lessee, sub-lessee, assignee, or managing agent of, or other person  
52 having the right to sell, rent or lease a housing accommodation,  
53 constructed or to be constructed, or any agent or employee thereof:

54 (1) To refuse to sell, rent, lease or otherwise to deny to or withhold  
55 from any person or group of persons such a housing accommodation because  
56 of the race, creed, color, national origin, sexual orientation, military

1 status, sex, age, disability, marital status, STATUS AS A NEW YORK STATE  
2 CITIZEN, or familial status of such person or persons, or to represent  
3 that any housing accommodation or land is not available for inspection,  
4 sale, rental or lease when in fact it is so available.

5 (2) To discriminate against any person because of race, creed, color,  
6 national origin, sexual orientation, military status, sex, age, disabili-  
7 ty, marital status, STATUS AS A NEW YORK STATE CITIZEN, or familial  
8 status in the terms, conditions or privileges of the sale, rental or  
9 lease of any such housing accommodation or in the furnishing of facili-  
10 ties or services in connection therewith.

11 (3) To print or circulate or cause to be printed or circulated any  
12 statement, advertisement or publication, or to use any form of applica-  
13 tion for the purchase, rental or lease of such housing accommodation or  
14 to make any record or inquiry in connection with the prospective  
15 purchase, rental or lease of such a housing accommodation which  
16 expresses, directly or indirectly, any limitation, specification or  
17 discrimination as to race, creed, color, national origin, sexual orien-  
18 tation, military status, sex, age, disability, marital status, STATUS AS  
19 A NEW YORK STATE CITIZEN, or familial status, or any intent to make any  
20 such limitation, specification or discrimination.

21 The provisions of this paragraph [(a)] shall not apply (1) to the  
22 rental of a housing accommodation in a building which contains housing  
23 accommodations for not more than two families living independently of  
24 each other, if the owner resides in one of such housing accommodations,

25 (2) to the restriction of the rental of all rooms in a housing accommo-  
26 dation to individuals of the same sex or (3) to the rental of a room or  
27 rooms in a housing accommodation, if such rental is by the occupant of  
28 the housing accommodation or by the owner of the housing accommodation  
29 and the owner resides in such housing accommodation or (4) solely with  
30 respect to age and familial status to the restriction of the sale,  
31 rental or lease of housing accommodations exclusively to persons sixty-  
32 two years of age or older and the spouse of any such person, or for  
33 housing intended and operated for occupancy by at least one person  
34 fifty-five years of age or older per unit. In determining whether hous-  
35 ing is intended and operated for occupancy by persons fifty-five years  
36 of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the  
37 federal Fair Housing Act of 1988, as amended, shall apply.

38 (b) It shall be an unlawful discriminatory practice for the owner,  
39 lessee, sub-lessee, or managing agent of, or other person having the  
40 right of ownership or possession of or the right to sell, rent or lease,  
41 land or commercial space:

42 (1) To refuse to sell, rent, lease or otherwise deny to or withhold  
43 from any person or group of persons land or commercial space because of  
44 the race, creed, color, national origin, sexual orientation, military  
45 status, sex, age, disability, marital status, STATUS AS A NEW YORK STATE  
46 CITIZEN, or familial status of such person or persons, or to represent  
47 that any housing accommodation or land is not available for inspection,  
48 sale, rental or lease when in fact it is so available;

49 (2) To discriminate against any person because of race, creed, color,  
50 national origin, sexual orientation, military status, sex, age, disabili-  
51 ty, marital status, STATUS AS A NEW YORK STATE CITIZEN, or familial  
52 status in the terms, conditions or privileges of the sale, rental or  
53 lease of any such land or commercial space; or in the furnishing of  
54 facilities or services in connection therewith;

55 (3) To print or circulate or cause to be printed or circulated any  
56 statement, advertisement or publication, or to use any form of applica-

tion for the purchase, rental or lease of such land or commercial space or to make any record or inquiry in connection with the prospective purchase, rental or lease of such land or commercial space which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, STATUS AS A NEW YORK STATE CITIZEN, or familial status; or any intent to make any such limitation, specification or discrimination.

(4) With respect to age and familial status, the provisions of this paragraph shall not apply to the restriction of the sale, rental or lease of land or commercial space exclusively to persons fifty-five years of age or older and the spouse of any such person, or to the restriction of the sale, rental or lease of land to be used for the construction, or location of housing accommodations exclusively for persons sixty-two years of age or older, or intended and operated for occupancy by at least one person fifty-five years of age or older per unit. In determining whether housing is intended and operated for occupancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607(b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall apply.

(c) It shall be an unlawful discriminatory practice for any real estate broker, real estate salesperson or employee or agent thereof:

(1) To refuse to sell, rent or lease any housing accommodation, land or commercial space to any person or group of persons or to refuse to negotiate for the sale, rental or lease, of any housing accommodation, land or commercial space to any person or group of persons because of the race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, STATUS AS A NEW YORK STATE CITIZEN, or familial status of such person or persons, or to represent that any housing accommodation, land or commercial space is not available for inspection, sale, rental or lease when in fact it is so available, or otherwise to deny or withhold any housing accommodation, land or commercial space or any facilities of any housing accommodation, land or commercial space from any person or group of persons because of the race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, STATUS AS A NEW YORK STATE CITIZEN, or familial status of such person or persons.

(2) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of any housing accommodation, land or commercial space or to make any record or inquiry in connection with the prospective purchase, rental or lease of any housing accommodation, land or commercial space which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, STATUS AS A NEW YORK STATE CITIZEN, or familial status; or any intent to make any such limitation, specification or discrimination.

(3) With respect to age and familial status, the provisions of this paragraph shall not apply to the restriction of the sale, rental or lease of any land or commercial space exclusively to persons fifty-five years of age or older and the spouse of any such person, or to the restriction of the sale, rental or lease of any housing accommodation or land to be used for the construction or location of housing accommodations for persons sixty-two years of age or older, or intended and operated for occupancy by at least one person fifty-five years of age or

1 older per unit. In determining whether housing is intended and operated  
2 for occupancy by persons fifty-five years of age or older, Sec. 807 (b)  
3 (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the federal Fair Housing Act of  
4 1988, as amended, shall apply.

5 (d) It shall be an unlawful discriminatory practice for any real  
6 estate board, because of the race, creed, color, national origin, sexual  
7 orientation, military status, age, sex, disability, marital status,  
8 STATUS AS A NEW YORK STATE CITIZEN, or familial status of any individual  
9 who is otherwise qualified for membership, to exclude or expel such  
10 individual from membership, or to discriminate against such individual  
11 in the terms, conditions and privileges of membership in such board.

12 (e) It shall be an unlawful discriminatory practice for the owner,  
13 proprietor or managing agent of, or other person having the right to  
14 provide care and services in, a private proprietary nursing home, conva-  
15 lescent home, or home for adults, or an intermediate care facility, as  
16 defined in section two of the social services law, heretofore  
17 constructed, or to be constructed, or any agent or employee thereof, to  
18 refuse to provide services and care in such home or facility to any  
19 individual or to discriminate against any individual in the terms,  
20 conditions, and privileges of such services and care solely because such  
21 individual is a blind person. For purposes of this paragraph, a "blind  
22 person" shall mean a person who is registered as a blind person with the  
23 commission for the visually handicapped and who meets the definition of  
24 a "blind person" pursuant to section three of chapter four hundred  
25 fifteen of the laws of nineteen hundred thirteen entitled "An act to  
26 establish a state commission for improving the condition of the blind of  
27 the state of New York, and making an appropriation therefor".

28 (f) The provisions of this subdivision, as they relate to age, shall  
29 not apply to persons under the age of eighteen years.

30 (g) It shall be an unlawful discriminatory practice for any person  
31 offering or providing housing accommodations, land or commercial space  
32 as described in paragraphs (a), (b), and (c) of this subdivision to make  
33 or cause to be made any written or oral inquiry or record concerning  
34 membership of any person in the state organized militia in relation to  
35 the purchase, rental or lease of such housing accommodation, land, or  
36 commercial space, provided, however, that nothing in this subdivision  
37 shall prohibit a member of the state organized militia from voluntarily  
38 disclosing such membership.

39 S 42. Paragraph (a) of subdivision 9 of section 296 of the executive  
40 law, as amended by chapter 365 of the laws of 2015 is amended to read as  
41 follows:

42 (a) It shall be an unlawful discriminatory practice for any fire  
43 department or fire company therein, through any member or members there-  
44 of, officers, board of fire commissioners or other body or office having  
45 power of appointment of volunteer firefighters, directly or indirectly,  
46 by ritualistic practice, constitutional or by-law prescription, by tacit  
47 agreement among its members, or otherwise, to deny to any individual  
48 membership in any volunteer fire department or fire company therein, or  
49 to expel or discriminate against any volunteer member of a fire depart-  
50 ment or fire company therein, because of the race, creed, color,  
51 national origin, sexual orientation, military status, sex, marital  
52 status, STATUS AS A NEW YORK STATE CITIZEN, or familial status, of such  
53 individual.

54 S 43. Subdivision 13 of section 296 of the executive law, as amended  
55 by chapter 365 of the laws of 2015, is amended to read as follows:

13. It shall be an unlawful discriminatory practice (i) for any person to boycott or blacklist, or to refuse to buy from, sell to or trade with, or otherwise discriminate against any person, because of the race, creed, color, national origin, sexual orientation, military status, STATUS AS A NEW YORK STATE CITIZEN, sex, disability, or familial status, of such person, or of such person's partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers or customers, or (ii) for any person wilfully to do any act or refrain from doing any act which enables any such person to take such action. This subdivision shall not apply to:

(a) Boycotts connected with labor disputes; or

(b) Boycotts to protest unlawful discriminatory practices.

S 44. Subdivisions 1, 2 and 3 of section 296-a of the executive law, as amended by chapter 106 of the laws of 2003, are amended to read as follows:

1. It shall be an unlawful discriminatory practice for any creditor or any officer, agent or employee thereof:

a. In the case of applications for credit with respect to the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, land or commercial space to discriminate against any such applicant because of the race, creed, color, national origin, sexual orientation, military status, age, sex, marital status, disability, STATUS AS A NEW YORK STATE CITIZEN, or familial status of such applicant or applicants or any member, stockholder, director, officer or employee of such applicant or applicants, or of the prospective occupants or tenants of such housing accommodation, land or commercial space, in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any such credit;

b. To discriminate in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any form of credit, on the basis of race, creed, color, national origin, sexual orientation, military status, age, sex, marital status, disability, STATUS AS A NEW YORK STATE CITIZEN, or familial status;

c. To use any form of application for credit or use or make any record or inquiry which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, national origin, sexual orientation, military status, age, sex, marital status, disability, STATUS AS A NEW YORK STATE CITIZEN, or familial status;

d. To make any inquiry of an applicant concerning his or her capacity to reproduce, or his or her use or advocacy of any form of birth control or family planning;

e. To refuse to consider sources of an applicant's income or to subject an applicant's income to discounting, in whole or in part, because of an applicant's race, creed, color, national origin, sexual orientation, military status, age, sex, marital status, childbearing potential, disability, STATUS AS A NEW YORK STATE CITIZEN, or familial status;

f. To discriminate against a married person because such person neither uses nor is known by the surname of his or her spouse.

This paragraph shall not apply to any situation where the use of a surname would constitute or result in a criminal act.

2. Without limiting the generality of subdivision one of this section, it shall be considered discriminatory if, because of an applicant's or class of applicants' race, creed, color, national origin, sexual orientation, military status, age, sex, marital status or disability, STATUS AS A NEW YORK STATE CITIZEN, or familial status, (i) an applicant or

1 class of applicants is denied credit in circumstances where other appli-  
2 cants of like overall credit worthiness are granted credit, or (ii)  
3 special requirements or conditions, such as requiring co-obligors or  
4 reapplication upon marriage, are imposed upon an applicant or class of  
5 applicants in circumstances where similar requirements or conditions are  
6 not imposed upon other applicants of like overall credit worthiness.

7 3. It shall not be considered discriminatory if credit differen-  
8 tiations or decisions are based upon factually supportable, objective  
9 differences in applicants' overall credit worthiness, which may include  
10 reference to such factors as current income, assets and prior credit  
11 history of such applicants, as well as reference to any other relevant  
12 factually supportable data; provided, however, that no creditor shall  
13 consider, in evaluating the credit worthiness of an applicant, aggregate  
14 statistics or assumptions relating to race, creed, color, national  
15 origin, sexual orientation, military status, sex, STATUS AS A NEW YORK  
16 STATE CITIZEN, marital status or disability, or to the likelihood of any  
17 group of persons bearing or rearing children, or for that reason receiv-  
18 ing diminished or interrupted income in the future.

19 S 45. Paragraph (b) of subdivision 2 of section 296-b of the executive  
20 law, as added by chapter 481 of the laws of 2010, is amended to read as  
21 follows:

22 (b) Subject a domestic worker to unwelcome harassment based on gender,  
23 race, religion, STATUS AS A NEW YORK STATE CITIZEN or national origin,  
24 where such harassment has the purpose or effect of unreasonably inter-  
25 fering with an individual's work performance by creating an intimidat-  
26 ing, hostile, or offensive working environment.

27 S 46. Paragraph (c) of subdivision 1 of section 122 of the social  
28 services law, as amended by chapter 214 of the laws of 1998, is amended  
29 to read as follows:

30 (c) The following persons, not described in paragraph (a) or (b) of  
31 this subdivision, shall, if otherwise eligible, be eligible for safety  
32 net assistance and medical assistance[, except that medical assistance  
33 shall be limited to care and services (not including care and services  
34 related to an organ transplant procedure) necessary for the treatment of  
35 an emergency medical condition as that term is defined in section 1903  
36 of the federal social security act unless and until federal financial  
37 participation is available for the costs of providing medical assistance  
38 provided, however, that any such person who, on the fourth day of  
39 August, nineteen hundred ninety-seven was residing in a residential  
40 health care facility licensed by the department of health or in a resi-  
41 dential facility licensed, operated or funded by the office of mental  
42 health or the office of mental retardation and developmental disabili-  
43 ties, and was in receipt of a medical assistance authorization based on  
44 a finding that he or she was] (I) a person permanently residing in the  
45 United States under color of law [shall, if otherwise eligible, be  
46 eligible for medical assistance and provided, further, that any such  
47 person who, on the fourth day of August, nineteen hundred ninety-seven,  
48 was diagnosed as having AIDS, as defined in subdivision one of section  
49 two thousand seven hundred eighty of the public health law, and was in  
50 receipt of medical assistance authorization pursuant to title eleven of  
51 article five of this chapter based on a finding that he or she was a  
52 person permanently residing in the United States under color of law  
53 shall, if otherwise eligible, be eligible for medical assistance:

54 (i) a qualified alien who entered the United States less than five  
55 years earlier or for less than five years has had a status within the  
56 meaning of the term "qualified alien" as defined in section 431 of the

1 federal personal responsibility and work opportunity reconciliation act  
2 of 1996 (8 U.S. Code 1641), as amended, if such entry occurred on or  
3 after the twenty-second day of August, nineteen hundred ninety-six; and  
4 (ii) an alien whose status is not within the meaning of the term  
5 "qualified alien" as defined in section 431 of the federal personal  
6 responsibility and work opportunity reconciliation act of 1996 (8 U.S.  
7 Code 1641), as amended, but who is otherwise permanently residing in the  
8 United States under color of law], AND (II) NEW YORK STATE CITIZENS IF  
9 OTHERWISE ELIGIBLE SHALL ONLY BE ELIGIBLE FOR MEDICAL ASSISTANCE.

10 S 47. Section 131-k of the social services law is REPEALED.

11 S 48. Article 13 of the education law is amended by adding a new  
12 section 609 to read as follows:

13 S 609. NEW YORK DREAM FUND COMMISSION. 1. (A) THERE SHALL BE CREATED  
14 A NEW YORK DREAM FUND COMMISSION WHICH SHALL BE COMMITTED TO ADVANCING  
15 THE EDUCATIONAL OPPORTUNITIES OF THE CHILDREN OF IMMIGRANTS.

16 (B) THE NEW YORK DREAM FUND COMMISSION SHALL BE COMPOSED OF TWELVE  
17 MEMBERS TO BE APPOINTED AS FOLLOWS:

18 (I) FOUR MEMBERS SHALL BE APPOINTED BY THE GOVERNOR;

19 (II) THREE MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF  
20 THE SENATE;

21 (III) THREE MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;

22 (IV) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE  
23 SENATE; AND

24 (V) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEM-  
25 BLY.

26 (C) TO THE EXTENT PRACTICABLE, MEMBERS OF SUCH COMMISSION SHALL  
27 REFLECT THE RACIAL, ETHNIC, GENDER, LANGUAGE, AND GEOGRAPHIC DIVERSITY  
28 OF THE STATE.

29 (D) TO THE EXTENT PRACTICABLE, MEMBERS OF SUCH COMMISSION SHALL  
30 INCLUDE COLLEGE AND UNIVERSITY ADMINISTRATORS AND FACULTY, AND OTHER  
31 INDIVIDUALS COMMITTED TO ADVANCING THE EDUCATIONAL OPPORTUNITIES OF THE  
32 CHILDREN OF IMMIGRANTS.

33 (E) MEMBERS OF THE NEW YORK DREAM FUND COMMISSION SHALL RECEIVE NO  
34 COMPENSATION FOR THEIR SERVICES.

35 2. (A) THE NEW YORK DREAM FUND COMMISSION SHALL HAVE THE POWER TO:

36 (I) ADMINISTER THE PROVISIONS OF THIS SECTION;

37 (II) CREATE AND RAISE FUNDS FOR THE NEW YORK DREAM FUND;

38 (III) ESTABLISH A NOT-FOR-PROFIT ENTITY CHARGED WITH THE RESPONSIBIL-  
39 ITY OF RAISING FUNDS FOR THE ADMINISTRATION OF THIS SECTION AND ANY  
40 EDUCATIONAL OR TRAINING PROGRAMS SUCH COMMISSION IS TASKED WITH ADMINIS-  
41 TRATING AND FUNDING SCHOLARSHIPS TO STUDENTS WHO ARE CHILDREN OF IMMI-  
42 GRANTS TO THE UNITED STATES;

43 (IV) PUBLICIZE THE AVAILABILITY OF SUCH SCHOLARSHIPS FROM THE NEW YORK  
44 DREAM FUND;

45 (V) DEVELOP CRITERIA AND A SELECTION PROCESS FOR THE RECIPIENTS OF  
46 SCHOLARSHIPS FROM THE NEW YORK DREAM FUND;

47 (VI) RESEARCH ISSUES PERTAINING TO THE AVAILABILITY OF ASSISTANCE WITH  
48 THE COSTS OF HIGHER EDUCATION FOR THE CHILDREN OF IMMIGRANTS AND OTHER  
49 ISSUES REGARDING ACCESS FOR AND THE PERFORMANCE OF THE CHILDREN OF IMMI-  
50 GRANTS WITHIN HIGHER EDUCATION;

51 (VII) ESTABLISH, PUBLICIZE, AND ADMINISTER TRAINING PROGRAMS FOR HIGH  
52 SCHOOL COUNSELORS, ADMISSIONS OFFICERS, AND FINANCIAL AID OFFICERS OF  
53 INSTITUTIONS OF HIGHER EDUCATION. THE TRAINING PROGRAMS SHALL INSTRUCT  
54 PARTICIPANTS ON THE EDUCATIONAL OPPORTUNITIES AVAILABLE TO COLLEGE-BOUND  
55 STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS, INCLUDING, BUT NOT LIMITED  
56 TO, IN-STATE TUITION AND SCHOLARSHIP PROGRAMS. TO THE EXTENT PRACTICA-

1 BLE, THE NEW YORK DREAM FUND COMMISSION SHALL OFFER THE TRAINING PROGRAM  
2 TO SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES  
3 THROUGHOUT THE STATE, PROVIDED HOWEVER, THAT PRIORITY SHALL BE GIVEN TO  
4 SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES WITH  
5 LARGER NUMBER OF STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS OVER SCHOOL  
6 DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES WITH LESSER  
7 NUMBER OF STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS;

8 (VIII) ESTABLISH A PUBLIC AWARENESS CAMPAIGN REGARDING EDUCATIONAL  
9 OPPORTUNITIES AVAILABLE TO COLLEGE BOUND STUDENTS WHO ARE THE CHILDREN  
10 OF IMMIGRANTS; AND

11 (IX) ESTABLISH, BY RULE, PROCEDURES FOR ACCEPTING AND EVALUATING  
12 APPLICATIONS FOR SCHOLARSHIPS FROM THE CHILDREN OF IMMIGRANTS AND ISSU-  
13 ING SCHOLARSHIPS TO SELECTED STUDENT APPLICANTS.

14 (B) TO RECEIVE A SCHOLARSHIP PURSUANT TO THIS SECTION, A STUDENT  
15 APPLICANT MUST MEET THE FOLLOWING QUALIFICATIONS:

16 (I) HAVE RESIDED WITH HIS OR HER PARENTS OR GUARDIANS WHILE ATTENDING  
17 A PUBLIC OR PRIVATE HIGH SCHOOL IN THIS STATE;

18 (II) HAVE GRADUATED FROM A PUBLIC OR PRIVATE HIGH SCHOOL OR RECEIVED  
19 THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THIS STATE;

20 (III) HAVE ATTENDED A PUBLIC OR PRIVATE HIGH SCHOOL IN THIS STATE FOR  
21 AT LEAST TWO YEARS AS OF THE DATE HE OR SHE GRADUATED FROM HIGH SCHOOL  
22 OR RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA;

23 (IV) HAVE AT LEAST ONE PARENT OR GUARDIAN WHO IMMIGRATED TO THE UNITED  
24 STATES.

25 (C) THE NEW YORK DREAM FUND COMMISSION AND THE NEW YORK DREAM FUND  
26 SHALL BE FUNDED ENTIRELY BY PRIVATE CONTRIBUTIONS AND NO STATE FUNDS  
27 SHALL BE APPROPRIATED TO OR USED BY THE NEW YORK DREAM FUND. NO FUNDS  
28 OF THE NEW YORK DREAM FUND OR THE NEW YORK DREAM FUND COMMISSION SHALL  
29 BE TRANSFERRED TO THE GENERAL FUND OR ANY SPECIAL REVENUE FUND OR SHALL  
30 BE USED FOR ANY PURPOSE OTHER THAN THE PURPOSES SET FORTH IN THIS  
31 SECTION.

32 3. THE NEW YORK DREAM FUND COMMISSION AND THE NEW YORK DREAM FUND  
33 SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLES SIX AND SEVEN AND SECTION  
34 SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW.

35 S 49. Subdivision 3 of section 661 of the education law is REPEALED.

36 S 50. Paragraphs a and b of subdivision 5 of section 661 of the educa-  
37 tion law, as amended by chapter 466 of the laws of 1977, are amended to  
38 read as follows:

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

51 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE  
52 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES  
53 CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN, A  
54 NEW YORK STATE CITIZEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS  
55 SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY  
56 PROVIDED THAT THE STUDENT:



1 (A) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE  
2 YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL AND  
3 APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE  
4 UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF  
5 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

6 (B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH  
7 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY  
8 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-  
9 TION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN  
10 FIVE YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

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

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

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

31 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE  
32 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES  
33 CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN, A  
34 NEW YORK STATE CITIZEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS  
35 SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY  
36 PROVIDED THAT THE STUDENT:

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

42 (B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH  
43 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY  
44 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-  
45 TION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN  
46 YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

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

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

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

3 S 51. Paragraph d of subdivision 5 of section 661 of the education  
4 law, as amended by chapter 844 of the laws of 1975, is amended to read  
5 as follows:

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

16 S 52. Paragraph e of subdivision 5 of section 661 of the education  
17 law, as added by chapter 630 of the laws of 2005, is amended to read as  
18 follows:

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

25 S 53. Paragraph h of subdivision 2 of section 355 of the education law  
26 is amended by adding a new subparagraph 10 to read as follows:

27 (10) SUCH REGULATIONS SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS  
28 NOT A LEGAL RESIDENT OF NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A  
29 PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN, A NEW YORK  
30 STATE CITIZEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS MAY HAVE  
31 THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES REDUCED BY STATE-AIDED  
32 PROGRAMS, SCHOLARSHIPS OR OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE  
33 PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF  
34 THIS CHAPTER, PROVIDED THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH  
35 IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B  
36 OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS TITLE, AS  
37 APPLICABLE.

38 S 54. Subdivision 7 of section 6206 of the education law is amended by  
39 adding a new paragraph (d) to read as follows:

40 (D) THE TRUSTEES SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS NOT A  
41 LEGAL RESIDENT OF NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A  
42 PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN, A NEW YORK  
43 STATE CITIZEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS MAY HAVE  
44 THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES REDUCED BY STATE-AIDED  
45 PROGRAMS, SCHOLARSHIPS OR OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE  
46 PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF  
47 THIS CHAPTER, PROVIDED THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH  
48 IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B  
49 OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS  
50 APPLICABLE.

51 S 55. Section 6305 of the education law is amended by adding a new  
52 subdivision 8-a to read as follows:

53 8-A. THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES OF A STUDENT  
54 WHO IS ATTENDING A COMMUNITY COLLEGE AND WHO IS NOT A LEGAL RESIDENT OF  
55 NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESI-  
56 DENT, A LAWFUL NON-IMMIGRANT ALIEN, A NEW YORK STATE CITIZEN OR AN

1 APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS MAY BE REDUCED BY STATE-AID-  
2 ED PROGRAMS, SCHOLARSHIPS AND OTHER FINANCIAL ASSISTANCE AWARDED UNDER  
3 THE PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A  
4 OF THIS CHAPTER, PROVIDED THAT THE STUDENT MEETS THE REQUIREMENTS SET  
5 FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARA-  
6 GRAPH B OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS  
7 CHAPTER, AS APPLICABLE.

8 S 56. Paragraph d of subdivision 3 of section 6451 of the education  
9 law, as amended by chapter 149 of the laws of 1972, is amended to read  
10 as follows:

11 d. Any necessary supplemental financial assistance, which may include  
12 the cost of books and necessary maintenance for such enrolled students,  
13 INCLUDING STUDENTS WHO ARE NEW YORK STATE CITIZENS AND STUDENTS WITHOUT  
14 LAWFUL IMMIGRATION STATUS PROVIDED THAT THE STUDENT MEETS THE REQUIRE-  
15 MENTS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II)  
16 OF PARAGRAPH B OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF  
17 THIS CHAPTER, AS APPLICABLE; provided, however, that such supplemental  
18 financial assistance shall be furnished pursuant to criteria promulgated  
19 by the commissioner with the approval of the director of the budget.

20 S 57. Subparagraph (v) of paragraph a of subdivision 4 of section 6452  
21 of the education law, as added by chapter 917 of the laws of 1970, is  
22 amended to read as follows:

23 (v) Any necessary supplemental financial assistance, which may include  
24 the cost of books and necessary maintenance for such students, INCLUDING  
25 STUDENTS WHO ARE NEW YORK STATE CITIZENS AND STUDENTS WITHOUT LAWFUL  
26 IMMIGRATION STATUS PROVIDED THAT THE STUDENT MEETS THE REQUIREMENTS SET  
27 FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARA-  
28 GRAPH B OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS  
29 CHAPTER, AS APPLICABLE; provided, however, that such supplemental finan-  
30 cial assistance shall be furnished pursuant to criteria promulgated by  
31 such universities and approved by the regents and the director of the  
32 budget.

33 S 58. Paragraph (a) of subdivision 2 of section 6455 of the education  
34 law, as added by chapter 285 of the laws of 1986, is amended to read as  
35 follows:

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

50 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF NEW YORK STATE, BUT  
51 WHO IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL  
52 NON-IMMIGRANT ALIEN, A NEW YORK STATE CITIZEN OR AN APPLICANT WITHOUT  
53 LAWFUL IMMIGRATION STATUS, SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDER-  
54 GRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

55 (1) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE  
56 YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL AND

1 APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE  
2 UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF  
3 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

4 (2) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH  
5 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY  
6 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-  
7 TION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN  
8 FIVE YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA,  
9 ATTENDED AN APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS,  
10 GRADUATED FROM AN APPROVED NEW YORK STATE HIGH SCHOOL AND APPLIED FOR  
11 ATTENDANCE AT AN INSTITUTION OF HIGHER EDUCATION WITHIN FIVE YEARS OF  
12 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

13 (3) 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 SIXTY-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 59. Paragraph (a) of subdivision 3 of section 6455 of the education  
25 law, as added by chapter 285 of the laws of 1986, is amended to read as  
26 follows:

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

39 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF NEW YORK STATE, BUT  
40 EITHER IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL  
41 NON-IMMIGRANT ALIEN, A NEW YORK STATE CITIZEN OR AN APPLICANT WITHOUT  
42 LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDER-  
43 GRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

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

49 (2) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH  
50 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY  
51 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-  
52 TION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN  
53 YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

54 (3) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A  
55 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE  
56 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY

COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

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

S 60. Subparagraphs (i) and (iii) of paragraph a of subdivision 2 of section 695-e of the education law, as amended by chapter 593 of the laws of 2003, are amended to read as follows:

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

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

S 61. The president of the higher education services corporation, in consultation with the commissioner of education, shall establish an application form and procedures that shall allow a student applicant that meets the requirements set forth in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of subdivision 5 of section 661 of the education law to apply directly to the higher education services corporation or education department for applicable awards without having to submit information to any other state or federal agency. All information contained within the applications filed with such corporation or department shall be deemed confidential.

S 62. The correction law is amended by adding a new section 71-b to read as follows:

S 71-B. PERSONS NOT TO BE DETAINED. 1. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "CIVIL IMMIGRATION DETAINER" SHALL MEAN A DETAINER ISSUED PURSUANT TO 8 C.F.R. 287.7.

(B) "ADMINISTRATIVE WARRANT" SHALL MEAN AN IMMIGRATION WARRANT OF ARREST, ORDER TO DETAIN OR RELEASE ALIENS, NOTICE OF CUSTODY DETERMINATION, NOTICE TO APPEAR, REMOVAL ORDER, WARRANT OF REMOVAL, OR ANY OTHER DOCUMENT ISSUED BY AN IMMIGRATION AGENT THAT CAN FORM THE BASIS FOR AN INDIVIDUAL'S ARREST OR DETENTION FOR A CIVIL IMMIGRATION PURPOSE.

(C) "LAW ENFORCEMENT OFFICER" SHALL MEAN ALL OFFICERS, EMPLOYEES AND PERSONS OTHERWISE PAID BY OR ACTING AS AGENTS OF ANY MUNICIPAL, COUNTY OR STATE POLICE DEPARTMENT OR DEPARTMENT OF CORRECTIONS.

(D) "FEDERAL IMMIGRATION AUTHORITIES" SHALL MEAN ANY OFFICER, EMPLOYEE OR PERSON OTHERWISE PAID BY OR ACTING AS AN AGENT OF UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT OR ANY DIVISION THEREOF OR ANY OTHER OFFICER, EMPLOYEE OR PERSON OTHERWISE PAID BY OR ACTING AS AN AGENT OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY WHO IS CHARGED WITH ENFORCEMENT OF THE CIVIL PROVISIONS OF THE IMMIGRATION AND NATIONALITY ACT.

(E) "FACILITY" SHALL MEAN ANY FACILITY OWNED OR LEASED BY THE STATE, STAFFED BY PERSONNEL PAID BY THE STATE, OR USED PRIMARILY FOR THE CONDUCT OF STATE BUSINESS, INCLUDING BUT NOT LIMITED TO ANY PRISON OR JAIL OWNED OR OPERATED BY ANY GOVERNMENT ENTITY UNDER THE STATE'S JURISDICTION.

2. (A) LAW ENFORCEMENT OFFICERS SHALL NOT HONOR A CIVIL IMMIGRATION DETAINER OR ADMINISTRATIVE WARRANT FROM FEDERAL IMMIGRATION OFFICIALS BY:

(I) HOLDING A PERSON BEYOND THE TIME WHEN SUCH PERSON WOULD OTHERWISE BE RELEASED FROM CUSTODY; OR

(II) EXPENDING TIME OR RESOURCES RESPONDING TO INQUIRIES OR COMMUNICATING WITH FEDERAL IMMIGRATION AUTHORITIES OF SUCH PERSON'S INCARCERATION STATUS, RELEASE DATES, COURT APPEARANCE DATES, OR ANY OTHER INFORMATION RELATED TO AN INDIVIDUAL IN CUSTODY UNLESS SUCH A RESPONSE OR COMMUNICATION IS REQUIRED OR PROTECTED BY LAW.

(B) UNLESS AN IMMIGRATION AGENT HAS A VALID AND PROPERLY ISSUED CRIMINAL WARRANT, OR LAW ENFORCEMENT OFFICIALS HAVE A LEGITIMATE LAW ENFORCEMENT PURPOSE THAT IS NOT RELATED TO THE ENFORCEMENT OF IMMIGRATION LAW, LAW ENFORCEMENT OFFICERS SHALL NOT PERMIT ANY FEDERAL IMMIGRATION OFFICIAL TO:

(I) HAVE ACCESS TO ANY PERSON IN THEIR CUSTODY; OR

(II) HAVE ACCESS TO ANY FACILITY OWNED OR OPERATED BY THE STATE, OR BY ANY MUNICIPALITY WITHIN THE STATE, FOR THE PURPOSE OF INVESTIGATING POTENTIAL VIOLATIONS OF THE CIVIL IMMIGRATION LAW.

3. NOTHING IN THIS SECTION SHALL AFFECT THE OBLIGATION OF LAW ENFORCEMENT OFFICERS TO MAINTAIN THE CONFIDENTIALITY OF ANY INFORMATION OBTAINED PURSUANT TO SUBDIVISION TWO OF THIS SECTION.

4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CONFER ANY AUTHORITY ON ANY ENTITY TO HOLD PERSONS ON CIVIL IMMIGRATION DETAINERS BEYOND THE AUTHORITY, IF ANY, THAT EXISTED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

5. THIS SECTION SUPERSEDES ALL CONFLICTING POLICIES, RULES, PROCEDURES AND PRACTICES OF THE STATE. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT ANY STATE AGENCY FROM COOPERATING WITH FEDERAL IMMIGRATION AUTHORITIES WHEN REQUIRED UNDER FEDERAL LAW. NOTHING IN THIS SECTION SHALL BE INTERPRETED OR APPLIED SO AS TO CREATE ANY POWER, DUTY OR OBLIGATION IN CONFLICT WITH ANY FEDERAL, STATE OR LOCAL LAW.

6. NOTHING CONTAINED IN THIS SECTION OR IN THE ADMINISTRATION OR APPLICATION HEREOF SHALL BE CONSTRUED AS CREATING ANY PRIVATE RIGHT OF ACTION ON THE PART OF ANY PERSONS OR ENTITY AGAINST THE STATE OR THE DEPARTMENT.

7. ANNUALLY ON OR BEFORE DECEMBER THIRTY-FIRST, THE DEPARTMENT SHALL POST A REPORT ON THE DEPARTMENT'S WEBSITE THAT INCLUDES THE FOLLOWING INFORMATION FOR THE PRECEDING TWELVE MONTH PERIOD:

(A) THE NUMBER OF CIVIL IMMIGRATION DETAINERS RECEIVED FROM FEDERAL IMMIGRATION AUTHORITIES;

(B) THE NUMBER OF PERSONS HELD PURSUANT TO CIVIL IMMIGRATION DETAINERS BEYOND THE TIME WHEN SUCH PERSONS WOULD OTHERWISE BE RELEASED FROM THE DEPARTMENT'S CUSTODY;

(C) THE NUMBER OF PERSONS TRANSFERRED TO THE CUSTODY OF FEDERAL IMMIGRATION AUTHORITIES PURSUANT TO CIVIL IMMIGRATION DETAINERS; AND

(D) THE JUSTIFICATION AND LEGAL AUTHORITY FOR THE TRANSFER OF ANY INDIVIDUAL TO THE CUSTODY OF FEDERAL IMMIGRATION AUTHORITIES.

8. FOR THE PURPOSE OF THIS SECTION, ANY REFERENCE TO A STATUTE, RULE, OR REGULATION SHALL BE DEEMED TO INCLUDE ANY SUCCESSOR PROVISION.

1 S 63. The executive law is amended by adding a new section 243-a to  
2 read as follows:

3 S 243-A. PERSONS NOT TO BE DETAINED. 1. FOR THE PURPOSES OF THIS  
4 SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

5 (A) "CIVIL IMMIGRATION DETAINER" SHALL MEAN A DETAINER ISSUED PURSUANT  
6 TO 8 C.F.R. 287.7.

7 (B) "ADMINISTRATIVE WARRANT" SHALL MEAN AN IMMIGRATION WARRANT OF  
8 ARREST, ORDER TO DETAIN OR RELEASE ALIENS, NOTICE OF CUSTODY DETERMI-  
9 NATION, NOTICE TO APPEAR, REMOVAL ORDER, WARRANT OF REMOVAL, OR ANY  
10 OTHER DOCUMENT ISSUED BY AN IMMIGRATION AGENT THAT CAN FORM THE BASIS  
11 FOR AN INDIVIDUAL'S ARREST OR DETENTION FOR A CIVIL IMMIGRATION PURPOSE.

12 (C) "PROBATION OFFICER" SHALL MEAN ANY OFFICER, EMPLOYEE OR PERSON  
13 OTHERWISE PAID BY OR ACTING AS AN AGENT OF THE OFFICE OF PROBATION AND  
14 CORRECTIONAL ALTERNATIVES, OR ANY COUNTY OR MUNICIPAL PROBATION DEPART-  
15 MENT.

16 (D) "FEDERAL IMMIGRATION AUTHORITIES" SHALL MEAN ANY OFFICER, EMPLOYEE  
17 OR PERSON OTHERWISE PAID BY OR ACTING AS AN AGENT OF UNITED STATES IMMI-  
18 GRATION AND CUSTOMS ENFORCEMENT OR ANY DIVISION THEREOF OR ANY OTHER  
19 OFFICER, EMPLOYEE OR PERSON OTHERWISE PAID BY OR ACTING AS AN AGENT OF  
20 THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY WHO IS CHARGED WITH  
21 ENFORCEMENT OF THE CIVIL PROVISIONS OF THE IMMIGRATION AND NATIONALITY  
22 ACT.

23 (E) "FACILITY" SHALL MEAN ANY FACILITY OWNED OR LEASED BY THE STATE,  
24 STAFFED BY PERSONNEL PAID BY THE STATE, OR USED PRIMARILY FOR THE  
25 CONDUCT OF STATE BUSINESS, INCLUDING BUT NOT LIMITED TO ANY PRISON OR  
26 JAIL OWNED OR OPERATED BY ANY GOVERNMENT ENTITY UNDER THE STATE'S JURIS-  
27 DICTION.

28 2. (A) PROBATION OFFICERS SHALL NOT HONOR A CIVIL IMMIGRATION DETAINER  
29 OR ADMINISTRATIVE WARRANT FROM FEDERAL IMMIGRATION OFFICIALS BY:

30 (I) HOLDING A PERSON BEYOND THE TIME WHEN SUCH PERSON WOULD OTHERWISE  
31 BE RELEASED FROM CUSTODY; OR

32 (II) EXPENDING TIME OR RESOURCES RESPONDING TO INQUIRIES OR COMMUNI-  
33 CATING WITH FEDERAL IMMIGRATION AUTHORITIES OF SUCH PERSON'S INCARCERA-  
34 TION STATUS, RELEASE DATES, COURT APPEARANCE DATES, OR ANY OTHER INFOR-  
35 MATION RELATED TO AN INDIVIDUAL IN CUSTODY UNLESS SUCH A RESPONSE OR  
36 COMMUNICATION IS REQUIRED OR PROTECTED BY LAW.

37 (B) UNLESS AN IMMIGRATION AGENT HAS A VALID AND PROPERLY ISSUED CRIMI-  
38 NAL WARRANT, OR LAW ENFORCEMENT OFFICIALS HAVE A LEGITIMATE LAW ENFORCE-  
39 MENT PURPOSE THAT IS NOT RELATED TO THE ENFORCEMENT OF IMMIGRATION LAW,  
40 PROBATION OFFICERS SHALL NOT PERMIT ANY FEDERAL IMMIGRATION OFFICIAL TO:

41 (I) HAVE ACCESS TO ANY PERSON IN THEIR CUSTODY; OR

42 (II) HAVE ACCESS TO ANY FACILITY OWNED OR OPERATED BY THE STATE, OR BY  
43 ANY MUNICIPALITY WITHIN THE STATE, FOR THE PURPOSE OF INVESTIGATING  
44 POTENTIAL VIOLATIONS OF THE CIVIL IMMIGRATION LAW.

45 (C) UNLESS AN IMMIGRATION AGENT HAS A VALID AND PROPERLY ISSUED CRIMI-  
46 NAL WARRANT, OR PROBATION OFFICERS HAVE A LEGITIMATE LAW ENFORCEMENT  
47 PURPOSE THAT IS NOT RELATED TO THE ENFORCEMENT OF IMMIGRATION LAW, NO  
48 PROBATION OFFICER SHALL

49 (I) PROVIDE ANY DETAINEE, INMATE OR BOOKING LISTS TO FEDERAL IMMI-  
50 GRATION OFFICIALS; OR

51 (II) EXPEND TIME OR RESOURCES RESPONDING TO INQUIRIES OR COMMUNICATING  
52 WITH FEDERAL IMMIGRATION OFFICIALS, REGARDING ANY PERSON'S INCARCERATION  
53 STATUS, PROBATION STATUS, RELEASE DATE, COURT APPEARANCE DATES OR ANY  
54 OTHER INFORMATION, UNLESS SUCH RESPONSE OR COMMUNICATIONS IS REQUIRED OR  
55 PROTECTED BY LAW.

1 3. NOTHING IN THIS SECTION SHALL AFFECT THE OBLIGATION OF PROBATION  
2 OFFICERS TO MAINTAIN THE CONFIDENTIALITY OF ANY INFORMATION OBTAINED  
3 PURSUANT TO SUBDIVISION TWO OF THIS SECTION.

4 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CONFER ANY AUTHORITY  
5 ON ANY ENTITY TO HOLD PERSONS ON CIVIL IMMIGRATION DETAINERS BEYOND THE  
6 AUTHORITY, IF ANY, THAT EXISTED PRIOR TO THE EFFECTIVE DATE OF THIS  
7 SECTION.

8 5. THIS SECTION SUPERSEDES ALL CONFLICTING POLICIES, RULES, PROCEDURES  
9 AND PRACTICES OF THE STATE. NOTHING IN THIS SECTION SHALL BE CONSTRUED  
10 TO PROHIBIT ANY STATE AGENCY FROM COOPERATING WITH FEDERAL IMMIGRATION  
11 AUTHORITIES WHEN REQUIRED UNDER FEDERAL LAW. NOTHING IN THIS SECTION  
12 SHALL BE INTERPRETED OR APPLIED SO AS TO CREATE ANY POWER, DUTY OR OBLI-  
13 GATION IN CONFLICT WITH ANY FEDERAL, STATE OR LOCAL LAW.

14 6. NOTHING CONTAINED IN THIS SECTION OR IN THE ADMINISTRATION OR  
15 APPLICATION HEREOF SHALL BE CONSTRUED AS CREATING ANY PRIVATE RIGHT OF  
16 ACTION ON THE PART OF ANY PERSONS OR ENTITY AGAINST THE STATE OR THE  
17 OFFICE.

18 7. ANNUALLY ON OR BEFORE DECEMBER THIRTY-FIRST, THE DEPARTMENT SHALL  
19 POST A REPORT ON THE OFFICE'S WEBSITE THAT INCLUDES THE FOLLOWING INFOR-  
20 MATION FOR THE PRECEDING TWELVE MONTH PERIOD:

21 (A) THE NUMBER OF CIVIL IMMIGRATION DETAINERS RECEIVED FROM FEDERAL  
22 IMMIGRATION AUTHORITIES;

23 (B) THE NUMBER OF PERSONS HELD PURSUANT TO CIVIL IMMIGRATION DETAINERS  
24 BEYOND THE TIME WHEN SUCH PERSONS WOULD OTHERWISE BE RELEASED FROM THE  
25 OFFICE'S CUSTODY;

26 (C) THE NUMBER OF PERSONS TRANSFERRED TO THE CUSTODY OF FEDERAL IMMI-  
27 GRATION AUTHORITIES PURSUANT TO CIVIL IMMIGRATION DETAINERS; AND

28 (D) THE JUSTIFICATION AND LEGAL AUTHORITY FOR THE TRANSFER OF ANY  
29 INDIVIDUAL TO THE CUSTODY OF FEDERAL IMMIGRATION AUTHORITIES.

30 8. FOR THE PURPOSE OF THIS SECTION, ANY REFERENCE TO A STATUTE, RULE,  
31 OR REGULATION SHALL BE DEEMED TO INCLUDE ANY SUCCESSOR PROVISION.

32 S 64. The executive law is amended by adding a new section 223-a to  
33 read as follows:

34 S 223-A. PROHIBITION ON RACIAL PROFILING. 1. FOR THE PURPOSES OF THIS  
35 SECTION, "RACIAL PROFILING" SHALL MEAN THE PRACTICE OF A LAW ENFORCEMENT  
36 OFFICER OR AGENCY RELYING, TO ANY DEGREE, ON RACE, ETHNICITY, NATIONAL  
37 ORIGIN, OR RELIGION IN SELECTING WHICH INDIVIDUAL TO SUBJECT TO ROUTINE  
38 OR SPONTANEOUS INVESTIGATORY ACTIVITIES OR IN DECIDING UPON THE SCOPE  
39 AND SUBSTANCE OF LAW ENFORCEMENT ACTIVITY FOLLOWING THE INITIAL INVESTI-  
40 GATORY PROCEDURE, EXCEPT WHEN THERE IS TRUSTWORTHY INFORMATION, RELEVANT  
41 TO THE LOCALITY AND TIMEFRAME, THAT LINKS A PERSON OF A PARTICULAR RACE,  
42 ETHNICITY, NATIONAL ORIGIN, OR RELIGION TO AN IDENTIFIED CRIMINAL INCI-  
43 DENT OR SCHEME.

44 2. THE SUPERINTENDENT OF STATE POLICE AND MEMBERS OF THE DIVISION OF  
45 STATE POLICE SHALL NOT ENGAGE IN RACIAL PROFILING.

46 3. THE DIVISION OF STATE POLICE SHALL MAINTAIN ADEQUATE POLICIES AND  
47 PROCEDURES DESIGNED TO ELIMINATE RACIAL PROFILING AND CEASE EXISTING  
48 PRACTICES THAT PERMIT RACIAL PROFILING. POLICIES AND PROCEDURES SHALL  
49 INCLUDE:

50 (A) A PROHIBITION ON RACIAL PROFILING;

51 (B) TRAINING ON RACIAL PROFILING ISSUES AS PART OF STATE POLICE TRAIN-  
52 ING;

53 (C) THE COLLECTION OF RELEVANT DATA;

54 (D) PROCEDURES FOR RECEIVING, INVESTIGATING AND RESPONDING MEANINGFUL-  
55 LY TO COMPLAINTS ALLEGING RACIAL PROFILING BY MEMBERS OF THE DIVISION OF  
56 STATE POLICE; AND



1 (E) ANY OTHER POLICIES AND PROCEDURES THE SUPERINTENDENT DETERMINES TO  
2 BE NECESSARY TO ELIMINATE RACIAL PROFILING.

3 4. AN INDIVIDUAL INJURED BY RACIAL PROFILING MAY ENFORCE THIS SECTION  
4 IN A CIVIL ACTION FOR DECLARATORY OR INJUNCTIVE RELIEF, UPON PROOF THAT  
5 THE ROUTINE OR SPONTANEOUS INVESTIGATORY ACTIVITIES OF MEMBERS OF THE  
6 DIVISION OF STATE POLICE HAVE HAD A DISPARATE IMPACT ON RACIAL, ETHNIC,  
7 OR RELIGIOUS MINORITIES AND SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF A  
8 VIOLATION OF THIS SECTION. IN ANY ACTION OR PROCEEDING TO ENFORCE THIS  
9 SECTION, THE COURT MAY ALLOW A PREVAILING PLAINTIFF REASONABLE ATTOR-  
10 NEY'S FEES AS PART OF THE COSTS AND MAY INCLUDE EXPERT FEES AS PART OF  
11 THE ATTORNEY'S FEE.

12 S 65. The provisions of this act shall not be construed to conflict  
13 with any provision of federal law, rule or regulation, and in any  
14 circumstance in which a conflict may exist, the appropriate federal law,  
15 rule or regulation shall be controlling.

16 S 66. This act shall take effect on the first of January next succeed-  
17 ing the date on which it shall have become a law, provided that:

18 (a) the amendments to section 6604-b of the education law, made by  
19 section fourteen of this act, shall not affect the repeal of such  
20 section and shall be deemed repealed therewith;

21 (b) section twenty-eight of this act shall take effect upon the enact-  
22 ment into law by the state of New Jersey of legislation having an iden-  
23 tical effect with such section, but if the state of New Jersey shall  
24 have already enacted such legislation, section twenty-eight of this act  
25 shall take effect on the effective date of this act; provided that the  
26 office for new Americans shall notify the legislative bill drafting  
27 commission upon the occurrence of the enactment of such legislation by  
28 the state of New Jersey in order that the commission may maintain an  
29 accurate and timely effective data base of the official text of the laws  
30 of the state of New York in furtherance of effectuating the provisions  
31 of section 44 of the legislative law and section 70-b of the public  
32 officers law;

33 (c) section thirty-six of this act shall take effect October 3, 2017;

34 (d) if chapter 365 of the laws of 2015 shall not have taken effect on  
35 or before such effective date, then sections thirty-seven, thirty-eight,  
36 forty-two and forty-three of this act shall take effect on the same date  
37 and in the same manner as chapter 365 of the laws of 2015 takes effect;  
38 and

39 (e) effective immediately, the addition, amendment and/or repeal of  
40 any rule or regulation necessary for the implementation of this act on  
41 its effective date is authorized and directed to be made and completed  
42 on or before such effective date.