

STATE OF NEW YORK

S. 2006

A. 3006

SENATE - ASSEMBLY

January 23, 2017

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

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

AN ACT to amend the education law, in relation to contracts for excellence and the apportionment of public moneys; to amend the education law, in relation to requiring the commissioner of education to include certain information in the official score report of all students; to amend the education law, in relation to textbooks; to amend the education law, in relation to a weapon or firearm on school grounds; to amend the education law, in relation to English language learner pupils; in relation to direct certification data; to amend the education law, in relation to the census count; to amend the education law, in relation to the computation of the state sharing ratio; to amend the education law, in relation to the operating amount per pupil; to amend the education law, in relation to the operating amount per pupil for certain kindergarten programs; to amend the education law, in relation to total foundation aid; to amend the education law, in relation to community school aid; to amend the education law, in relation to building aid; to amend the education law, in relation to academic enhancement aid; to amend the education law, in relation to high tax aid; to amend the education law, in relation to universal pre-kindergarten aid; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to state aid adjustments; to amend the education law, in relation to the teachers of tomorrow teacher recruitment and retention program; to amend the education law, in relation to class sizes for special classes containing certain students with disabilities; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend the education law, in relation to the special needs of gifted students; to

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

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amend the general municipal law, in relation to the purchase of food by school districts; to amend chapter 472 of the laws of 1998, amending the education law relating to the lease of school buses by school districts, in relation to the effectiveness thereof; to amend chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend chapter 91 of the laws of 2002 amending the education law and other laws relating to the reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness thereof; to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; to amend chapter 345 of the laws of 2009 amending the education law and other laws relating to the New York city board of education, chancellor, community councils, and community superintendents, in relation to the effectiveness thereof; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 2017-2018 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend chapter 89 of the laws of 2016, relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, in relation to reimbursement to such school district and in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; relating to school bus driver training; relates to special apportionment for salary expenses and public pension accruals; relates to suballocations of appropriations; relating to the city school district of the city of Rochester; relates to total foundation aid for the purpose of the development, maintenance or expansion of certain magnet schools or magnet school programs for the 2017-2018 school year; and relates to the support of public libraries (Part A); to amend the education law, in relation to the establishment of Recovery High Schools by boards of cooperative educational services (Part B); to amend the education law, in relation to the education of homeless children (Part C); to amend the education law, in relation to establishing the excelsior scholarship (Part D); to amend the education law, in relation to eligibility requirements and conditions governing general awards, academic performance awards and student loans; eligibility requirements for assistance under the higher education opportunity programs and the collegiate science and technology entry program; the definition of "resident"; financial aid opportunities for students of the state university of New York, the city university of New York and community colleges; and the program requirements for the New York state college choice tuition savings program; and to repeal subdivision 3 of section 661 of such law relating thereto (Part E); to amend the education law, in relation to the tuition assistance program (Part F); to amend the education law, in relation to the NY-SUNY 2020 challenge grant program act; and to amend chapter 260 of the laws of 2011, amending the education law and the

New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof (Part G); to amend the education law, in relation to foundation contributions to the city university of New York (Part H); to amend the limited liability company law and the labor law, in relation to the ability of the state to collect unpaid wages (Part I); to amend the criminal procedure law, the penal law, the correction law, the executive law, the family court act, the social services law, the education law and the state finance law, in relation to proceedings against juvenile offenders and the age of juvenile offenders and to repeal certain provisions of the criminal procedure law, the family court act and the executive law relating thereto (Part J); to amend chapter 83 of the laws of 2002, amending the executive law and other laws relating to funding for children and family services, in relation to extending the effectiveness thereof (Subpart A); and to amend the social services law and the education law, in relation to restructuring financing for residential school placements (Subpart B) (Part K); to amend the family court act, in relation to the definition of an abused child (Part L); to amend the executive law, the social services law and the family court act, in relation to increasing the age of youth eligible to be served in RHYA programs and to allow for additional length of stay for youth in residential programs (Part M); to amend the public health law, in relation to the licensure of certain health-related services provided by authorized agencies (Part N); to amend the social services law and the tax law, in relation to increasing the amount of lottery winnings that the state can recoup related to current and former public assistance recipients (Part O); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part P); to amend the social services law, in relation to expanding inquiries of the statewide central register of child abuse and maltreatment and allowing additional reviews of criminal history information (Part Q); to utilize reserves in the mortgage insurance fund for various housing purposes (Part R); to amend the real property tax law, in relation to the affordable New York housing program and to repeal certain provisions of such law relating thereto (Part S); to amend the criminal procedure law and the judiciary law, in relation to removal of a criminal action to a veterans treatment court (Part T); and to amend the executive law, in relation to creating a division of central administrative hearings within the executive department (Part U)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2017-2018
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through U. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the

1 Part in which it is found. Section three of this act sets forth the
2 general effective date of this act.

3 PART A

4 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
5 tion law, as amended by section 1 of part A of chapter 54 of the laws of
6 2016, is amended to read as follows:

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

1 excellence for the two thousand fifteen--two thousand sixteen school
2 year which shall, notwithstanding the requirements of subparagraph (vi)
3 of paragraph a of subdivision two of this section, provide for the
4 expenditure of an amount which shall be not less than the amount
5 approved by the commissioner in the contract for excellence for the two
6 thousand fourteen--two thousand fifteen school year; and provided
7 further that a school district that submitted a contract for excellence
8 for the two thousand fifteen--two thousand sixteen school year, unless
9 all schools in the district are identified as in good standing, shall
10 submit a contract for excellence for the two thousand sixteen--two thou-
11 sand seventeen school year which shall, notwithstanding the requirements
12 of subparagraph (vi) of paragraph a of subdivision two of this section,
13 provide for the expenditure of an amount which shall be not less than
14 the amount approved by the commissioner in the contract for excellence
15 for the two thousand fifteen--two thousand sixteen school year; and
16 provided further that, a school district that submitted a contract for
17 excellence for the two thousand sixteen--two thousand seventeen school
18 year, unless all schools in the district are identified as in good
19 standing, shall submit a contract for excellence for the two thousand
20 seventeen--two thousand eighteen school year which shall, notwithstand-
21 ing the requirements of subparagraph (vi) of paragraph a of subdivision
22 two of this section, provide for the expenditure of an amount which
23 shall be not less than the amount approved by the commissioner in the
24 contract for excellence for the two thousand sixteen--two thousand
25 seventeen school year. For purposes of this paragraph, the "gap elimi-
26 nation adjustment percentage" shall be calculated as the sum of one
27 minus the quotient of the sum of the school district's net gap elimi-
28 nation adjustment for two thousand ten--two thousand eleven computed
29 pursuant to chapter fifty-three of the laws of two thousand ten, making
30 appropriations for the support of government, plus the school district's
31 gap elimination adjustment for two thousand eleven--two thousand twelve
32 as computed pursuant to chapter fifty-three of the laws of two thousand
33 eleven, making appropriations for the support of the local assistance
34 budget, including support for general support for public schools,
35 divided by the total aid for adjustment computed pursuant to chapter
36 fifty-three of the laws of two thousand eleven, making appropriations
37 for the local assistance budget, including support for general support
38 for public schools. Provided, further, that such amount shall be
39 expended to support and maintain allowable programs and activities
40 approved in the two thousand nine--two thousand ten school year or to
41 support new or expanded allowable programs and activities in the current
42 year.

43 § 2. The education law is amended by adding a new section 2590-v to
44 read as follows:

45 § 2590-v. Notice to students regarding certain test scores. The office
46 of the chancellor shall include a notice in the official score report of
47 all students who received a score of "advanced" on the eighth grade
48 state assessment in either English Language Arts or Mathematics, inform-
49 ing the student of opportunities to apply for admission to the special-
50 ized high schools authorized in paragraph (b) of subdivision 1 of
51 section twenty-five hundred ninety-h of this article.

52 § 3. Subdivision 2 of section 701 of the education law, as amended by
53 section 1 of part A-1 of chapter 58 of the laws of 2011, is amended to
54 read as follows:

55 2. A text-book, for the purposes of this section shall mean: (i) any
56 book, or a book substitute, which shall include hard covered or paper-

1 back books, work books, or manuals and (ii) for expenses incurred after
2 July first, nineteen hundred ninety-nine, any courseware or other
3 content-based instructional materials in an electronic format, as such
4 terms are defined in the regulations of the commissioner, which a pupil
5 is required to use as a text, or a text-substitute, in a particular
6 class or program in the school he or she legally attends. For expenses
7 incurred on or after July first, two thousand eleven, a text-book shall
8 also mean items of expenditure that are eligible for an apportionment
9 pursuant to sections seven hundred eleven, seven hundred fifty-one
10 and/or seven hundred fifty-three of this title, where such items are
11 designated by the school district as eligible for aid pursuant to this
12 section, provided, however, that if aided pursuant to this section, such
13 expenses shall not be aidable pursuant to any other section of law. For
14 expenses incurred on or after July first, two thousand seventeen, a
15 text-book shall also mean expenditures for high quality professional
16 development, where such items are designated by the school district as
17 eligible for aid pursuant to this section, provided, however, that the
18 total expenditures for high quality professional development eligible
19 for aid pursuant to this section shall not exceed the amount equal to
20 the documented reduction of textbook expenditures in the base year
21 resulting from the use of courseware or other content-based instruc-
22 tional materials in an electronic format provided to the school district
23 without charge and provided further that if aided pursuant to this
24 section, such expenses shall not be aidable pursuant to any other
25 section of law. Expenditures aided pursuant to this section shall not be
26 eligible for aid pursuant to any other section of law. Courseware or
27 other content-based instructional materials in an electronic format
28 included in the definition of textbook pursuant to this subdivision
29 shall be subject to the same limitations on content as apply to books or
30 book substitutes aided pursuant to this section.

31 § 4. Subdivision 9 of section 2852 of the education law, as amended by
32 section 2 of subpart A of part B of chapter 20 of the laws of 2015, is
33 amended to read as follows:

34 9. The total number of charters issued pursuant to this article state-
35 wide shall not exceed four hundred sixty. (a) All charters issued on or
36 after July first, two thousand fifteen and counted toward the numerical
37 limits established by this subdivision shall be issued by the board of
38 regents upon application directly to the board of regents or on the
39 recommendation of the board of trustees of the state university of New
40 York pursuant to a competitive process in accordance with subdivision
41 nine-a of this section. ~~[Fifty of such charters issued on or after July~~
42 ~~first, two thousand fifteen, and no more, shall be granted to a charter~~
43 ~~for a school to be located in a city having a population of one million~~
44 ~~or more.]~~ The failure of any body to issue the regulations authorized
45 pursuant to this article shall not affect the authority of a charter
46 entity to propose a charter to the board of regents or the board of
47 regents' authority to grant such charter. A conversion of an existing
48 public school to a charter school, or the renewal or extension of a
49 charter approved by any charter entity, shall not be counted toward the
50 numerical limits established by this subdivision.

51 (b) A charter that has been surrendered, revoked or terminated ~~[on or~~
52 ~~before July first, two thousand fifteen]~~, including a charter that has
53 not been renewed by action of its charter entity, may be reissued pursu-
54 ant to paragraph (a) of this subdivision by the board of regents either
55 upon application directly to the board of regents or on the recommenda-
56 tion of the board of trustees of the state university of New York pursu-

ant to a competitive process in accordance with subdivision nine-a of this section. Provided that such reissuance shall not be counted toward the statewide numerical limit established by this subdivision~~[, and provided further that no more than twenty-two charters may be reissued pursuant to this paragraph]~~.

(c) For purposes of determining the total number of charters issued within the numerical limits established by this subdivision, the approval date of the charter entity shall be the determining factor.

(d) Notwithstanding any provision of this article to the contrary, any charter authorized to be issued by chapter fifty-seven of the laws of two thousand seven effective July first, two thousand seven, and that remains unissued as of July first, two thousand fifteen, may be issued pursuant to the provisions of law applicable to a charter authorized to be issued by such chapter in effect as of June fifteenth, two thousand fifteen~~[; provided however that nothing in this paragraph shall be construed to increase the numerical limit applicable to a city having a population of one million or more as provided in paragraph (a) of this subdivision, as amended by a chapter of the laws of two thousand fifteen which added this paragraph]~~.

§ 5. Clauses (A) and (B) of subparagraph 5 of paragraph (e) of subdivision 3 of section 2853 of the education law, as amended by section 11 of part A of chapter 54 of the laws of 2016, are amended to read as follows:

(A) the actual total facility rental cost of an alternative privately owned site selected by the charter school or

(B) ~~[twenty]~~ thirty percent of the product of the charter school's basic tuition for the current school year and (i) for a new charter school that first commences instruction on or after July first, two thousand fourteen, the charter school's current year enrollment; or (ii) for a charter school which expands its grade level, pursuant to this article, the positive difference of the charter school's enrollment in the current school year minus the charter school's enrollment in the school year prior to the first year of the expansion.

§ 5-a. Paragraph c of subdivision 6-g of section 3602 of the education law, as amended by section 11-a of part A of chapter 54 of the laws of 2016, is amended to read as follows:

c. For purposes of this subdivision, the approved expenses attributable to a lease by a charter school of a privately owned site shall be the lesser of the actual ~~[rent paid]~~ total facility rental cost under the lease or the maximum cost allowance established by the commissioner for leases aidable under subdivision six of this section.

§ 5-b. Paragraph (e) of subdivision 3 of section 2853 of the education law is amended by adding a new subparagraph 1-a to read as follows:

(1-a) The co-location site or alternative space offered pursuant to subparagraph one of this paragraph shall be sufficient to accommodate approved grade levels within the same building within bands as follows: Kindergarten through grade 4, grades 5-8, and grades 9-12, including those grade levels not yet in operation at the time of offering but included within the charter school's planned grade configuration. The defined grade level bands herein shall include an allowable deviation of one grade level above or below the stated levels if such grade level is an existing approved grade level of the charter school.

§ 6. Subdivision 41 of section 3602 of the education law, as added by section 18 of part B of chapter 57 of the laws of 2007, the subdivision heading and opening paragraph as amended by section 20 of part B of chapter 57 of the laws of 2008, is amended to read as follows:

41. Transitional aid for charter school payments. In addition to any other apportionment under this section, for the two thousand seven--two thousand eight school year and thereafter, a school district other than a city school district in a city having a population of one million or more shall be eligible for an apportionment in an amount equal to the sum of

(a) the product of (i) the product of eighty percent multiplied by the charter school basic tuition computed for such school district for the base year pursuant to section twenty-eight hundred fifty-six of this chapter, multiplied by (ii) the positive difference, if any, of the number of resident pupils enrolled in the charter school in the base year less the number of resident pupils enrolled in a charter school in the year prior to the base year, provided, however, that a school district shall be eligible for an apportionment pursuant to this paragraph only if the number of its resident pupils enrolled in charter schools in the base year exceeds two percent of the total resident public school district enrollment of such school district in the base year or the total general fund payments made by such district to charter schools in the base year for resident pupils enrolled in charter schools exceeds two percent of total general fund expenditures of such district in the base year, plus

(b) the product of (i) the product of sixty percent multiplied by the charter school basic tuition computed for such school district for the base year pursuant to section twenty-eight hundred fifty-six of this chapter, multiplied by (ii) the positive difference, if any, of the number of resident pupils enrolled in the charter school in the year prior to the base year less the number of resident pupils enrolled in a charter school in the year two years prior to the base year, provided, however, that a school district shall be eligible for an apportionment pursuant to this paragraph only if the number of its resident pupils enrolled in charter schools in the year prior to the base year exceeds two percent of the total resident public school district enrollment of such school district in the year prior to the base year or the total general fund payments made by such district to charter schools in the year prior to the base year for resident pupils enrolled in charter schools exceeds two percent of the total general fund expenditures of such district in the year prior to the base year, plus

(c) the product of (i) the product of forty percent multiplied by the charter school basic tuition computed for such school district for the base year pursuant to section twenty-eight hundred fifty-six of this chapter, multiplied by (ii) the positive difference, if any, of the number of resident pupils enrolled in the charter school in the year two years prior to the base year less the number of resident pupils enrolled in a charter school in the year three years prior to the base year, provided, however, that a school district shall be eligible for an apportionment pursuant to this paragraph only if the number of its resident pupils enrolled in charter schools in the year two years prior to the base year exceeds two percent of the total resident public school district enrollment of such school district in the year two years prior to the base year or the total general fund payments made by such district to charter schools in the year two years prior to the base year for resident pupils enrolled in charter schools exceeds two percent of the total general fund expenditures of such district in the year two years prior to the base year[+], plus

(d) for aid payable in the two thousand eighteen--two thousand nineteen school year the product of (i) ninety percent, multiplied by (ii)

1 the positive difference, if any, of the charter school basic tuition
2 computed for such school district for the base year pursuant to section
3 twenty-eight hundred fifty-six of this chapter less the charter school
4 basic tuition computed for such school district for the two thousand
5 ten--two thousand eleven school year pursuant to section twenty-eight
6 hundred fifty-six of this chapter, multiplied by (iii) the number of
7 resident pupils enrolled in the charter school in the base year,
8 provided, however, that a school district shall be eligible for an
9 apportionment pursuant to this paragraph only if the number of its resi-
10 dent pupils enrolled in charter schools in the base year exceeds five
11 thousandths (0.005) of the total resident public school district enroll-
12 ment of such school district in the base year or the total general fund
13 payments made by such district to charter schools in the base year for
14 resident pupils enrolled in charter schools exceeds five thousandths
15 (0.005) of the total general fund expenditures of such district in the
16 base year, plus

17 (e) for aid payable in the two thousand nineteen--two thousand twenty
18 school year the product of (i) sixty percent, multiplied by (ii) the
19 positive difference, if any, of the charter school basic tuition
20 computed for such school district for the year prior to the base year
21 pursuant to section twenty-eight hundred fifty-six of this chapter less
22 the charter school basic tuition computed for such school district for
23 the two thousand ten--two thousand eleven school year pursuant to
24 section twenty-eight hundred fifty-six of this chapter, multiplied by
25 (iii) the number of resident pupils enrolled in the charter school in
26 the year prior to the base year, provided, however, that a school
27 district shall be eligible for an apportionment pursuant to this para-
28 graph only if the number of its resident pupils enrolled in charter
29 schools in the year prior to the base year exceeds five thousandths
30 (0.005) of the total resident public school district enrollment of such
31 school district in the year prior to the base year or the total general
32 fund payments made by such district to charter schools in the year prior
33 to the base year for resident pupils enrolled in charter schools exceeds
34 five thousandths (0.005) of the total general fund expenditures of such
35 district in the year prior to the base year, plus

36 (f) for aid payable in the two thousand twenty--two thousand twenty-
37 one school year the product of (i) thirty percent, multiplied by (ii)
38 the positive difference, if any, of the charter school basic tuition
39 computed for such school district for the year two years prior to the
40 base year pursuant to section twenty-eight hundred fifty-six of this
41 chapter less the charter school basic tuition computed for such school
42 district for the two thousand ten--two thousand eleven school year
43 pursuant to section twenty-eight hundred fifty-six of this chapter,
44 multiplied by (iii) the number of resident pupils enrolled in the char-
45 ter school in the year two years prior to the base year, provided,
46 however, that a school district shall be eligible for an apportionment
47 pursuant to this paragraph only if the number of its resident pupils
48 enrolled in charter schools in the year two years prior to the base year
49 exceeds five thousandths (0.005) of the total resident public school
50 district enrollment of such school district in the year two years prior
51 to the base year or the total general fund payments made by such
52 district to charter schools in the year two years prior to the base year
53 for resident pupils enrolled in charter schools exceeds five thousandths
54 (0.005) of the total general fund expenditures of such district in the
55 year two years prior to the base year.

(g) For purposes of this subdivision the number of pupils enrolled in a charter school shall not include pupils enrolled in a charter school for which the charter was approved by a charter entity contained in paragraph a of subdivision three of section twenty-eight hundred fifty-one of this chapter.

§ 7. Paragraph a of subdivision 33 of section 305 of the education law, as amended by chapter 621 of the laws of 2003, is amended to read as follows:

a. The commissioner shall establish procedures for the approval of providers of supplemental educational services in accordance with the provisions of subsection (e) of section one thousand one hundred sixteen of the No Child Left Behind Act of 2001 and shall adopt regulations to implement such procedures. Notwithstanding any other provision of state or local law, rule or regulation to the contrary, any local educational agency that receives federal funds pursuant to title I of the Elementary and Secondary Education Act of nineteen hundred sixty-five, as amended, shall be authorized to contract with the approved provider selected by a student's parent, as such term is defined in subsection ~~[thirty-one]~~ thirty-eight of section ~~[nine]~~ eight thousand one hundred one of the ~~[No Child Left Behind Act of 2001]~~ Elementary and Secondary Education Act of nineteen hundred sixty-five, as amended, for the provision of supplemental educational services to the extent required under such section one thousand one hundred sixteen. Eligible approved providers shall include, but not be limited to, public schools, BOCES, institutions of higher education, and community based organizations.

§ 8. Subdivision 7 of section 2802 of the education law, as amended by chapter 425 of the laws of 2002, is amended to read as follows:

7. Notwithstanding any other provision of state or local law, rule or regulation to the contrary, any student who attends a persistently dangerous public elementary or secondary school, as determined by the commissioner pursuant to paragraph a of this subdivision, or who is a victim of a violent criminal offense, as defined pursuant to paragraph b of this subdivision, that occurred on the grounds of a public elementary or secondary school that the student attends, shall be allowed to attend a safe public school within the local educational agency to the extent required by section ~~[ninety-five]~~ eighty-five hundred thirty-two of the ~~[No Child Left Behind Act of 2001]~~ Elementary and Secondary Education Act of nineteen hundred sixty-five, as amended.

a. The commissioner shall annually determine which public elementary and secondary schools are persistently dangerous in accordance with regulations of the commissioner developed in consultation with a representative sample of local educational agencies. Such determination shall be based on data submitted through the uniform violent incident reporting system over a period prescribed in the regulations, which shall not be less than two years.

b. Each local educational agency required to provide unsafe school choice shall establish procedures for determinations by the superintendent of schools or other chief school officer of whether a student is the victim of a violent criminal offense that occurred on school grounds of the school that the student attends. Such superintendent of schools or other chief school officer shall, prior to making any such determination, consult with any law enforcement agency investigating such alleged violent criminal offense and consider any reports or records provided by such agency. The trustees or board of education or other governing board of a local educational agency may provide, by local rule or by-law, for appeal of the determination of the superintendent of

schools to such governing board. Notwithstanding any other provision of law to the contrary, the determination of such chief school officer pursuant to this paragraph shall not have collateral estoppel effect in any student disciplinary proceeding brought against the alleged victim or perpetrator of such violent criminal offense. For purposes of this subdivision, "violent criminal offense" shall mean a crime that involved infliction of serious physical injury upon another as defined in the penal law, a sex offense that involved forcible compulsion or any other offense defined in the penal law that involved the use or threatened use of a deadly weapon.

c. Each local educational agency, as defined in subsection ~~[twenty-six]~~ thirty of section ~~[ninety-one]~~ eighty-one hundred one of the ~~[No Child Left Behind Act of 2001]~~ Elementary and Secondary Education Act of nineteen hundred sixty-five, as amended, that is required to provide school choice pursuant to section ~~[ninety-five]~~ eighty-five hundred thirty-two of the ~~[No Child Left Behind Act of 2001]~~ Elementary and Secondary Education Act of nineteen hundred sixty-five, as amended, shall establish procedures for notification of parents of, or persons in parental relation to, students attending schools that have been designated as persistently dangerous and parents of, or persons in parental relation to, students who are victims of violent criminal offenses of their right to transfer to a safe public school within the local educational agency and procedures for such transfer, except that nothing in this subdivision shall be construed to require such notification where there are no other public schools within the local educational agency at the same grade level or such transfer to a safe public school within the local educational agency is otherwise impossible or to require a local educational agency that has only one public school within the local educational agency or only one public school at each grade level to develop such procedures. The commissioner shall be authorized to adopt any regulations deemed necessary to assure that local educational agencies implement the provisions of this subdivision.

§ 9. Subdivision 7 of section 3214 of the education law, as added by chapter 101 of the laws of 2003, is amended to read as follows:

7. Transfer of disciplinary records. Notwithstanding any other provision of law to the contrary, each local educational agency, as such term is defined in subsection ~~[twenty-six]~~ thirty of section ~~[ninety-one]~~ eighty-one hundred one of the Elementary and Secondary Education Act of 1965, as amended, shall establish procedures in accordance with section ~~[forty-one hundred fifty-five]~~ eighty-five hundred thirty-seven of the Elementary and Secondary Education Act of 1965, as amended, and the Family Educational Rights and Privacy Act of 1974, to facilitate the transfer of disciplinary records relating to the suspension or expulsion of a student to any public or nonpublic elementary or secondary school in which such student enrolls or seeks, intends or is instructed to enroll, on a full-time or part-time basis.

§ 10. Subparagraph 1 of paragraph d of subdivision 3 of section 3214 of the education law, as amended by chapter 425 of the laws of 2002, is amended to read as follows:

(1) Consistent with the federal gun-free schools act, any public school pupil who is determined under this subdivision to have brought a firearm to or possessed a firearm at a public school shall be suspended for a period of not less than one calendar year and any nonpublic school pupil participating in a program operated by a public school district using funds from the elementary and secondary education act of nineteen hundred sixty-five who is determined under this subdivision to have

brought a firearm to or possessed a firearm at a public school or other premises used by the school district to provide such programs shall be suspended for a period of not less than one calendar year from participation in such program. The procedures of this subdivision shall apply to such a suspension of a nonpublic school pupil. A superintendent of schools, district superintendent of schools or community superintendent shall have the authority to modify this suspension requirement for each student on a case-by-case basis. The determination of a superintendent shall be subject to review by the board of education pursuant to paragraph c of this subdivision and the commissioner pursuant to section three hundred ten of this chapter. Nothing in this subdivision shall be deemed to authorize the suspension of a student with a disability in violation of the individuals with disabilities education act or article eighty-nine of this chapter. A superintendent shall refer the pupil under the age of sixteen who has been determined to have brought a weapon or firearm to school in violation of this subdivision to a presentment agency for a juvenile delinquency proceeding consistent with article three of the family court act except a student fourteen or fifteen years of age who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law; provided, however that commencing on January first, two thousand nineteen a superintendent shall refer the pupil under the age of seventeen who has been determined to have brought a weapon or firearm to school in violation of this subdivision to a presentment agency for a juvenile delinquency proceeding consistent with article three of the family court act except a student who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law; and provided, further that commencing on January first, two thousand twenty, a superintendent shall refer the pupil under the age of eighteen who has been determined to have brought a weapon or firearm to school in violation of this subdivision to a presentment agency for a juvenile delinquency proceeding consistent with article three of the family court act except a student who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law. A superintendent shall refer any pupil sixteen years of age or older or a student fourteen or fifteen years of age who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law, who has been determined to have brought a weapon or firearm to school in violation of this subdivision to the appropriate law enforcement officials.

§ 11. Paragraph d of subdivision 3 of section 3214 of the education law, as amended by chapter 181 of the laws of 2000, is amended to read as follows:

d. Consistent with the federal gun-free schools act of nineteen hundred ninety-four, any public school pupil who is determined under this subdivision to have brought a weapon to school shall be suspended for a period of not less than one calendar year and any nonpublic school pupil participating in a program operated by a public school district using funds from the elementary and secondary education act of nineteen hundred sixty-five who is determined under this subdivision to have brought a weapon to a public school or other premises used by the school district to provide such programs shall be suspended for a period of not less than one calendar year from participation in such program. The procedures of this subdivision shall apply to such a suspension of a nonpublic school pupil. A superintendent of schools, district superintendent of schools or community superintendent shall have the authori-

ty to modify this suspension requirement for each student on a case-by-case basis. The determination of a superintendent shall be subject to review by the board of education pursuant to paragraph c of this subdivision and the commissioner pursuant to section three hundred ten of this chapter. Nothing in this subdivision shall be deemed to authorize the suspension of a student with a disability in violation of the individuals with disabilities education act or article eighty-nine of this chapter. A superintendent shall refer the pupil under the age of sixteen who has been determined to have brought a weapon to school in violation of this subdivision to a presentment agency for a juvenile delinquency proceeding consistent with article three of the family court act except a student fourteen or fifteen years of age who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law; provided, however that commencing on January first, two thousand nineteen a superintendent shall refer the pupil under the age of seventeen who has been determined to have brought a weapon or firearm to school in violation of this subdivision to a presentment agency for a juvenile delinquency proceeding consistent with article three of the family court act except a student who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law; and provided further that commencing on January first, two thousand twenty, a superintendent shall refer the pupil under the age of eighteen who has been determined to have brought a weapon or firearm to school in violation of this subdivision to a presentment agency for a juvenile delinquency proceeding consistent with article three of the family court act except a student who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law. A superintendent shall refer any pupil sixteen years of age or older or a student fourteen or fifteen years of age who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law, who has been determined to have brought a weapon to school in violation of this subdivision to the appropriate law enforcement officials.

§ 12. Section 4 of chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, as amended by section 35 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

§ 4. This act shall take effect July 1, 2002 and shall expire and be deemed repealed June 30, ~~2017~~ 2018.

§ 13. Section 5 of chapter 101 of the laws of 2003, amending the education law relating to the implementation of the No Child Left Behind Act of 2001, as amended by section 36 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

§ 5. This act shall take effect immediately; provided that sections one, two and three of this act shall expire and be deemed repealed on June 30, ~~2017~~ 2018.

§ 14. Paragraph o of subdivision 1 of section 3602 of the education law, as amended by section 15 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

o. "English language learner count" shall mean the number of pupils served in the base year in programs for pupils ~~[with limited English proficiency]~~ who are English language learners approved by the commissioner pursuant to the provisions of this chapter and in accordance with regulations adopted for such purpose.

§ 15. The commissioner of education shall include direct certification data, for the three most recently available school years, as referenced in the report submitted by such commissioner pursuant to section 46 of part A of chapter 54 of the laws of 2016 in the updated electronic data files prepared pursuant to paragraph b of subdivision 21 of section 305 of the education law.

§ 16. Subparagraph (ii) of paragraph q of subdivision 1 of section 3602 of the education law, as amended by section 25 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

(ii) "Census count" shall mean the product of the public school enrollment of the school district on the date enrollment was counted in accordance with this subdivision for the base year multiplied by (A) for aid for school years prior to the two thousand seventeen--two thousand eighteen school year, the quotient of the number of persons aged five to seventeen within the school district, based on the most recent decennial census as tabulated by the National Center on Education Statistics, who were enrolled in public schools and whose families had incomes below the poverty level, divided by the total number of persons aged five to seventeen within the school district, based on such decennial census, who were enrolled in public schools, computed to four decimals without rounding, or (B) for aid for the two thousand seventeen--two thousand eighteen school year and thereafter, the quotient of (1) the sum of the number of persons aged five to seventeen within the school district, based on the small area income and poverty estimates produced by the United States census bureau, whose families had incomes below the poverty level for the year two years prior to the year in which the base year began, plus such number for the year three years prior to the year in which the base year began, plus such number for the year four years prior to the year in which the base year began, divided by (2) the sum of the total number of persons aged five to seventeen within the school district, based on such census bureau estimates, for the year two years prior to the year in which the base year began, plus such total number for the year three years prior to the year in which the base year began, plus such total number for the year four years prior to the year in which the base year began, computed to four decimals without rounding.

§ 17. Paragraph g of subdivision 3 of section 3602 of the education law, as amended by section 13 of part B of chapter 57 of the laws of 2008, is amended to read as follows:

g. Computation of the state sharing ratio. The state sharing ratio shall be the higher of:

(1) a value computed by subtracting from one and thirty-seven hundredths the product obtained by multiplying the combined wealth ratio by one and twenty-three hundredths; or

(2) a value computed by subtracting from one the product obtained by multiplying the combined wealth ratio by sixty-four hundredths; or

(3) a value computed by subtracting from eighty hundredths the product obtained by multiplying the combined wealth ratio by thirty-nine hundredths; or

(4) a value computed by subtracting from fifty-one hundredths the product obtained by multiplying the combined wealth ratio by twenty-two hundredths, provided, however, that for the purpose of computing the state sharing ratio for total foundation aid, the tier four value shall ~~not be computed [by subtracting from fifty-one hundredths the product obtained by multiplying the combined wealth ratio by one hundred seventy-three thousandths]~~ and such values shall be computed using the combined wealth ratio for total foundation aid in place of the combined

1 wealth ratio, and, for high need school districts, as determined pursu-
2 ant to clause (c) of subparagraph two of paragraph c of subdivision six
3 of this section for the school aid computer listing produced by the
4 commissioner in support of the enacted budget for the two thousand
5 seven--two thousand eight school year and entitled "SA0708", such values
6 shall be multiplied by one hundred five percent.

7 Such result shall be expressed as a decimal carried to three places
8 without rounding, but shall not be greater than ninety hundredths nor
9 less than zero.

10 § 18. Subdivision 1 of section 3602 of the education law is amended by
11 adding a new paragraph hh to read as follows:

12 hh. Operating amount per pupil. The operating amount per pupil shall
13 equal the remainder when the expected minimum local contribution is
14 subtracted from the product of the adjusted cost amount, the regional
15 cost index, and the pupil need index.

16 (i) The adjusted cost amount shall reflect the average per pupil cost
17 of general education instruction in successful school districts, as
18 determined by a statistical analysis of the costs of special education
19 and general education in successful school districts, provided that the
20 adjusted cost amount shall be adjusted annually to reflect the percent-
21 age increase in the consumer price index.

22 (ii) The regional cost index shall reflect an analysis of labor market
23 costs based on median salaries in professional occupations that require
24 similar credentials to those of positions in the education field, but
25 not including those occupations in the education field, provided that
26 the regional cost indices for the two thousand seventeen--two thousand
27 eighteen school year and thereafter shall be as follows:

28 Labor Force Region Index

29 Capital District 1.124

30 Southern Tier 1.045

31 Western New York 1.091

32 Hudson Valley 1.314

33 Long Island/NYC 1.425

34 Finger Lakes 1.141

35 Central New York 1.103

36 Mohawk Valley 1.000

37 North Country 1.000

38 (iii) The pupil need index shall equal the sum of one plus the
39 extraordinary needs percent, provided, however, that the pupil need
40 index shall not be less than one nor more than two. The extraordinary
41 needs percent shall be calculated pursuant to paragraph w of subdivision
42 one of this section.

43 (iv) The expected minimum local contribution shall equal the lesser of
44 (1) the product of (A) the quotient arrived at when the selected actual
45 valuation is divided by total wealth foundation pupil units, multiplied
46 by (B) the product of the local tax factor, multiplied by the income
47 wealth index, or (2) the product of (A) the product of the adjusted cost
48 amount, the regional cost index, and the pupil need index, multiplied by
49 (B) the positive difference, if any, of one minus the state sharing
50 ratio for total foundation aid. The local tax factor shall be estab-
51 lished by May first of each year by determining the product, computed to
52 four decimal places without rounding, of ninety percent multiplied by
53 the quotient of the sum of the statewide average tax rate as computed by
54 the commissioner for the current year in accordance with the provisions
55 of paragraph e of this subdivision plus the statewide average tax rate
56 computed by the commissioner for the base year in accordance with such

1 provisions plus the statewide average tax rate computed by the commis-
2 sioner for the year prior to the base year in accordance with such
3 provisions, divided by three. The income wealth index shall be calcu-
4 lated pursuant to paragraph d of subdivision three of this section,
5 provided, however, that for the purposes of computing the expected mini-
6 um local contribution the income wealth index shall not be less than
7 zero nor more than two hundred percent (2.0). The selected actual valu-
8 ation shall be calculated pursuant to paragraph c of this subdivision.
9 Total wealth foundation pupil units shall be calculated pursuant to
10 paragraph h of subdivision two of this section.

11 § 19. Paragraph a of subdivision 9 of section 3602 of the education
12 law, as amended by section 9 of part A of chapter 57 of the laws of
13 2013, is amended to read as follows:

14 a. For aid payable in the two thousand seven--two thousand eight
15 school year and thereafter, school districts which provided any half-day
16 kindergarten programs or had no kindergarten programs in the nineteen
17 hundred ninety-six--ninety-seven school year and in the base year, and
18 which have not received an apportionment pursuant to this paragraph in
19 any prior school year, shall be eligible for aid equal to the product of
20 the district's [~~selected foundation aid calculated pursuant to subdivi-~~
21 ~~sion four~~] operating amount per pupil pursuant to paragraph hh of subdivi-
22 vision one of this section multiplied by the positive difference result-
23 ing when the full day kindergarten enrollment of children attending
24 programs in the district in the base year is subtracted from such
25 enrollment in the current year.

26 § 20. Paragraph c of subdivision 15 of section 3602 of the education
27 law, as amended by section 16 of part B of chapter 57 of the laws of
28 2007, is amended to read as follows:

29 c. In addition to any other aid computed under this section, such
30 school district shall be eligible to receive, for each excess transfer
31 pupil, an amount equal to the [~~selected foundation aid for such district~~
32 ~~computed pursuant to subdivision four~~] operating amount per pupil pursu-
33 ant to paragraph hh of subdivision one of this section.

34 § 21. Subdivision 4 of section 3602 of the education law, as amended
35 by section 5-a of part A of chapter 56 of the laws of 2015, the opening
36 paragraph, subparagraph 1 of paragraph a, clause (ii) of subparagraph 2
37 of paragraph b and paragraph d as amended and paragraph b-2 as amended
38 by section 7 of part A of chapter 54 of the laws of 2016, paragraph e as
39 added by section 8 of part A of chapter 54 of the laws of 2016, is
40 amended to read as follows:

41 4. Total foundation aid. [~~In addition to any other apportionment~~
42 ~~pursuant to this chapter, a school district, other than a special act~~
43 ~~school district as defined in subdivision eight of section four thousand~~
44 ~~one of this chapter, shall be eligible for total foundation aid equal to~~
45 ~~the product of total aidable foundation pupil units multiplied by the~~
46 ~~district's selected foundation aid, which shall be the greater of five~~
47 ~~hundred dollars (\$500) or foundation formula aid, provided, however that~~
48 ~~for the two thousand seven--two thousand eight through two thousand~~
49 ~~eight--two thousand nine school years, no school district shall receive~~
50 ~~total foundation aid in excess of the sum of the total foundation aid~~
51 ~~base for aid payable in the two thousand seven two thousand eight~~
52 ~~school year computed pursuant to subparagraph (i) of paragraph j of~~
53 ~~subdivision one of this section, plus the phase-in foundation increase~~
54 ~~computed pursuant to paragraph b of this subdivision, and provided~~
55 ~~further that for the two thousand twelve two thousand thirteen school~~
56 ~~year, no school district shall receive total foundation aid in excess of~~

~~the sum of the total foundation aid base for aid payable in the two thousand eleven two thousand twelve school year computed pursuant to subparagraph (ii) of paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand thirteen two thousand fourteen school year and thereafter, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base computed pursuant to subparagraph (ii) of paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand sixteen two thousand seventeen school year, no eligible school districts shall receive total foundation aid in excess of the sum of the total foundation aid base computed pursuant to subparagraph (ii) of paragraph j of subdivision one of this section plus the sum of (A) the phase-in foundation increase, (B) the executive foundation increase with a minimum increase pursuant to paragraph b 2 of this subdivision, and (C) an amount equal to "COMMUNITY SCHOOLS AID" in the computer listing produced by the commissioner in support of the executive budget request for the two thousand sixteen two thousand seventeen school year and entitled "BT161-7", where (1) "eligible school district" shall be defined as a district with (a) an unrestricted aid increase of less than seven percent (0.07) and (b) a three year average free and reduced price lunch percent greater than fifteen percent (0.15), and (2) "unrestricted aid increase" shall mean the quotient arrived at when dividing (a) the sum of the executive foundation aid increase plus the gap elimination adjustment for the base year, by (b) the difference of foundation aid for the base year less the gap elimination adjustment for the base year, and (3) "executive foundation increase" shall mean the difference of (a) the amounts set forth for each school district as "FOUNDATION AID" under the heading "2016-17 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request for the two thousand sixteen two thousand seventeen school year and entitled "BT161-7" less (b) the amounts set forth for each school district as "FOUNDATION AID" under the heading "2015-16 BASE YEAR AIDS" in such computer listing and provided further that total foundation aid shall not be less than the product of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section and the minimum percent which shall be, for the two thousand twelve two thousand thirteen school year, one hundred and six tenths percent (1.006) and for the two thousand thirteen two thousand fourteen school year for city school districts of those cities having populations in excess of one hundred twenty five thousand and less than one million inhabitants one hundred and one and one hundred and seventy six thousandths percent (1.01176), and for all other districts one hundred and three tenths percent (1.003), and for the two thousand fourteen two thousand fifteen school year one hundred and eighty five hundredths percent (1.0085), and for the two thousand fifteen two thousand sixteen school year, one hundred thirty seven hundredths percent (1.0037), subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of a chapter of the laws of New York as described therein, nor more than the product of such total foundation aid base and one hundred fifteen percent, provided, however, that for the two thousand sixteen two thousand seventeen school year such maximum shall be no more than the sum of (i) the product of such total foundation aid base and one hundred fifteen percent plus (ii) the executive foundation~~

~~increase and plus (iii) "COMMUNITY SCHOOLS AID" in the computer listing produced by the commissioner in support of the executive budget request for the two thousand sixteen--two thousand seventeen school year and entitled "BT161-7" and provided further that for the two thousand nine--two thousand ten through two thousand eleven--two thousand twelve school years, each school district shall receive total foundation aid in an amount equal to the amount apportioned to such school district for the two thousand eight--two thousand nine school year pursuant to this subdivision. Total aidable foundation pupil units shall be calculated pursuant to paragraph g of subdivision two of this section.]~~

a. For the two thousand seventeen--two thousand eighteen school year, districts shall be eligible for foundation aid equal to the sum of: (1) the base increase, plus (2) the community schools increase, plus (3) the foundation aid base, as defined pursuant to paragraph j of subdivision one of this section. For the two thousand eighteen--two thousand nineteen school year and thereafter, districts shall be eligible for foundation aid equal to the amount of foundation aid such district received in the two thousand seventeen--two thousand eighteen school year.

1. The base increase shall be equal to the greater of the foundation aid per pupil increase or the scaled per pupil increase. The base increase shall not exceed the product of fifteen percent multiplied by the foundation aid base and shall not be less than the due minimum increase.

(i) The foundation aid per pupil increase shall be equal to the product of the selected per pupil foundation aid increase as defined herein multiplied by the selected total aidable foundation pupil units computed pursuant to paragraph g of subdivision two of this section.

(A) The selected per pupil foundation aid increase shall be equal to the per pupil foundation increase as defined herein less the selected local share, with a minimum of five hundred dollars (\$500) multiplied by the per pupil foundation increase factor, rounded to two decimals.

(B) The per pupil foundation increase factor for the two thousand seventeen--two thousand eighteen school year shall be equal to one and two hundred twenty-seven thousandths percent (0.01227).

(C) The per pupil foundation increase shall be equal to the product of (i) the product of the adjusted cost amount, the regional cost index as set forth in paragraph hh of subdivision one of this section and the pupil need index computed to two decimals without rounding, multiplied by (ii) the per pupil foundation increase factor.

(D) The selected local share shall be equal to the lesser of (a) the product of the per pupil foundation increase and the value computed by subtracting from one the state sharing ratio for total foundation aid computed pursuant to paragraph g of subdivision three of this section, rounded to two decimals or (b) the product of the quotient arrived at when dividing the selected actual valuation by total wealth foundation pupil units, multiplied by the product of the income wealth index multiplied by the local tax factor multiplied by the per pupil foundation increase factor, provided, however, that the income wealth index shall not be less than zero nor exceed two hundred percent (2.0).

(ii) The scaled per pupil increase shall be equal to the product of one hundred ninety-five dollars (\$195) multiplied by the scaled per pupil ratio, multiplied by the base year public school district enrollment as computed pursuant to subparagraph two of paragraph n of subdivision one of this section. The scaled per pupil ratio shall be the value computed by subtracting from two the product of two and fifteen hundredths (2.15) multiplied by the combined wealth ratio for total

1 foundation aid, defined pursuant to subparagraph two of paragraph c of
2 subdivision three of this section, computed to three decimal places
3 without rounding. The scaled per pupil ratio shall not exceed nine-
4 tenths (0.9) or be less than zero.

5 (iii) The due minimum increase shall be equal to the product of the
6 foundation aid base and the due minimum percent. For the two thousand
7 seventeen--two thousand eighteen school year, the due minimum percent
8 shall equal: (a) for a city school district of a city having a popu-
9 lation of one million or more, two and ninety-three hundredths percent
10 (0.0293); (b) for a city school district of a city having a population in
11 excess of one hundred twenty-five thousand and less than one million
12 inhabitants, two and one-hundred and sixty-five thousandths percent
13 (0.02165), and (c) for all other public school districts, other than a
14 special act school district as defined in subdivision eight of section
15 four thousand one of this chapter, eligible for foundation aid, one
16 percent (0.01).

17 2. The community schools increase shall be, for all eligible school
18 districts, equal to the product of the scaled per pupil amount multi-
19 plied by the base year public school district enrollment as computed
20 pursuant to subparagraph two of paragraph n of subdivision one of this
21 section, but shall not be less than one-hundred and fifty thousand
22 dollars (\$150,000).

23 (i) (A) A school district shall be eligible for the community schools
24 increase if (1) the school district contains at least one school desig-
25 nated as failing or persistently failing by the commissioner pursuant to
26 paragraphs (a) or (b) of subdivision one of section two hundred eleven-f
27 of this chapter as of January first, two thousand seventeen or (2) the
28 school district has both a combined wealth ratio for total foundation
29 aid less than one and two-tenths (1.2) and has a qualifying English
30 language learner population level.

31 (B) For purposes of this subdivision, a qualifying English language
32 learner population level shall mean those school districts where (1) the
33 quotient arrived at when dividing the English language learner count by
34 the base year public school district enrollment as computed pursuant to
35 subparagraph two of paragraph n of subdivision one of this section
36 exceeds five percent (0.05) and (2) the positive difference, if any, of
37 the English language learner count less the amount equal to "2011-12
38 ENGLISH LANGUAGE LEARNERS" in the computer listing produced by the
39 commissioner in support of the executive budget request for the two
40 thousand seventeen--two thousand eighteen school year entitled "BT171-8"
41 is greater than both (a) one hundred pupils and (b) the product of one-
42 tenth (0.10) multiplied by the amount equal to "2011-12 ENGLISH LANGUAGE
43 LEARNERS" in the computer listing produced by the commissioner in
44 support of the executive budget request for the two thousand seventeen-
45 -two thousand eighteen school year and entitled "BT171-8".

46 (ii) The community schools scaled per pupil amount shall be equal to
47 the product of eighty-eight dollars and three cents (\$88.03) multiplied
48 by the difference of subtracting from one the product of the combined
49 wealth ratio for total foundation aid multiplied by sixty-four
50 hundredths (0.64), provided that such product shall not exceed nine-
51 tenths (0.9) or be less than zero.

52 b. For the purposes of calculating aid pursuant to this subdivision,
53 aid for the city school district of the city of New York shall be calcu-
54 lated on a citywide basis.

55 ~~[a. Foundation formula aid. Foundation formula aid shall equal the~~
56 ~~remainder when the expected minimum local contribution is subtracted~~

~~from the product of the foundation amount, the regional cost index, and the pupil need index, or: (foundation amount x regional cost index x pupil need index) - expected minimum local contribution.~~

~~(1) The foundation amount shall reflect the average per pupil cost of general education instruction in successful school districts, as determined by a statistical analysis of the costs of special education and general education in successful school districts, provided that the foundation amount shall be adjusted annually to reflect the percentage increase in the consumer price index as computed pursuant to section two thousand twenty two of this chapter, provided that for the two thousand eight two thousand nine school year, for the purpose of such adjustment, the percentage increase in the consumer price index shall be deemed to be two and nine-tenths percent (0.029), and provided further that the foundation amount for the two thousand seven two thousand eight school year shall be five thousand two hundred fifty eight dollars, and provided further that for the two thousand seven two thousand eight through two thousand sixteen two thousand seventeen school years, the foundation amount shall be further adjusted by the phase-in foundation percent established pursuant to paragraph b of this subdivision.~~

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

Labor Force Region	Index
Capital District	1.124
Southern Tier	1.045
Western New York	1.001
Hudson Valley	1.314
Long Island/NYC	1.425
Finger Lakes	1.141
Central New York	1.103
Mohawk Valley	1.000
North Country	1.000

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

~~(4) The expected minimum local contribution shall equal the lesser of (i) the product of (A) the quotient arrived at when the selected actual valuation is divided by total wealth foundation pupil units, multiplied by (B) the product of the local tax factor, multiplied by the income wealth index, or (ii) the product of (A) the product of the foundation amount, the regional cost index, and the pupil need index, multiplied by (B) the positive difference, if any, of one minus the state sharing ratio for total foundation aid. The local tax factor shall be established by May first of each year by determining the product, computed to four decimal places without rounding, of ninety percent multiplied by the quotient of the sum of the statewide average tax rate as computed by the commissioner for the current year in accordance with the provisions of paragraph e of subdivision one of section thirty-six hundred nine-e of this part plus the statewide average tax rate computed by the commissioner for the base year in accordance with such provisions plus the~~

~~statewide average tax rate computed by the commissioner for the year prior to the base year in accordance with such provisions, divided by three, provided however that for the two thousand seven two thousand eight school year, such local tax factor shall be sixteen thousandths (0.016), and provided further that for the two thousand eight two thousand nine school year, such local tax factor shall be one hundred fifty four ten thousandths (0.0154). The income wealth index shall be calculated pursuant to paragraph d of subdivision three of this section, provided, however, that for the purposes of computing the expected minimum local contribution the income wealth index shall not be less than sixty five percent (0.65) and shall not be more than two hundred percent (2.0) and provided however that such income wealth index shall not be more than ninety five percent (0.95) for the two thousand eight two thousand nine school year, and provided further that such income wealth index shall not be less than zero for the two thousand thirteen two thousand fourteen school year. The selected actual valuation shall be calculated pursuant to paragraph c of subdivision one of this section. Total wealth foundation pupil units shall be calculated pursuant to paragraph h of subdivision two of this section.~~

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

~~(2) (i) Phase in foundation percent. The phase in foundation percent shall equal one hundred thirteen and fourteen one hundredths percent (1.1314) for the two thousand eleven two thousand twelve school year, one hundred ten and thirty eight hundredths percent (1.1038) for the two thousand twelve two thousand thirteen school year, one hundred seven and sixty eight hundredths percent (1.0768) for the two thousand thirteen two thousand fourteen school year, one hundred five and six hundredths percent (1.0506) for the two thousand fourteen two thousand fifteen school year, and one hundred two and five tenths percent (1.0250) for the two thousand fifteen two thousand sixteen school year.~~

~~(ii) Phase in foundation increase factor. For the two thousand eleven two thousand twelve school year, the phase in foundation increase factor shall equal thirty seven and one half percent (0.375) and the phase in due minimum percent shall equal nineteen and forty one hundredths percent (0.1941), for the two thousand twelve two thousand thirteen school year the phase in foundation increase factor shall equal one and seven tenths percent (0.017), for the two thousand thirteen two thousand fourteen school year the phase in foundation increase factor shall equal (1) for a city school district in a city having a population of one million or more, five and twenty three hundredths percent (0.0523) or (2) for all other school districts zero percent, for the two thousand fourteen two thousand fifteen school year the phase in foundation increase factor shall equal (1) for a city school district of a city having a population of one million or more, four and thirty two hundredths percent (0.0432) or (2) for a school district other than a city school district having a population of one million or more for which (A) the quotient of the positive difference of the foundation formula aid minus the foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by the foundation formula aid is greater than twenty two percent (0.22) and (B) a combined wealth ratio less than thirty five hundredths (0.35), seven percent (0.07) or~~

~~(3) for all other school districts, four and thirty one hundredths percent (0.0431), and for the two thousand fifteen--two thousand sixteen school year the phase-in foundation increase factor shall equal: (1) for a city school district of a city having a population of one million or more, thirteen and two hundred seventy four thousandths percent (0.13274); or (2) for districts where the quotient arrived at when dividing (A) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid less the total foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by (B) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid is greater than nineteen percent (0.19), and where the district's combined wealth ratio is less than thirty-three hundredths (0.33), seven and seventy-five hundredths percent (0.0775); or (3) for any other district designated as high need pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", four percent (0.04); or (4) for a city school district in a city having a population of one hundred twenty five thousand or more but less than one million, fourteen percent (0.14); or (5) for school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA1415", four and seven hundred fifty one thousandths percent (0.04751); or (6) for all other districts one percent (0.01), and for the two thousand sixteen--two thousand seventeen school year shall equal for an eligible school district the greater of: (1) for a city school district in a city with a population of one million or more, seven and seven hundred eighty four thousandths percent (0.07784); or (2) for a city school district in a city with a population of more than two hundred fifty thousand but less than one million as of the most recent federal decennial census, seven and three hundredths percent (0.0703); or (3) for a city school district in a city with a population of more than two hundred thousand but less than two hundred fifty thousand as of the most recent federal decennial census, six and seventy-two hundredths percent (0.0672); or (4) for a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred thousand as of the most recent federal decennial census, six and seventy-four hundredths percent (0.0674); or (5) for a city school district in a city with a population of more than one hundred twenty-five thousand but less than one hundred fifty thousand as of the most recent federal decennial census, nine and fifty-five hundredths percent (0.0955); or (6) for school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA1415" with a combined wealth ratio less than one and four tenths (1.4), nine percent (0.09), provided, however, that for such districts that are also districts designated as high need urban-suburban pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled~~

~~"SA0708", nine and seven hundred and nineteen thousandths percent (0.00719); or (7) for school districts designated as high need rural pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven two thousand eight school year and entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for school districts designated as high need urban-suburban pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven two thousand eight school year and entitled "SA0708", seven hundred nineteen thousandths percent (0.00719); or (9) for all other eligible school districts, forty-seven hundredths percent (0.0047) and for the two thousand seventeen two thousand eight school year and thereafter the commissioner shall annually determine the phase in foundation increase factor subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of a chapter of the laws of New York as described therein.]~~

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

~~[b-2. Due minimum for the two thousand sixteen two thousand seventeen school year. Notwithstanding any other provision of law to the contrary, for the two thousand sixteen two thousand seventeen school year the total foundation aid shall not be less than the sum of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section plus the due minimum for the two thousand sixteen two thousand seventeen school year, where such due minimum shall equal the difference of (1) the product of (A) two percent (0.02) multiplied by (B) the difference of total foundation aid for the base year less the gap elimination adjustment for the base year, less (2) the sum of (A) the difference of the amounts set forth for each school district as "FOUNDATION AID" under the heading "2016-17 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request for the two thousand sixteen two thousand seventeen school year and entitled "BT161-7" less the amounts set forth for each school district as "FOUNDATION AID" under the heading "2015-16 BASE YEAR AIDS" in such computer listing plus (B) the gap elimination adjustment for the base year.]~~

c. Public excess cost aid set aside. Each school district shall set aside from its total foundation aid computed for the current year pursuant to this subdivision an amount equal to the product of: (i) the difference between the amount the school district was eligible to receive in the two thousand six--two thousand seven school year pursuant to or in lieu of paragraph six of subdivision nineteen of this section as such paragraph existed on June thirtieth, two thousand seven, minus the amount such district was eligible to receive pursuant to or in lieu of paragraph five of subdivision nineteen of this section as such paragraph existed on June thirtieth, two thousand seven, in such school year, and (ii) the sum of one and the percentage increase in the consumer price index for the current year over such consumer price index for

the two thousand six--two thousand seven school year, as computed pursuant to section two thousand twenty-two of this chapter. Notwithstanding any other provision of law to the contrary, the public excess cost aid setaside shall be paid pursuant to section thirty-six hundred nine-b of this part.

d. For the two thousand fourteen--two thousand fifteen through two thousand ~~[sixteen]~~ seventeen--two thousand ~~[seventeen]~~ eighteen school years a city school district of a city having a population of one million or more may use amounts apportioned pursuant to this subdivision for afterschool programs.

e. Community schools aid set-aside. Each school district shall set aside from its total foundation aid computed for the current year pursuant to this subdivision an amount equal to ~~[the following amount, if any, for such district and]~~ the sum of (i) the amount, if any, set forth for such district as "COMMUNITY SCHL AID (BT1617)" in the data file produced by the commissioner in support of the enacted budget for the two thousand sixteen--two thousand seventeen school year and entitled "SA161-7" and (ii) the amount, if any, set forth for such district as "COMMUNITY SCHL INCR" in the data file produced by the commissioner in support of the executive budget request for the two thousand seventeen--two thousand eighteen school year and entitled "BT171-8". Each school district shall use ~~[the]~~ such "COMMUNITY SCHL AID (BT1617)" amount ~~[so set aside]~~ to support the transformation of school buildings into community hubs to deliver co-located or school-linked academic, health, mental health, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator, or to support other costs incurred to maximize students' academic achievement~~[+]~~. Each school district shall use such "COMMUNITY SCHL INCR" amount to support the transformation of school buildings into community hubs to deliver co-located or school linked academic, health, mental health, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator and programs for English language learners.

Addison	\$132,624
Adirondack	\$98,303
Afton	\$62,527
Albany	\$2,696,127
Albion	\$171,687
Altmar Parish-Williamstown	\$154,393
Amityville	\$140,803
Amsterdam	\$365,464
Andover	\$41,343
Auburn	\$211,759
Ausable Valley	\$82,258
Avoca	\$40,506
Batavia	\$116,085
Bath	\$139,788
Beacon	\$87,748
Beaver River	\$67,970
Beekmantown	\$98,308
Belfast	\$44,520
Bellefonte-Henderson	\$21,795
Binghamton	\$477,949
Bolivar-Richburg	\$102,276
Bradford	\$28,058

1	Brasher Falls	\$146,944
2	Brentwood	\$2,089,437
3	Bridgewater-West Winfield (Mt. Markham)	\$101,498
4	Brocton	\$63,939
5	Brookfield	\$24,973
6	Brushton-Moira	\$102,613
7	Buffalo	\$12,524,617
8	Camden	\$243,929
9	Campbell-Savona	\$81,862
10	Canajoharie	\$78,428
11	Canaseraga	\$24,622
12	Candor	\$69,400
13	Canistota-Greenwood	\$105,783
14	Carthage	\$273,578
15	Cassadaga Valley	\$99,547
16	Catskill	\$69,599
17	Cattaraugus-Little Valley	\$89,771
18	Central Islip	\$650,359
19	Central Valley	\$154,059
20	Charlotte Valley	\$27,925
21	Chateaugay	\$43,580
22	Cheektowaga-Sloan	\$68,242
23	Chenango Valley	\$46,359
24	Cherry Valley-Springfield	\$29,704
25	Cincinnatus	\$71,378
26	Clifton-Fine	\$17,837
27	Clyde-Savannah	\$84,797
28	Clymer	\$28,267
29	Cohoes	\$110,625
30	Copenhagen	\$35,037
31	Copiague	\$308,995
32	Cortland	\$147,875
33	Crown Point	\$24,277
34	Cuba-Rushford	\$67,917
35	Dalton-Nunda (Keshequa)	\$65,630
36	Dansville	\$136,766
37	De Ruyter	\$38,793
38	Deposit	\$37,615
39	Dolgeville	\$82,884
40	Downsville	\$10,000
41	Dundee	\$59,404
42	Dunkirk	\$224,658
43	East Ramapo (Spring Valley)	\$360,848
44	Edmeston	\$30,288
45	Edwards-Knox	\$95,261
46	Elizabethtown-Lewis	\$14,844
47	Ellenville	\$128,950
48	Elmira	\$501,348
49	Fallsburg	\$111,523
50	Fillmore	\$84,252
51	Forestville	\$34,773
52	Fort Edward	\$32,403
53	Fort Plain	\$86,187
54	Franklin	\$19,086
55	Franklinville	\$84,503
56	Freeport	\$479,702

1	Friendship	\$51,013
2	Fulton	\$241,424
3	Genesee Valley	\$65,066
4	Geneva	\$146,409
5	Georgetown-South Otselec	\$34,626
6	Gilbertsville-Mount Upton	\$30,930
7	Glens Falls Common	\$10,000
8	Gloversville	\$257,549
9	Gouverneur	\$107,139
10	Gowanda	\$122,173
11	Granville	\$86,044
12	Green Island	\$17,390
13	Greene	\$87,782
14	Hadley-Luzerne	\$37,868
15	Hammond	\$18,750
16	Hancock	\$34,174
17	Hannibal	\$149,286
18	Harpursville	\$89,804
19	Hempstead	\$3,123,056
20	Herkimer	\$64,467
21	Herkimer-Dekalb	\$49,211
22	Houvelton	\$53,905
23	Hinsdale	\$47,128
24	Hornell	\$152,327
25	Hudson	\$86,263
26	Hudson Falls	\$125,709
27	Indian River	\$404,452
28	Jamestown	\$422,610
29	Jasper-Troupsburg	\$65,899
30	Jefferson	\$22,350
31	Johnson	\$179,735
32	Johnstown	\$98,329
33	Kingston	\$241,138
34	Kiryas Joel	\$10,000
35	La Fargeville	\$36,602
36	Lackawanna	\$293,188
37	Lansingburgh	\$170,080
38	Laurens	\$32,110
39	Liberty	\$141,704
40	Lisbon	\$56,498
41	Little Falls	\$76,292
42	Livingston Manor	\$32,996
43	Lowville	\$117,907
44	Lyme	\$15,856
45	Lyons	\$89,298
46	Madison	\$43,805
47	Madrid-Waddington	\$59,412
48	Malone	\$241,483
49	Marathon	\$79,560
50	Margaretville	\$10,000
51	Massena	\$227,985
52	Mcgraw	\$51,558
53	Medina	\$135,337
54	Middleburgh	\$58,936
55	Middletown	\$683,511
56	Milford	\$28,281

1	Monticello	\$185,418
2	Moriah	\$76,592
3	Morris	\$45,012
4	Morristown	\$25,106
5	Morrisville-Eaton	\$62,490
6	Mt Morris	\$58,594
7	Mt Vernon	\$517,463
8	New York City	\$28,491,241
9	Newark	\$137,556
10	Newburgh	\$837,244
11	Newfield	\$60,098
12	Niagara Falls	\$733,330
13	North Rose-Wolcott	\$107,958
14	Northern Adirondack	\$84,115
15	Norwich	\$155,921
16	Norwood-Norfolk	\$116,262
17	Odessa-Montour	\$70,110
18	Ogdensburg	\$126,942
19	Olean	\$129,603
20	Oppenheim-Ephratah-St. Johnsville	\$86,646
21	Otego-Unadilla	\$72,613
22	Oxford Acad & Central Schools	\$80,443
23	Parishville-Hopkinton	\$35,003
24	Peekskill	\$230,795
25	Penn Yan	\$71,001
26	Pine Valley (South Dayton)	\$67,455
27	Plattsburgh	\$75,055
28	Poland	\$37,498
29	Port Chester-Rye	\$241,428
30	Port Jervis	\$189,220
31	Poughkeepsie	\$1,747,582
32	Prattsburgh	\$35,110
33	Pulaski	\$89,146
34	Putnam	\$10,000
35	Randolph	\$88,646
36	Red Creek	\$87,007
37	Remsen	\$32,650
38	Rensselaer	\$74,616
39	Richfield Springs	\$37,071
40	Ripley	\$18,495
41	Rochester	\$7,624,908
42	Rome	\$369,655
43	Romulus	\$22,112
44	Roosevelt	\$353,005
45	Salamanca	\$139,051
46	Salmon River	\$200,831
47	Sandy Creek	\$72,287
48	Schenectady	\$642,884
49	Schenevus	\$29,516
50	Scio	\$47,097
51	Sharon Springs	\$26,994
52	Sherburne-Earlville	\$154,286
53	Sherman	\$45,067
54	Sidney	\$98,699
55	Silver Creek	\$68,538
56	Sodus	\$100,038

1	Solvay	\$85,506
2	South Kortright	\$23,420
3	South Lewis	\$95,627
4	South Seneca	\$49,768
5	Spencer Van Etten	\$76,108
6	St Regis Falls	\$30,078
7	Stamford	\$20,137
8	Stockbridge Valley	\$38,537
9	Syracuse	\$10,186,478
10	Ticonderoga	\$36,467
11	Tioga	\$99,411
12	Troy	\$277,420
13	Unadilla Valley	\$90,571
14	Uniondale	\$362,887
15	Utica	\$273,267
16	Van Hornesville-Owen D. Young	\$18,604
17	Walton	\$82,541
18	Warrensburg	\$57,996
19	Waterloo	\$123,111
20	Watertown	\$222,343
21	Watervliet	\$94,487
22	Waverly	\$120,310
23	Wayland-Cohocton	\$125,273
24	Wellsville	\$114,359
25	West Canada Valley	\$58,917
26	Westbury	\$403,563
27	Westfield	\$46,542
28	Whitehall	\$46,192
29	Whitesville	\$26,719
30	Whitney Point	\$152,109
31	William Floyd	\$492,842
32	Worcester	\$26,862
33	Wyandanch	\$402,010
34	Yonkers	\$4,286,726
35	Yorkshire-Pioneer	\$210,306]

§ 22. The closing paragraph of subdivision 5-a of section 3602 of the education law, as amended by section 2 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

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

§ 23. Paragraph b of subdivision 6-c of section 3602 of the education law, as amended by section 24 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

b. For projects approved by the commissioner authorized to receive additional building aid pursuant to this subdivision for the purchase of stationary metal detectors, security cameras or other security devices

1 approved by the commissioner that increase the safety of students and
2 school personnel, provided that for purposes of this paragraph such
3 other security devices shall be limited to electronic security systems
4 and hardened doors, and provided that for projects approved by the
5 commissioner on or after the first day of July two thousand thirteen and
6 before the first day of July two thousand ~~seventeen~~ eighteen such
7 additional aid shall equal the product of (i) the building aid ratio
8 computed for use in the current year pursuant to paragraph c of subdivi-
9 sion six of this section plus ten percentage points, except that in no
10 case shall this amount exceed one hundred percent, and (ii) the actual
11 approved expenditures incurred in the base year pursuant to this subdivi-
12 sion, provided that the limitations on cost allowances prescribed by
13 paragraph a of subdivision six of this section shall not apply, and
14 provided further that any projects aided under this paragraph must be
15 included in a district's school safety plan. The commissioner shall
16 annually prescribe a special cost allowance for metal detectors, and
17 security cameras, and the approved expenditures shall not exceed such
18 cost allowance.

19 § 24. Subdivision 12 of section 3602 of the education law is amended
20 by adding a new undesignated paragraph to read as follows:

21 For the two thousand seventeen--two thousand eighteen school year,
22 each school district shall be entitled to an apportionment equal to the
23 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
24 under the heading "2016-17 ESTIMATED AIDS" in the school aid computer
25 listing produced by the commissioner in support of the budget for the
26 two thousand sixteen--two thousand seventeen school year and entitled
27 "SA161-7", and such apportionment shall be deemed to satisfy the state
28 obligation to provide an apportionment pursuant to subdivision eight of
29 section thirty-six hundred forty-one of this article.

30 § 25. The opening paragraph of subdivision 16 of section 3602 of the
31 education law, as amended by section 4 of part A of chapter 54 of the
32 laws of 2016, is amended to read as follows:

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

1 sand nine--two thousand ten school year and entitled "SA0910" or (2) the
2 amount set forth for such school district as "HIGH TAX AID" under the
3 heading "2013-14 ESTIMATED AIDS" in the school aid computer listing
4 produced by the commissioner in support of the executive budget for the
5 2013-14 fiscal year and entitled "BT131-4".

6 § 26. Subdivision 10 of section 3602-e of the education law, as
7 amended by section 22 of part B of chapter 57 of the laws of 2008, the
8 opening paragraph as amended by section 5 of part A of chapter 54 of the
9 laws of 2016, is amended to read as follows:

10 10. Universal prekindergarten aid. Notwithstanding any provision of
11 law to the contrary, for aid payable in the two thousand eight--two
12 thousand nine school year, the grant to each eligible school district
13 for universal prekindergarten aid shall be computed pursuant to this
14 subdivision, and for the two thousand nine--two thousand ten and two
15 thousand ten--two thousand eleven school years, each school district
16 shall be eligible for a maximum grant equal to the amount computed for
17 such school district for the base year in the electronic data file
18 produced by the commissioner in support of the two thousand nine--two
19 thousand ten education, labor and family assistance budget, provided,
20 however, that in the case of a district implementing programs for the
21 first time or implementing expansion programs in the two thousand eight--
22 two thousand nine school year where such programs operate for a minimum
23 of ninety days in any one school year as provided in section 151-1.4 of
24 the regulations of the commissioner, for the two thousand nine--two
25 thousand ten and two thousand ten--two thousand eleven school years,
26 such school district shall be eligible for a maximum grant equal to the
27 amount computed pursuant to paragraph a of subdivision nine of this
28 section in the two thousand eight--two thousand nine school year, and
29 for the two thousand eleven--two thousand twelve school year each school
30 district shall be eligible for a maximum grant equal to the amount set
31 forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the
32 heading "2011-12 ESTIMATED AIDS" in the school aid computer listing
33 produced by the commissioner in support of the enacted budget for the
34 2011-12 school year and entitled "SA111-2", and for two thousand twelve--
35 two thousand thirteen through two thousand sixteen--two thousand seven-
36 teen school years each school district shall be eligible for a maximum
37 grant equal to the greater of (i) the amount set forth for such school
38 district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE
39 YEAR AIDS" in the school aid computer listing produced by the commis-
40 sioner in support of the enacted budget for the 2011-12 school year and
41 entitled "SA111-2", or (ii) the amount set forth for such school
42 district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE
43 YEAR AIDS" in the school aid computer listing produced by the commis-
44 sioner on May fifteenth, two thousand eleven pursuant to paragraph b of
45 subdivision twenty-one of section three hundred five of this chapter,
46 and for the two thousand seventeen--two thousand eighteen school year
47 and thereafter each school district shall be eligible to receive a grant
48 amount equal to the sum of (i) the amount set forth for such school
49 district as "UNIVERSAL PREKINDERGARTEN" under the heading "2016-17 ESTI-
50 MATED AIDS" in the school aid computer listing produced by the commis-
51 sioner in support of the enacted budget for the 2016-17 school year and
52 entitled "SA161-7" plus (ii) the amount awarded to such school district
53 for the priority full-day prekindergarten and expanded half-day prekin-
54 dergarten grant program for high need students for the two thousand
55 sixteen--two thousand seventeen school year pursuant to chapter fifty-
56 three of the laws of two thousand fourteen, and provided further that

1 the maximum grant shall not exceed the total actual grant expenditures
2 incurred by the school district in the current school year as approved
3 by the commissioner.

4 a. Each school district shall be eligible to ~~[receive a grant amount~~
5 ~~equal to the sum of (i) its prekindergarten aid base plus (ii) the prod-~~
6 ~~uct of its selected aid per prekindergarten pupil multiplied by the~~
7 ~~positive difference, if any of the number of aidable prekindergarten~~
8 ~~pupils served in the current year, as determined pursuant to regulations~~
9 ~~of the commissioner, less the base aidable prekindergarten pupils calcu-~~
10 ~~lated pursuant to this subdivision for the two thousand seven two thou-~~
11 ~~sand eight school year, based on data on file for the school aid comput-~~
12 ~~er listing produced by the commissioner in support of the enacted budget~~
13 ~~for the two thousand seven two thousand eight school year and entitled~~
14 ~~"SA070-8". Provided, however, that in computing an apportionment pursu-~~
15 ~~ant to this paragraph, for districts where the number of aidable prekin-~~
16 ~~dergarten pupils served is less than the number of unserved prekinde-~~
17 ~~rgarten pupils, such grant amount shall be the lesser of such sum~~
18 ~~computed pursuant to this paragraph or the maximum allocation computed~~
19 ~~pursuant to subdivision nine of this section]~~ serve the sum of (i) full-
20 day prekindergarten pupils plus (ii) half-day prekindergarten pupils.

21 b. For purposes of paragraph a of this subdivision:

22 (i) "Selected aid per prekindergarten pupil" shall equal the greater
23 of (A) the product of five-tenths and the school district's ~~[selected~~
24 ~~foundation aid]~~ operating amount per pupil pursuant to paragraph hh of
25 subdivision one of section thirty-six hundred two of this article for
26 the current year, or (B) ~~[the aid per prekindergarten pupil calculated~~
27 ~~pursuant to this subdivision for the two thousand six two thousand seven~~
28 ~~school year, based on data on file for the school aid computer listing~~
29 ~~produced by the commissioner in support of the enacted budget for the~~
30 ~~two thousand six two thousand seven school year and entitled "SA060-7";~~
31 ~~provided, however, that in the two thousand eight two thousand nine~~
32 ~~school year, a city school district in a city having a population of one~~
33 ~~million inhabitants or more shall not be eligible to select aid per~~
34 ~~prekindergarten pupil pursuant to clause (A) of this subparagraph]~~ twen-
35 ty-seven hundred dollars (\$2,700);

36 (ii) ~~["Base aidable prekindergarten pupils". "Base aidable prekinde-~~
37 ~~rgarten pupils" shall equal the sum of the base aidable prekindergarten~~
38 ~~pupils calculated pursuant to this subdivision for the base year, based~~
39 ~~on data on file for the school aid computer listing produced by the~~
40 ~~commissioner in support of the enacted budget for the base year, plus~~
41 ~~the additional aidable prekindergarten pupils calculated pursuant to~~
42 ~~this subdivision for the base year, based on data on file for the school~~
43 ~~aid computer listing produced by the commissioner in support of the~~
44 ~~enacted budget for the base year]~~ "Full-day prekindergarten pupils"
45 shall equal (i) the maximum aidable full-day prekindergarten pupils such
46 district was eligible to serve for the priority full-day prekindergarten
47 and expanded half-day prekindergarten grant program for the two thousand
48 sixteen--two thousand seventeen school year pursuant to chapter fifty-
49 three of the laws of two thousand fourteen plus (ii) the number of half-
50 day prekindergarten pupils converted into a full-day prekindergarten
51 pupil under the priority full-day prekindergarten and expanded half-day
52 prekindergarten grant program for high need students pursuant to chapter
53 fifty-three of the laws of two thousand fourteen;

54 (iii) "Half-day prekindergarten pupils shall equal (A) (i) the maximum
55 aidable universal prekindergarten pupils each district was eligible to
56 serve in the two thousand sixteen--two thousand seventeen school year

1 pursuant to this section plus (ii) the maximum aidable half-day prekin-
2 dergarten pupils such district was eligible to serve for the priority
3 full-day prekindergarten and expanded half-day prekindergarten grant
4 program for the two thousand sixteen--two thousand seventeen school year
5 pursuant to chapter fifty-three of the laws of two thousand fourteen
6 minus (B) the number of half-day prekindergarten pupils converted into a
7 full-day prekindergarten pupil under the priority full-day prekindergar-
8 ten and expanded half-day prekindergarten grant program for high need
9 students pursuant to chapter fifty-three of the laws of two thousand
10 fourteen;

11 (iv) "Unserved prekindergarten pupils" shall mean the product of
12 eighty-five percent multiplied by the positive difference, if any,
13 between the sum of the public school enrollment and the nonpublic school
14 enrollment of children attending full day and half day kindergarten
15 programs in the district in the year prior to the base year less the
16 number of resident children who attain the age of four before December
17 first of the base year, who were served during such school year by a
18 prekindergarten program approved pursuant to section forty-four hundred
19 ten of this chapter, where such services are provided for more than four
20 hours per day;

21 ~~[(iv) "Additional aidable prekindergarten pupils". For the two thou-~~
22 ~~sand seven two thousand eight through two thousand eight two thousand~~
23 ~~nine school years, "additional aidable prekindergarten pupils" shall~~
24 ~~equal the product of (A) the positive difference, if any, of the~~
25 ~~unserved prekindergarten pupils less the base aidable prekindergarten~~
26 ~~pupils multiplied by (B) the prekindergarten phase in factor;~~

27 ~~(v) the "prekindergarten aid base" shall mean the sum of the amounts~~
28 ~~the school district received for the two thousand six two thousand~~
29 ~~seven school year for grants awarded pursuant to this section and for~~
30 ~~targeted prekindergarten grants;~~

31 ~~(vi) The "prekindergarten phase in factor". For the two thousand~~
32 ~~eight two thousand nine school year, the prekindergarten phase in~~
33 ~~factor shall equal the positive difference, if any, of the pupil need~~
34 ~~index computed pursuant to subparagraph three of paragraph a of subdivi-~~
35 ~~sion four of section thirty six hundred two of this part less one,~~
36 ~~provided, however, that: (A) for any district where (1) the maximum~~
37 ~~allocation computed pursuant to subdivision nine of this section for the~~
38 ~~base year is greater than zero and (2) the amount allocated pursuant to~~
39 ~~this subdivision for the base year, based on data on file for the school~~
40 ~~aid computer listing produced by the commissioner on February fifteenth~~
41 ~~of the base year, pursuant to paragraph b of subdivision twenty one of~~
42 ~~section three hundred five of this chapter, is greater than the positive~~
43 ~~difference, if any, of such maximum allocation for the base year less~~
44 ~~twenty-seven hundred, the prekindergarten phase in factor shall not~~
45 ~~exceed eighteen percent, and shall not be less than ten percent, and (B)~~
46 ~~for any district not subject to the provisions of clause (A) of this~~
47 ~~subparagraph where (1) the amount allocated pursuant to this subdivision~~
48 ~~for the base year is equal to zero or (2) the amount allocated pursuant~~
49 ~~to this section for the base year, based on data on file for the school~~
50 ~~aid computer listing produced by the commissioner on February fifteenth~~
51 ~~of the base year, pursuant to paragraph b of subdivision twenty one of~~
52 ~~section three hundred five of this chapter, is less than or equal to the~~
53 ~~amount allocated pursuant to this section for the year prior to the base~~
54 ~~year, based on data on file for the school aid computer listing produced~~
55 ~~by the commissioner on February fifteenth of the base year, pursuant to~~
56 ~~paragraph b of subdivision twenty one of section three hundred five of~~

~~this chapter, the prekindergarten phase in factor shall equal zero, and (C) for any district not subject to the provisions of clause (A) or (B) of this subparagraph, the prekindergarten phase in factor shall not exceed thirteen percent, and shall not be less than seven percent;~~

~~(vii) "Base year" shall mean the base year as defined pursuant to subdivision one of section thirty-six hundred two of this part.]~~

c. Notwithstanding any other provision of this section, the total grant payable pursuant to this section shall equal the lesser of: (i) the total grant amounts computed pursuant to this subdivision for the current year, based on data on file with the commissioner as of September first of the school year immediately following or (ii) the total actual grant expenditures incurred by the school district as approved by the commissioner.

d. Notwithstanding any other provision of this section, apportionments under this section greater than the amounts provided in the two thousand sixteen--two thousand seventeen school year shall only be used to supplement and not supplant current local expenditures of federal, state or local funds on prekindergarten programs and the number of slots in such programs from such sources. Current local expenditures shall include any local expenditures of federal, state or local funds used to supplement or extend services provided directly or via contract to eligible children enrolled in a universal prekindergarten program pursuant to this section.

§ 27. Subdivision 11 of section 3602-e of the education law, as amended by section 10-b of part A of chapter 57 of the laws of 2012, is amended to read as follows:

11. a. Notwithstanding the provisions of subdivision ten of this section, where the district serves fewer [children] full-day prekindergarten pupils during the current year than [the lesser of the children served in the two thousand ten--two thousand eleven school year or its base aidable prekindergarten pupils computed for the two thousand seven--two thousand eight school year] the number of eligible total full-day prekindergarten pupils set forth for the district in paragraph b of subdivision ten of this section, the school district shall have its apportionment reduced ~~[in an amount proportional to such deficiency in the current year or in the succeeding school year, as determined by the commissioner, except such reduction shall not apply to school districts which have fully implemented a universal pre-kindergarten program by making such program available to all eligible children. Expenses incurred by the school district in implementing a pre-kindergarten program plan pursuant to this subdivision shall be deemed ordinary contingent expenses]~~ by the product of two multiplied by amount of the selected aid per prekindergarten pupil pursuant to paragraph b of subdivision ten of this section multiplied by the difference of eligible total full-day prekindergarten pupils less the number of full-day prekindergarten pupils actually served.

b. Notwithstanding the provisions of subdivision ten of this section, where the district serves fewer half-day prekindergarten pupils during the current year than the number of eligible total half-day prekindergarten pupils set forth for the district in paragraph b of subdivision ten of this section, the school district shall have its apportionment reduced by the amount of the selected aid per prekindergarten pupil pursuant to paragraph b of subdivision ten of this section multiplied by the difference of eligible total half-day prekindergarten pupils less the number of half-day prekindergarten pupils actually served. Provided, however, that in calculating any such reduction in apportion-

1 ment, the commissioner shall exclude the reduction, if any, in the
2 number of half-day prekindergarten pupils served during the current year
3 occurring due to the conversion of half-day prekindergarten slots into
4 full-day prekindergarten slots using federal or local funds or state
5 funds other than those provided pursuant to this section.

6 § 28. Paragraphs b and f of subdivision 12 of section 3602-e of the
7 education law, as amended by section 19 of part B of chapter 57 of the
8 laws of 2007, are amended to read as follows:

9 b. ~~[minimum]~~ curriculum standards ~~[that]~~ consistent with the New York
10 state prekindergarten early learning standards to ensure that such
11 programs have strong instructional content that is integrated with the
12 school district's instructional program in grades kindergarten ~~[though]~~
13 through twelve;

14 f. time requirements which reflect the needs of the individual school
15 districts ~~[for flexibility, but meeting a minimum weekly time require-~~
16 ~~ment]~~; provided, however, that a full-day shall be considered a minimum
17 of five hours per school day, and a half-day shall be a minimum of two
18 and one-half hours per school day;

19 § 29. Subdivision 14 of section 3602-e of the education law, as
20 amended by section 19 of part B of chapter 57 of the laws of 2007, is
21 amended to read as follows:

22 14. On February fifteenth, two thousand, and annually thereafter, the
23 commissioner and the board of regents shall include in its annual report
24 to the legislature and the governor, information on school districts
25 receiving grants under this section; the amount of each grant; a
26 description of the program that each grant supports and an assessment by
27 the commissioner of the extent to which the program meets measurable
28 outcomes required by the grant program or regulations of such commis-
29 sioner; and any other relevant information, which shall include but not
30 be limited to the following: (A) (i) the total number of students served
31 in state-funded district-operated prekindergarten programs, (ii) the
32 total number of students served in state-funded community-based prekin-
33 dergarten programs, (iii) the total number of students served in state-
34 funded half-day prekindergarten programs, and (iv) the total number of
35 students served in state-funded full-day prekindergarten programs; (B)
36 (i) the total number of students served in state, federal and locally
37 funded district-operated prekindergarten programs, (ii) the total number
38 of students served in state, federal and locally funded community-based
39 prekindergarten programs, (iii) the total number of students served in
40 state, federal and locally funded half-day prekindergarten programs, and
41 (iv) the total number of students served in state, federal and locally
42 funded full-day prekindergarten programs; and (C) the total spending on
43 prekindergarten programs from state, federal, and local sources. Such
44 report shall also contain any recommendations to improve or otherwise
45 change the program.

46 § 30. Section 3602-e of the education law is amended by adding a new
47 subdivision 17 to read as follows:

48 17. Notwithstanding any inconsistent provision of law, as a condition
49 of eligibility for receipt of funding pursuant to this section, a
50 school district shall agree to adopt approved quality indicators within
51 two years, including, but not limited to, valid and reliable measures of
52 environmental quality, the quality of teacher-student interactions and
53 child outcomes, and ensure that any such assessment of child outcomes
54 shall not be used to make high-stakes educational decisions for individ-
55 ual children.

§ 31. Subdivision 16 of section 3602-ee of the education law, as amended by section 23 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

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

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

a. State aid adjustments. All errors or omissions in the apportionment shall be corrected by the commissioner. Whenever a school district has been apportioned less money than that to which it is entitled, the commissioner may allot to such district the balance to which it is entitled. Whenever a school district has been apportioned more money than that to which it is entitled, the commissioner may, by an order, direct such moneys to be paid back to the state to be credited to the general fund local assistance account for state aid to the schools, or may deduct such amount from the next apportionment to be made to said district, provided, however, that, upon notification of excess payments of aid for which a recovery must be made by the state through deduction of future aid payments, a school district may request that such excess payments be recovered by deducting such excess payments from the payments due to such school district and payable in the month of June in (i) the school year in which such notification was received and (ii) the two succeeding school years, provided further that there shall be no interest penalty assessed against such district or collected by the state. Such request shall be made to the commissioner in such form as the commissioner shall prescribe, and shall be based on documentation that the total amount to be recovered is in excess of one percent of the district's total general fund expenditures for the preceding school year. The amount to be deducted in the first year shall be the greater of (i) the sum of the amount of such excess payments that is recognized as a liability due to other governments by the district for the preceding school year and the positive remainder of the district's unreserved fund balance at the close of the preceding school year less the product of the district's total general fund expenditures for the preceding school year multiplied by five percent, or (ii) one-third of such excess payments. The amount to be recovered in the second year shall equal the lesser of the remaining amount of such excess payments to be recovered or one-third of such excess payments, and the remaining amount of such excess payments shall be recovered in the third year. Provided further that, notwithstanding any other provisions of this subdivision, any pending payment of moneys due to such district as a prior year adjustment payable pursuant to paragraph c of this subdivision for aid claims that had been previously paid as current year aid payments in excess of the amount to which the district is entitled and for which recovery of excess payments is to be made pursuant to this paragraph, shall be reduced at the time of actual payment by any remaining unrecovered balance of such excess payments, and the remaining scheduled deductions of such excess payments pursuant to this paragraph shall be reduced by the commissioner to reflect the amount so recovered. ~~[The commissioner shall certify no payment to a school district based on a claim submitted later than three years after the close of the school year in which such payment was first to be made. For claims for which payment is first to be made in the nineteen hundred ninety six ninety seven school year,~~

~~the commissioner shall certify no payment to a school district based on a claim submitted later than two years after the close of such school year.]~~ For claims for which payment is first to be made ~~[in the nineteen hundred ninety-seven-ninety-eight]~~ prior to the two thousand sixteen--two thousand seventeen school year [and thereafter], the commissioner shall certify no payment to a school district based on a claim submitted later than one year after the close of such school year. For claims for which payment is first to be made in the two thousand sixteen--two thousand seventeen school year and thereafter, the commissioner shall certify no payment to a school district based on a claim submitted later than the first of November of such school year. Provided, however, no payments shall be barred or reduced where such payment is required as a result of a final audit of the state. ~~[It is further provided that, until June thirtieth, nineteen hundred ninety-six, the commissioner may grant a waiver from the provisions of this section for any school district if it is in the best educational interests of the district pursuant to guidelines developed by the commissioner and approved by the director of the budget.]~~ Further provided that for any apportionments provided pursuant to sections seven hundred one, seven hundred eleven, seven hundred fifty-one, seven hundred fifty-three, nineteen hundred fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six hundred two-c, thirty-six hundred two-e and forty-four hundred five of this chapter for the two thousand sixteen--two thousand seventeen and two thousand seventeen--two thousand eighteen school years, the commissioner shall certify no payment to a school district, other than payments pursuant to subdivisions six-a, eleven, thirteen and fifteen of section thirty-six hundred two of this part, in excess of the payment computed based on an electronic data file used to produce the school aid computer listing produced by the commissioner in support of the executive budget request submitted for the two thousand seventeen--two thousand eighteen state fiscal year and entitled "BT171-8", and further provided that for any apportionments provided pursuant to sections seven hundred one, seven hundred eleven, seven hundred fifty-one, seven hundred fifty-three, nineteen hundred fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six hundred two-c, thirty-six hundred two-e and forty-four hundred five of this chapter for the two thousand eighteen--two thousand nineteen school year and thereafter, the commissioner shall certify no payment to a school district, other than payments pursuant to subdivisions six-a, eleven, thirteen and fifteen of section thirty-six hundred two of this part, in excess of the payment computed based on an electronic data file used to produce the school aid computer listing produced by the commissioner in support of the executive budget request submitted for the state fiscal year in which the school year commences.

§ 33. The opening paragraph of section 3609-a of the education law, as amended by section 10 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

For aid payable in the two thousand seven--two thousand eight school year through the two thousand sixteen--two thousand seventeen school year, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment

1 payable during the current school year pursuant to subdivision six-a and
2 subdivision fifteen of section thirty-six hundred two of this part minus
3 any reductions to current year aids pursuant to subdivision seven of
4 section thirty-six hundred four of this part or any deduction from
5 apportionment payable pursuant to this chapter for collection of a
6 school district basic contribution as defined in subdivision eight of
7 section forty-four hundred one of this chapter, less any grants provided
8 pursuant to subparagraph two-a of paragraph b of subdivision four of
9 section ninety-two-c of the state finance law, less any grants provided
10 pursuant to subdivision six of section ninety-seven-nnnn of the state
11 finance law, less any grants provided pursuant to subdivision twelve of
12 section thirty-six hundred forty-one of this article, or (ii) the appor-
13 tionment calculated by the commissioner based on data on file at the
14 time the payment is processed; provided however, that for the purposes
15 of any payments made pursuant to this section prior to the first busi-
16 ness day of June of the current year, moneys apportioned shall not
17 include any aids payable pursuant to subdivisions six and fourteen, if
18 applicable, of section thirty-six hundred two of this part as current
19 year aid for debt service on bond anticipation notes and/or bonds first
20 issued in the current year or any aids payable for full-day kindergarten
21 for the current year pursuant to subdivision nine of section thirty-six
22 hundred two of this part. The definitions of "base year" and "current
23 year" as set forth in subdivision one of section thirty-six hundred two
24 of this part shall apply to this section. ~~For aid payable in the two~~
25 ~~thousand sixteen two thousand seventeen school year, reference to such~~
26 ~~"school aid computer listing for the current year" shall mean the print-~~
27 ~~outs entitled "SA161-7".] For aid payable in the two thousand seven-~~
28 ~~teen--two thousand eighteen school year and thereafter, "moneys appor-~~
29 ~~tioned" shall mean the lesser of: (i) the sum of one hundred percent of~~
30 ~~the respective amount set forth for each school district as payable~~
31 ~~pursuant to this section in the school aid computer listing for the~~
32 ~~current year produced by the commissioner in support of the executive~~
33 ~~budget request which includes the appropriation for the general support~~
34 ~~for public schools for the prescribed payments and individualized~~
35 ~~payments due prior to April first for the current year plus the appor-~~
36 ~~tionment payable during the current school year pursuant to subdivisions~~
37 ~~six-a and fifteen of section thirty-six hundred two of this part minus~~
38 ~~any reductions to current year aids pursuant to subdivision seven of~~
39 ~~section thirty-six hundred four of this part or any deduction from~~
40 ~~apportionment payable pursuant to this chapter for collection of a~~
41 ~~school district basic contribution as defined in subdivision eight of~~
42 ~~section forty-four hundred one of this chapter, less any grants provided~~
43 ~~pursuant to subparagraph two-a of paragraph b of subdivision four of~~
44 ~~section ninety-two-c of the state finance law, less any grants provided~~
45 ~~pursuant to subdivisions six of section ninety-seven-nnnn of the state~~
46 ~~finance law, less any grants provided pursuant to subdivision twelve of~~
47 ~~section thirty-six hundred forty-one of this article, or (ii) the appor-~~
48 ~~tionment calculated by the commissioner based on data on file at the~~
49 ~~time the payment is processed; provided however, that for the purposes~~
50 ~~of any payments made pursuant to this section prior to the first busi-~~
51 ~~ness day of June of the current year, moneys apportioned shall not~~
52 ~~include any aids payable pursuant to subdivisions six and fourteen, if~~
53 ~~applicable, of section thirty-six hundred two of this part as current~~
54 ~~year aid for debt service on bond anticipation notes and/or bonds first~~
55 ~~issued in the current year or any aids payable for full-day kindergarten~~
56 ~~for the current year pursuant to subdivision nine of section thirty-six~~

1 hundred two of this part. For aid payable in the two thousand seven-
2 teen--two thousand eighteen school year, reference to such "school aid
3 computer listing for the current year" shall mean the printouts entitled
4 "BT171-8".

5 § 34. Paragraph b of subdivision 2 of section 3612 of the education
6 law, as amended by section 26 of part A of chapter 54 of the laws of
7 2016, is amended to read as follows:

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

27 § 35. Subdivision 6 of section 4402 of the education law, as amended
28 by section 27 of part A of chapter 54 of the laws of 2016, is amended to
29 read as follows:

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

1 problems at the secondary level and will implement a corrective action
2 plan to increase the rate of attendance of students in such classes to
3 at least the rate for students attending regular education classes in
4 secondary schools of the district. Such corrective action plan shall be
5 submitted for approval by the commissioner by a date during the school
6 year in which such board increases class sizes as provided pursuant to
7 this subdivision to be prescribed by the commissioner. Upon at least
8 thirty days notice to the board of education, after conclusion of the
9 school year in which such board increases class sizes as provided pursu-
10 ant to this subdivision, the commissioner shall be authorized to termi-
11 nate such authorization upon a finding that the board has failed to
12 develop or implement an approved corrective action plan.

13 § 36. The education law is amended by adding a new section 4403-a to
14 read as follows:

15 § 4403-a. Waivers from certain duties. 1. A local school district,
16 approved private school or board of cooperative educational services may
17 submit an application for a waiver from any requirement imposed on such
18 district, school or board of cooperative educational services pursuant
19 to section forty-four hundred two or section forty-four hundred three of
20 this article, and regulations promulgated thereunder, for a specific
21 school year. Such application must be submitted at least sixty days in
22 advance of the proposed date on which the waiver would be effective and
23 shall be in a form prescribed by the commissioner.

24 2. Before submitting an application for a waiver, the local school
25 district, approved private school or board of cooperative educational
26 services shall provide notice of the proposed waiver to the parents or
27 persons in parental relationship to the students that would be impacted
28 by the waiver if granted. Such notice shall be in a form and manner that
29 will ensure that such parents and persons in parental relationship will
30 be aware of all relevant changes that would occur under the waiver, and
31 shall include information on the form, manner and date by which parents
32 may submit written comments on the proposed waiver. The local school
33 district, approved private school, or board of cooperative educational
34 services shall provide at least sixty days for such parents and persons
35 in parental relationship to submit written comments, and shall include
36 in the waiver application submitted to the commissioner pursuant to
37 subdivision one of this section any written comments received from such
38 parents or persons in parental relationship to such students.

39 3. The commissioner may grant a waiver from any requirement imposed on
40 a local school district, approved private school or board of cooperative
41 educational services pursuant to section forty-four hundred two or
42 section forty-four hundred three of this article, upon a finding that
43 such waiver will enable a local school district, approved private school
44 or board of cooperative educational services to implement an innovative
45 special education program that is consistent with applicable federal
46 requirements, and will enhance student achievement and/or opportunities
47 for placement in regular classes and programs. In making such determi-
48 nation, the commissioner shall consider any comments received by the
49 local school district, approved private school or board of cooperative
50 educational services from parents or persons in parental relation to the
51 students that would be directly affected by the waiver if granted.

52 4. Any local school district, approved private school or board of
53 cooperative educational services granted a waiver shall submit an annual
54 report to the commissioner regarding the operation and evaluation of the
55 program no later than thirty days after the end of each school year for
56 which a waiver is granted.

§ 37. Subparagraph (i) of paragraph a of subdivision 10 of section 4410 of the education law is amended by adding a new clause (D) to read as follows:

(D) Notwithstanding any other provision of law, rule or regulation to the contrary, commencing with the two thousand eighteen--two thousand nineteen school year, approved preschool integrated special class programs shall be reimbursed for such services based on an alternative methodology for reimbursement to be established by the commissioner. The alternative methodology, subject to the approval of the director of the budget, shall be proposed by the department no later than October first, two thousand seventeen.

§ 38. Subdivision 1 of section 4452 of the education law, as added by chapter 740 of the laws of 1982, paragraph e as amended by chapter 536 of the laws of 1997, is amended to read as follows:

1. In order to provide for educational programs to meet special needs of gifted pupils, the commissioner is hereby authorized to make recommendations to school districts in accordance with the provisions of this subdivision and section thirty-six hundred two of this chapter.

a. As used in this article, the term "gifted pupils" shall mean those pupils who show evidence of high performance capability and exceptional potential in areas such as general intellectual ability, special academic aptitude and outstanding ability in visual and performing arts. Such definition shall include those pupils who require educational programs or services beyond those normally provided by the regular school program in order to realize their full potential.

b. Prior to payment of state funds for education of gifted pupils, a school district shall submit to the commissioner a summary plan for the identification and education of gifted pupils. The plan shall be in form and content as prescribed by the commissioner.

c. Upon acceptance by a local school district of the apportionments made under section thirty-six hundred two of this chapter such district shall use such funding in accordance with guidelines to be established by the commissioner for services to gifted pupils. Such services shall include but not be limited to identification, instructional programs, planning, inservice education and program evaluation. A board of education may contract with another district or board of cooperative educational services to provide the program and/or services with the approval of the commissioner under guidelines established by the commissioner.

~~d. The identification of pupils for participation in gifted programs funded under this chapter shall commence through the referral of a parent, teacher, or administrator.~~

~~e. Upon referral of a pupil for participation in a gifted program funded under this chapter]~~

d. For any school district offering a gifted program through this chapter, the school district shall so inform the parent or guardian of such [pupil's referral] program and shall seek their approval to administer diagnostic tests or other evaluation mechanisms related to the program objectives of the district in order to determine eligibility for participation in such gifted program. Failing to receive approval, the child shall not be tested, evaluated or participate in the program. In no case shall the parent, guardian or pupil be charged a fee for the administration of such diagnostic tests or other evaluation mechanisms. Provided that, any school district offering a program under this section shall provide the opportunity to administer such diagnostic tests or other evaluation mechanisms for all students in a grade.

1 ~~[f.]~~ e. The parent or guardian of a pupil designated as gifted shall
2 be informed by the local school authorities of the pupil's placement in
3 such gifted program funded under this chapter.

4 § 39. Subparagraph (ii) of paragraph (a) of subdivision 9 of section
5 103 of the general municipal law, as amended by chapter 62 of the laws
6 of 2016, is amended to read as follows:

7 (ii) such association of producers or growers is comprised of owners
8 of farms who also operate such farms and have combined to fill the order
9 of a school district, and where such order is for ~~[twenty-five thousand]~~
10 one hundred thousand dollars or less as herein authorized, provided
11 however, that a school district may apply to the commissioner of educa-
12 tion for permission to purchase orders of more than ~~[twenty-five thou-~~
13 ~~sand]~~ one hundred thousand dollars from an association of owners of such
14 farms when no other producers or growers have offered to sell to such
15 school;

16 § 40. Section 7 of chapter 472 of the laws of 1998, amending the
17 education law relating to the lease of school buses by school districts,
18 as amended by section 18 of part A of chapter 56 of the laws of 2015, is
19 amended to read as follows:

20 § 7. This act shall take effect September 1, 1998, and shall expire
21 and be deemed repealed September 1, ~~[2017]~~ 2019.

22 § 41. Subdivision 6-a of section 140 of chapter 82 of the laws of
23 1995, amending the education law and certain other laws relating to
24 state aid to school districts and the appropriation of funds for the
25 support of government, as amended by section 17-a of part A of chapter
26 57 of the laws of 2012, is amended to read as follows:

27 (6-a) Section seventy-three of this act shall take effect July 1, 1995
28 and shall be deemed repealed June 30, ~~[2017]~~ 2022;

29 § 42. Section 34 of chapter 91 of the laws of 2002 amending the educa-
30 tion law and other laws relating to reorganization of the New York city
31 school construction authority, board of education and community boards,
32 as amended by section 1 of part 0 of chapter 73 of the laws of 2016, is
33 amended to read as follows:

34 § 34. This act shall take effect July 1, 2002; provided, that sections
35 one through twenty, twenty-four, and twenty-six through thirty of this
36 act shall expire and be deemed repealed June 30, ~~[2017]~~ 2020 provided,
37 further, that notwithstanding any provision of article 5 of the general
38 construction law, on June 30, ~~[2017]~~ 2020 the provisions of subdivisions
39 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs
40 b, d, and e of subdivision 15, and subdivisions 17 and 21 of section
41 2554 of the education law as repealed by section three of this act,
42 subdivision 1 of section 2590-b of the education law as repealed by
43 section six of this act, paragraph (a) of subdivision 2 of section
44 2590-b of the education law as repealed by section seven of this act,
45 section 2590-c of the education law as repealed by section eight of this
46 act, paragraph c of subdivision 2 of section 2590-d of the education law
47 as repealed by section twenty-six of this act, subdivision 1 of section
48 2590-e of the education law as repealed by section twenty-seven of this
49 act, subdivision 28 of section 2590-h of the education law as repealed
50 by section twenty-eight of this act, subdivision 30 of section 2590-h of
51 the education law as repealed by section twenty-nine of this act, subdivi-
52 sion 30-a of section 2590-h of the education law as repealed by
53 section thirty of this act shall be revived and be read as such
54 provisions existed in law on the date immediately preceding the effec-
55 tive date of this act; provided, however, that sections seven and eight
56 of this act shall take effect on November 30, 2003; provided further

1 that the amendments to subdivision 25 of section 2554 of the education
2 law made by section two of this act shall be subject to the expiration
3 and reversion of such subdivision pursuant to section 12 of chapter 147
4 of the laws of 2001, as amended, when upon such date the provisions of
5 section four of this act shall take effect.

6 § 43. Subdivision 12 of section 17 of chapter 345 of the laws of 2009
7 amending the education law and other laws relating to the New York city
8 board of education, chancellor, community councils, and community super-
9 intendents, as amended by section 2 of part 0 of chapter 73 of the laws
10 of 2016, is amended to read as follows:

11 12. any provision in sections one, two, three, four, five, six, seven,
12 eight, nine, ten and eleven of this act not otherwise set to expire
13 pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or
14 section 17 of chapter 123 of the laws of 2003, as amended, shall expire
15 and be deemed repealed June 30, ~~[2017]~~ 2020.

16 § 44. Subdivision b of section 2 of chapter 756 of the laws of 1992,
17 relating to funding a program for work force education conducted by the
18 consortium for worker education in New York city, as amended by section
19 28 of part A of chapter 54 of the laws of 2016, is amended to read as
20 follows:

21 b. Reimbursement for programs approved in accordance with subdivision
22 a of this section for ~~[the 2012-2013 school year shall not exceed 62.3~~
23 ~~percent of the lesser of such approvable costs per contact hour or~~
24 ~~twelve dollars and thirty-five cents per contact hour, reimbursement for~~
25 ~~the 2013-2014 school year shall not exceed 62.3 percent of the lesser~~
26 ~~of such approvable costs per contact hour or twelve dollars and sixty-~~
27 ~~five cents per contact hour, reimbursement for the 2014-2015 school~~
28 ~~year shall not exceed 61.6 percent of the lesser of such approvable~~
29 ~~costs per contact hour or thirteen dollars per contact hour, reimburse-~~
30 ~~ment for]~~ the 2015--2016 school year shall not exceed 60.7 percent of
31 the lesser of such approvable costs per contact hour or thirteen dollars
32 and forty cents per contact hour, ~~[and]~~ reimbursement for the 2016--2017
33 school year shall not exceed 60.3 percent of the lesser of such approva-
34 ble costs per contact hour or thirteen dollars ninety cents per contact
35 hour, and reimbursement for the 2017--2018 school year shall not exceed
36 60.4 percent of the lesser of such approvable costs per contact hour or
37 thirteen dollars and ninety cents per contact hour, where a contact hour
38 represents sixty minutes of instruction services provided to an eligible
39 adult. Notwithstanding any other provision of law to the contrary, ~~[for~~
40 ~~the 2012-2013 school year such contact hours shall not exceed one~~
41 ~~million six hundred sixty-four thousand five hundred thirty-two~~
42 ~~(1,664,532) hours; whereas for the 2013-2014 school year such contact~~
43 ~~hours shall not exceed one million six hundred forty-nine thousand seven~~
44 ~~hundred forty-six (1,649,746) hours; whereas for the 2014-2015 school~~
45 ~~year such contact hours shall not exceed one million six hundred twen-~~
46 ~~ty-five thousand (1,625,000) hours; whereas]~~ for the 2015--2016 school
47 year such contact hours shall not exceed one million five hundred nine-
48 ty-nine thousand fifteen (1,599,015) hours; whereas for the 2016--2017
49 school year such contact hours shall not exceed one million five hundred
50 fifty-one thousand three hundred twelve (1,551,312); and for the
51 2017--2018 school year such contact hours shall not exceed one million
52 three hundred seventy thousand six hundred seventy-nine (1,370,679).
53 Notwithstanding any other provision of law to the contrary, the appor-
54 tionment calculated for the city school district of the city of New York
55 pursuant to subdivision 11 of section 3602 of the education law shall be
56 computed as if such contact hours provided by the consortium for worker

1 education, not to exceed the contact hours set forth herein, were eligi-
2 ble for aid in accordance with the provisions of such subdivision 11 of
3 section 3602 of the education law.

4 § 45. Section 4 of chapter 756 of the laws of 1992, relating to fund-
5 ing a program for work force education conducted by the consortium for
6 worker education in New York city, is amended by adding a new subdivi-
7 sion v to read as follows:

8 v. The provisions of this subdivision shall not apply after the
9 completion of payments for the 2017--2018 school year. Notwithstanding
10 any inconsistent provisions of law, the commissioner of education shall
11 withhold a portion of employment preparation education aid due to the
12 city school district of the city of New York to support a portion of the
13 costs of the work force education program. Such moneys shall be credited
14 to the elementary and secondary education fund-local assistance account
15 and shall not exceed eleven million five hundred thousand dollars
16 (\$11,500,000).

17 § 46. Section 6 of chapter 756 of the laws of 1992, relating to fund-
18 ing a program for work force education conducted by the consortium for
19 worker education in New York city, as amended by section 30 of part A of
20 chapter 54 of the laws of 2016, is amended to read as follows:

21 § 6. This act shall take effect July 1, 1992, and shall be deemed
22 repealed on June 30, [2017] 2018.

23 § 47. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws
24 of 1995, amending the education law and certain other laws relating to
25 state aid to school districts and the appropriation of funds for the
26 support of government, as amended by section 33 of part A of chapter 54
27 of the laws of 2016, are amended to read as follows:

28 (22) sections one hundred twelve, one hundred thirteen, one hundred
29 fourteen, one hundred fifteen and one hundred sixteen of this act shall
30 take effect on July 1, 1995; provided, however, that section one hundred
31 thirteen of this act shall remain in full force and effect until July 1,
32 [2017] 2018 at which time it shall be deemed repealed;

33 (24) sections one hundred eighteen through one hundred thirty of this
34 act shall be deemed to have been in full force and effect on and after
35 July 1, 1995; provided further, however, that the amendments made pursu-
36 ant to section one hundred twenty-four of this act shall be deemed to be
37 repealed on and after July 1, [2017] 2018;

38 § 48. Paragraphs a-1 and (b) of section 5 of chapter 89 of the laws of
39 2016 relating to supplementary funding for dedicated programs for public
40 school students in the East Ramapo central school district, are amended
41 to read as follows:

42 (a-1) The East Ramapo central school district shall be eligible to
43 receive reimbursement [~~from such funds made available~~] pursuant to
44 [~~paragraph (a) of~~] this [~~section~~] act, subject to available appropri-
45 ation, for its approved expenditures in the two thousand sixteen--two
46 thousand seventeen school year and thereafter on services to improve and
47 enhance the educational opportunities of students attending the public
48 schools in such district. Such services shall include, but not be limit-
49 ed to, reducing class sizes, expanding academic and enrichment opportu-
50 nities, establishing and expanding kindergarten programs, expanding
51 extracurricular opportunities and providing student support services,
52 provided, however, transportation services and expenses shall not be
53 eligible for reimbursement from such funds.

54 (b) In order to receive such funds, the school district in consulta-
55 tion with the monitor or monitors shall develop a long term strategic
56 academic and fiscal improvement plan within 6 months from the enactment

1 of this act and shall annually revise such plan by October first of each
2 year thereafter. Such plan, including such annual revisions thereto,
3 shall be submitted to the commissioner for approval and shall include a
4 set of goals with appropriate benchmarks and measurable objectives and
5 identify strategies to address areas where improvements are needed in
6 the district, including but not limited to its financial stability,
7 academic opportunities and outcomes, education of students with disabili-
8 ties, education of English language learners, and shall ensure compli-
9 ance with all applicable state and federal laws and regulations. This
10 improvement plan shall also include a comprehensive expenditure plan
11 that will describe how the funds made available to the district pursuant
12 to this section will be spent in the applicable school year. The
13 comprehensive expenditure plan shall ensure that funds supplement, not
14 supplant, expenditures from local, state and federal funds for services
15 provided to public school students, except that such funds may be used
16 to continue services funded pursuant to this act in prior years. Such
17 expenditure plan shall be developed and annually revised in consultation
18 with the monitor or monitors appointed by the commissioner. The board of
19 education of the East Ramapo central school district must annually
20 conduct a public hearing on the expenditure plan and shall consider the
21 input of the community before adopting such plan. Such expenditure plan
22 shall also be made publicly available and shall be annually submitted
23 along with comments made by the community to the commissioner for
24 approval once the plan is finalized. Upon review of the improvement
25 plan and the expenditure plan, required to be submitted pursuant to this
26 subdivision or section seven of this act, the commissioner shall approve
27 or deny such plan in writing and, if denied, shall include the reasons
28 therefor. The district in consultation with the monitors may resubmit
29 such plan or plans with any needed modifications thereto.

30 § 49. Section 8 of chapter 89 of the laws of 2016 relating to supple-
31 mentary funding for dedicated programs for public school students in the
32 East Ramapo central school district, is amended to read as follows:

33 § 8. This act shall take effect July 1, 2016 and shall expire and be
34 deemed repealed June 30, [~~2017~~] 2018.

35 § 50. Section 12 of chapter 147 of the laws of 2001, amending the
36 education law relating to conditional appointment of school district,
37 charter school or BOCES employees, as amended by section 34 of part A of
38 chapter 54 of the laws of 2016, is amended to read as follows:

39 § 12. This act shall take effect on the same date as chapter 180 of
40 the laws of 2000 takes effect, and shall expire July 1, [~~2017~~] 2018 when
41 upon such date the provisions of this act shall be deemed repealed.

42 § 51. School bus driver training. In addition to apportionments other-
43 wise provided by section 3602 of the education law, for aid payable in
44 the 2017--2018 school year, the commissioner of education shall allocate
45 school bus driver training grants to school districts and boards of
46 cooperative educational services pursuant to sections 3650-a, 3650-b and
47 3650-c of the education law, or for contracts directly with not-for-pro-
48 fit educational organizations for the purposes of this section. Such
49 payments shall not exceed four hundred thousand dollars (\$400,000) per
50 school year.

51 § 52. Special apportionment for salary expenses. a. Notwithstanding
52 any other provision of law, upon application to the commissioner of
53 education, not sooner than the first day of the second full business
54 week of June 2018 and not later than the last day of the third full
55 business week of June 2018, a school district eligible for an apportion-
56 ment pursuant to section 3602 of the education law shall be eligible to

1 receive an apportionment pursuant to this section, for the school year
2 ending June 30, 2018, for salary expenses incurred between April 1 and
3 June 30, 2017 and such apportionment shall not exceed the sum of (i) the
4 deficit reduction assessment of 1990--1991 as determined by the commis-
5 sioner of education, pursuant to paragraph f of subdivision 1 of section
6 3602 of the education law, as in effect through June 30, 1993, plus (ii)
7 186 percent of such amount for a city school district in a city with a
8 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
9 such amount for a city school district in a city with a population of
10 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
11 ing to the latest federal census, plus (iv) the net gap elimination
12 adjustment for 2010--2011, as determined by the commissioner of educa-
13 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
14 nation adjustment for 2011--2012 as determined by the commissioner of
15 education pursuant to subdivision 17 of section 3602 of the education
16 law, and provided further that such apportionment shall not exceed such
17 salary expenses. Such application shall be made by a school district,
18 after the board of education or trustees have adopted a resolution to do
19 so and in the case of a city school district in a city with a population
20 in excess of 125,000 inhabitants, with the approval of the mayor of such
21 city.

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

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

53 § 53. Special apportionment for public pension accruals. a. Notwith-
54 standing any other provision of law, upon application to the commis-
55 sioner of education, not later than June 30, 2018, a school district eligi-
56 ble for an apportionment pursuant to section 3602 of the education law

1 shall be eligible to receive an apportionment pursuant to this section,
2 for the school year ending June 30, 2018 and such apportionment shall
3 not exceed the additional accruals required to be made by school
4 districts in the 2004--2005 and 2005--2006 school years associated with
5 changes for such public pension liabilities. The amount of such addi-
6 tional accrual shall be certified to the commissioner of education by
7 the president of the board of education or the trustees or, in the case
8 of a city school district in a city with a population in excess of
9 125,000 inhabitants, the mayor of such city. Such application shall be
10 made by a school district, after the board of education or trustees have
11 adopted a resolution to do so and in the case of a city school district
12 in a city with a population in excess of 125,000 inhabitants, with the
13 approval of the mayor of such city.

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

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

45 § 54. a. Notwithstanding any other law, rule or regulation to the
46 contrary, any moneys appropriated to the state education department may
47 be suballocated to other state departments or agencies, as needed, to
48 accomplish the intent of the specific appropriations contained therein.

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

54 c. Notwithstanding any other law, rule or regulation to the contrary,
55 all moneys appropriated to the state education department for aid to
56 localities shall be available for payment of aid heretofore or hereafter

1 to accrue and may be suballocated to other departments and agencies to
2 accomplish the intent of the specific appropriations contained therein.

3 d. Notwithstanding any other law, rule or regulation to the contrary,
4 moneys appropriated to the state education department for general
5 support for public schools may be interchanged with any other item of
6 appropriation for general support for public schools within the general
7 fund local assistance account office of prekindergarten through grade
8 twelve education programs.

9 § 55. Notwithstanding the provision of any law, rule, or regulation to
10 the contrary, the city school district of the city of Rochester, upon
11 the consent of the board of cooperative educational services of the
12 supervisory district serving its geographic region may purchase from
13 such board for the 2017--2018 school year, as a non-component school
14 district, services required by article 19 of the education law.

15 § 56. The amounts specified in this section shall be set aside from
16 the state funds which each such district is receiving from the total
17 foundation aid: for the purpose of the development, maintenance or
18 expansion of magnet schools or magnet school programs for the 2017--2018
19 school year. To the city school district of the city of New York there
20 shall be paid forty-eight million one hundred seventy-five thousand
21 dollars (\$48,175,000) including five hundred thousand dollars (\$500,000)
22 for the Andrew Jackson High School; to the Buffalo city school district,
23 twenty-one million twenty-five thousand dollars (\$21,025,000); to the
24 Rochester city school district, fifteen million dollars (\$15,000,000);
25 to the Syracuse city school district, thirteen million dollars
26 (\$13,000,000); to the Yonkers city school district, forty-nine million
27 five hundred thousand dollars (\$49,500,000); to the Newburgh city school
28 district, four million six hundred forty-five thousand dollars
29 (\$4,645,000); to the Poughkeepsie city school district, two million four
30 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon
31 city school district, two million dollars (\$2,000,000); to the New
32 Rochelle city school district, one million four hundred ten thousand
33 dollars (\$1,410,000); to the Schenectady city school district, one
34 million eight hundred thousand dollars (\$1,800,000); to the Port Chester
35 city school district, one million one hundred fifty thousand dollars
36 (\$1,150,000); to the White Plains city school district, nine hundred
37 thousand dollars (\$900,000); to the Niagara Falls city school district,
38 six hundred thousand dollars (\$600,000); to the Albany city school
39 district, three million five hundred fifty thousand dollars
40 (\$3,550,000); to the Utica city school district, two million dollars
41 (\$2,000,000); to the Beacon city school district, five hundred sixty-six
42 thousand dollars (\$566,000); to the Middletown city school district,
43 four hundred thousand dollars (\$400,000); to the Freeport union free
44 school district, four hundred thousand dollars (\$400,000); to the Green-
45 burgh central school district, three hundred thousand dollars
46 (\$300,000); to the Amsterdam city school district, eight hundred thou-
47 sand dollars (\$800,000); to the Peekskill city school district, two
48 hundred thousand dollars (\$200,000); and to the Hudson city school
49 district, four hundred thousand dollars (\$400,000). Notwithstanding the
50 provisions of this section, a school district receiving a grant pursuant
51 to this section may use such grant funds for: (i) any instructional or
52 instructional support costs associated with the operation of a magnet
53 school; or (ii) any instructional or instructional support costs associ-
54 ated with implementation of an alternative approach to reduction of
55 racial isolation and/or enhancement of the instructional program and
56 raising of standards in elementary and secondary schools of school

1 districts having substantial concentrations of minority students. The
2 commissioner of education shall not be authorized to withhold magnet
3 grant funds from a school district that used such funds in accordance
4 with this paragraph, notwithstanding any inconsistency with a request
5 for proposals issued by such commissioner. For the purpose of attendance
6 improvement and dropout prevention for the 2017--2018 school year, for
7 any city school district in a city having a population of more than one
8 million, the setaside for attendance improvement and dropout prevention
9 shall equal the amount set aside in the base year. For the 2017--2018
10 school year, it is further provided that any city school district in a
11 city having a population of more than one million shall allocate at
12 least one-third of any increase from base year levels in funds set aside
13 pursuant to the requirements of this subdivision to community-based
14 organizations. Any increase required pursuant to this subdivision to
15 community-based organizations must be in addition to allocations
16 provided to community-based organizations in the base year. For the
17 purpose of teacher support for the 2017--2018 school year: to the city
18 school district of the city of New York, sixty-two million seven hundred
19 seven thousand dollars (\$62,707,000); to the Buffalo city school
20 district, one million seven hundred forty-one thousand dollars
21 (\$1,741,000); to the Rochester city school district, one million seven-
22 ty-six thousand dollars (\$1,076,000); to the Yonkers city school
23 district, one million one hundred forty-seven thousand dollars
24 (\$1,147,000); and to the Syracuse city school district, eight hundred
25 nine thousand dollars (\$809,000). All funds made available to a school
26 district pursuant to this section shall be distributed among teachers
27 including prekindergarten teachers and teachers of adult vocational and
28 academic subjects in accordance with this section and shall be in addi-
29 tion to salaries heretofore or hereafter negotiated or made available;
30 provided, however, that all funds distributed pursuant to this section
31 for the current year shall be deemed to incorporate all funds distrib-
32 uted pursuant to former subdivision 27 of section 3602 of the education
33 law for prior years. In school districts where the teachers are repres-
34 ented by certified or recognized employee organizations, all salary
35 increases funded pursuant to this section shall be determined by sepa-
36 rate collective negotiations conducted pursuant to the provisions and
37 procedures of article 14 of the civil service law, notwithstanding the
38 existence of a negotiated agreement between a school district and a
39 certified or recognized employee organization.

40 § 57. Support of public libraries. The moneys appropriated for the
41 support of public libraries by a chapter of the laws of 2017 enacting
42 the aid to localities budget shall be apportioned for the 2017-2018
43 state fiscal year in accordance with the provisions of sections 271,
44 272, 273, 282, 284, and 285 of the education law as amended by the
45 provisions of this chapter and the provisions of this section, provided
46 that library construction aid pursuant to section 273-a of the education
47 law shall not be payable from the appropriations for the support of
48 public libraries and provided further that no library, library system or
49 program, as defined by the commissioner of education, shall receive less
50 total system or program aid than it received for the year 2001-2002
51 except as a result of a reduction adjustment necessary to conform to the
52 appropriations for support of public libraries. Notwithstanding any
53 other provision of law to the contrary the moneys appropriated for the
54 support of public libraries for the year 2017-2018 by a chapter of the
55 laws of 2017 enacting the education, labor and family assistance budget
56 shall fulfill the state's obligation to provide such aid and, pursuant

1 to a plan developed by the commissioner of education and approved by the
2 director of the budget, the aid payable to libraries and library systems
3 pursuant to such appropriations shall be reduced proportionately to
4 assure that the total amount of aid payable does not exceed the total
5 appropriations for such purpose.

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

17 § 59. This act shall take effect immediately, and shall be deemed to
18 have been in full force and effect on and after April 1, 2017, provided,
19 however, that:

20 1. sections one, three, four, five, five-a, five-b, six, fifteen,
21 sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two,
22 twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty
23 eight, twenty-nine, thirty, thirty-two, thirty-three, thirty-four, thir-
24 ty-five, forty-eight, forty-nine, fifty-one, fifty-five, and fifty-six
25 of this act shall take effect July 1, 2017;

26 2. the amendments to paragraph b-1 of subdivision 4 of section 3602 of
27 the education law made by section twenty-one of this act shall not
28 affect the expiration of such paragraph pursuant to section 13 of part A
29 of chapter 97 of the laws of 2011, as amended, and shall expire there-
30 with;

31 3. the amendments to chapter 756 of the laws of 1992, relating to
32 funding a program for work force education conducted by a consortium for
33 worker education in New York City, made by sections forty-four and
34 forty-five of this act, shall not affect the repeal of such chapter and
35 shall be deemed repealed therewith;

36 4. the amendments to chapter 89 of the laws of 2016, relating to
37 supplementary funding for dedicated programs for public school students
38 in the East Ramapo central school district, made by section forty-eight
39 of this act shall not affect the repeal of such chapter and shall be
40 deemed repealed therewith;

41 5. the amendments to subdivision 33 of section 305 of the education
42 law, made by section seven of this act, shall not affect the repeal of
43 such subdivision and shall be deemed repealed therewith;

44 6. the amendments to subdivision 7 of section 2802 of the education
45 law, made by section eight of this act, shall not affect the repeal of
46 such subdivision and shall be deemed repealed therewith;

47 7. the amendments to subdivision 7 of section 3214 of the education
48 law, made by section nine of this act, shall not affect the repeal of
49 such subdivision and shall be deemed repealed therewith;

50 8. the amendments to paragraph d of subdivision 3 of section 3214 of
51 the education law made by section ten of this act shall be subject to
52 the expiration and reversion of such paragraph pursuant to section 4 of
53 chapter 425 of the laws of 2002, as amended, when upon such date the
54 provisions of section eleven of this act shall take effect; and

9. section forty-seven of this act shall take effect immediately and shall be deemed to have been in full force and effect on and after the effective date of section 140 of chapter 82 of the laws of 1995.

PART B

Section 1. Subdivision 4 of section 1950 of the education law is amended by adding a new paragraph oo to read as follows:

oo. Boards of cooperative educational services may provide a collaborative alternative education program known as a "recovery high school" for students (i) diagnosed with substance use disorder, as defined by the Diagnostic and Statistical Manual of Mental Disorders V, and (ii) who have demonstrated a commitment to recovery. Provided that a recovery high school may be one of two such schools authorized by the commissioner of the office of alcoholism and substance abuse services in conjunction with the commissioner, provided that each recovery high school shall contain the following program elements: (a) a comprehensive four year high school education, (b) a structured plan of recovery for students, (c) a partnership with a local social services agency with expertise in substance use disorder and mental health, and (d) any other program elements pursuant to regulations of the commissioner of alcoholism and substance abuse services.

(1) Program and administrative costs, including capital costs, allocated to component school districts in accordance with a recovery high school program pursuant to this paragraph shall be eligible for BOCES aid as an aidable shared service pursuant to this section and costs allocated to a participating non-component school district pursuant to a memorandum of understanding shall be aidable pursuant to subdivision five of this section to the same extent and on the same basis as costs allocated to a component school district.

(2) The trustees or board of education of a non-component school district, including city school districts of cities in excess of one hundred twenty-five thousand inhabitants, may enter into a memorandum of understanding with a board of cooperative educational services to participate in a recovery high school program for a period not to exceed five years upon such terms as such trustees or board of education and the board of cooperative educational services may mutually agree, provided that such agreement may provide for a charge for administration of the recovery high school program including capital costs, but participating non-component school districts shall not be liable for payment of administrative expenses as defined in paragraph b of this subdivision.

§ 2. Paragraph h of subdivision 4 of section 1950 of the education law is amended by adding a new subparagraph 12 to read as follows:

(12) To enter into contracts with the commissioner of the office of alcoholism and substance abuse services, substance abuse treatment providers, and any other organization for the purpose of operating a recovery high school program. Any such proposed contract shall be subject to the review and approval of the commissioner.

§ 3. This act shall take effect immediately.

PART C

Section 1. Section 3209 of the education law, as amended by chapter 569 of the laws of 1994, paragraphs a and a-1 of subdivision 1 as amended and subdivision 2-a as added by chapter 101 of the laws of 2003,

1 paragraph b of subdivision 3 as amended by section 28 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

2 § 3209. Education of homeless children. 1. Definitions.

3 a. Homeless child. For the purposes of this article, the term "homeless child" shall mean:

4 (1) a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child or youth who is:

5 (i) sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;

6 (ii) living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;

7 (iii) abandoned in hospitals; or

8 (iv) ~~[awaiting foster care placement; or~~

9 ~~(v)]~~ a migratory child, as defined in subsection two of section thirteen hundred nine of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, who qualifies as homeless under any of the provisions of clauses (i) through ~~[(iv)]~~ (iii) of this subparagraph or subparagraph two of this paragraph; ~~[or]~~

10 (v) an unaccompanied youth, as defined in section seven hundred twenty-five of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act; or

11 (2) a child or youth who has a primary nighttime location that is:

12 (i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to article nineteen-H of the executive law; or

13 (ii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train stations or similar setting.

14 a-1. Exception. For the purposes of this article the term "homeless child" shall not include a child in a foster care placement or receiving educational services pursuant to subdivision four, five, six, six-a or seven of section thirty-two hundred two of this ~~[article]~~ part or pursuant to article eighty-one, eighty-five, eighty-seven or eighty-eight of this chapter.

15 b. Designator. The term "designator" shall mean:

16 (1) the parent or the person in parental relation to a homeless child; or

17 (2) the homeless child, if no parent or person in parental relation is available; or

18 (3) the director of a residential program for runaway and homeless youth established pursuant to article nineteen-H of the executive law, in consultation with the homeless child, where such homeless child is living in such program.

19 c. School district of origin. The term "school district of origin" shall mean the school district within the state of New York in which the homeless child was attending a public school or preschool on a tuition-free basis or was entitled to attend when circumstances arose which caused such child to become homeless, which is different from the school district of current location. ~~[Whenever the school district of origin is designated pursuant to subdivision two of this section, the child shall be entitled to return to the school building where previously enrolled.]~~

20 School district of origin shall also mean the school district in the state of New York in which the child was residing when circumstances

1 arose which caused such child to become homeless if such child was
2 eligible to apply, register, or enroll in public preschool or kindergar-
3 ten at the time such child became homeless, or the homeless child has a
4 sibling who attends a school in the school district in which the child
5 was residing when circumstances arose which caused such child to become
6 homeless.

7 d. School district of current location. The term "school district of
8 current location" shall mean the public school district within the state
9 of New York in which the hotel, motel, shelter or other temporary hous-
10 ing arrangement of a homeless child, or the residential program for
11 runaway and homeless youth, is located, which is different from the
12 school district of origin. [~~Whenever the school district of current~~
13 ~~location is designated pursuant to subdivision two of this section, the~~
14 ~~child shall be entitled to attend the school that is zoned for his or~~
15 ~~her temporary location or any school that nonhomeless students who live~~
16 ~~in the same attendance zone in which the homeless child or youth is~~
17 ~~temporarily residing are entitled to attend.~~]

18 e. Regional placement plan. The term "regional placement plan" shall
19 mean a comprehensive regional approach to the provision of educational
20 placements for homeless children which has been approved by the commis-
21 sioner.

22 f. Feeder school. The term "feeder school" shall mean:

23 (1) a preschool whose students are entitled to attend a specified
24 elementary school or group of elementary schools upon completion of that
25 preschool;

26 (2) a school whose students are entitled to attend a specified elemen-
27 tary, middle, intermediate, or high school or group of specified elemen-
28 tary, middle, intermediate, or high schools upon completion of the
29 terminal grade of such school; or

30 (3) a school that sends its students to a receiving school in a neigh-
31 boring school district pursuant to section two thousand forty of this
32 chapter.

33 g. Preschool. The term "preschool" shall mean a publicly funded prek-
34 indergarten program administered by the department or a local educa-
35 tional agency or a Head Start program administered by a local educa-
36 tional agency and/or services under the Individuals with Disabilities
37 Education Act administered by a local educational agency.

38 h. Receiving school. The term "receiving school" shall mean:

39 (1) a school that enrolls students from a specified or group of
40 preschools, elementary schools, middle schools, intermediate schools, or
41 high schools; or

42 (2) a school that enrolls students from a feeder school in a neighbor-
43 ing local educational agency pursuant to section two thousand forty of
44 this chapter.

45 i. School of origin. The term "school of origin" shall mean a public
46 school that a child or youth attended when permanently housed, or the
47 school in which the child or youth was last enrolled, including a
48 preschool or a charter school. Provided that, for a homeless child or
49 youth who completes the final grade level served by the school of
50 origin, the term "school of origin" shall include the designated receiv-
51 ing school at the next grade level for all feeder schools. Where the
52 child is eligible to attend school in the school district of origin
53 because the child becomes homeless after such child is eligible to
54 apply, register, or enroll in the public preschool or kindergarten or
55 the child is living with a school-age sibling who attends school in the
56 school district of origin, the school of origin shall include any public

1 school or preschool in which such child would have been entitled or
2 eligible to attend based on such child's last residence before the
3 circumstances arose which caused such child to become homeless.

4 2. Choice of district and school.

5 a. The designator shall have the right to designate one of the follow-
6 ing as the school district within which the homeless child shall be
7 entitled to attend upon instruction:

8 (1) the school district of current location;

9 (2) the school district of origin; or

10 (3) a school district participating in a regional placement plan.

11 b. The designator shall also have the right to designate one of the
12 following as the school where a homeless child seeks to attend for
13 instruction:

14 (1) the school of origin; or

15 (2) any school that nonhomeless children and youth who live in the
16 attendance area in which the child or youth is actually living are
17 eligible to attend, including a preschool.

18 c. (1) Notwithstanding any other provision of law to the contrary,
19 where the public school district in which a homeless child is temporar-
20 ily housed is the ~~[same school district the child was attending on a~~
21 ~~tuition-free basis or was entitled to attend when circumstances arose~~
22 ~~which caused the child to become homeless]~~ school district of origin,
23 the homeless child shall be entitled to attend the schools of such
24 district without the payment of tuition in accordance with subdivision
25 one of section thirty-two hundred two of this article for the duration
26 of the homelessness and until the end of the school year in which such
27 child becomes permanently housed and for one additional year if that
28 year constitutes the child's terminal year in such building. ~~[Such~~
29 ~~child may choose to remain in the public school building they previously~~
30 ~~attended until the end of the school year and for one additional year if~~
31 ~~that year constitutes the child's terminal year in such building in lieu~~
32 ~~of the school serving the attendance zone in which the temporary housing~~
33 ~~facility is located.]~~

34 (2) Notwithstanding any other provision of law to the contrary, where
35 the ~~[public]~~ school ~~[or school district]~~ district of origin or school of
36 origin that a homeless child was attending on a tuition-free basis or
37 was entitled to attend when circumstances arose which caused the child
38 to become homeless is located ~~[outside the state]~~ in New York state and
39 the homeless child's temporary housing arrangement is located in a
40 contiguous state, the homeless child shall be ~~[deemed a resident of the~~
41 ~~school district in which the hotel, motel, shelter or other temporary~~
42 ~~housing arrangement of the child is currently located and shall be]~~
43 entitled to ~~[attend the schools of such district without payment of~~
44 ~~tuition in accordance with subdivision one of section thirty-two hundred~~
45 ~~two of this article. Such district of residence shall not be considered~~
46 ~~a school district of origin or a school district of current location for~~
47 ~~purposes of this section]~~ attend the school of origin or any school that
48 nonhomeless children and youth who live in the attendance area in which
49 the child or youth is actually living are eligible to attend, including
50 a preschool, subject to a best interest determination pursuant to
51 subparagraph three of paragraph f of this subdivision, for the duration
52 of the homelessness and until the end of the school year in which such
53 child becomes permanently housed and for one additional year if that
54 year constitutes the child's terminal year in such building.

55 (3) Notwithstanding any other provision of law to the contrary, where
56 the child's temporary housing arrangement is located in New York state,

1 the homeless child shall be entitled to attend the school of origin or
2 any school that nonhomeless children and youth who live in the attend-
3 ance area in which the child or youth is actually living are eligible to
4 attend, including a preschool, subject to a best interest determination
5 pursuant to subparagraph three of paragraph f of this subdivision, for
6 the duration of the homelessness and until the end of the school year in
7 which such child becomes permanently housed and for one additional year
8 if that year constitutes the child's terminal year in such building.

9 ~~[e-]~~ d. Notwithstanding the provisions of paragraph a of this subdivi-
10 sion, a homeless child who has designated the school district of current
11 location as the district of attendance and who has relocated to another
12 temporary housing arrangement outside of such district, or to a differ-
13 ent attendance zone or community school district within such district,
14 shall be entitled to continue ~~[the prior designation to enable the~~
15 ~~student to remain]~~ to attend in the same school building or designate
16 any school that nonhomeless children and youth who live in the attend-
17 ance area in which the child or youth is actually living are eligible to
18 attend, including a preschool, subject to a best interest determination
19 in accordance with subparagraph three of paragraph f of this subdivi-
20 sion, for the duration of the homelessness and until the end of the
21 school year in which the child becomes permanently housed and for one
22 additional year if that year constitutes the child's terminal year in
23 such building.

24 ~~[d-]~~ e. Such designation shall be made on forms specified by the
25 commissioner, and shall include the name of the child, the name of the
26 parent or person in parental relation to the child, the name and
27 location of the temporary housing arrangement, the name of the school
28 district of origin, the name of the school district where the child's
29 records are located, the complete address where the family was located
30 at the time circumstances arose which caused such child to become home-
31 less and any other information required by the commissioner. All school
32 districts, temporary housing facilities operated or approved by a local
33 social services district, and residential facilities for runaway and
34 homeless youth shall make such forms available and shall ensure that the
35 completed designation forms are given to the local educational agency
36 liaison for the local educational agency in which the designated school
37 is located in a timeframe prescribed by the commissioner in regulations.
38 Where the homeless child is located in a temporary housing facility
39 operated or approved by a local social services district, or a residen-
40 tial facility for runaway and homeless youth, the director of the facil-
41 ity or a person designated by the social services district, shall, with-
42 in two business days, assist the designator in completing the
43 designation forms and enrolling the homeless child in the designated
44 school district and shall forward the completed designation form to the
45 local educational agency liaison for the local educational agency in
46 which the designated school is located in a timeframe prescribed by the
47 commissioner in regulations.

48 ~~[e-]~~ f. Upon receipt of the designation form, the designated school
49 district shall immediately:

- 50 (1) review the designation form to ensure that it has been completed;
51 (2) admit the homeless child even if the child or youth is unable to
52 produce records normally a requirement for enrollment, such as previous
53 academic records, records of immunization and/or other required health
54 records, proof of residency or other documentation and/or even if the
55 child has missed application or enrollment deadlines during any period
56 of homelessness, if applicable. Provided that nothing herein shall be

1 construed to require the immediate attendance of an enrolled student
2 lawfully excluded from school temporarily pursuant to section nine
3 hundred six of this chapter because of a communicable or infectious
4 disease that imposes a significant risk of infection of others;

5 ~~[(2)]~~ (3) determine whether the designation made by the designator is
6 consistent with the best interests of the homeless child or youth. In
7 determining a homeless child's best interest, a local educational agency
8 shall:

9 (i) presume that keeping the homeless child or youth in the school of
10 origin is in the child's or youth's best interest, except when doing so
11 is contrary to the request of the child's parent or guardian, or in the
12 case of an unaccompanied youth, the youth;

13 (ii) consider student-centered factors, including but not limited to
14 factors related to the impact of mobility on achievement, education, the
15 health and safety of the homeless child, giving priority to the request
16 of the child's or youth's parent or guardian or the youth in the case of
17 an unaccompanied youth;

18 (iii) if after considering student-centered factors and conducting a
19 best interest school placement determination, the local educational
20 agency determines that it is not in the homeless child's best interest
21 to attend the school of origin or the school designated by the designa-
22 tor, the local educational agency must provide a written explanation of
23 the reasons for its determination, in a manner and form understandable
24 to such parent, guardian, or unaccompanied youth. The information must
25 also include information regarding the right to a timely appeal in
26 accordance with regulations of the commissioner. The homeless child or
27 youth must be enrolled in the school in which enrollment is sought by
28 the designator during the pendency of all available appeals;

29 (4) treat the homeless child as a resident for all purposes;

30 ~~[(3)]~~ (5) make a written request to the school district where the
31 child's records are located for a copy of such records; and

32 ~~[(4)]~~ (6) forward the designation form to the [commissioner, and the]
33 school district of origin where applicable.

34 ~~[f-]~~ g. Within five days of receipt of a request for records pursuant
35 to subparagraph [three] five of paragraph [e] f of this subdivision, the
36 school district shall forward, in a manner consistent with state and
37 federal law, a complete copy of the homeless child's records including,
38 but not limited to, proof of age, academic records, evaluations, immuni-
39 zation records, and guardianship papers, if applicable.

40 ~~[g-]~~ h. Where the school of origin is a charter school, the school
41 district designated pursuant to this subdivision shall be deemed to be
42 the school district of residence of such child for purposes of fiscal
43 and programmatic responsibility under article fifty-six of this chapter
44 and shall be responsible for transportation of the homeless child if a
45 social services district is not otherwise responsible pursuant to subdi-
46 vision four of this section.

47 i. The commissioner shall promulgate regulations setting forth the
48 circumstances pursuant to which a change in designation may be made and
49 establishing a procedure for the identification of the school district
50 of origin.

51 2-a. Notwithstanding any other provision of law to the contrary, each
52 local educational agency, as such term is defined in subsection twenty-
53 six of section ninety-one hundred one of the Elementary and Secondary
54 Education Act of 1965, as amended by the Every Student Succeeds Act of
55 2015, shall designate a local educational agency liaison for homeless
56 children and youths and shall, consistent with the provisions of this

1 section, otherwise comply with the applicable requirements of paragraphs
2 three through seven of subsection (g) of section seven hundred twenty-
3 two of subtitle B of title VII of the McKinney-Vento Assistance Act.

4 3. Reimbursement.

5 a. Where either the school district of current location or a school
6 district participating in a regional placement plan is designated as the
7 district in which the homeless child shall attend upon instruction and
8 such homeless child's school district of origin is within New York
9 state, the school district providing instruction, including preschool
10 instruction, shall be eligible for reimbursement by the department, as
11 approved by the commissioner, for the direct cost of educational
12 services, not otherwise reimbursed under special federal programs,
13 calculated pursuant to regulations of the commissioner for the period of
14 time for which such services are provided. The claim for such reimburse-
15 ment shall be in a form prescribed by the commissioner. The educational
16 costs for such children shall not be otherwise aidable or reimbursable.

17 b. The school district of origin shall reimburse the department for
18 its expenditure for educational services on behalf of a homeless child
19 pursuant to paragraph a of this subdivision in an amount equal to the
20 school district basic contribution, as such term is defined in subdivi-
21 sion eight of section forty-four hundred one of this chapter, pro-rated
22 for the period of time for which such services were provided in the base
23 year by a school district other than the school district of origin. Upon
24 certification by the commissioner, the comptroller shall deduct from any
25 state funds which become due to the school district of origin an amount
26 equal to the reimbursement required to be made by such school district
27 in accordance with this paragraph, and the amount so deducted shall not
28 be included in the operating expense of such district for the purpose of
29 computing the approved operating expense pursuant to paragraph t of
30 subdivision one of section thirty-six hundred two of this chapter.

31 4. Transportation.

32 a. A social services district shall provide for the transportation of
33 each homeless child, including those in preschool and students with
34 disabilities identified pursuant to sections forty-four hundred one and
35 forty-four hundred two of this chapter whose individualized education
36 programs include special transportation services, who is eligible for
37 benefits pursuant to section three hundred fifty-j of the social
38 services law, to and from a temporary housing location in which the
39 child was placed by the social services district and the school attended
40 by such child pursuant to this section, if such temporary housing facil-
41 ity is located outside of the designated school district pursuant to
42 paragraph a of subdivision two of this section. A social services
43 district shall be authorized to contract with a board of education or a
44 board of cooperative educational services for the provision of such
45 transportation. Where the social services district requests that the
46 designated school district of attendance provide or arrange for trans-
47 portation for a homeless child eligible for transportation pursuant to
48 this paragraph, the designated school district of attendance shall
49 provide or arrange for the transportation and the social services
50 district shall fully and promptly reimburse the designated school
51 district of attendance for the cost as determined by the designated
52 school district. This paragraph shall apply to placements made by a
53 social services district without regard to whether a payment is made by
54 the district to the operator of the temporary housing facility.

55 b. ~~[The division for youth, to the extent funds are provided for such~~
56 ~~purpose, as determined by the director of the budget,]~~ The designated

1 school district of attendance shall provide for the transportation of
2 each homeless child who is living in a residential program for runaway
3 and homeless youth established pursuant to article nineteen-H of the
4 executive law, to and from such residential program, and the school
5 attended by such child pursuant to this section, if such temporary hous-
6 ing location is located outside the designated school district. The
7 ~~[division for youth or the director of a residential program for runaway~~
8 ~~and homeless youth]~~ designated district of attendance shall be author-
9 ized to contract with ~~[a school district or]~~ a board of cooperative
10 educational services or a residential program for runaway and homeless
11 youth for the provision of such transportation. The department shall
12 reimburse the designated school district of attendance for the cost of
13 transporting such child to and from the residential program and the
14 school attended by such child to the extent funds are provided for such
15 purpose, as determined by the director of the budget.

16 c. Notwithstanding any other provision of law, any homeless child not
17 entitled to receive transportation pursuant to ~~[paragraph]~~ paragraphs a
18 and b of this subdivision who requires transportation in order to attend
19 a school ~~[district]~~ of origin designated pursuant to ~~[paragraph a of]~~
20 subdivision two of this section ~~[outside of the district in which such~~
21 ~~child is housed]~~, shall be entitled to receive such transportation
22 pursuant to this paragraph. ~~[If the]~~ The designated ~~[school district~~
23 ~~pursuant to paragraph a of subdivision two of this section is the school~~
24 ~~district of origin or a school district participating in a regional~~
25 ~~placement plan, such]~~ school district of attendance shall provide trans-
26 portation to and from the child's temporary housing location and the
27 school ~~[the child legally attends]~~ of origin. Such transportation shall
28 not be in excess of fifty miles each way except where the commissioner
29 certifies that transportation in excess of fifty miles is in the best
30 interest of the child. Any cost incurred for such transportation that is
31 allowable pursuant to the applicable provision of parts two and three of
32 article seventy-three of this chapter or herein, shall be aidable pursu-
33 ant to subdivision seven of section thirty-six hundred two of this chap-
34 ter, provided that the approved transportation expense shall not exceed
35 an amount determined by the commissioner to be the total cost for
36 providing the most cost-effective mode of such transportation in a
37 manner consistent with commissioner's regulations. The commissioner
38 shall promulgate regulations setting forth the circumstances pursuant to
39 which parent accompaniment for transportation may be reimbursable,
40 including but not limited to: the age of the child; the distance of the
41 transportation; the cost-effectiveness of the transportation; and wheth-
42 er the child has a handicapping condition.

43 d. Notwithstanding any other provision of law, where a homeless child
44 designates the school district of current location as the district the
45 child will attend and such child does not attend the school of origin,
46 such school district shall provide transportation to such child on the
47 same basis as a resident student.

48 e. ~~[Notwithstanding any other provision of law, if a homeless child~~
49 ~~chooses to remain in the public school building the child previously~~
50 ~~attended pursuant to subparagraph one of paragraph b of subdivision two~~
51 ~~of this section or paragraph c of subdivision two of this section the~~
52 ~~school district shall provide transportation to and from the child's~~
53 ~~temporary housing location and the school the child legally attends if~~
54 ~~such temporary housing is located in a different attendance zone or~~
55 ~~community school district within such district. The cost of such trans-~~
56 ~~portation shall be reimbursed in accordance with the provisions of para-~~

~~graph c of this subdivision.]~~ Where the designated school district of attendance has recommended that the homeless child attend a summer educational program and the lack of transportation poses a barrier to such child's participation in the summer educational program, the designated school district of attendance shall provide transportation.

f. The designated school district of attendance, or the social services district if such child is eligible for transportation from the social services district pursuant to paragraph a of this subdivision, shall provide or arrange for transportation to extracurricular or academic activities where:

(1) the homeless child participates in or would like to participate in an extracurricular or academic activity, including an after-school activity, at the school;

(2) the homeless child meets the relevant eligibility criteria for the activity; and

(3) the lack of transportation poses a barrier to such child's participation in the activity.

g. Where the homeless child is temporarily living in a contiguous state and has designated a school of origin located in the state of New York, the designated school district in New York state shall collaborate with the local educational agency in which such child is temporarily living to arrange for transportation in accordance with section 722(g)(1)(J)(iii)(II) of the McKinney-Vento Homeless Assistance Act.

h. Where the homeless child is temporarily living in New York state and continues to attend a school of origin located in a contiguous state, the school district of current location shall coordinate with the local educational agency where such child is attending school to arrange for transportation in accordance with section 722(g)(1)(J)(iii)(II) of the McKinney-Vento Homeless Assistance Act.

i. Transportation as described in this subdivision must be provided to the homeless child by the designated school district of attendance or the social services district for the duration of homelessness. The designated district of attendance must transport the child for the remainder of the school year in which the child becomes permanently housed and one additional year if that year constitutes the child's terminal year in the designated school. Such transportation shall not be in excess of fifty miles each way except where the commissioner certifies that transportation in excess of fifty miles is in the best interest of the child. The designated school district of attendance shall be entitled to reimbursement from the current school district in which the child becomes permanently housed for any cost incurred for transportation for the remainder of the school year after the child becomes permanently housed and one additional year if that year constitutes the child's terminal year in the designated school.

5. Each school district shall:

a. establish procedures, in accordance with 42 U.S.C. section 11432(g)(3)(E), for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth, including, but not limited to, disputes regarding transportation and/or a child's or youth's status as a homeless child or unaccompanied youth;

b. provide a written explanation, including a statement regarding the right to appeal pursuant to 42 U.S.C. section 11432(g)(3)(E)(ii), the name, post office address and telephone number of the local educational agency liaison and the form petition for commencing an appeal to the commissioner pursuant to section three hundred ten of this chapter of a final determination regarding enrollment, school selection and/or trans-

1 portation, to the homeless child's or youth's parent or guardian, if the
2 school district declines to either enroll and/or transport such child or
3 youth to the school of origin or a school requested by the parent or
4 guardian; and

5 c. shall immediately enroll the child or youth in the school in which
6 enrollment is sought pending final resolution of the dispute over the
7 school district's final determination of the child's or youth's homeless
8 status, including all available appeals within the local educational
9 agency and the commissioner pursuant to the provisions of section three
10 hundred ten of this chapter.

11 6. a. By January thirty-first, nineteen hundred ninety-five, the
12 commissioner, the commissioner of [~~social services, and the director of~~
13 ~~the division for youth~~] the office of temporary and disability assist-
14 ance and the commissioner of the office of children and family services
15 shall develop a plan to ensure coordination and access to education for
16 homeless children and shall annually review such plan.

17 b. The commissioner shall periodically monitor local school districts
18 to ensure their compliance with the provisions of this article, and that
19 such districts review and revise any local regulations, policies, or
20 practices that may act as barriers to the enrollment or attendance of
21 homeless children in school or their receipt of comparable services as
22 defined in Part B of Title VII of the Federal Stewart B. McKinney Act.

23 c. School districts shall periodically report such information to the
24 commissioner as he or she may require to carry out the purposes of this
25 section.

26 [~~6-~~] 7. Public welfare officials, except as otherwise provided by law,
27 shall furnish indigent children with suitable clothing, shoes, books,
28 food, transportation and other necessities to enable them to attend upon
29 instruction as required by law. Upon demonstration of need, such neces-
30 saries shall also include transportation of indigent children for the
31 purposes of evaluations pursuant to section forty-four hundred ten of
32 this chapter and title II-A of article twenty-five of the public health
33 law.

34 [~~7-~~] 8. Information about a homeless child's or youth's living situ-
35 ation shall be treated as a student educational record, and shall not be
36 deemed to be directory information, under the McKinney-Vento Homeless
37 Assistance Act, as amended by the Every Student Succeeds Act of 2015.

38 9. Each homeless child to be assisted under this section shall be
39 provided services comparable to services offered to other students in
40 the school selected under this section, including the following: trans-
41 portation services; educational services for which the child or youth
42 meets the eligibility criteria, such as services provided under Title I
43 of the Elementary and Secondary Education Act of 1965 or similar state
44 or local programs; educational programs for children with disabilities;
45 educational programs for English learners; programs in career and tech-
46 nical education; programs for gifted and talented students; and school
47 nutrition programs.

48 10. The commissioner may promulgate regulations to carry out the
49 purposes of this section.

50 § 2. Paragraph a of subdivision 1 of section 3209 of the education
51 law, as added by chapter 569 of the laws of 1994, is amended to read as
52 follows:

53 a. Homeless child. For the purposes of this article, the term "home-
54 less child" shall mean:

55 (1) a child who lacks a fixed, regular, and adequate nighttime resi-
56 dence, including a child or youth who is:

1 (i) sharing the housing of other persons due to a loss of housing,
2 economic hardship or a similar reason;

3 (ii) living in motels, hotels, trailer parks or camping grounds due to
4 the lack of alternative adequate accommodations;

5 (iii) abandoned in hospitals;

6 (iv) a migratory child, as defined in subsection two of section thir-
7 teen hundred nine of the Elementary and Secondary Education Act of 1965,
8 as amended by the Every Student Succeeds Act of 2015, who qualifies as
9 homeless under any of the provisions of clauses (i) through (iii) of
10 this subparagraph or subparagraph two of this paragraph; or

11 (v) an unaccompanied youth, as defined in section seven hundred twen-
12 ty-five of subtitle B of title VII of the McKinney-Vento Homeless
13 Assistance Act; or

14 (2) a child who has a primary nighttime location that is:

15 (i) a supervised publicly or privately operated shelter designed to
16 provide temporary living accommodations including, but not limited to,
17 shelters operated or approved by the state or local department of social
18 services, and residential programs for runaway and homeless youth estab-
19 lished pursuant to article nineteen-H of the executive law; or

20 (ii) a public or private place not designed for, or ordinarily used
21 as, a regular sleeping accommodation for human beings, including a child
22 or youth who is living in a car, park, public space, abandoned building,
23 substandard housing, bus or train stations or similar setting.

24 (3) the term "homeless child" shall not include a child in foster care
25 placement or receiving educational services pursuant to subdivision
26 four, five, six, six-a or seven of section thirty-two hundred two of
27 this article or pursuant to article eighty-one, eighty-five, eighty-sev-
28 en or eighty-eight of this chapter.

29 § 3. This act shall take effect immediately; provided, however, that:

30 (a) the amendments to paragraph a of subdivision 1 of section 3209 of
31 the education law made by section one of this act shall be subject to
32 the expiration and reversion of such paragraph pursuant to section 5 of
33 chapter 101 of the laws of 2003, as amended, when upon such date the
34 provisions of section two of this act shall take effect;

35 (b) the amendments to paragraph a-1 of subdivision 1 of section 3209
36 of the education law made by section one of this act shall not affect
37 the expiration of such paragraph and shall be deemed to expire there-
38 with; and

39 (c) the amendments to subdivision 2-a of section 3209 of the education
40 law made by section one of this act shall not affect the repeal of such
41 subdivision and shall be deemed repealed therewith.

42 PART D

43 Section 1. The education law is amended by adding a new section 669-h
44 to read as follows:

45 § 669-h. Excelsior scholarship. 1. Eligibility. An excelsior scholar-
46 ship award shall be made to an applicant who: (a) is matriculated in an
47 approved program leading to an undergraduate degree at a New York state
48 public institution of higher education; (b) if enrolled in (i) a public
49 institution of higher education prior to application, has completed at
50 least fifteen combined credits per term, or its equivalent, applicable
51 to his or her program or programs of study or (ii) an institution of
52 higher education prior to application, has completed at least fifteen
53 combined credits per term, or its equivalent, applicable to his or her
54 program or programs of study and which were accepted upon transfer to a

1 public institution of higher education; (c) enrolls in and completes at
2 least fifteen combined credits per term, or its equivalent, applicable
3 to his or her program or programs of study except in limited circum-
4 stances as prescribed by the corporation in regulation. Notwithstanding,
5 in the student's last semester, the student may take at least one course
6 needed to meet his or her graduation requirements and enroll in and
7 complete at least fifteen credit hours or its equivalent; (d) has an
8 adjusted gross income, as defined in this subdivision, equal to or less
9 than: (i) one hundred thousand dollars for recipients receiving an award
10 in the two thousand seventeen--two thousand eighteen academic year; (ii)
11 one hundred ten thousand dollars for recipients receiving an award in
12 the two thousand eighteen--two thousand nineteen academic year; and
13 (iii) one hundred twenty-five thousand dollars for recipients receiving
14 an award in the two thousand nineteen--two thousand twenty academic year
15 and thereafter; and (e) complies with the applicable provisions of this
16 article and all requirements promulgated by the corporation for the
17 administration of the program. Adjusted gross income shall be the total
18 of the combined adjusted gross income of the applicant and the appli-
19 cant's parents or the applicant and the applicant's spouse, if married,
20 as reported on the federal income tax return, or as otherwise obtained
21 by the corporation, for the calendar year coinciding with the tax year
22 established by the U.S. department of education to qualify applicants
23 for federal student financial aid programs authorized by Title IV of the
24 Higher Education Act of nineteen hundred sixty-five, as amended, for the
25 school year in which application for assistance is made.

26 2. Amount. Awards shall be granted beginning with the two thousand
27 seventeen--two thousand eighteen academic year and thereafter to appli-
28 cants that the corporation has determined are eligible to receive such
29 awards. The corporation shall grant such awards in the amount equal to
30 the amount of undergraduate tuition for residents of New York state
31 charged by the state university of New York or actual tuition, whichever
32 is less; provided, however, (a) a student who receives educational
33 grants and/or scholarships that cover the student's full cost of attend-
34 ance shall not be eligible for an award under this program; and (b) an
35 award under this program shall be applied to tuition after the applica-
36 tion of payments received under the tuition assistance program pursuant
37 to section six hundred sixty-seven of this subpart, tuition credits
38 pursuant to section six hundred eighty-nine-a of this article, federal
39 Pell grant pursuant to section one thousand seventy of title twenty of
40 the United States code, et. seq., and any other program that covers the
41 cost of attendance, and the award under this program shall be reduced in
42 the amount equal to such payments, provided that the combined benefits
43 do not exceed the student's full cost of tuition. Upon notification of
44 an award under this program, the institution shall defer the amount of
45 tuition. Notwithstanding paragraph h of subdivision two of section
46 three hundred fifty-five and paragraph (a) of subdivision seven of
47 section six thousand two hundred six of this chapter, and any other law,
48 rule or regulation to the contrary, the undergraduate tuition charged by
49 the institution to recipients of an award shall not exceed the tuition
50 rate established by the institution for the two thousand sixteen--two
51 thousand seventeen academic year.

52 3. Duration. An eligible recipient shall not receive an award for more
53 than four academic years of full-time undergraduate study or five
54 academic years if the program of study normally requires five years. An
55 eligible recipient enrolled in an eligible two year program of study
56 shall not receive an award for more than two academic years. Notwith-

1 standing, such duration may be extended for an allowable interruption of
2 study.

3 4. Conditions. (a) An applicant who would be eligible for a New York
4 state tuition assistance program award pursuant to section six hundred
5 sixty-seven of this subpart and/or a federal Pell grant pursuant to
6 section one thousand seventy of title twenty of the United States code,
7 et. seq., is required to apply for each such award.

8 (b) An applicant who has earned a bachelor's degree is ineligible to
9 receive an award pursuant to this section.

10 (c) An applicant who has earned an associate's degree is ineligible to
11 receive an award for a two year program of study pursuant to this
12 section.

13 (d) Notwithstanding paragraph c of subdivision four of section six
14 hundred sixty-one of this part, a school shall certify that a recipient
15 has achieved the minimum grade point average necessary for successful
16 completion of his or her coursework to receive payment under the award.

17 5. The corporation is authorized to promulgate rules and regulations,
18 and may promulgate emergency regulations, necessary for the implementa-
19 tion of the provisions of this section.

20 § 2. This act shall take effect immediately.

21 PART E

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

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

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

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

40 (ii) An applicant who is not a legal resident of the state eligible
41 pursuant to subparagraph (i) of this paragraph, but is a United States
42 citizen, an alien lawfully admitted for permanent residence in the
43 United States, an individual of a class of refugees paroled by the
44 attorney general of the United States under his or her parole authority
45 pertaining to the admission of aliens to the United States, or an appli-
46 cant without lawful immigration status shall be eligible for an award at
47 the undergraduate level of study provided that the student:

48 (a) attended a registered New York state high school for two or more
49 years, graduated from a registered New York state high school, lived
50 continuously in New York state while attending an approved New York
51 state high school, applied for attendance at the institution of higher
52 education for the undergraduate study for which an award is sought, and
53 attended within five years of receiving a New York state high school
54 diploma; or

1 (b) attended an approved New York state program for a state high
2 school equivalency diploma, lived continuously in New York state while
3 attending an approved New York state program for a general equivalency
4 diploma, received a state high school equivalency diploma, subsequently
5 applied for attendance at the institution of higher education for the
6 undergraduate study for which an award is sought, earned admission based
7 on that general equivalency diploma, and attended the institution of
8 higher education for the undergraduate study for which an award is
9 sought within five years of receiving a state high school equivalency
10 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 subdivi-
16 vision seven of section six thousand 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 § 4. Paragraph b of subdivision 5 of section 661 of the education law,
23 as amended by chapter 466 of the laws of 1977, is amended to read as
24 follows:

25 b. ~~[An]~~ (i) Except as otherwise provided in subparagraph (ii) of this
26 paragraph, an applicant for an award at the graduate level of study must
27 either ~~[(i)]~~ (a) have been a legal resident of the state for at least
28 one year immediately preceding the beginning of the semester, quarter or
29 term of attendance for which application for assistance is made, or
30 ~~[(ii)]~~ (b) be a legal resident of the state and have been a legal resi-
31 dent during his or her last academic year of undergraduate study and
32 have continued to be a legal resident until matriculation in the gradu-
33 ate program.

34 (ii) An applicant who is not a legal resident of the state eligible
35 pursuant to subparagraph (i) of this paragraph, but is a United States
36 citizen, an alien lawfully admitted for permanent residence in the
37 United States, an individual of a class of refugees paroled by the
38 attorney general of the United States under his or her parole authority
39 pertaining to the admission of aliens to the United States, or an appli-
40 cant without lawful immigration status shall be eligible for an award at
41 the graduate level of study provided that the student:

42 (a) attended a registered New York state high school for two or more
43 years, graduated from a registered New York state high school, lived
44 continuously in New York state while attending an approved New York
45 state high school, applied for attendance at the institution of higher
46 education for the graduate study for which an award is sought, and
47 attended within ten years of receiving a New York state high school
48 diploma; or

49 (b) attended an approved New York state program for a state high
50 school equivalency diploma, lived continuously in New York state while
51 attending an approved New York state program for a general equivalency
52 diploma, received a state high school equivalency diploma, subsequently
53 applied for attendance at the institution of higher education for the
54 graduate study for which an award is sought, and attended the institu-
55 tion of higher education for the graduate study for which an award is

1 sought within ten years of receiving a state high school equivalency
2 diploma; or

3 (c) is otherwise eligible for the payment of tuition and fees at a
4 rate no greater than that imposed for resident students of the state
5 university of New York, the city university of New York or community
6 colleges as prescribed in subparagraph eight of paragraph h of subdivi-
7 sion two of section three hundred fifty-five or paragraph (a) of subdivi-
8 vision seven of section six thousand two hundred six of this chapter.

9 Provided, further, that a student without lawful immigration status
10 shall also be required to file an affidavit with such institution of
11 higher education stating that the student has filed an application to
12 legalize his or her immigration status, or will file such an application
13 as soon as he or she is eligible to do so.

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

17 d. If an applicant for an award allocated on a geographic basis has
18 more than one residence in this state, his or her residence for the
19 purpose of this article shall be his or her place of actual residence
20 during the major part of the year while attending school, as determined
21 by the commissioner; and further provided that an applicant who does not
22 have a residence in this state and is eligible for an award pursuant to
23 subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of
24 this subdivision shall be deemed to reside in the geographic area of the
25 institution of higher education in which he or she attends for purposes
26 of an award allocated on a geographic basis.

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

30 e. Notwithstanding any other provision of this article to the contra-
31 ry, the New York state ~~[residency]~~ eligibility ~~[requirement]~~ require-
32 ments for receipt of awards ~~[is]~~ set forth in paragraphs a and b of this
33 subdivision are waived for a member, or the spouse or dependent of a
34 member, of the armed forces of the United States on full-time active
35 duty and stationed in this state.

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

39 (i) attended an approved New York high school for two or more years,
40 graduated from an approved New York high school, lived continuously in
41 New York state while attending an approved New York high school, and
42 applied for attendance ~~[at]~~ and attended an institution or educational
43 unit of the state university within five years of receiving a New York
44 state high school diploma; or

45 (ii) attended an approved New York state program for general equiv-
46 alency diploma exam preparation, received a general equivalency diploma
47 issued within New York state, lived continuously in New York state while
48 attending an approved New York state program for general equivalency
49 diploma exam preparation, and subsequently applied for attendance ~~[at]~~,
50 earned admission based on that general equivalency diploma, and attended
51 an institution or educational unit of the state university within five
52 years of receiving a general equivalency diploma issued within New York
53 state; or

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

(i) attended an approved New York high school for two or more years, graduated from an approved New York high school, lived continuously in New York state while attending an approved New York high school, and applied for attendance [~~at~~] and attended an institution or educational unit of the city university within five years of receiving a New York state high school diploma; or

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state, lived continuously in New York state while attending an approved New York state program for general equivalency diploma exam preparation, and subsequently applied for attendance [~~at~~], earned admission based on that general equivalency diploma, and attended an institution or educational unit of the city university within five years of receiving a general equivalency diploma issued within New York state; or

§ 8-a. Paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by chapter 327 of the laws of 2002, the opening paragraph as amended by section 4 of chapter 437 of the laws of 2015, is amended to read as follows:

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

(i) attended an approved New York high school for two or more years, graduated from an approved New York high school, lived continuously in New York state while attending an approved New York high school, and applied for attendance [~~at~~] and attended an institution or educational unit of the city university within five years of receiving a New York state high school diploma; or

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state, lived continuously in New York state while

1 attending an approved New York state program for general equivalency
2 diploma exam preparation, and subsequently applied for attendance [~~at~~],
3 earned admission based on that general equivalency diploma, and attended
4 an institution or educational unit of the city university within five
5 years of receiving a general equivalency diploma issued within New York
6 state; or

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

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

30 § 9. Subdivision 5 of section 6301 of the education law, as amended by
31 chapter 327 of the laws of 2002, is amended to read as follows:

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

43 (i) attended an approved New York high school for two or more years,
44 graduated from an approved New York high school, lived continuously in
45 New York state while attending an approved New York high school, and
46 applied for attendance [~~at an institution or educational unit of the~~
47 ~~state university~~] and attended a community college within five years of
48 receiving a New York state high school diploma; or

49 (ii) attended an approved New York state program for general equiv-
50 alency diploma exam preparation, received a general equivalency diploma
51 issued within New York state, lived continuously in New York state while
52 attending an approved New York state program for general equivalency
53 diploma exam preparation, and subsequently applied for attendance [~~at an~~
54 ~~institution or educational unit of the state university~~], earned admis-
55 sion based on that general equivalency diploma, and attended a community

1 college within five years of receiving a general equivalency diploma
2 issued within New York state; or

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

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

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

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

24 d. Any necessary supplemental financial assistance, which may include
25 the cost of books and necessary maintenance for such enrolled students,
26 including students without lawful immigration status provided that the
27 student meets the requirements set forth in subparagraph (ii) of para-
28 graph a or subparagraph (ii) of paragraph b of subdivision five of
29 section six hundred sixty-one of this chapter, as applicable; provided,
30 however, that such supplemental financial assistance shall be furnished
31 pursuant to criteria promulgated by the commissioner with the approval
32 of the director of the budget.

33 § 10-a. Paragraph d of subdivision 3 of section 6451 of the education
34 law, as amended by chapter 494 of the laws of 2016, is amended to read
35 as follows:

36 d. Any necessary supplemental financial assistance, which may include
37 the cost of books and necessary maintenance for such enrolled students,
38 including students without lawful immigration status provided that the
39 student meets the requirements set forth in subparagraph (ii) of para-
40 graph a or subparagraph (ii) of paragraph b of subdivision five of
41 section six hundred sixty-one of this chapter, as applicable; provided,
42 however, that such supplemental financial assistance shall be furnished
43 pursuant to criteria promulgated by the commissioner with the approval
44 of the director of the budget;

45 § 11. Subparagraph (v) of paragraph a of subdivision 4 of section 6452
46 of the education law, as added by chapter 917 of the laws of 1970, is
47 amended to read as follows:

48 (v) Any necessary supplemental financial assistance, which may include
49 the cost of books and necessary maintenance for such students, including
50 students without lawful immigration status provided that the student
51 meets the requirements set forth in subparagraph (ii) of paragraph a or
52 subparagraph (ii) of paragraph b of subdivision five of section six
53 hundred sixty-one of this chapter, as applicable; provided, however,
54 that such supplemental financial assistance shall be furnished pursuant
55 to criteria promulgated by such universities and approved by the regents
56 and the director of the budget.

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

(a) (i) Undergraduate science and technology entry program moneys may be used for tutoring, counseling, remedial and special summer courses, supplemental financial assistance, program administration, and other activities which the commissioner may deem appropriate. To be eligible for undergraduate collegiate science and technology entry program support, a student must be a resident of New York ~~[who is]~~, or meet the requirements of subparagraph (ii) of this paragraph, and must be either economically disadvantaged or from a minority group historically under represented in the scientific, technical, health and health-related professions, and ~~[who demonstrates]~~ must demonstrate interest in and a potential for a professional career if provided special services. Eligible students must be in good academic standing, enrolled full time in an approved, undergraduate level program of study, as defined by the regents.

(ii) An applicant who is not a legal resident of the state eligible pursuant to subparagraph (i) of this paragraph, but is a United States citizen, an alien lawfully admitted for permanent residence in the United States, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of aliens to the United States, or an applicant without lawful immigration status shall be eligible for an award at the undergraduate level of study provided that the student:

(A) attended a registered New York state high school for two or more years, graduated from a registered New York state high school, lived continuously in New York state while attending an approved New York state high school, applied for attendance at the institution of higher education for the undergraduate study for which an award is sought, and attended within five years of receiving a New York state high school diploma; or

(B) attended an approved New York state program for a state high school equivalency diploma, lived continuously in New York state while attending an approved New York state program for a general equivalency diploma, received a state high school equivalency diploma, subsequently applied for attendance at the institution of higher education for the undergraduate study for which an award is sought, earned admission based on that general equivalency diploma, and attended the institution of higher education for the undergraduate study for which an award is sought within five years of receiving a state high school equivalency diploma; or

(C) is otherwise eligible for the payment of tuition and fees at a rate no greater than that imposed for resident students of the state 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 six thousand 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.

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

(a) (i) Graduate science and technology entry program moneys may be used for recruitment, academic enrichment, career planning, supplemental financial assistance, review for licensing examinations, program administration, and other activities which the commissioner may deem appropriate. To be eligible for graduate collegiate science and technology entry program support, a student must be a resident of New York ~~[who is]~~, or meet the requirements of subparagraph (ii) of this paragraph, and must be either economically disadvantaged or from a minority group historically underrepresented in the scientific, technical and health-related professions. Eligible students must be in good academic standing, enrolled full time in an approved graduate level program, as defined by the regents.

(ii) An applicant who is not a legal resident of the state eligible pursuant to subparagraph (i) of this paragraph, but is a United States citizen, an alien lawfully admitted for permanent residence in the United States, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of aliens to the United States, or an applicant without lawful immigration status shall be eligible for an award at the graduate level of study provided that the student:

(A) attended a registered New York state high school for two or more years, graduated from a registered New York state high school, lived continuously in New York state while attending an approved New York state high school, applied for attendance at the institution of higher education for the graduate study for which an award is sought, and attended within ten years of receiving a New York state high school diploma; or

(B) attended an approved New York state program for a state high school equivalency diploma, lived continuously in New York state while attending an approved New York state program for a general equivalency diploma, received a state high school equivalency diploma, subsequently applied for attendance at the institution of higher education for the graduate study for which an award is sought, and attended the institution of higher education for the graduate study for which an award is sought within ten years of receiving a state high school equivalency diploma; or

(C) is otherwise eligible for the payment of tuition and fees at a rate no greater than that imposed for resident students of the state university of New York, the city university of New York or community college 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 six thousand 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.

§ 14. Subparagraph (i) of paragraph a of subdivision 2 of section 695-e of the education law, as amended by chapter 593 of the laws of 2003, is 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 seventeen that amended this subparagraph does not allow for a taxpayer iden-

1 tification number, in which case a taxpayer identification number shall
2 be allowed upon the expiration of the contract;

3 § 15. Subparagraph (iii) of paragraph a of subdivision 2 of section
4 695-e of the education law, as amended by chapter 593 of the laws of
5 2003, is amended to read as follows:

6 (iii) the name, address, and social security number, employer iden-
7 tification number, or individual taxpayer identification number of the
8 designated beneficiary, unless a family tuition account that was in
9 effect prior to the effective date of the chapter of the laws of two
10 thousand seventeen that amended this subparagraph does not allow for a
11 taxpayer identification number, in which case a taxpayer identification
12 number shall be allowed upon the expiration of the contract; and

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

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

29 § 18. This act shall take effect on the ninetieth day after the issu-
30 ance of regulations and the development of an application form by the
31 president of the higher education services corporation or on the nineti-
32 eth day after it shall have become a law, whichever shall be later;
33 provided, however, that:

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

39 b. section ten-a of this act shall take effect on the same date and in
40 the same manner as chapter 494 of the laws of 2016 takes effect; and

41 c. the president of the higher education services corporation shall
42 notify the legislative bill drafting commission upon the occurrence of
43 the issuance of regulations and the development of an application form
44 provided for in this section in order that the commission may maintain
45 an accurate and timely effective data base of the official text of the
46 laws of the state of New York in furtherance of effectuating the
47 provisions of section 44 of the legislative law and section 70-b of the
48 public officers law.

49 PART F

50 Section 1. The opening paragraph of paragraph c of subdivision 3 of
51 section 667 of the education law, as added by chapter 83 of the laws of
52 1995 and as relettered by section 2 of part J of chapter 58 of the laws
53 of 2011, is amended to read as follows:

54 In no [~~even~~] ~~event~~ shall [~~shall~~] any award:

§ 2. Subparagraph (iii) of paragraph c of subdivision 3 of section 667 of the education law, as added by chapter 83 of the laws of 1995 and as relettered by section 2 of part J of chapter 58 of the laws of 2011, is amended and a new subparagraph (iv) is added to read as follows:

(iii) be made when income exceeds the maximum income set forth in this subdivision. The commissioner shall list in his regulations all major state and federal financial aid available to New York state students and identify any forms of aid that are duplicative of the purposes of the tuition assistance program. For the purposes of this subdivision, neither United States war orphan educational benefits nor benefits under the veterans' readjustment act of nineteen hundred sixty-six shall be considered as federal or other educational aid[~~+~~]; or

(iv) be made if the increase in annual tuition and mandatory fees exceeds the three year average of the final higher education price index for the most recently available academic years or five hundred dollars, whichever is greater. Notwithstanding, students who first received an award in the two thousand seventeen--two thousand eighteen academic year and earlier, shall continue to be eligible for an award provided such students satisfy the eligibility requirements.

§ 3. This act shall take effect July 1, 2018.

PART G

Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law, as amended by section 1 of part D of chapter 54 of the laws of 2016, is amended to read as follows:

(4) The trustees shall not impose a differential tuition charge based upon need or income. Except as hereinafter provided, all students enrolled in programs leading to like degrees at state-operated institutions of the state university shall be charged a uniform rate of tuition except for differential tuition rates based on state residency. Provided, however, that the trustees may authorize the presidents of the colleges of technology and the colleges of agriculture and technology to set differing rates of tuition for each of the colleges for students enrolled in degree-granting programs leading to an associate degree and non-degree granting programs so long as such tuition rate does not exceed the tuition rate charged to students who are enrolled in like degree programs or degree-granting undergraduate programs leading to a baccalaureate degree at other state-operated institutions of the state university of New York. Notwithstanding any other provision of this subparagraph, the trustees may authorize the setting of a separate category of tuition rate, that shall be greater than the tuition rate for resident students and less than the tuition rate for non-resident students, only for students enrolled in distance learning courses who are not residents of the state. Except as otherwise authorized in this subparagraph, the trustees shall not adopt changes affecting tuition charges prior to the enactment of the annual budget, provided however that:

(i) Commencing with the two thousand eleven--two thousand twelve academic year and ending in the two thousand fifteen--two thousand sixteen academic year the state university of New York board of trustees shall be empowered to increase the resident undergraduate rate of tuition by not more than three hundred dollars over the resident undergraduate rate of tuition adopted by the board of trustees in the prior academic year, provided however that commencing with the two thousand eleven--two thousand twelve academic year [~~and each year thereafter~~] and

1 ending in the two thousand sixteen--two thousand seventeen academic year
2 if the annual resident undergraduate rate of tuition would exceed five
3 thousand dollars, then a tuition credit for each eligible student, as
4 determined and calculated by the New York state higher education
5 services corporation pursuant to section six hundred eighty-nine-a of
6 this title, shall be applied toward the tuition charged for each semes-
7 ter, quarter or term of study. Tuition for each semester, quarter or
8 term of study shall not be due for any student eligible to receive such
9 tuition credit until the tuition credit is calculated and applied
10 against the tuition charged for the corresponding semester, quarter or
11 term.

12 (ii) Commencing with the two thousand seventeen--two thousand eighteen
13 academic year and ending in the two thousand twenty-one--two thousand
14 twenty-two academic year the state university of New York board of trus-
15 tees shall be empowered to increase the resident undergraduate rate of
16 tuition by not more than two hundred fifty dollars over the resident
17 undergraduate rate of tuition adopted by the board of trustees in the
18 prior academic year, provided, however that if the annual resident
19 undergraduate rate of tuition would exceed five thousand dollars, then a
20 tuition credit for each eligible student, as determined and calculated
21 by the New York state higher education services corporation pursuant to
22 section six hundred eighty-nine-a of this title, shall be applied toward
23 the tuition charged for each semester, quarter or term of study. Tuition
24 for each semester, quarter or term of study shall not be due for any
25 student eligible to receive such tuition credit until the tuition credit
26 is calculated and applied against the tuition charged for the corre-
27 sponding semester, quarter or term. Provided, further that the revenue
28 resulting from an increase in the rate of tuition shall be allocated to
29 each campus pursuant to a plan approved by the board of trustees to
30 support investments in faculty, instruction, initiatives to improve
31 student success and on-time completion and a tuition credit for each
32 eligible student.

33 (iii) On or before November thirtieth, two thousand [~~eleven~~]
34 seventeen, the trustees shall approve and submit to the chairs of the
35 assembly ways and means committee and the senate finance committee and
36 to the director of the budget a master tuition plan setting forth the
37 tuition rates that the trustees propose for resident undergraduate
38 students for the five year period commencing with the two thousand
39 [~~eleven~~] seventeen--two thousand [~~twelve~~] eighteen academic year and
40 ending in the two thousand [~~fifteen~~] twenty-one--two thousand [~~sixteen~~]
41 twenty-two academic year, and shall submit any proposed amendments to
42 such plan by November thirtieth of each subsequent year thereafter
43 through November thirtieth, two thousand [~~fifteen~~] twenty-one, and
44 provided further, that with the approval of the board of trustees, each
45 university center may increase non-resident undergraduate tuition rates
46 each year by not more than ten percent over the tuition rates of the
47 prior academic year for a six year period commencing with the two thou-
48 sand eleven--two thousand twelve academic year and ending in the two
49 thousand sixteen--two thousand seventeen academic year.

50 [~~(iii)~~] (iv) Beginning in state fiscal year two thousand twelve-two
51 thousand thirteen and ending in state fiscal year two thousand fifteen-
52 -two thousand sixteen, the state shall appropriate and make available
53 general fund operating support, including fringe benefits, for the state
54 university in an amount not less than the amount appropriated and made
55 available in the prior state fiscal year; provided, however, that if the
56 governor declares a fiscal emergency, and communicates such emergency to

1 the temporary president of the senate and speaker of the assembly, state
2 support for operating expenses at the state university and city univer-
3 sity may be reduced in a manner proportionate to one another, and the
4 aforementioned provisions shall not apply.

5 ~~[(iv)]~~ (v) For the state university fiscal years commencing two thou-
6 sand eleven--two thousand twelve and ending two thousand fifteen--two
7 thousand sixteen, each university center may set aside a portion of its
8 tuition revenues derived from tuition increases to provide increased
9 financial aid for New York state resident undergraduate students whose
10 net taxable income is eighty thousand dollars or more subject to the
11 approval of a NY-SUNY 2020 proposal by the governor and the chancellor
12 of the state university of New York. Nothing in this paragraph shall be
13 construed as to authorize that students whose net taxable income is
14 eighty thousand dollars or more are eligible for tuition assistance
15 program awards pursuant to section six hundred sixty-seven of this chap-
16 ter.

17 § 2. Paragraph (a) of subdivision 7 of section 6206 of the education
18 law, as amended by section 2 of part D of chapter 54 of the laws of
19 2016, is amended to read as follows:

20 (a) The board of trustees shall establish positions, departments,
21 divisions and faculties; appoint and in accordance with the provisions
22 of law fix salaries of instructional and non-instructional employees
23 therein; establish and conduct courses and curricula; prescribe condi-
24 tions of student admission, attendance and discharge; and shall have the
25 power to determine in its discretion whether tuition shall be charged
26 and to regulate tuition charges, and other instructional and non-in-
27 structional fees and other fees and charges at the educational units of
28 the city university. The trustees shall review any proposed community
29 college tuition increase and the justification for such increase. The
30 justification provided by the community college for such increase shall
31 include a detailed analysis of ongoing operating costs, capital, debt
32 service expenditures, and all revenues. The trustees shall not impose a
33 differential tuition charge based upon need or income. All students
34 enrolled in programs leading to like degrees at the senior colleges
35 shall be charged a uniform rate of tuition, except for differential
36 tuition rates based on state residency. Notwithstanding any other
37 provision of this paragraph, the trustees may authorize the setting of a
38 separate category of tuition rate, that shall be greater than the
39 tuition rate for resident students and less than the tuition rate for
40 non-resident students, only for students enrolled in distance learning
41 courses who are not residents of the state; provided, however, that:

42 (i) Commencing with the two thousand eleven--two thousand twelve
43 academic year and ending in the two thousand fifteen--two thousand
44 sixteen academic year, the city university of New York board of trustees
45 shall be empowered to increase the resident undergraduate rate of
46 tuition by not more than three hundred dollars over the resident under-
47 graduate rate of tuition adopted by the board of trustees in the prior
48 academic year, provided however that commencing with the two thousand
49 eleven--two thousand twelve academic year and ~~[each year thereafter]~~
50 ending with the two thousand sixteen--two thousand seventeen academic
51 year if the annual resident undergraduate rate of tuition would exceed
52 five thousand dollars, then a tuition credit for each eligible student,
53 as determined and calculated by the New York state higher education
54 services corporation pursuant to section six hundred eighty-nine-a of
55 this chapter, shall be applied toward the tuition charged for each
56 semester, quarter or term of study. Tuition for each semester, quarter

1 or term of study shall not be due for any student eligible to receive
2 such tuition credit until the tuition credit is calculated and applied
3 against the tuition charged for the corresponding semester, quarter or
4 term.

5 (ii) Commencing with the two thousand seventeen--two thousand eighteen
6 academic year and ending in the two thousand twenty-one--two thousand
7 twenty-two academic year the city university of New York board of trus-
8 tees shall be empowered to increase the resident undergraduate rate of
9 tuition by not more than two hundred fifty dollars over the resident
10 undergraduate rate of tuition adopted by the board of trustees in the
11 prior academic year, provided however that if the annual resident under-
12 graduate rate of tuition would exceed five thousand dollars, then a
13 tuition credit for each eligible student, as determined and calculated
14 by the New York state higher education services corporation pursuant to
15 section six hundred eighty-nine-a of this title, shall be applied toward
16 the tuition charged for each semester, quarter or term of study. Tuition
17 for each semester, quarter or term of study shall not be due for any
18 student eligible to receive such tuition credit until the tuition credit
19 is calculated and applied against the tuition charged for the corre-
20 sponding semester, quarter or term. Provided, further that the revenue
21 resulting from an increase in the rate of tuition shall be allocated to
22 each campus pursuant to a plan approved by the board of trustees to
23 support investments in faculty, instruction, initiatives to improve
24 student success and on-time completion and a tuition credit for each
25 eligible student.

26 (iii) On or before November thirtieth, two thousand [~~eleven~~]
27 ~~seventeen~~, the trustees shall approve and submit to the chairs of the
28 assembly ways and means committee and the senate finance committee and
29 to the director of the budget a master tuition plan setting forth the
30 tuition rates that the trustees propose for resident undergraduate
31 students for the five year period commencing with the two thousand
32 [~~eleven~~ ~~seventeen~~--two thousand [~~twelve~~ ~~eighteen~~ academic year and
33 ~~ending in the two thousand [~~fifteen~~ ~~twenty-one~~--two thousand [~~sixteen~~~~
34 ~~twenty-two~~ academic year, and shall submit any proposed amendments to
35 such plan by November thirtieth of each subsequent year thereafter
36 through November thirtieth, two thousand [~~fifteen~~ ~~twenty-one~~.

37 [~~(iii)~~] (iv) Beginning in state fiscal year two thousand twelve--two
38 thousand thirteen and ending in state fiscal year two thousand fifteen--
39 two thousand sixteen, the state shall appropriate and make available
40 state support for operating expenses, including fringe benefits, for the
41 city university in an amount not less than the amount appropriated and
42 made available in the prior state fiscal year; provided, however, that
43 if the governor declares a fiscal emergency, and communicates such emer-
44 gency to the temporary president of the senate and speaker of the assem-
45 bly, state support for operating expenses of the state university and
46 city university may be reduced in a manner proportionate to one another,
47 and the aforementioned provisions shall not apply.

48 § 3. Section 359 of the education law is amended by adding a new
49 subdivision 6 to read as follows:

50 6. The state university trustees shall annually report on how the
51 revenue generated has been invested in faculty, instruction, initiatives
52 to improve student success and on-time completion and student financial
53 assistance for the duration of the five year tuition plan. The trustees
54 shall submit the report by September first of each subsequent year.

55 § 4. Section 6206 of the education law is amended by adding a new
56 subdivision 19 to read as follows:

1 19. The city university trustees shall annually report on how the
2 revenue generated has been invested in faculty, instruction, initiatives
3 to improve student success and on-time completion and student financial
4 assistance for the duration of the five year tuition plan. The trustees
5 shall submit the report by September first of each subsequent year.

6 § 5. Section 16 of chapter 260 of the laws of 2011 amending the educa-
7 tion law and the New York state urban development corporation act relat-
8 ing to establishing components of the NY-SUNY 2020 challenge grant
9 program, as amended by section 5 of part D of chapter 54 of the laws of
10 2016, is amended to read as follows:

11 § 16. This act shall take effect July 1, 2011; provided that sections
12 one, two, three, four, five, six, eight, nine, ten, eleven, twelve and
13 thirteen of this act shall expire [6] 11 years after such effective date
14 when upon such date the provisions of this act shall be deemed repealed;
15 and provided further that sections fourteen and fifteen of this act
16 shall expire 5 years after such effective date when upon such date the
17 provisions of this act shall be deemed repealed.

18 § 6. This act shall take effect immediately; provided that the amend-
19 ments to subparagraph 4 of paragraph h of subdivision 2 of section 355
20 of the education law made by section one of this act and the amendments
21 to paragraph (a) of subdivision 7 of section 6206 of the education law
22 made by section two of this act shall not affect the expiration of such
23 provisions and shall be deemed to expire therewith.

24 PART H

25 Section 1. Section 6221 of the education law is amended by adding a
26 new subdivision F to read as follows:

27 F. Foundation contributions to the city university of New York. 1.
28 Notwithstanding any other law, rule or regulation to the contrary,
29 commencing in the two thousand seventeen--two thousand eighteen academic
30 year and each academic year thereafter, the trustees of the city univer-
31 sity of New York shall annually collect from each affiliated nonprofit
32 organization and foundation an amount equal to ten percent of the annual
33 revenue received by each affiliated nonprofit organization or foundation
34 in the previous academic year. The funds collected pursuant to this
35 subdivision shall be utilized to fund tuition assistance initiatives for
36 students in need attending the city university of New York.

37 2. As used within this subdivision "affiliated nonprofit organization
38 or foundation" means an organization or foundation formed under the
39 not-for-profit corporation law or any other entity formed for the bene-
40 fit of or controlled by the city university of New York or its respec-
41 tive universities, colleges, community colleges, campuses or subdivi-
42 sions, including the research foundation of the city university of New
43 York, to assist in meeting the specific needs of, or providing a direct
44 benefit to, the respective university, college, community college,
45 campus or subdivision or the university as a whole, that has control of,
46 manages or receives fifty thousand dollars or more annually, including
47 alumni associations. For the purposes of this subdivision, this term
48 does not include a student-run organization comprised solely of enrolled
49 students and formed for the purpose of advancing a student objective.

50 § 2. This act shall take effect immediately.

51 PART I

1 Section 1. Subdivision (c) of section 609 of the limited liability
2 company law, as added by chapter 537 of the laws of 2014, is amended to
3 read as follows:

4 (c) Notwithstanding the provisions of subdivisions (a) and (b) of this
5 section, the ten members with the largest percentage ownership interest,
6 as determined as of the beginning of the period during which the unpaid
7 services referred to in this section are performed, of every domestic
8 limited liability company and every foreign limited liability company,
9 shall jointly and severally be personally liable for all debts, wages or
10 salaries due and owing to any of its laborers, servants or employees,
11 for services performed by them for such limited liability company.
12 Before such laborer, servant or employee shall charge such member for
13 such services, he or she shall give notice in writing to such member
14 that he or she intends to hold such member liable under this section.
15 Such notice shall be given within one hundred eighty days after termi-
16 nation of such services. An action to enforce such liability shall be
17 commenced within ninety days after the return of an execution unsatis-
18 fied against ~~the~~ such limited liability company upon a judgment recov-
19 ered against it for such services. A member who has paid more than his
20 or her pro rata share under this section shall be entitled to contrib-
21 ution pro rata from the other members liable under this section with
22 respect to the excess so paid, over and above his or her pro rata share,
23 and may sue them jointly or severally or any number of them to recover
24 the amount due from them. Such recovery may be had in a separate action.
25 As used in this subdivision, "pro rata" means in proportion to percent-
26 age ownership interest. Before a member may claim contribution from
27 other members under this section, he or she shall give them notice in
28 writing that he or she intends to hold them so liable to him or her.

29 § 2. Subdivision 1 of section 196 of the labor law is amended by
30 adding a new paragraph f to read as follows:

31 f. When an employer is a corporation or limited liability company,
32 including foreign as well as domestic, the commissioner's duties, powers
33 and authority shall include the following with respect to the ten larg-
34 est shareholders, within the meaning of section six hundred thirty of
35 the business corporation law, or the ten members with the largest
36 percentage ownership interest, within the meaning of section six hundred
37 nine of the limited liability company law, in connection with an assign-
38 ment, investigation, proceeding, order, or judgment under this article,
39 under section two hundred fifteen, or under article eight, eight-A,
40 nine, nineteen, nineteen-A or twenty-five-A of this chapter:

41 (i) to order the employer to identify such shareholders and members
42 and, if the employer shall fail to identify such shareholders within ten
43 days after an order under this subparagraph, to bring an action in the
44 name and on behalf of the people of the state of New York against such
45 employer in the supreme court to compel such employer to identify such
46 shareholders and members and pay a civil penalty of no more than ten
47 thousand dollars;

48 (ii) to serve written notices on such shareholders and members pursu-
49 ant to section six hundred thirty of the business corporation law and
50 section six hundred nine of the limited liability company law, on behalf
51 of laborers, servants or employees, within the time period prescribed by
52 those sections, which time period shall be tolled during the commission-
53 er's investigation; and

54 (iii) to name such shareholders and members in any order or judgement
55 within the scope of this paragraph and to hold such shareholders and
56 members jointly and severally liable for all wages, pay, and compen-

sation, together with interest assessed under this chapter, from the date of any written notice pursuant to subparagraph (ii) of this paragraph, which orders and judgments may be enforced as provided for under this chapter, in lieu of actions commenced under section six hundred thirty of the business corporation law and section six hundred nine of the limited liability company law.

§ 3. This act shall take effect immediately with respect to liabilities owed to laborers, servants or employees whose services had not been terminated more than one hundred eighty days prior to the effective date of this act.

PART J

Section 1. The criminal procedure law is amended by adding a new article 722 to read as follows:

ARTICLE 722

PROCEEDINGS AGAINST JUVENILE OFFENDERS; ESTABLISHMENT OF YOUTH PART AND RELATED PROCEDURES

Section 722.00 Probation case planning and services.

722.10 Youth part of the superior court established.

722.20 Proceedings in a youth part of the superior court.

§ 722.00 Probation case planning and services.

1. Every probation department shall conduct a risk and needs assessment with respect to any juvenile released on recognizance, released under supervision, or posting bail following arraignment by a youth part within its jurisdiction. The court shall order any such juvenile to report within seven calendar days to the probation department for purposes of assessment. The juvenile may, at his or her discretion or at the discretion of their parent or other person legally responsible for the care of the juvenile, be accompanied by counsel during the assessment. Based upon the assessment findings, the probation department shall refer the juvenile to available specialized and evidence-based services to mitigate any risks identified and to address individual needs.

2. Any juvenile undergoing services shall execute appropriate and necessary consent forms, where applicable, to ensure that the probation department may communicate with any service provider and receive progress reports with respect to services offered and/or delivered including, but not limited to, diagnosis, treatment, prognosis, test results, juvenile attendance and information regarding juvenile compliance or noncompliance with program service requirements, if any.

3. Nothing shall preclude the probation department and juvenile from entering into a voluntary written/formal case plan as to terms and conditions to be met, including, but not limited to, reporting to the probation department and other probation department contacts, undergoing alcohol, substance abuse, or mental health testing, participating in specific services, adhering to service program requirements, and school attendance, where applicable. Following the juvenile's successful completion of the conditions of his or her case plan, the court, with the consent of the district attorney may dismiss the indictment or any count thereof in accordance with section 210.40 of this chapter.

4. When preparing a pre-sentence investigation report of any such youth, the probation department shall incorporate a summary of the assessment findings, any referrals and progress with respect to mitigating risk and addressing any identified juvenile needs.

1 5. The probation service shall not transmit or otherwise communicate
2 to the district attorney or the youth part any statement made by the
3 juvenile offender to a probation officer. However, the probation service
4 may make a recommendation regarding the completion of his or her case
5 plan to the youth part and provide such information as it shall deem
6 relevant.

7 6. No statement made to the probation service during the risk and
8 needs assessment or while the juvenile offender is following his or her
9 case plan may be admitted into evidence at a fact- finding hearing at
10 any time prior to a conviction.

11 § 722.10 Youth part of the superior court established.

12 The chief administrator of the courts is hereby directed to establish,
13 in a superior court in each county of the state that exercises criminal
14 jurisdiction, a part of court to be known as the youth part of the supe-
15 rior court for the county in which such court presides. Judges presid-
16 ing in the youth part shall receive training in specialized areas,
17 including, but not limited to, juvenile justice, adolescent development
18 and effective treatment methods for reducing crime commission by adoles-
19 cents. The youth part shall have exclusive jurisdiction of all
20 proceedings in relation to juvenile offenders, except as provided in
21 section 180.75 of this chapter.

22 § 722.20 Proceedings in a youth part of the superior court.

23 1. When a juvenile offender is arraigned before a youth part, the
24 provisions of this section shall apply. If the youth part is not in
25 session, the defendant shall be brought before the most accessible
26 magistrate designated by the appellate division of the supreme court to
27 act as a youth part for the purpose of making a determination whether
28 such juvenile shall be detained. If the defendant is ordered to be
29 detained, he or she shall be brought before the next session of the
30 youth part. If the defendant is not detained, he or she shall be ordered
31 to appear at the next session of the youth part.

32 2. If the defendant waives a hearing upon the felony complaint, the
33 court must order that the defendant be held for the action of the grand
34 jury with respect to the charge or charges contained in the felony
35 complaint.

36 3. If there be a hearing, then at the conclusion of the hearing, the
37 court must dispose of the felony complaint as follows:

38 (a) If there is a reasonable cause to believe that the defendant
39 committed a crime for which a person under the age of seventeen, or
40 commencing January first, two thousand twenty, a person under the age of
41 eighteen is criminally responsible, the court must order that the
42 defendant be held for the action of a grand jury; or

43 (b) If there is not reasonable cause to believe that the defendant
44 committed a crime for which a person under the age of seventeen, or
45 commencing January first, two thousand twenty, a person under the age of
46 eighteen is criminally responsible but there is reasonable cause to
47 believe that the defendant is a "juvenile delinquent" as defined in
48 subdivision one of section 301.2 of the family court act, the court must
49 specify the act or acts it found reasonable cause to believe the defend-
50 ant did and direct that the action be removed to the family court in
51 accordance with the provisions of article seven hundred twenty-five of
52 this title; or

53 (c) If there is not reasonable cause to believe that the defendant
54 committed any criminal act, the court must dismiss the felony complaint
55 and discharge the defendant from custody if he or she is in custody, or
56 if he or she is at liberty on bail, it must exonerate the bail.

1 4. Notwithstanding the provisions of subdivision three of this
2 section, a youth part shall, (a) with the consent of the district attor-
3 ney, order removal of an action against a juvenile offender accused of
4 robbery in the second degree as defined in subdivision two of section
5 160.10 of the penal law and a juvenile offender accused of committing a
6 violent felony offense as defined in section 70.02 of the penal law at
7 age sixteen, or after January first, two thousand twenty, at age sixteen
8 or seventeen, for which a youth age fifteen or younger is not criminally
9 responsible, to the family court pursuant to the provisions of article
10 seven hundred twenty-five of this title if, after consideration of the
11 factors set forth in paragraph (c) of this subdivision, the court deter-
12 mines that to do so would be in the interests of justice. Provided,
13 however, that the court shall find that such removal is not in the
14 interests of justice if the youth played a primary role in commission of
15 the crime or aggravating circumstances, including but not limited to the
16 youth's use of a weapon, are present.

17 (b) at the request of the district attorney, order removal of an
18 action against a juvenile offender, other than an action subject to
19 paragraph (a) of this subdivision, to the family court pursuant to the
20 provisions of article seven hundred twenty-five of this title if, upon
21 consideration of the criteria set forth in paragraph (c) of this subdi-
22 vision, it is determined that to do so would be in the interests of
23 justice. Where, however, the felony complaint charges the juvenile
24 offender charged with murder in the second degree as defined in section
25 125.25 of the penal law; rape in the first degree, as defined in subdi-
26 vision one of section 130.35 of the penal law; criminal sexual act in
27 the first degree, as defined in subdivision one of section 130.50 of the
28 penal law; course of sexual conduct against a child in the first degree
29 as defined in paragraph (a) of subdivision one of section 130.75 of the
30 penal law; predatory sexual assault as defined in section 130.95 of the
31 penal law where the underlying crime is rape in the first degree, as
32 defined in subdivision one of section 130.35 of the penal law or crimi-
33 nal sexual act in the first degree, as defined in subdivision one of
34 section 130.50 of the penal law; or an armed felony as defined in para-
35 graph (a) of subdivision forty-one of section 1.20 of this chapter, a
36 determination that such action be removed to the family court shall, in
37 addition, be based upon a finding of one or more of the following
38 factors: (i) mitigating circumstances that bear directly upon the manner
39 in which the crime was committed; (ii) where the defendant was not the
40 sole participant in the crime, the defendant's participation was rela-
41 tively minor although not so minor as to constitute a defense to the
42 prosecution; or (iii) possible deficiencies in the proof of the crime.

43 (c) In making its determination pursuant to paragraph (a) or (b) of
44 this subdivision the court shall, to the extent applicable, examine
45 individually and collectively, the following:

- 46 (i) the seriousness and circumstances of the offense;
47 (ii) the extent of harm caused by the offense;
48 (iii) the evidence of guilt, whether admissible or inadmissible at
49 trial;
50 (iv) the history, character and condition of the defendant;
51 (v) the purpose and effect of imposing upon the defendant a sentence
52 authorized for the offense;
53 (vi) the impact of a removal of the case to the family court on the
54 safety or welfare of the community;
55 (vii) the impact of a removal of the case to the family court upon the
56 confidence of the public in the criminal justice system;

1 (viii) where the court deems it appropriate, the attitude of the
2 complainant or victim with respect to the motion; and
3 (ix) any other relevant fact indicating that a judgment of conviction
4 in the criminal court would serve no useful purpose.

5 (d) For the purpose of making a determination whether to remove the
6 case to family court pursuant to this subdivision, any evidence which is
7 not legally privileged may be introduced. If the defendant testifies,
8 his or her testimony may not be introduced against him or her in any
9 future proceeding, except to impeach his or her testimony at such future
10 proceeding as inconsistent prior testimony.

11 (e) This section shall not be construed to limit the powers of the
12 grand jury.

13 5. Notwithstanding the provisions of subdivision two, three, or four
14 of this section, if a currently undetermined felony complaint against a
15 juvenile offender is pending in the youth part, and the defendant has
16 not waived a hearing pursuant to subdivision two of this section and a
17 hearing pursuant to subdivision three has not commenced, the defendant
18 may move in the youth part, to remove the action to family court. The
19 procedural rules of subdivisions one and two of section 210.45 of this
20 chapter are applicable to a motion pursuant to this subdivision. Upon
21 such motion, the superior court shall proceed and determine the motion
22 as provided in section 210.43 of this chapter; provided, however, that
23 the exception provisions of paragraph (b) of subdivision one of such
24 section 210.43 shall not apply when there is not reasonable cause to
25 believe that the juvenile offender committed one or more of the crimes
26 enumerated in such paragraph, and in such event the provisions of para-
27 graph (a) of such paragraph shall apply.

28 § 2. The opening paragraph and subdivisions 2 and 3 of section 725.05
29 of the criminal procedure law, as added by chapter 481 of the laws of
30 1978, are amended to read as follows:

31 When a [~~court~~] youth part directs that an action or charge is to be
32 removed to the family court the [~~court~~] youth part must issue an order
33 of removal in accordance with this section. Such order must be as
34 follows:

35 2. Where the direction is authorized pursuant to paragraph (b) of
36 subdivision [~~three~~] two of section [~~180.75~~] 725.20 of this
37 [~~chapter~~] article, it must specify the act or acts it found reasonable
38 cause to believe the defendant did.

39 3. Where the direction is authorized pursuant to subdivision [~~four~~]
40 three of section [~~180.75~~] 722.20 of this [~~chapter~~] title, it must speci-
41 fy the act or acts it found reasonable cause to allege.

42 § 3. Section 725.20 of the criminal procedure law, as added by chapter
43 481 of the laws of 1978, subdivisions 1 and 2 as amended by chapter 411
44 of the laws of 1979, is amended to read as follows:

45 § 725.20 Record of certain actions removed.

46 1. The provisions of this section shall apply in any case where an
47 order of removal to the family court is entered pursuant to a direction
48 authorized by subdivision [~~four~~] three of section [~~180.75~~] 722.20 of
49 this title, [~~or section 210.43,~~] or subparagraph (iii) of paragraph
50 [~~(h)~~] (g) of subdivision five of section 220.10 of this chapter, or
51 section 330.25 of this chapter.

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

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

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

~~(c) Where the direction is authorized by section 180.75, a copy of the portion of the minutes containing the statement by the court pursuant to paragraph (a) of subdivision six of such section 180.75;~~

(d) Where the direction is one authorized by subparagraph (iii) of paragraph ~~(h)~~ (g) of subdivision five of section 220.10 or section 330.25 of this chapter, a copy of the minutes of the plea of guilty, including the minutes of the memorandum submitted by the district attorney and the court;

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

~~(f) Where the direction is one authorized by paragraph (b) of subdivision one of section 210.43 of this chapter, a copy of that portion of the minutes containing the statement of the district attorney made pursuant to paragraph (b) of subdivision five of section 210.43;~~ and

~~[(g)]~~ (c) In addition to the records specified in this subdivision, such further statement or submission of additional information pertaining to the proceeding in criminal court in accordance with standards established by the commissioner of the division of criminal justice services, subject to the provisions of subdivision three of this section.

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

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

COMMENCEMENT OF ACTION IN LOCAL

CRIMINAL COURT OR YOUTH PART OF A SUPERIOR COURT--~~[LOCAL CRIMINAL COURT]~~ ACCUSATORY INSTRUMENTS

§ 5. The first undesignated paragraph of section 100.05 of the criminal procedure law is amended to read as follows:

A criminal action is commenced by the filing of an accusatory instrument with a criminal court, or, in the case of a juvenile offender, the youth part of the superior court, and if more than one such instrument is filed in the course of the same criminal action, such action commences when the first of such instruments is filed. The only way in which a criminal action can be commenced in a superior court, other than a criminal action against a juvenile offender, is by the filing thereof by a grand jury of an indictment against a defendant who has never been held by a local criminal court for the action of such grand jury

1 with respect to any charge contained in such indictment. Otherwise, a
2 criminal action can be commenced only in a local criminal court, by the
3 filing therewith of a local criminal court accusatory instrument, name-
4 ly:

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

7 Local criminal court and youth part of the superior court accusatory
8 instruments; definitions thereof.

9 5. A "felony complaint" is a verified written accusation by a person,
10 filed with a local criminal court, or youth part of the superior court,
11 charging one or more other persons with the commission of one or more
12 felonies. It serves as a basis for the commencement of a criminal
13 action, but not as a basis for prosecution thereof.

14 § 7. The section heading of section 100.40 of the criminal procedure
15 law is amended to read as follows:

16 Local criminal court and youth part of the superior court accusatory
17 instruments; sufficiency on face.

18 § 8. The criminal procedure law is amended by adding a new section
19 100.60 to read as follows:

20 § 100.60 Youth part of the superior court accusatory instruments; in
21 what courts filed.

22 Any youth part of the superior court accusatory instrument may be
23 filed with the youth part of the superior court of a particular county
24 when an offense charged therein was allegedly committed in such county
25 or that part thereof over which such court has jurisdiction.

26 § 9. The article heading of article 110 of the criminal procedure law
27 is amended to read as follows:

28 REQUIRING DEFENDANT'S APPEARANCE
29 IN LOCAL CRIMINAL COURT OR YOUTH PART OF SUPERIOR COURT
30 FOR ARRAIGNMENT

31 § 10. Section 110.10 of the criminal procedure law is amended to read
32 as follows:

33 § 110.10 Methods of requiring defendant's appearance in local criminal
34 court or youth part of the superior court for arraignment;
35 in general.

36 1. After a criminal action has been commenced in a local criminal
37 court or youth part of the superior court by the filing of an accusatory
38 instrument therewith, a defendant who has not been arraigned in the
39 action and has not come under the control of the court may under certain
40 circumstances be compelled or required to appear for arraignment upon
41 such accusatory instrument by:

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

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

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

50 2. Although no criminal action against a person has been commenced in
51 any court, he may under certain circumstances be compelled or required
52 to appear in a local criminal court or youth part of a superior court
53 for arraignment upon an accusatory instrument to be filed therewith at
54 or before the time of his appearance by:

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

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

3 § 11. Section 110.20 of the criminal procedure law, as amended by
4 chapter 843 of the laws of 1980, is amended to read as follows:

5 § 110.20 Local criminal court or youth part of the superior court accu-
6 satory instruments; notice thereof to district attorney.

7 When a criminal action in which a crime is charged is commenced in a
8 local criminal court, or youth part of the superior court other than the
9 criminal court of the city of New York, a copy of the accusatory instru-
10 ment shall be promptly transmitted to the appropriate district attorney
11 upon or prior to the arraignment of the defendant on the accusatory
12 instrument. If a police officer or a peace officer is the complainant
13 or the filer of a simplified information, or has arrested the defendant
14 or brought him before the local criminal court or youth part of the
15 superior court on behalf of an arresting person pursuant to subdivision
16 one of section 140.20, such officer or his agency shall transmit the
17 copy of the accusatory instrument to the appropriate district attorney.
18 In all other cases, the clerk of the court in which the defendant is
19 arraigned shall so transmit it.

20 § 12. The opening paragraph of subdivision 1 of section 120.20 of the
21 criminal procedure law, as amended by chapter 506 of the laws of 2000,
22 is amended to read as follows:

23 When a criminal action has been commenced in a local criminal court or
24 youth part of the superior court by the filing therewith of an accusato-
25 ry instrument, other than a simplified traffic information, against a
26 defendant who has not been arraigned upon such accusatory instrument and
27 has not come under the control of the court with respect thereto:

28 § 13. Section 120.30 of the criminal procedure law is amended to read
29 as follows:

30 § 120.30 Warrant of arrest; by what courts issuable and in what courts
31 returnable.

32 1. A warrant of arrest may be issued only by the local criminal court
33 or youth part of the superior court with which the underlying accusatory
34 instrument has been filed, and it may be made returnable in such issuing
35 court only.

36 2. The particular local criminal court or courts or youth part of the
37 superior court with which any particular local criminal court or youth
38 part of the superior court accusatory instrument may be filed for the
39 purpose of obtaining a warrant of arrest are determined, generally, by
40 the provisions of section 100.55 or 100.60 of this title. If, however, a
41 particular accusatory instrument may pursuant to said section 100.55 be
42 filed with a particular town court and such town court is not available
43 at the time such instrument is sought to be filed and a warrant
44 obtained, such accusatory instrument may be filed with the town court of
45 any adjoining town of the same county. If such instrument may be filed
46 pursuant to said section 100.55 with a particular village court and such
47 village court is not available at the time, it may be filed with the
48 town court of the town embracing such village, or if such town court is
49 not available either, with the town court of any adjoining town of the
50 same county.

51 § 14. Section 120.55 of the criminal procedure law, as amended by
52 section 71 of subpart B of part C of chapter 62 of the laws of 2011, is
53 amended to read as follows:

54 § 120.55 Warrant of arrest; defendant under parole or probation super-
55 vision.

1 If the defendant named within a warrant of arrest issued by a local
2 criminal court or youth part of the superior court pursuant to the
3 provisions of this article, or by a superior court issued pursuant to
4 subdivision three of section 210.10 of this chapter, is under the super-
5 vision of the state department of corrections and community supervision
6 or a local or state probation department, then a warrant for his or her
7 arrest may be executed by a parole officer or probation officer, when
8 authorized by his or her probation director, within his or her geograph-
9 ical area of employment. The execution of the warrant by a parole offi-
10 cer or probation officer shall be upon the same conditions and conducted
11 in the same manner as provided for execution of a warrant by a police
12 officer.

13 § 15. Subdivision 1 of section 120.70 of the criminal procedure law is
14 amended to read as follows:

15 1. A warrant of arrest issued by a district court, by the New York
16 City criminal court, the youth part of a superior court or by a superior
17 court judge sitting as a local criminal court may be executed anywhere
18 in the state.

19 § 16. Subdivisions 1 and 6 of section 120.90 of the criminal procedure
20 law, subdivision 1 as amended by chapter 492 of the laws of 2016,
21 section 6 as amended by chapter 424 of the laws of 1998, are amended and
22 a new subdivision 5-a is added to read as follows:

23 1. Upon arresting a defendant for any offense pursuant to a warrant of
24 arrest in the county in which the warrant is returnable or in any
25 adjoining county, or upon so arresting him or her for a felony in any
26 other county, a police officer, if he or she be one to whom the warrant
27 is addressed, must without unnecessary delay bring the defendant before
28 the local criminal court or youth part of the superior court in which
29 such warrant is returnable, provided that, where a local criminal court
30 or youth part of the superior court in the county in which the warrant
31 is returnable hereunder is operating an off-hours arraignment part
32 designated in accordance with paragraph (w) of subdivision one of
33 section two hundred twelve of the judiciary law at the time of defend-
34 ant's return, such police officer may bring the defendant before such
35 local criminal court or youth part of the superior court.

36 5-a. Whenever a police officer is required, pursuant to this section,
37 to bring an arrested defendant before a youth part of a superior court
38 in which a warrant of arrest is returnable, and if such court is not
39 available at the time, such officer must bring such defendant before the
40 most accessible magistrate designated by the appellate division of the
41 supreme court in the applicable department to act as a youth part.

42 6. Before bringing a defendant arrested pursuant to a warrant before
43 the local criminal court or youth part of a superior court in which such
44 warrant is returnable, a police officer must without unnecessary delay
45 perform all fingerprinting and other preliminary police duties required
46 in the particular case. In any case in which the defendant is not
47 brought by a police officer before such court but, following his arrest
48 in another county for an offense specified in subdivision one of section
49 160.10, is released by a local criminal court of such other county on
50 his own recognizance or on bail for his appearance on a specified date
51 before the local criminal court before which the warrant is returnable,
52 the latter court must, upon arraignment of the defendant before it,
53 direct that he be fingerprinted by the appropriate officer or agency,
54 and that he appear at an appropriate designated time and place for such
55 purpose.

1 § 17. Subdivision 1 of section 130.10 of the criminal procedure law,
2 as amended by chapter 446 of the laws of 1993, is amended to read as
3 follows:

4 1. A summons is a process issued by a local criminal court directing a
5 defendant designated in an information, a prosecutor's information, a
6 felony complaint or a misdemeanor complaint filed with such court, or a
7 youth part of a superior court directing a defendant designated in a
8 felony complaint, or by a superior court directing a defendant desig-
9 nated in an indictment filed with such court, to appear before it at a
10 designated future time in connection with such accusatory instrument.
11 The sole function of a summons is to achieve a defendant's court appear-
12 ance in a criminal action for the purpose of arraignment upon the accu-
13 satory instrument by which such action was commenced.

14 § 18. Section 130.30 of the criminal procedure law, as amended by
15 chapter 506 of the laws of 2000, is amended to read as follows:

16 § 130.30 Summons; when issuable.

17 A local criminal court or youth part of the superior court may issue a
18 summons in any case in which, pursuant to section 120.20, it is author-
19 ized to issue a warrant of arrest based upon an information, a
20 prosecutor's information, a felony complaint or a misdemeanor complaint.
21 If such information, prosecutor's information, felony complaint or
22 misdemeanor complaint is not sufficient on its face as prescribed in
23 section 100.40, and if the court is satisfied that on the basis of the
24 available facts or evidence it would be impossible to draw and file an
25 authorized accusatory instrument that is sufficient on its face, the
26 court must dismiss the accusatory instrument. A superior court may issue
27 a summons in any case in which, pursuant to section 210.10, it is
28 authorized to issue a warrant of arrest based upon an indictment.

29 § 19. Paragraph (e) of subdivision 1 of section 140.20 of the criminal
30 procedure law is relettered paragraph (f) and a new paragraph (e) is
31 added to read as follows:

32 (e) if the arrest is for a person under the age of seventeen or,
33 commencing January first, two thousand twenty, a person under the age of
34 eighteen, such person shall be brought before the youth part of the
35 superior court. If the youth part is not in session, such person shall
36 be brought before the most accessible magistrate designated by the
37 appellate division of the supreme court in the applicable department to
38 act as a youth part.

39 § 20. Subdivision 6 of section 140.20 of the criminal procedure law,
40 as added by chapter 411 of the laws of 1979, is amended to read as
41 follows:

42 6. Upon arresting a juvenile offender without a warrant, the police
43 officer shall immediately notify the parent or other person legally
44 responsible for his or her care or the person with whom he or she is
45 domiciled, that the juvenile offender has been arrested, and the
46 location of the facility where he or she is being detained. If the offi-
47 cer determines that it is necessary to question a juvenile offender or a
48 child under eighteen years of age who fits within the definition of a
49 juvenile offender as defined in section 30.00 of the penal law, the
50 officer must take the juvenile to a facility designated by the chief
51 administrator of the courts as a suitable place for the questioning of
52 children or, upon the consent of a parent or other person legally
53 responsible for the care of the juvenile, to the juvenile's residence
54 and there question him or her for a reasonable period of time. A juve-
55 nile shall not be questioned pursuant to this section unless the juve-

1 nile and a person required to be notified pursuant to this subdivision,
2 if present, have been advised:

3 (a) of the juvenile's right to remain silent;

4 (b) that the statements made by the juvenile may be used in a court of
5 law;

6 (c) of the juvenile's right to have an attorney present at such ques-
7 tioning; and

8 (d) of the juvenile's right to have an attorney provided for him or
9 her without charge if he or she is indigent.

10 In determining the suitability of questioning and determining the
11 reasonable period of time for questioning such a juvenile offender, the
12 juvenile's age, the presence or absence of his or her parents or other
13 persons legally responsible for his or her care and notification pursu-
14 ant to this subdivision shall be included among relevant considerations.

15 § 21. Subdivision 2 of section 140.27 of the criminal procedure law,
16 as amended by chapter 843 of the laws of 1980, is amended to read as
17 follows:

18 2. Upon arresting a person without a warrant, a peace officer, except
19 as otherwise provided in subdivision three or three-a, must without
20 unnecessary delay bring him or cause him to be brought before a local
21 criminal court, as provided in section 100.55 and subdivision one of
22 section 140.20, and must without unnecessary delay file or cause to be
23 filed therewith an appropriate accusatory instrument. If the offense
24 which is the subject of the arrest is one of those specified in subdivi-
25 sion one of section 160.10, the arrested person must be fingerprinted
26 and photographed as therein provided. In order to execute the required
27 post-arrest functions, such arresting peace officer may perform such
28 functions himself or he may enlist the aid of a police officer for the
29 performance thereof in the manner provided in subdivision one of section
30 140.20.

31 § 22. Section 140.27 of the criminal procedure law is amended by
32 adding a new subdivision 3-a to read as follows:

33 3-a. If the arrest is for a person under the age of seventeen or,
34 commencing January first, two thousand twenty, a person under the age of
35 eighteen, such person shall be brought before the youth part of the
36 superior court. If the youth part is not in session, such person shall
37 be brought before the most accessible magistrate designated by the
38 appellate division of the supreme court in the applicable department to
39 act as a youth part.

40 § 23. Subdivision 5 of section 140.27 of the criminal procedure law,
41 as added by chapter 411 of the laws of 1979, is amended to read as
42 follows:

43 5. Upon arresting a juvenile offender without a warrant, the peace
44 officer shall immediately notify the parent or other person legally
45 responsible for his care or the person with whom he or she is domiciled,
46 that the juvenile offender has been arrested, and the location of the
47 facility where he or she is being detained. If the officer determines
48 that it is necessary to question a juvenile offender or a child under
49 eighteen years of age who fits within the definition of a juvenile
50 offender as defined in section 30.00 of the penal law the officer must
51 take the juvenile to a facility designated by the chief administrator of
52 the courts as a suitable place for the questioning of children or, upon
53 the consent of a parent or other person legally responsible for the care
54 of the juvenile, to the juvenile's residence and there question him or
55 her for a reasonable period of time. A juvenile shall not be questioned

pursuant to this section unless the juvenile and a person required to be notified pursuant to this subdivision, if present, have been advised:

(a) of the juvenile's right to remain silent;

(b) that the statements made by the juvenile may be used in a court of law;

(c) of the juvenile's right to have an attorney present at such questioning; and

(d) of the juvenile's right to have an attorney provided for him or her without charge if he or she is indigent.

In determining the suitability of questioning and determining the reasonable period of time for questioning such a juvenile offender, the juvenile's age, the presence or absence of his or her parents or other persons legally responsible for his or her care and notification pursuant to this subdivision shall be included among relevant considerations.

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

5. If a police officer takes an arrested juvenile offender into custody, the police officer shall immediately notify the parent or other person legally responsible for his or her care or the person with whom he or she is domiciled, that the juvenile offender has been arrested, and the location of the facility where he or she is being detained. If the officer determines that it is necessary to question a juvenile offender or a child under eighteen years of age who fits within the definition of a juvenile offender as defined in section 30.00 of the penal law the officer must take the juvenile to a facility designated by the chief administrator of the courts as a suitable place for the questioning of children or, upon the consent of a parent or other person legally responsible for the care of the juvenile, to the juvenile's residence and there question him or her for a reasonable period of time. A juvenile shall not be questioned pursuant to this section unless the juvenile and a person required to be notified pursuant to this subdivision, if present, have been advised:

(a) of the juvenile's right to remain silent;

(b) that the statements made by the juvenile may be used in a court of law;

(c) of the juvenile's right to have an attorney present at such questioning; and

(d) of the juvenile's right to have an attorney provided for him or her without charge if he or she is indigent.

In determining the suitability of questioning and determining the reasonable period of time for questioning such a juvenile offender, the juvenile's age, the presence or absence of his or her parents or other persons legally responsible for his or her care and notification pursuant to this subdivision shall be included among relevant considerations.

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

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

1. When a juvenile offender is arraigned before [~~a local criminal court~~] the youth part of a superior court, the provisions of [~~this section~~] article seven hundred twenty-two of this chapter shall apply in lieu of the provisions of sections 180.30, 180.50 and 180.70 of this article.

§ 27. The opening paragraph of section 180.80 of the criminal procedure law, as amended by chapter 556 of the laws of 1982, is amended to read as follows:

Upon application of a defendant against whom a felony complaint has been filed with a local criminal court or the youth part of a superior court, and who, since the time of his arrest or subsequent thereto, has been held in custody pending disposition of such felony complaint, and who has been confined in such custody for a period of more than one hundred twenty hours or, in the event that a Saturday, Sunday or legal holiday occurs during such custody, one hundred forty-four hours, without either a disposition of the felony complaint or commencement of a hearing thereon, the ~~local criminal~~ court must release him on his own recognizance unless:

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

(a) Except as provided in subdivision six of section 200.20 of this chapter, a grand jury may not indict (i) a person thirteen years of age for any conduct or crime other than conduct constituting a crime defined in subdivisions one and two of section 125.25 (murder in the second degree) or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (ii) a person fourteen ~~or~~, fifteen, sixteen or commencing January first, two thousand twenty, seventeen years of age for any conduct or crime other than conduct constituting a crime defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; subdivision four of section 265.02 of the penal law, where such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law; or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law; or defined in the penal law as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (iii) a person sixteen or commencing January first, two thousand twenty, seventeen years of age for any conduct or crime other than conduct constituting an offense set forth in the vehicle and traffic law; a violent felony defined in section 70.02 of the penal law; a crime that is classified as a class A felony excepting those class A felonies which require, as an element of the offense, that the defendant be eighteen years of age or older; a crime defined in the following sections of the penal law: section 120.03 (vehicular assault in the second degree); 120.04 (vehicular assault in the first degree); 120.04-a (aggravated

vehicular assault); 125.10 (criminally negligent homicide); 125.11 (aggravated criminally negligent homicide); 125.12 (vehicular manslaughter in the second degree); 125.13 (vehicular manslaughter in the first degree); 125.14 (aggravated vehicular homicide); 125.15 (manslaughter in the second degree); 125.20 (manslaughter in the first degree); 125.21 (aggravated manslaughter in the second degree); 125.22 (aggravated manslaughter in the first degree); 130.70 (aggravated sexual abuse in the first degree); 130.75 (course of sexual conduct against a child in the first degree); 215.11 (tampering with a witness in the third degree) provided that the criminal proceeding in which the person is tampering is one for which such person is criminally responsible; 215.12 (tampering with a witness in the second degree) provided that the criminal proceeding in which the person is tampering is one for which such person is criminally responsible; 215.13 (tampering with a witness in the first degree) provided that the criminal proceeding in which the person is tampering is one for which such person is criminally responsible; subdivision one of section 215.52 (aggravated criminal contempt); 130.95 (predatory sexual assault); 220.18 (criminal possession of a controlled substance in the second degree); 220.21 (criminal possession of a controlled substance in the first degree); 220.41 (criminal sale of a controlled substance in the second degree); 220.43 (criminal sale of a controlled substance in the first degree); 220.77 (operating as a major trafficker); 460.22 (aggravated enterprise corruption); 490.45 (criminal possession of a chemical weapon or a biological weapon in the first degree); 490.50 (criminal use of a chemical weapon or a biological weapon in the second degree); 490.55 (criminal use of a chemical weapon or a biological weapon in the first degree); acts constituting a specified offense defined in subdivision two of section 130.91 of the penal law when committed as a sexually motivated felony; acts constituting a specified offense defined in subdivision three of section 490.05 of the penal law when committed as an act of terrorism; acts constituting a felony defined in article four hundred ninety of the penal law; and acts constituting a crime set forth in subdivision one of section 105.10 and section 105.15 of the penal law provided that the underlying crime for the conspiracy charge is one for which such person is criminally responsible.

(b) A grand jury may vote to file a request to remove a charge to the family court if it finds that a person [~~thirteen, fourteen or fifteen~~ sixteen, or commencing January first, two thousand twenty, seventeen years of age or younger did an act which, if done by a person over the age of sixteen, or commencing January first, two thousand twenty, seventeen, would constitute a crime provided (1) such act is one for which it may not indict; (2) it does not indict such person for a crime; and (3) the evidence before it is legally sufficient to establish that such person did such act and competent and admissible evidence before it provides reasonable cause to believe that such person did such act.

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

6. Where an indictment charges at least one offense against a defendant who was under the age of [~~sixteen~~ seventeen, or commencing January first, two thousand twenty, eighteen at the time of the commission of the crime and who did not lack criminal responsibility for such crime by reason of infancy, the indictment may, in addition, charge in separate counts one or more other offenses for which such person would not have been criminally responsible by reason of infancy, if:

(a) the offense for which the defendant is criminally responsible and the one or more other offenses for which he or she would not have been criminally responsible by reason of infancy are based upon the same act or upon the same criminal transaction, as that term is defined in subdivision two of section 40.10 of this chapter; or

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

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

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

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

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

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

(i) If the indictment charges a person fourteen ~~[or]~~ fifteen or sixteen, or commencing January first, two thousand twenty, seventeen years old with the crime of murder in the second degree any plea of guilty entered pursuant to subdivision three or four must be a plea of guilty of a crime for which the defendant is criminally responsible;

(iii) Where the indictment does not charge a crime specified in subparagraph (i) of this paragraph, the district attorney may recommend removal of the action to the family court. Upon making such recommendation the district attorney shall submit a subscribed memorandum setting forth: (1) a recommendation that the interests of justice would best be served by removal of the action to the family court; and (2) if the indictment charges a thirteen year old with the crime of murder in the second degree, or a fourteen ~~[or]~~ fifteen or sixteen year old, or commencing January first two thousand twenty, seventeen year old with the crimes of rape in the first degree as defined in subdivision one of section 130.35 of the penal law, or criminal sexual act in the first degree as defined in subdivision one of section 130.50 of the penal law, or an armed felony as defined in paragraph (a) of subdivision forty-one of section 1.20 of this chapter specific factors, one or more of which reasonably supports the recommendation, showing, (i) mitigating circumstances that bear directly upon the manner in which the crime was committed, or (ii) where the defendant was not the sole participant in the crime, that the defendant's participation was relatively minor although not so minor as to constitute a defense to the prosecution, or (iii) possible deficiencies in proof of the crime, or (iv) where the juvenile offender has no previous adjudications of having committed a designated felony act, as defined in subdivision eight of section 301.2 of the family court act, regardless of the age of the offender at the

1 time of commission of the act, that the criminal act was not part of a
2 pattern of criminal behavior and, in view of the history of the offen-
3 der, is not likely to be repeated.

4 § 32. Subdivision 2 of section 410.40 of the criminal procedure law,
5 as amended by chapter 652 of the laws of 2008, is amended to read as
6 follows:

7 2. Warrant. (a) Where the probation officer has requested that a
8 probation warrant be issued, the court shall, within seventy-two hours
9 of its receipt of the request, issue or deny the warrant or take any
10 other lawful action including issuance of a notice to appear pursuant to
11 subdivision one of this section. If at any time during the period of a
12 sentence of probation or of conditional discharge the court has reason-
13 able grounds to believe that the defendant has violated a condition of
14 the sentence, the court may issue a warrant to a police officer or to an
15 appropriate peace officer directing him or her to take the defendant
16 into custody and bring the defendant before the court without unneces-
17 sary delay; provided, however, if the court in which the warrant is
18 returnable is a superior court, and such court is not available, and the
19 warrant is addressed to a police officer or appropriate probation offi-
20 cer certified as a peace officer, such executing officer may unless
21 otherwise specified under paragraph (b) of this subdivision, bring the
22 defendant to the local correctional facility of the county in which such
23 court sits, to be detained there until not later than the commencement
24 of the next session of such court occurring on the next business day; or
25 if the court in which the warrant is returnable is a local criminal
26 court, and such court is not available, and the warrant is addressed to
27 a police officer or appropriate probation officer certified as a peace
28 officer, such executing officer must without unnecessary delay bring the
29 defendant before an alternate local criminal court, as provided in
30 subdivision five of section 120.90 of this chapter. A court which issues
31 such a warrant may attach thereto a summary of the basis for the
32 warrant. In any case where a defendant arrested upon the warrant is
33 brought before a local criminal court other than the court in which the
34 warrant is returnable, such local criminal court shall consider such
35 summary before issuing a securing order with respect to the defendant.

36 (b) If the court in which the warrant is returnable is a superior
37 court, and such court is not available, and the warrant is addressed to
38 a police officer or appropriate probation officer certified as a peace
39 officer, such executing officer shall, where a defendant is sixteen
40 years of age or younger who allegedly commits an offense or a violation
41 of his or her probation or conditional discharge imposed for an offense
42 on or after January first, two thousand nineteen, or where a defendant
43 is seventeen years of age or younger who allegedly commits an offense or
44 a violation of his or her probation or conditional discharge imposed for
45 an offense on or after January first, two thousand twenty, bring the
46 defendant to a juvenile detention facility, to be detained there until
47 not later than the commencement of the next session of such court occur-
48 ring on the next business day.

49 § 33. Section 410.60 of the criminal procedure law, as amended by
50 chapter 652 of the laws of 2008, is amended to read as follows:

51 § 410.60 Appearance before court.

52 (a) A person who has been taken into custody pursuant to section
53 410.40 or ~~section~~ 410.50 of this article for violation of a condition
54 of a sentence of probation or a sentence of conditional discharge must
55 forthwith be brought before the court that imposed the sentence. Where a
56 violation of probation petition and report has been filed and the person

1 has not been taken into custody nor has a warrant been issued, an
2 initial court appearance shall occur within ten business days of the
3 court's issuance of a notice to appear. If the court has reasonable
4 cause to believe that such person has violated a condition of the
5 sentence, it may commit him or her to the custody of the sheriff or fix
6 bail or release such person on his or her own recognizance for future
7 appearance at a hearing to be held in accordance with section 410.70 of
8 this article. If the court does not have reasonable cause to believe
9 that such person has violated a condition of the sentence, it must
10 direct that he or she be released.

11 (b) A juvenile offender who has been taken into custody pursuant to
12 section 410.40 or 410.50 of this article for violation of a condition of
13 a sentence of probation or a sentence of conditional discharge must
14 forthwith be brought before the court that imposed the sentence. Where
15 a violation of probation petition and report has been filed and the
16 person has not been taken into custody nor has a warrant been issued, an
17 initial court appearance shall occur within ten business days of the
18 court's issuance of a notice to appear. If the court has reasonable
19 cause to believe that such person has violated a condition of the
20 sentence, it may commit him or her to the custody of the sheriff or fix
21 bail or release such person on his or her own recognizance for future
22 appearance at a hearing to be held in accordance with section 410.70 of
23 this article. Provided, however, nothing herein shall authorize a juve-
24 nile to be detained for a violation of a condition that would not
25 constitute a crime if committed by an adult unless the court determines
26 (i) that the juvenile poses a specific imminent threat to public safety
27 and states the reasons for the finding on the record or (ii) the juve-
28 nile is on probation for an act that would constitute a violent felony
29 as defined in section 70.02 of the penal law if committed by an adult
30 and the use of graduated sanctions has been exhausted without success.
31 If the court does not have reasonable cause to believe that such person
32 has violated a condition of the sentence, it must direct that the juve-
33 nile be released.

34 § 34. Subdivision 5 of section 410.70 of the criminal procedure law,
35 as amended by chapter 17 of the laws of 2014, is amended to read as
36 follows:

37 5. Revocation; modification; continuation. (a) At the conclusion of
38 the hearing the court may revoke, continue or modify the sentence of
39 probation or conditional discharge. Where the court revokes the
40 sentence, it must impose sentence as specified in subdivisions three and
41 four of section 60.01 of the penal law. Where the court continues or
42 modifies the sentence, it must vacate the declaration of delinquency and
43 direct that the defendant be released. If the alleged violation is
44 sustained and the court continues or modifies the sentence, it may
45 extend the sentence up to the period of interruption specified in subdi-
46 vision two of section 65.15 of the penal law, but any time spent in
47 custody in any correctional institution or juvenile detention facility
48 pursuant to section 410.40 or 410.60 of this article shall be credited
49 against the term of the sentence. Provided further, where the alleged
50 violation is sustained and the court continues or modifies the sentence,
51 the court may also extend the remaining period of probation up to the
52 maximum term authorized by section 65.00 of the penal law. Provided,
53 however, a defendant shall receive credit for the time during which he
54 or she was supervised under the original probation sentence prior to any
55 declaration of delinquency and for any time spent in custody pursuant to
56 this article for an alleged violation of probation.

(b) Notwithstanding paragraph (a) of this subdivision, nothing in this section shall authorize the placement of a juvenile for a violation of a condition that would not constitute a crime if committed by an adult unless the court determines (i) that the juvenile poses a specific imminent threat to public safety and states the reasons for the finding on the record or (ii) the juvenile is on probation for an act that would constitute a violent felony as defined in section 70.02 of the penal law if committed by an adult and the use of graduated sanctions has been exhausted without success.

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

§ 410.90-a Superior court; youth part.

Notwithstanding any other provisions of this article, all proceedings relating to a juvenile offender shall be heard in the youth part of the superior court having jurisdiction and any intrastate transfers under this article shall be between courts designated as a youth part pursuant to article seven hundred twenty-two of this chapter.

§ 36. Section 510.15 of the criminal procedure law, as amended by chapter 411 of the laws of 1979, subdivision 1 as designated and subdivision 2 as added by chapter 359 of the laws of 1980, is amended to read as follows:

§ 510.15 Commitment of principal under [~~sixteen~~] seventeen or eighteen.

1. When a principal who is (a) under the age of sixteen; or (b) commencing January first, two thousand nineteen a principal who is under the age of seventeen who committed an offense on or after January first, two thousand nineteen; or (c) commencing January first, two thousand twenty, a principal who is under the age of eighteen who committed an offense on or after January first, two thousand twenty, is committed to the custody of the sheriff the court must direct that the principal be taken to and lodged in a place certified by the [~~state division for youth~~] office of children and family services as a juvenile detention facility for the reception of children. Where such a direction is made the sheriff shall deliver the principal in accordance therewith and such person shall although lodged and cared for in a juvenile detention facility continue to be deemed to be in the custody of the sheriff. No principal under the age [~~of sixteen~~] specified to whom the provisions of this section may apply shall be detained in any prison, jail, lockup, or other place used for adults convicted of a crime or under arrest and charged with the commission of a crime without the approval of the [~~state division for youth~~] office of children and family services in the case of each principal and the statement of its reasons therefor. The sheriff shall not be liable for any acts done to or by such principal resulting from negligence in the detention of and care for such principal, when the principal is not in the actual custody of the sheriff.

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

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

1. "Youth" means a person charged with a crime alleged to have been committed when he or she was at least sixteen years old and less than [~~nineteen~~] twenty-one years old or a person charged with being a juve-

1 nile offender as defined in subdivision forty-two of section 1.20 of
2 this chapter.

3 § 38. Section 30.00 of the penal law, as amended by chapter 481 of the
4 laws of 1978, subdivision 2 as amended by chapter 7 of the laws of 2007,
5 is amended to read as follows:

6 § 30.00 Infancy.

7 1. Except as provided in [~~subdivision~~] subdivisions two and three of
8 this section, a person less than [~~sixteen~~] seventeen years old, or,
9 commencing January first, two thousand twenty, a person less than eigh-
10 teen years old is not criminally responsible for conduct.

11 2. A person thirteen, fourteen [~~or~~], fifteen, or sixteen years of age
12 or, commencing January first, two thousand twenty, a person seventeen
13 years of age is criminally responsible for acts constituting murder in
14 the second degree as defined in subdivisions one and two of section
15 125.25 and in subdivision three of such section provided that the under-
16 lying crime for the murder charge is one for which such person is crimi-
17 nally responsible or for such conduct as a sexually motivated felony,
18 where authorized pursuant to section 130.91 of [~~the penal law~~] this
19 chapter; and a person fourteen [~~or~~], fifteen, or sixteen years of age
20 or, commencing January first, two thousand twenty, seventeen years of
21 age is criminally responsible for acts constituting the crimes defined
22 in section 135.25 (kidnapping in the first degree); 150.20 (arson in the
23 first degree); subdivisions one and two of section 120.10 (assault in
24 the first degree); 125.20 (manslaughter in the first degree); subdivi-
25 sions one and two of section 130.35 (rape in the first degree); subdivi-
26 sions one and two of section 130.50 (criminal sexual act in the first
27 degree); 130.70 (aggravated sexual abuse in the first degree); 140.30
28 (burglary in the first degree); subdivision one of section 140.25
29 (burglary in the second degree); 150.15 (arson in the second degree);
30 160.15 (robbery in the first degree); subdivision two of section 160.10
31 (robbery in the second degree) of this chapter; or section 265.03 of
32 this chapter, where such machine gun or such firearm is possessed on
33 school grounds, as that phrase is defined in subdivision fourteen of
34 section 220.00 of this chapter; or defined in this chapter as an attempt
35 to commit murder in the second degree or kidnapping in the first degree,
36 or for such conduct as a sexually motivated felony, where authorized
37 pursuant to section 130.91 of [~~the penal law~~] this chapter.

38 3. A person sixteen or, commencing January first, two thousand twenty,
39 seventeen years old is criminally responsible for acts constituting an
40 offense set forth in the vehicle and traffic law; acts constituting a
41 violent felony defined in section 70.02 of this chapter; acts constitut-
42 ing any crime in this chapter that is classified as a class A felony
43 excepting those class A felonies which require, as an element of the
44 offense, that the defendant be eighteen years of age or older; acts
45 constituting the crimes defined in section 120.03 (vehicular assault in
46 the second degree); 120.04 (vehicular assault in the first degree);
47 120.04-a (aggravated vehicular assault); 125.10 (criminally negligent
48 homicide); 125.11 (aggravated criminally negligent homicide); 125.12
49 (vehicular manslaughter in the second degree); 125.13 (vehicular
50 manslaughter in the first degree); 125.14 (aggravated vehicular
51 manslaughter); 125.15 (manslaughter in the second degree); 125.20
52 (manslaughter in the first degree); 125.21 (aggravated manslaughter in
53 the second degree); 125.22 (aggravated manslaughter in the first
54 degree); 130.70 (aggravated sexual abuse in the first degree); 130.75
55 (course of sexual conduct against a child in the first degree); 215.11
56 (tampering with a witness in the third degree) provided that the crimi-

1 nal proceeding in which the person is tampering is one for which such
2 person is criminally responsible; 215.12 (tampering with a witness in
3 the second degree) provided that the criminal proceeding in which the
4 person is tampering is one for which such person is criminally responsi-
5 ble; 215.13 (tampering with a witness in the first degree) provided that
6 the criminal proceeding in which the person is tampering is one for
7 which such person is criminally responsible; subdivision one of section
8 215.52 (aggravated criminal contempt); acts constituting a specified
9 offense defined in subdivision two of section 130.91 of this chapter
10 when committed as a sexually motivated felony; 130.95 (predatory sexual
11 assault); 220.18 (criminal possession of a controlled substance in the
12 second degree); 220.21 (criminal possession of a controlled substance in
13 the first degree); 220.41 (criminal sale of a controlled substance in
14 the second degree); 220.43 (criminal sale of a controlled substance in
15 the first degree); 220.77 (operating as a major trafficker); 460.22
16 (aggravated enterprise corruption); 490.45 (criminal possession of a
17 chemical weapon or a biological weapon in the first degree); 490.50
18 (criminal use of a chemical weapon or a biological weapon in the second
19 degree); 490.55 (criminal use of a chemical weapon or a biological weap-
20 on in the first degree); acts constituting a specified offense defined
21 in subdivision three of section 490.05 of this chapter when committed as
22 an act of terrorism; acts constituting a felony defined in article 490
23 of this chapter; and acts constituting a crime set forth in subdivision
24 one of section 105.10 and section 105.15 provided that the underlying
25 crime for the conspiracy charge is one for which such person is crimi-
26 nally responsible.

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

29 § 39. Subdivision 2 of section 60.02 of the penal law, as amended by
30 chapter 471 of the laws of 1980, is amended to read as follows:

31 (2) If the sentence is to be imposed upon a youthful offender finding
32 which has been substituted for a conviction for any felony, and the
33 person is eighteen years of age or younger, the court must impose a
34 sentence authorized to be imposed upon a person convicted of a class E
35 felony provided, however, that (a) the court must not impose a sentence
36 of [~~conditional discharge or~~] unconditional discharge if the youthful
37 offender finding was substituted for a conviction of a felony defined in
38 article two hundred twenty of this chapter; and (b) notwithstanding
39 paragraph (e) of subdivision two of section 70.00 of this title, if a
40 term of imprisonment is imposed, such term shall be a definite sentence
41 of one year or less, or a determinate sentence, the term of which must
42 be at least one year and must not exceed three years, and must include,
43 as a part thereof, a period of post release supervision in accordance
44 with subdivision two-b of section 70.45 of this title. In any case,
45 where a court imposes a sentence of imprisonment in conjunction with a
46 sentence of probation or conditional discharge, such imprisonment term
47 shall not be in excess of six months, or in the case of an intermittent
48 term, not in excess of four months in accordance with paragraph (d) of
49 subdivision two of section 60.01 of this article. If the sentence is to
50 be imposed upon a youthful offender finding which has been substituted
51 for a conviction of any felony, and the person is nineteen or twenty
52 years of age, the court must sentence such person pursuant to the
53 provisions of this article applicable to a person whose conviction was
54 not substituted by a youthful offender finding of the same offense.

55 § 40. Section 60.10 of the penal law, as amended by chapter 411 of the
56 laws of 1979, is amended to read as follows:

§ 60.10 Authorized disposition; juvenile offender.

1. When a juvenile offender is convicted of a class A felony, other than murder in the second degree as defined by section 125.25, arson in the first degree as defined by section 150.20 or kidnapping in the first degree as defined by section 135.25 of this chapter, the court shall sentence the defendant to imprisonment pursuant to the provisions of section 70.00, 70.06, 70.07, 70.08, or 70.71 of this chapter, as applicable. When a juvenile offender is convicted of [~~a~~] any other crime, the court shall sentence the defendant to imprisonment in accordance with section 70.05 of this chapter or sentence [~~him~~] the defendant upon a youthful offender finding in accordance with section 60.02 of this [~~chapter~~] article.

2. Subdivision one of this section shall apply when sentencing a juvenile offender notwithstanding the provisions of any other law that deals with the authorized sentence for persons who are not juvenile offenders. Provided, however, that the limitation prescribed by this section shall not be deemed or construed to bar use of a conviction of a juvenile offender, other than a juvenile offender who has been adjudicated a youthful offender pursuant to section 720.20 of the criminal procedure law, as a previous or predicate felony offender under section 70.04, 70.06, 70.07, 70.08 [~~or~~], 70.10, 70.70, 70.71, 70.80, or 485.10 of this chapter, when sentencing a person who commits a felony after [~~he~~] such person has reached the age of [~~sixteen~~] seventeen as of January first, two thousand nineteen, and eighteen as of January first, two thousand twenty.

§ 40-a. Subdivision 5 of section 70.00 of the penal law, as amended by chapter 482 of the laws of 2009, is amended to read as follows:

5. Life imprisonment without parole. Notwithstanding any other provision of law, a defendant sentenced to life imprisonment without parole shall not be or become eligible for parole or conditional release. For purposes of commitment and custody, other than parole and conditional release, such sentence shall be deemed to be an indeterminate sentence. A defendant may be sentenced to life imprisonment without parole upon conviction for the crime of murder in the first degree as defined in section 125.27 of this chapter and in accordance with the procedures provided by law for imposing a sentence for such crime. A defendant who was eighteen years of age or older at the time of the commission of the crime must be sentenced to life imprisonment without parole upon conviction for the crime of terrorism as defined in section 490.25 of this chapter, where the specified offense the defendant committed is a class A-I felony; the crime of criminal possession of a chemical weapon or biological weapon in the first degree as defined in section 490.45 of this chapter; or the crime of criminal use of a chemical weapon or biological weapon in the first degree as defined in section 490.55 of this chapter; provided, however, that nothing in this subdivision shall preclude or prevent a sentence of death when the defendant is also convicted of the crime of murder in the first degree as defined in section 125.27 of this chapter. A defendant who was

seventeen years of age or younger at the time of the commission of the crime may be sentenced to life imprisonment upon conviction for a crime of terrorism as defined in section 490.25 of this chapter, where the specified offense is a class A-I felony; the crime of criminal possession of a chemical weapon or biological weapon in the first degree as defined in section 490.45 of this chapter; or the crime of criminal use of a chemical weapon or biological weapon in the first degree as defined in section 490.55 of this chapter. A defendant must be sentenced

1 to life imprisonment without parole upon conviction for the crime of
2 murder in the second degree as defined in subdivision five of section
3 125.25 of this chapter or for the crime of aggravated murder as defined
4 in subdivision one of section 125.26 of this chapter. A defendant may be
5 sentenced to life imprisonment without parole upon conviction for the
6 crime of aggravated murder as defined in subdivision two of section
7 125.26 of this chapter.

8 § 41. Section 70.05 of the penal law, as added by chapter 481 of the
9 laws of 1978, subdivision 1 as amended by chapter 615 of the laws of
10 1984, paragraph (e) of subdivision 2 as added and paragraph (c) of
11 subdivision 3 as amended by chapter 435 of the laws of 1998, paragraph
12 (a) of subdivision 3 as amended by chapter 174 of the laws of 2003, is
13 amended to read as follows:

14 § 70.05 Sentence of imprisonment for juvenile offender.

15 1. ~~[Indeterminate sentence]~~ Sentence. A sentence of imprisonment for a
16 juvenile offender convicted of a class A felony other than murder in the
17 second degree as defined by section 125.25, arson in the first degree as
18 defined by section 150.20 or kidnapping in the first degree as defined
19 by section 135.25 of this chapter, shall be imposed by the court pursu-
20 ant to the provisions of section 70.00, 70.06, 70.07, 70.08, or 70.71 of
21 this chapter, as applicable. A sentence of imprisonment for the class
22 A-1 felony of murder in the second degree committed by a juvenile offen-
23 der shall be an indeterminate sentence. When such a sentence is imposed,
24 the court shall impose ~~[a]~~ the minimum period of imprisonment and maxi-
25 mum term in accordance with the provisions of subdivision two of this
26 section ~~[and the minimum period of imprisonment shall be as provided in~~
27 ~~subdivision three of this section]~~. Except as provided herein, a
28 sentence of imprisonment for any other felony committed by a juvenile
29 offender shall be a determinate sentence. When such a sentence is
30 imposed, the court shall impose a term of imprisonment in whole or half
31 years in accordance with the provisions of subdivision three of this
32 section and a period of post-release supervision in accordance with the
33 provisions of subdivision two-b of section 70.45 of this article. The
34 court shall further provide that where a juvenile offender is under
35 placement pursuant to article three of the family court act, any
36 sentence imposed pursuant to this section which is to be served consec-
37 utively with such placement shall be served in a facility designated
38 pursuant to subdivision four of section 70.20 of this article prior to
39 service of the placement in any previously designated facility.

40 2. ~~[Maximum term of]~~ Indeterminate sentence. ~~[The maximum term of an~~
41 ~~indeterminate sentence for a juvenile offender shall be at least three~~
42 ~~years and the term shall be fixed as follows:~~

43 ~~(a)]~~ (a)] For the class A felony of murder in the second degree, the maxi-
44 mum term shall be life imprisonment~~[-]~~, and the minimum period of impri-
45 sonment shall be specified in the sentence as follows:

46 (a) where the defendant was thirteen years old at the time of such
47 offense, or was fourteen or fifteen at the time of such offense and the
48 sentence is for an offense specified in subdivision three of section
49 125.25 of this chapter, the minimum period of imprisonment shall be at
50 least five years but shall not exceed nine years;

51 (b) except as specified in paragraph (a) of this subdivision where the
52 defendant was at least fourteen years old but less than seventeen years
53 old, and, commencing January first, two thousand twenty, where the
54 defendant was at least fourteen years old but less than eighteen years
55 old at the time of such offense, the minimum period of imprisonment

1 shall be at least seven and one half years but shall not exceed fifteen
2 years.

3 ~~[(b)]~~ 3. Determinate sentence. (a) For the class A felony of arson in
4 the first degree, or for the class A felony of kidnapping in the first
5 degree the determinate term shall be fixed by the court, and shall be at
6 least ~~[twelve]~~ four years but shall not exceed fifteen years;

7 ~~[(e)]~~ (b)(i) Except as provided for in subparagraph (ii) of this para-
8 graph, for a class B felony, the determinate term shall be fixed by the
9 court, and shall be at least one year but shall not exceed ~~[ten]~~ seven
10 years;

11 (ii) For a class B violent felony as defined by section 70.02 of this
12 article, where the defendant was sixteen years old, and commencing Janu-
13 ary first, two thousand twenty, where the defendant was sixteen or
14 seventeen years old at the time of such offense, the determinate term
15 shall be fixed by the court, and shall be at least five years but shall
16 not exceed twenty years; provided, however, that where the court, having
17 regard to the nature and circumstances of the crime and to the history
18 and character of the defendant, is of the opinion that it would be undu-
19 ly harsh to impose a determinate sentence of no less than five years and
20 no more than twenty-five years, the court may impose a determinate
21 sentence of no less than one year and no more than seven years;

22 (iii) For a class B violent felony as defined by section 70.02 of this
23 article, where the defendant was fourteen or fifteen years old at the
24 time of such offense the determinate term shall be fixed by the court,
25 and shall be at least one year but shall not exceed seven years;

26 ~~[(d)]~~ (c) For a class C felony, the determinate term shall be fixed by
27 the court, and shall be at least one year but shall not exceed ~~[seven]~~
28 five years; and

29 ~~[(e)]~~ (d) For a class D felony, the determinate term shall be fixed by
30 the court, and shall be at least one year but shall not exceed ~~[four]~~
31 three years; and

32 (e) For a class E felony, where the defendant was sixteen years old,
33 and commencing January first, two thousand twenty, where the defendant
34 was sixteen or seventeen years old at the time of such offense, the
35 determinate term shall be fixed by the court, and shall be at least one
36 year but shall not exceed two years.

37 ~~[3. Minimum period of imprisonment. The minimum period of imprisonment~~
38 ~~under an indeterminate sentence for a juvenile offender shall be speci-~~
39 ~~fied in the sentence as follows:~~

40 ~~(a) For the class A felony of murder in the second degree, the minimum~~
41 ~~period of imprisonment shall be fixed by the court and shall be not less~~
42 ~~than five years but shall not exceed nine years provided, however, that~~
43 ~~where the sentence is for an offense specified in subdivision one or two~~
44 ~~of section 125.25 of this chapter and the defendant was fourteen or~~
45 ~~fifteen years old at the time of such offense, the minimum period of~~
46 ~~imprisonment shall be not less than seven and one half years but shall~~
47 ~~not exceed fifteen years;~~

48 ~~(b) For the class A felony of arson in the first degree, or for the~~
49 ~~class A felony of kidnapping in the first degree, the minimum period of~~
50 ~~imprisonment shall be fixed by the court and shall be not less than four~~
51 ~~years but shall not exceed six years; and~~

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

54 4. A sentence imposed for a misdemeanor or violation committed by a
55 juvenile offender shall be in accordance with section 70.15 of this
56 chapter.

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

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

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

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

~~[(d) Nothing in this subdivision shall preclude a parent or legal guardian of an inmate who is not yet eighteen years of age from making a motion on notice to the department of corrections and community supervision pursuant to article twenty-two of the civil practice law and rules and section one hundred forty of the correction law, objecting to routine medical, dental or mental health services and treatment being provided to such inmate under the provisions of paragraph (b) of this subdivision.]~~

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

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

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

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

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

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

(a) Notwithstanding any other provision of law to the contrary, a juvenile offender~~[7]~~ or a juvenile offender who is adjudicated a youthful offender ~~[and]~~, who is given an indeterminate or a definite sentence, and who is under the age of twenty-one at the time of sentencing, shall be committed to the custody of the commissioner of the office of children and family services who shall arrange for the confinement of such offender in ~~[secure]~~ facilities of the office. The release or transfer of such offenders from the office of children and family services shall be governed by section five hundred eight of the executive law. If the juvenile offender is convicted or, if the juvenile offender who is adjudicated a youthful offender is convicted and is twenty-one years of age or older at the time of sentencing, he or she shall be delivered to the department of corrections and community supervision.

(a-1) Notwithstanding any other provision of law to the contrary, a person sixteen years of age who commits a vehicle and traffic law offense that does not constitute a juvenile offender offense on or after January first, two thousand nineteen and a person seventeen years of age who commits such an offense on or after January first, two thousand twenty who is sentenced to a term of imprisonment who is under the age of twenty-one at the time he or she is sentenced shall be committed to the custody of the commissioner of the office of children and family services who shall arrange confinement of such offender in facilities of the office.

(a-2) Notwithstanding any other provision of law to the contrary, commencing January first, two thousand twenty, a person who is in the custody of, or is committed to, the department of corrections and community supervision who is under the age of eighteen shall, within the discretion of the department of corrections and community supervision and the office of children and family services, subject to available capacity, and when consistent with the person's circumstances, be transferred to the custody of the commissioner of the office of children and family services who shall arrange for the confinement of such offender in facilities of the office. The placement facility and release or transfer of such offenders from the office of children and family services shall be governed by section five hundred eight of the executive law.

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

~~(f) [The aggregate maximum term of consecutive sentences imposed upon a juvenile offender for two or more crimes, not including a class A felony, committed before he has reached the age of sixteen, shall, if it exceeds ten years, be deemed to be ten years. If consecutive indeterminate sentences imposed upon a juvenile offender include a sentence for the class A felony of arson in the first degree or for the class A felony of kidnapping in the first degree, then the aggregate maximum term of such sentences shall, if it exceeds fifteen years, be deemed to be fifteen years. Where the aggregate maximum term of two or more consecutive sentences is reduced by a calculation made pursuant to this paragraph, the aggregate minimum period of imprisonment, if it exceeds one-half of the aggregate maximum term as so reduced, shall be deemed to be~~

~~one-half of the aggregate maximum term as so reduced.]~~ (i) The aggregate term or maximum term of consecutive sentences imposed upon a juvenile offender for two or more crimes committed prior to the time the person was imprisoned under any of such sentences, other than two or more sentences that include a sentence for a class A felony, or a sentence for a class B violent felony, shall, if it exceeds ten years, be deemed to be ten years, provided:

(A) Where all of such consecutive sentences are determinate and the aggregate term exceeds ten years, the juvenile offender shall be deemed to be serving a determinate term of ten years; and

(B) Where all of such consecutive sentences are indeterminate and the aggregate maximum term exceeds ten years, the juvenile offender shall be deemed to be serving an indeterminate sentence, the maximum term of which shall be deemed to be ten years and the aggregate minimum period of which, if it exceeds five years, shall be deemed to be five years; and

(C) Where one or more of such consecutive sentences is a determinate sentence and one or more of which is an indeterminate sentence:

(1) if the aggregate term of the determinate sentences is equal to or exceeds ten years, the juvenile offender shall be deemed to be serving a determinate term of ten years; and

(2) if the term or aggregate term of the determinate sentence or sentences is less than ten years, the juvenile offender shall be deemed to be serving an indeterminate sentence, the maximum term of which shall be deemed to be ten years, and the minimum period of which shall be deemed to be five years or six-sevenths of the term or aggregate term of the determinate sentence or sentences, whichever is greater.

(ii) The aggregate maximum term of consecutive sentences imposed upon a juvenile offender for two or more crimes committed prior to the time the person was imprisoned under any of such sentences, at least one of which is the class A felony of arson in the first degree as defined by section 150.20 or kidnapping in the first degree as defined by section 135.25 of this chapter but no other class A felony, and does not include a sentence imposed for a class B violent felony, shall, if it exceeds fifteen years, be deemed to be fifteen years, provided:

(A) Where all of such consecutive sentences are determinate and the aggregate term exceeds fifteen years, the juvenile offender shall be deemed to be serving a determinate term of fifteen years; and

(B) Where all of such consecutive sentences are indeterminate and the aggregate maximum term exceeds fifteen years, the juvenile offender shall be deemed to be serving an indeterminate sentence, the maximum term of which shall be deemed to be fifteen years and the aggregate minimum period of which, if it exceeds seven and one-half years, shall be deemed to be seven and one-half years; and

(C) Where one or more of such consecutive sentences is a determinate sentence and one or more of which is an indeterminate sentence:

(1) if the aggregate term of the determinate sentences is equal to or exceeds fifteen years, the juvenile offender shall be deemed to be serving a determinate term of fifteen years; and

(2) if the term or aggregate term of the determinate sentence or sentences is less than fifteen years, the juvenile offender shall be deemed to be serving an indeterminate sentence, the maximum term of which shall be deemed to be fifteen years, and the minimum period of which shall be deemed to be seven and one-half years or six-sevenths of the term or aggregate term of the determinate sentence or sentences, whichever is greater.

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

2-b. Periods of post-release supervision for juvenile offenders and youthful offenders. (a) The period of post-release supervision for a determinate sentence imposed upon a youthful offender or a juvenile offender adjudicated a youthful offender must be fixed by the court at one year.

(b) The period of post-release supervision for a determinate sentence imposed upon a juvenile offender not adjudicated a youthful offender must be fixed by the court in whole or half years as follows:

(i) such period shall be one year whenever a determinate sentence of imprisonment is imposed upon a conviction of a class D or class E felony offense;

(ii) such period shall be not less than one year nor more than two years whenever a determinate sentence of imprisonment is imposed upon a conviction of a class C felony offense;

(iii) such period shall be not less than one year nor more than three years whenever a determinate sentence of imprisonment is imposed upon a conviction of a class B felony offense; provided, however, that such period shall be not less than one year nor more than four years whenever a determinate sentence of imprisonment is imposed upon a conviction of a class B violent felony offense where the defendant was sixteen, and commencing January first, two thousand twenty, seventeen years old at the time of the offense; and

(iv) such period shall be not less than one year nor more than five years whenever a determinate sentence of imprisonment is imposed upon a conviction of the class A felony offense of arson in the first degree as defined by section 150.20 or kidnapping in the first degree as defined by section 135.25 of this chapter, and a five-year period shall be imposed pursuant to subdivision two of this section whenever a determinate sentence imposed upon a juvenile offender for any other class A felony.

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

18. "Juvenile offender" means (1) a person thirteen years old who is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 of this chapter or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of ~~the penal law; and~~ this chapter;

(2) a person fourteen ~~or~~, fifteen or sixteen years old or commencing January first, two thousand twenty, seventeen years old who is criminally responsible for acts constituting the crimes defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of this chapter; or section 265.03 of this chapter, where such machine gun or such firearm is possessed on

1 school grounds, as that phrase is defined in subdivision fourteen of
2 section 220.00 of this chapter; or defined in this chapter as an attempt
3 to commit murder in the second degree or kidnapping in the first degree,
4 or such conduct as a sexually motivated felony, where authorized pursu-
5 ant to section 130.91 of ~~[the penal law]~~ this chapter; and

6 (3) a person sixteen or, commencing January first, two thousand twen-
7 ty, seventeen years old who is criminally responsible for acts consti-
8 tuting an offense set forth in the vehicle and traffic law; acts consti-
9 tuting a violent felony defined in section 70.02 of this chapter; acts
10 constituting any crime in this chapter that is classified as a class A
11 felony excepting those class A felonies which require, as an element of
12 the offense, that the defendant be eighteen years of age or older; acts
13 constituting the crimes defined in section 120.03 (vehicular assault in
14 the second degree); 120.04 (vehicular assault in the first degree);
15 120.04-a (aggravated vehicular assault); 125.10 (criminally negligent
16 homicide); 125.11 (aggravated criminally negligent homicide); 125.12
17 (vehicular manslaughter in the second degree); 125.13 (vehicular
18 manslaughter in the first degree); 125.14 (aggravated vehicular
19 manslaughter); 125.15 (manslaughter in the second degree); 125.20
20 (manslaughter in the first degree); 125.21 (aggravated manslaughter in
21 the second degree); 125.22 (aggravated manslaughter in the first
22 degree); 130.70 (aggravated sexual abuse in the first degree); 130.75
23 (course of sexual conduct against a child in the first degree); 215.11
24 (tampering with a witness in the third degree) provided that the crimi-
25 nal proceeding in which the person is tampering is one for which such
26 person is criminally responsible; 215.12 (tampering with a witness in
27 the second degree) provided that the criminal proceeding in which the
28 person is tampering is one for which such person is criminally responsi-
29 ble; 215.13 (tampering with a witness in the first degree) provided that
30 the criminal proceeding in which the person is tampering is one for
31 which such person is criminally responsible; subdivision one of section
32 215.52 (aggravated criminal contempt); 130.95 (predatory sexual
33 assault); 220.41 (criminal sale of a controlled substance in the second
34 degree); 220.43 (criminal sale of a controlled substance in the first
35 degree); 220.77 (operating as a major trafficker); 460.22 (aggravated
36 enterprise corruption); 490.45 (criminal possession of a chemical weapon
37 or a biological weapon in the first degree); 490.50 (criminal use of a
38 chemical weapon or a biological weapon in the second degree); 490.55
39 (criminal use of a chemical weapon or a biological weapon in the first
40 degree); acts constituting a specified offense defined in subdivision
41 two of section 130.91 of this chapter when committed as a sexually moti-
42 vated felony; acts constituting a specified offense defined in subdivi-
43 sion three of section 490.05 of this chapter when committed as an act of
44 terrorism; acts constituting a felony defined in article four hundred
45 ninety of this chapter; and acts constituting a crime set forth in
46 subdivision one of section 105.10 and section 105.15 provided that the
47 underlying crime for the conspiracy charge is one for which such person
48 is criminally responsible.

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

51 42. "Juvenile offender" means (1) a person, thirteen years old who is
52 criminally responsible for acts constituting murder in the second degree
53 as defined in subdivisions one and two of section 125.25 of the penal
54 law, or such conduct as a sexually motivated felony, where authorized
55 pursuant to section 130.91 of the penal law; ~~[and]~~ (2) a person fourteen
56 ~~[or]~~, fifteen or sixteen years old, or commencing January first, two

1 thousand twenty, seventeen years old who is criminally responsible for
2 acts constituting the crimes defined in subdivisions one and two of
3 section 125.25 (murder in the second degree) and in subdivision three of
4 such section provided that the underlying crime for the murder charge is
5 one for which such person is criminally responsible; section 135.25
6 (kidnapping in the first degree); 150.20 (arson in the first degree);
7 subdivisions one and two of section 120.10 (assault in the first
8 degree); 125.20 (manslaughter in the first degree); subdivisions one and
9 two of section 130.35 (rape in the first degree); subdivisions one and
10 two of section 130.50 (criminal sexual act in the first degree); 130.70
11 (aggravated sexual abuse in the first degree); 140.30 (burglary in the
12 first degree); subdivision one of section 140.25 (burglary in the second
13 degree); 150.15 (arson in the second degree); 160.15 (robbery in the
14 first degree); subdivision two of section 160.10 (robbery in the second
15 degree) of the penal law; or section 265.03 of the penal law, where such
16 machine gun or such firearm is possessed on school grounds, as that
17 phrase is defined in subdivision fourteen of section 220.00 of the penal
18 law; or defined in the penal law as an attempt to commit murder in the
19 second degree or kidnapping in the first degree, or such conduct as a
20 sexually motivated felony, where authorized pursuant to section 130.91
21 of the penal law; and (3) a person sixteen or, commencing January first,
22 two thousand twenty, a person sixteen or seventeen years old who is
23 criminally responsible for acts constituting an offense set forth in the
24 vehicle and traffic law; a violent felony defined in section 70.02 of
25 the penal law; acts constituting any crime in the penal law that is
26 classified as a class A felony excepting those class A felonies which
27 require, as an element of the offense, that the defendant be eighteen
28 years of age or older; acts constituting the crimes defined in section
29 120.03 (vehicular assault in the second degree); 120.04 (vehicular
30 assault in the first degree); 120.04-a (aggravated vehicular assault);
31 125.10 (criminally negligent homicide); 125.11 (aggravated criminally
32 negligent homicide); 125.12 (vehicular manslaughter in the second
33 degree); 125.13 (vehicular manslaughter in the first degree); 125.14
34 (aggravated vehicular homicide); 125.15 (manslaughter in the second
35 degree); 125.20 (manslaughter in the first degree); 125.21 (aggravated
36 manslaughter in the second degree); 125.22 (aggravated manslaughter in
37 the first degree); 130.70 (aggravated sexual abuse in the first degree);
38 130.75 (course of sexual conduct against a child in the first degree);
39 215.11 (tampering with a witness in the third degree) provided that the
40 criminal proceeding in which the person is tampering is one for which
41 such person is criminally responsible; 215.12 (tampering with a witness
42 in the second degree) provided that the criminal proceeding in which the
43 person is tampering is one for which such person is criminally responsi-
44 ble; 215.13 (tampering with a witness in the first degree) provided that
45 the criminal proceeding in which the person is tampering is one for
46 which such person is criminally responsible; subdivision one of section
47 215.52 (aggravated criminal contempt); 130.95 (predatory sexual
48 assault); 220.18 (criminal possession of a controlled substance in the
49 second degree); 220.21 (criminal possession of a controlled substance in
50 the first degree); 220.41 (criminal sale of a controlled substance in
51 the second degree); 220.43 (criminal sale of a controlled substance in
52 the first degree); 220.77 (operating as a major trafficker); 460.22
53 (aggravated enterprise corruption); 490.45 (criminal possession of a
54 chemical weapon or a biological weapon in the first degree); 490.50
55 (criminal use of a chemical weapon or a biological weapon in the second
56 degree); 490.55 (criminal use of a chemical weapon or a biological weap-

1 on in the first degree); acts constituting a specified offense defined
2 in subdivision two of section 130.91 of the penal law when committed as
3 a sexually motivated felony; acts constituting a specified offense
4 defined in subdivision three of section 490.05 of the penal law when
5 committed as an act of terrorism; acts constituting a felony defined in
6 article four hundred ninety of the penal law; and acts constituting a
7 crime set forth in subdivision one of section 105.10 and section 105.15
8 of the penal law provided that the underlying crime for the conspiracy
9 charge is one for which such person is criminally responsible.

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

12 (h) Notwithstanding any other provision of law commencing January
13 first, two thousand nineteen, no county jail shall be used for the
14 confinement of any person under the age of seventeen who is sentenced
15 for an offense committed on or after January first, two thousand nine-
16 teen, and, commencing January first, two thousand twenty, no county jail
17 shall be used for the confinement of any person under the age of eigh-
18 teen who is sentenced for an offense committed on or after January
19 first, two thousand twenty. Placement of any person who may not be
20 confined to a county jail pursuant to this subdivision shall be deter-
21 mined by the office of children and family services.

22 § 48. The criminal procedure law is amended by adding a new section
23 160.59 to read as follows:

24 § 160.59 Sealing of certain convictions.

25 1. Definitions: As used in this section, the following terms shall
26 have the following meanings:

27 (a) "Eligible offense" shall mean any crime defined in the laws of
28 this state other than a sex offense defined in article one hundred thir-
29 ty of the penal law, an offense defined in article two hundred sixty-
30 three of the penal law, a felony offense defined in article one hundred
31 twenty-five of the penal law, a violent felony offense defined in
32 section 70.02 of the penal law, a class A felony offense defined in the
33 penal law, a felony offense defined in article one hundred five of the
34 penal law where the underlying offense is not an eligible offense, an
35 attempt to commit an offense that is not an eligible offense if the
36 attempt is a felony, or an offense for which registration as a sex
37 offender is required pursuant to article six-C of the correction law.

38 (b) "Sentencing judge" shall mean the judge who pronounced sentence
39 upon the conviction under consideration, or if that judge is no longer
40 sitting in a court in the jurisdiction in which the conviction was
41 obtained, any other judge who is sitting in the criminal court where the
42 judgment of conviction was entered.

43 2. (a) A defendant who has been convicted of up to two eligible
44 offenses but not more than one felony offense may apply to the court in
45 which he or she was convicted of the most serious offense to have such
46 conviction sealed. If all offenses are offenses with the same classi-
47 fication, the application shall be made to the court in which the
48 defendant was last convicted.

49 (b) An application shall contain (i) a copy of a certificate of dispo-
50 sition or other similar documentation for any offense for which the
51 defendant has been convicted, or an explanation of why such certificate
52 or other documentation is not available; (ii) a sworn statement of the
53 defendant as to whether he or she has filed, or then intends to file,
54 any application for sealing of any other eligible offense; (iii) a copy
55 of any other such application that has been filed; (iv) a sworn state-
56 ment as to the conviction or convictions for which relief is being

1 sought; and (v) a sworn statement of the reason or reasons why the court
2 should, in its discretion, grant such sealing, along with any supporting
3 documentation.

4 (c) A copy of any application for such sealing shall be served upon
5 the district attorney of the county in which the conviction, or, if more
6 than one, the convictions, was or were obtained. The district attorney
7 shall notify the court within forty-five days if he or she objects to
8 the application for sealing.

9 (d) When such application is filed with the court, it shall be
10 assigned to the sentencing judge unless more than one application is
11 filed in which case the application shall be assigned to the county
12 court or the supreme court of the county in which the criminal court is
13 located, who shall request and receive from the division of criminal
14 justice services a fingerprint based criminal history record of the
15 defendant, including any sealed or suppressed records. The division of
16 criminal justice services also shall include a criminal history report,
17 if any, from the federal bureau of investigation regarding any criminal
18 history information that occurred in other jurisdictions. The division
19 is hereby authorized to receive such information from the federal bureau
20 of investigation for this purpose, and to make such information avail-
21 able to the court, which may make this information available to the
22 district attorney and the defendant.

23 3. The sentencing judge, or county or supreme court shall summarily
24 deny the defendant's application when:

25 (a) the defendant is required to register as a sex offender pursuant
26 to article six-C of the correction law; or

27 (b) the defendant has previously obtained sealing of the maximum
28 number of convictions allowable under section 160.58 of the criminal
29 procedure law; or

30 (c) the defendant has previously obtained sealing of the maximum
31 number of convictions allowable under subdivision four of this section;
32 or

33 (d) the time period specified in subdivision five of this section has
34 not yet been satisfied; or

35 (e) the defendant has an undisposed arrest or charge pending; or

36 (f) the defendant was convicted of any crime after the date of the
37 entry of judgement of the last conviction for which sealing is sought;
38 or

39 (g) the defendant has failed to provide the court with the required
40 sworn statement of the reasons why the court should grant the relief
41 requested; or

42 (h) the defendant has been convicted of two or more felonies or more
43 than two crimes.

44 4. Provided that the application is not summarily denied for the
45 reasons set forth in subdivision three of this section, a defendant who
46 stands convicted of up to two eligible offenses, may obtain sealing of
47 no more than two eligible offenses but not more than one felony offense.

48 5. Any eligible offense may be sealed only after at least ten years
49 have passed since the imposition of the sentence on the defendant's
50 latest conviction or, if the defendant was sentenced to a period of
51 incarceration, including a period of incarceration imposed in conjunc-
52 tion with a sentence of probation, the defendant's latest release from
53 incarceration. In calculating the ten year period under this subdivi-
54 sion, any period of time the defendant spent incarcerated after the
55 conviction for which the application for sealing is sought, shall be

1 excluded and such ten year period shall be extended by a period or peri-
2 ods equal to the time served under such incarceration.

3 6. Upon determining that the application is not subject to mandatory
4 denial pursuant to subdivision three of this section and that the appli-
5 cation is opposed by the district attorney, the sentencing judge or
6 county or supreme court shall conduct a hearing on the application in
7 order to consider any evidence offered by either party that would aid
8 the sentencing judge in his or her decision whether to seal the records
9 of the defendant's convictions. No hearing is required if the district
10 attorney does not oppose the application, however the court may hold a
11 hearing at its discretion.

12 7. In considering any such application, the sentencing judge or county
13 or supreme court shall consider any relevant factors, including but not
14 limited to:

15 (a) the amount of time that has elapsed since the defendant's last
16 conviction;

17 (b) the circumstances and seriousness of the offense for which the
18 defendant is seeking relief, including whether the arrest charge was not
19 an eligible offense;

20 (c) the circumstances and seriousness of any other offenses for which
21 the defendant stands convicted;

22 (d) the character of the defendant, including any measures that the
23 defendant has taken toward rehabilitation, such as participating in
24 treatment programs, work, or schooling, and participating in community
25 service or other volunteer programs;

26 (e) any statements made by the victim of the offense for which the
27 defendant is seeking relief;

28 (f) the impact of sealing the defendant's record upon his or her reha-
29 bilitation and upon his or her successful and productive reentry and
30 reintegration into society; and

31 (g) the impact of sealing the defendant's record on public safety and
32 upon the public's confidence in and respect for the law.

33 8. When a sentencing judge or county or supreme court orders sealing
34 pursuant to this section, all official records and papers relating to
35 the arrests, prosecutions, and convictions, including all duplicates and
36 copies thereof, on file with the division of criminal justice services
37 or any court shall be sealed and not made available to any person or
38 public or private agency except as provided for in subdivision nine of
39 this section; provided, however, the division shall retain any finger-
40 prints, palmprints and photographs, or digital images of the same. The
41 clerk of such court shall immediately notify the commissioner of the
42 division of criminal justice services regarding the records that shall
43 be sealed pursuant to this section. The clerk also shall notify any
44 court in which the defendant has stated, pursuant to paragraph (b) of
45 subdivision two of this section, that he or she has filed or intends to
46 file an application for sealing of any other eligible offense.

47 9. Records sealed pursuant to this section shall be made available to:

48 (a) the defendant or the defendant's designated agent;

49 (b) qualified agencies, as defined in subdivision nine of section
50 eight hundred thirty-five of the executive law, and federal and state
51 law enforcement agencies, when acting within the scope of their law
52 enforcement duties; or

53 (c) any state or local officer or agency with responsibility for the
54 issuance of licenses to possess guns, when the person has made applica-
55 tion for such a license; or

(d) any prospective employer of a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of this chapter, in relation to an application for employment as a police officer or peace officer; provided, however, that every person who is an applicant for the position of police officer or peace officer shall be furnished with a copy of all records obtained under this paragraph and afforded an opportunity to make an explanation there-to; or

(e) the criminal justice information services division of the federal bureau of investigation, for the purposes of responding to queries to the national instant criminal background check system regarding attempts to purchase or otherwise take possession of firearms, as defined in 18 USC 921 (a) (3).

10. A conviction which is sealed pursuant to this section is included within the definition of a conviction for the purposes of any criminal proceeding in which the fact of a prior conviction would enhance a penalty or is an element of the offense charged.

11. No defendant shall be required or permitted to waive eligibility for sealing pursuant to this section as part of a plea of guilty, sentence or any agreement related to a conviction for an eligible offense and any such waiver shall be deemed void and wholly enforceable.

§ 48-a. Subdivision 16 of section 296 of the executive law, as separately amended by section 3 of part N and section 14 of part AAA of chapter 56 of the laws of 2009, is amended to read as follows:

16. It shall be an unlawful discriminatory practice, unless specifically required or permitted by statute, for any person, agency, bureau, corporation or association, including the state and any political subdivision thereof, to make any inquiry about, whether in any form of application or otherwise, or to act upon adversely to the individual involved, any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law or by a conviction which is sealed pursuant to section 160.59 or 160.58 of the criminal procedure law, in connection with the licensing, employment or providing of credit or insurance to such individual; provided, further, that no person shall be required to divulge information pertaining to any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 or 160.59 of the criminal procedure law. The provisions of this subdivision shall not apply to the licensing activities of governmental bodies in relation to the regulation of guns, firearms and other deadly weapons or in relation to an application for employment as a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of the criminal procedure law; provided further that the provisions of this subdivision shall not apply to an application for employment or membership in any

1 law enforcement agency with respect to any arrest or criminal accusation
2 which was followed by a youthful offender adjudication, as defined in
3 subdivision one of section 720.35 of the criminal procedure law, or by a
4 conviction for a violation sealed pursuant to section 160.55 of the
5 criminal procedure law, or by a conviction which is sealed pursuant to
6 section 160.58 or 160.59 of the criminal procedure law.

7 § 49. Subdivision 3 of section 720.15 of the criminal procedure law,
8 as amended by chapter 774 of the laws of 1985, is amended to read as
9 follows:

10 3. The provisions of subdivisions one and two of this section requir-
11 ing or authorizing the accusatory instrument filed against a youth to be
12 sealed, and the arraignment and all proceedings in the action to be
13 conducted in private shall not apply in connection with a pending charge
14 of committing any [~~felony~~] offense [~~as~~] defined in article one hundred
15 thirty or two hundred sixty-three of the penal law. [~~The provisions of~~
16 ~~subdivision one requiring the accusatory instrument filed against a~~
17 ~~youth to be sealed shall not apply where such youth has previously been~~
18 ~~adjudicated a youthful offender or convicted of a crime.~~]

19 § 50. Subdivision 1 of section 720.20 of the criminal procedure law,
20 as amended by chapter 652 of the laws of 1974, is amended to read as
21 follows:

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

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

33 (b) Where the conviction is had in a local criminal court and the
34 eligible youth had not prior to commencement of trial or entry of a plea
35 of guilty been convicted of a crime or found a youthful offender, the
36 court must find he is a youthful offender[~~-~~]; and

37 (c) There shall be a presumption to grant youthful offender status to
38 an eligible youth who has not previously been convicted and sentenced
39 for a felony, unless the district attorney upon motion with not less
40 than seven days' notice to such person or his or her attorney demon-
41 strates to the satisfaction of the court that the interests of justice
42 requires otherwise.

43 § 51. Intentionally omitted.

44 § 52. Intentionally omitted.

45 § 53. Intentionally omitted.

46 § 54. Paragraph (vi) of subdivision (a) and subdivision (e) of section
47 115 of the family court act, paragraph (vi) of subdivision (a) as
48 amended and subdivision (e) as added by chapter 222 of the laws of 1994,
49 are amended to read as follows:

50 (vi) proceedings concerning juvenile delinquency as set forth in arti-
51 cle three that are commenced in family court.

52 (e) The family court has concurrent jurisdiction with the criminal
53 court over all family offenses as defined in article eight of this act
54 and has concurrent jurisdiction with the youth part of a superior court
55 over any juvenile delinquency proceeding resulting from the removal of

1 the case to the family court pursuant to article seven hundred twenty-
2 five of the criminal procedure law.

3 § 55. Subdivision (b) of section 117 of the family court act is
4 REPEALED and a new subdivision (b) is added to read as follows:

5 (b) There is hereby established in the family court in the city of New
6 York at least one "designated felony act part" which shall be held sepa-
7 rate from all other proceedings of the court, and shall have jurisdic-
8 tion over all juvenile delinquency proceedings involving an allegation
9 that a person committed an act that would constitute a designated felony
10 act as defined in subdivision eight of section 301.2 of this chapter
11 that are not referred to the youth part of a superior court. All such
12 proceedings shall be originated in or be transferred to such part from
13 other parts as they are made known to the court. Outside the city of
14 New York, all proceedings involving such an allegation shall have a
15 hearing preference over every other proceeding in the court, except
16 proceedings under article ten of this chapter.

17 § 56. Subdivision 1 of section 301.2 of the family court act, as added
18 by chapter 920 of the laws of 1982, is amended to read as follows:

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

25 (a) who is:

26 (i) ten or eleven years of age who committed an act that would consti-
27 tute a crime as defined in section 125.27 (murder in the first degree)
28 or 125.25 (murder in the second degree) of the penal law if committed by
29 an adult; or

30 (ii) at least twelve years of age and less than sixteen years of age
31 who committed an act that would constitute a crime if committed by an
32 adult; or

33 (iii) sixteen years of age or commencing January first, two thousand
34 twenty, sixteen or seventeen years of age who committed an act that
35 would constitute a crime, or disorderly conduct as defined in section
36 240.20 of the penal law, or harassment in the second degree as defined
37 in section 240.26 of the penal law if committed by an adult; and

38 (b) who is either:

39 (i) not criminally responsible for such conduct by reason of infancy;
40 or

41 (ii) the defendant in an action based on such act that has been
42 ordered removed to the family court pursuant to article seven hundred
43 twenty-five of the criminal procedure law.

44 § 57. Subdivisions 8 and 9 of section 301.2 of the family court act,
45 subdivision 8 as amended by chapter 7 of the laws of 2007 and subdivi-
46 sion 9 as added by chapter 920 of the laws of 1982, are amended to read
47 as follows:

48 8. "Designated felony act" means an act which, if done by an adult,
49 would be a crime: (i) defined in sections 125.27 (murder in the first
50 degree); 125.25 (murder in the second degree); 135.25 (kidnapping in the
51 first degree); or 150.20 (arson in the first degree) of the penal law
52 committed by a person thirteen, fourteen [~~or~~], fifteen, or sixteen, or
53 commencing January first, two thousand twenty, seventeen years of age;
54 or such conduct committed as a sexually motivated felony, where author-
55 ized pursuant to section 130.91 of the penal law; (ii) defined in
56 sections 120.10 (assault in the first degree); 125.20 (manslaughter in

1 the first degree); 130.35 (rape in the first degree); 130.50 (criminal
2 sexual act in the first degree); 130.70 (aggravated sexual abuse in the
3 first degree); 135.20 (kidnapping in the second degree) but only where
4 the abduction involved the use or threat of use of deadly physical
5 force; 150.15 (arson in the second degree) or 160.15 (robbery in the
6 first degree) of the penal law committed by a person thirteen, fourteen
7 ~~[or]~~, fifteen, or sixteen, or, commencing January first, two thousand
8 twenty, seventeen years of age; or such conduct committed as a sexually
9 motivated felony, where authorized pursuant to section 130.91 of the
10 penal law; (iii) defined in the penal law as an attempt to commit murder
11 in the first or second degree or kidnapping in the first degree commit-
12 ted by a person thirteen, fourteen ~~[or]~~, fifteen, or sixteen, or
13 commencing January first, two thousand twenty, seventeen years of age;
14 or such conduct committed as a sexually motivated felony, where author-
15 ized pursuant to section 130.91 of the penal law; (iv) defined in
16 section 140.30 (burglary in the first degree); subdivision one of
17 section 140.25 (burglary in the second degree); subdivision two of
18 section 160.10 (robbery in the second degree) of the penal law; or
19 section 265.03 of the penal law, where such machine gun or such firearm
20 is possessed on school grounds, as that phrase is defined in subdivision
21 fourteen of section 220.00 of the penal law committed by a person four-
22 teen or fifteen years of age; or such conduct committed as a sexually
23 motivated felony, where authorized pursuant to section 130.91 of the
24 penal law; (v) defined in section 120.05 (assault in the second degree)
25 or 160.10 (robbery in the second degree) of the penal law committed by a
26 person fourteen ~~[or]~~, fifteen, or sixteen or, commencing January first,
27 two thousand twenty, seventeen years of age but only where there has
28 been a prior finding by a court that such person has previously commit-
29 ted an act which, if committed by an adult, would be the crime of
30 assault in the second degree, robbery in the second degree or any desig-
31 nated felony act specified in paragraph (i), (ii), or (iii) of this
32 subdivision regardless of the age of such person at the time of the
33 commission of the prior act; ~~[or]~~ (vi) other than a misdemeanor commit-
34 ted by a person at least ~~[seven]~~ twelve but less than ~~[sixteen]~~ seven-
35 teen years of age, or commencing January first, two thousand twenty a
36 person at least twelve but less than eighteen years of age, but only
37 where there has been two prior findings by the court that such person
38 has committed a prior felony; or (vii) defined in section 125.10 (crimi-
39 nal negligent homicide) of the penal law; 125.11 (aggravated criminally
40 negligent homicide) of the penal law; 125.15 (manslaughter in the second
41 degree) of the penal law; 125.21 (aggravated manslaughter in the second
42 degree) of the penal law; 125.22 (aggravated manslaughter in the first
43 degree) of the penal law; 130.75 (course of sexual conduct against a
44 child) of the penal law; 130.95 (predatory sexual assault) of the penal
45 law; 220.77 (operating as a major trafficker) of the penal law; 490.45
46 (criminal possession of a chemical weapon or a biological weapon in the
47 first degree) of the penal law; 490.55 (criminal use of a chemical weap-
48 on or a biological weapon in the first degree) of the penal law; acts
49 constituting a specified offense defined in 130.91 of the penal law when
50 committed as a sexually motivated felony; acts constituting a specified
51 offense defined in subdivision three of section 490.05 of the penal law
52 when committed as an act of terrorism; or acts constituting a felony
53 defined in article four hundred ninety of the penal law, committed by a
54 person at least sixteen but less than seventeen years of age, or
55 commencing January first, two thousand twenty, at least sixteen but less
56 than eighteen years of age.

1 9. "Designated class A felony act" means a designated felony act
2 ~~[defined in paragraph (i) of subdivision eight]~~ that would constitute a
3 class A felony if committed by an adult.

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

6 1. The family court has exclusive original jurisdiction over any
7 proceeding to determine whether a person is a juvenile delinquent
8 commenced in family court and concurrent jurisdiction with the youth
9 part of a superior court over any such proceeding removed to the family
10 court pursuant to article seven hundred twenty-five of the criminal
11 procedure law.

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

15 § 304.1. Detention. 1. A facility certified by the ~~[state division for~~
16 youth] office of children and family services as a juvenile detention
17 facility must be operated in conformity with the regulations of the
18 ~~[state division for youth and shall be subject to the visitation and~~
19 ~~inspection of the state board of social welfare]~~ office of children and
20 family services.

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

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

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

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

40 (1) Upon application by the presentment agency, or upon application by
41 the probation service as part of the adjustment of a case, the court may
42 issue a temporary order of protection against a respondent for good
43 cause shown, ex parte or upon notice, at any time after a juvenile is
44 taken into custody, pursuant to section 305.1 or 305.2 or upon the issu-
45 ance of an appearance ticket pursuant to section 307.1 or upon the
46 filing of a petition pursuant to section 310.1 of this part.

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

49 1. A private person may take a child ~~[under the age of sixteen]~~ who
50 may be subject to the provisions of this article for committing an act
51 that would be a crime if committed by an adult into custody in cases in
52 which ~~[he]~~ such private person may arrest an adult for a crime under
53 section 140.30 of the criminal procedure law.

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

2. An officer may take a child [~~under the age of sixteen~~] who may be subject to the provisions of this article for committing an act that would be a crime if committed by an adult into custody without a warrant in cases in which [~~he~~] the officer may arrest a person for a crime under article one hundred forty of the criminal procedure law.

§ 63. Paragraph (b) of subdivision 4 of section 305.2 of the family court act, as amended by chapter 492 of the laws of 1987, is amended to read as follows:

(b) forthwith and with all reasonable speed take the child directly, and without his first being taken to the police station house, to the family court located in the county in which the act occasioning the taking into custody allegedly was committed, or, when the family court is not in session, to the most accessible magistrate, if any, designated by the appellate division of the supreme court in the applicable department to conduct a hearing under section 307.4 of this part, unless the officer determines that it is necessary to question the child, in which case he or she may take the child to a facility designated by the chief administrator of the courts as a suitable place for the questioning of children or, upon the consent of a parent or other person legally responsible for the care of the child, to the child's residence and there question him or her for a reasonable period of time; or

§ 64. Subdivision 1 of section 306.1 of the family court act, as amended by chapter 645 of the laws of 1996, is amended to read as follows:

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

(a) the child is eleven years of age or older and the crime which is the subject of the arrest or which is charged in the petition constitutes a class [~~A or B~~] A-I felony; [~~or~~] (b) the child is twelve years of age or older and the crime which is the subject of the arrest or which is charged in the petition constitutes a class A or B felony; or

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

§ 65. Subdivisions 2 and 4 of section 307.3 of the family court act, subdivision 2 as amended by chapter 419 of the laws of 1987 and subdivision 4 as added by chapter 920 of the laws of 1982, are amended to read as follows:

2. When practicable such agency may release a child before the filing of a petition to the custody of his or her parents or other person legally responsible for his or her care, or if such legally responsible person is unavailable, to a person with whom he or she resides, when the events occasioning the taking into custody appear to involve allegations that the child committed a delinquent act; provided, however, that such agency must release the child if:

(a) such events appear to involve only allegations that the child committed acts that would constitute no more than a violation if committed by an adult; or

(b) such events appear to involve only allegations that the child committed acts that would constitute more than a violation but no more than a misdemeanor if committed by an adult if:

(i) the alleged acts did not result in any physical injury to another person;

1 (ii) the child does not have any prior adjudications for an act that
2 would constitute a felony if committed by an adult;

3 (iii) the child has no more than one prior adjudication for an act
4 that would constitute a misdemeanor if committed by an adult and that
5 act also did not result in any physical injury as defined in subdivision
6 nine of section 10.00 of the penal law to another person; and

7 (iv) the child was assessed at a low risk on the applicable detention
8 risk assessment instrument approved by the office of children and family
9 services unless the agency determines that detention is necessary
10 because the respondent otherwise poses an imminent risk to public safety
11 and states the reasons for such determination in the child's record.

12 4. If the agency for any reason does not release a child under this
13 section, such child shall be brought before the appropriate family
14 court, or when such family court is not in session, to the most accessi-
15 ble magistrate, if any, designated by the appellate division of the
16 supreme court in the applicable department; provided, however, that if
17 such family court is not in session and if a magistrate is not avail-
18 able, such youth shall be brought before such family court within seven-
19 ty-two hours or the next day the court is in session, whichever is soon-
20 er. Such agency shall thereupon file an application for an order
21 pursuant to section 307.4 of this part and shall forthwith serve a copy
22 of the application upon the appropriate presentment agency. Nothing in
23 this subdivision shall preclude the adjustment of suitable cases pursu-
24 ant to section 308.1.

25 § 66. The section heading and subdivisions 1, 2, 3, 9, 12 and 13 of
26 section 308.1 of the family court act, the section heading and subdivi-
27 sions 1, 3, 9, 12 and 13 as added by chapter 920 of the laws of 1982 and
28 subdivision 2 as amended by section 3 of part V of chapter 55 of the
29 laws of 2012, are amended to read as follows:

30 ~~[Rules of court for preliminary]~~ Preliminary procedure; adjustment of
31 cases. 1. ~~[Rules of court shall authorize and determine the circum-~~
32 ~~stances under which the]~~ The probation service may confer with any
33 person seeking to have a juvenile delinquency petition filed, the poten-
34 tial respondent and other interested persons concerning the advisability
35 of requesting that a petition be filed in accordance with this section.

36 2. (a) Except as provided in subdivisions three ~~[and],~~ four, and thir-
37 teen of this section, the probation service may ~~[, in accordance with~~
38 ~~rules of court,]~~ attempt to adjust ~~[suitable cases]~~ a case before a
39 petition is filed if the probation service determines that the case is
40 suitable for adjustment based on the assessed level of risk that the
41 child will commit another act that would constitute a crime as deter-
42 mined by a validated risk assessment instrument and the extent of any
43 physical injury to the victim.

44 (b) If a child is assessed at a low level of risk and the events in
45 the case appear to involve only allegations that the child committed
46 acts that would constitute a violation or a misdemeanor if committed by
47 an adult, the probation service must diligently attempt to adjust the
48 case. Such attempts may include the use of a juvenile review board
49 comprised of appropriate community members to work with the child and
50 his or her family on developing recommended adjustment activities. The
51 probation service may stop attempting to adjust such a case if it deter-
52 mines that there is no substantial likelihood that the child will bene-
53 fit from attempts at adjustment in the time remaining for adjustment or
54 the time for adjustment has expired.

55 (c) The inability of the respondent or his or her family to make
56 restitution shall not be a factor in a decision to adjust a case or in a

1 recommendation to the presentment agency pursuant to subdivision six of
2 this section.

3 (d) The probation service may make an application to the court for a
4 temporary order of protection as part of the adjustment of a case in
5 accordance with section 304.2 of this part.

6 (e) Nothing in this section shall prohibit the probation service or
7 the court from directing a respondent to obtain employment and to make
8 restitution from the earnings from such employment. Nothing in this
9 section shall prohibit the probation service or the court from directing
10 an eligible person to complete an education reform program in accordance
11 with section four hundred fifty-eight-1 of the social services law.

12 3. The probation service shall not attempt to adjust a case that
13 commenced in family court in which the child has allegedly committed a
14 designated felony act that involves allegations that the child caused
15 physical injury to a person unless ~~[it]~~ the probation service has
16 received the written approval of the court.

17 9. Efforts at adjustment ~~[pursuant to rules of court]~~ under this
18 section may not extend for a period of more than two months ~~[without]~~,
19 or, for a period of more than four months if the probation service
20 determines that adjustment beyond the first two months is warranted
21 because documented barriers to adjustment exist or changes need to be
22 made to the child's services plan, except upon leave of the court, which
23 may extend the adjustment period for an additional two months.

24 12. The probation service shall certify to the division of criminal
25 justice services and to the appropriate police department or law
26 enforcement agency whenever it adjusts a case in which the potential
27 respondent's fingerprints were taken pursuant to section 306.1 of this
28 part in any manner other than the filing of a petition for juvenile
29 delinquency for an act which, if committed by an adult, would constitute
30 a felony, provided, however, in the case of a child ~~[eleven or]~~ twelve
31 years of age, such certification shall be made only if the act would
32 constitute a class A or B felony, or, in the case of a child eleven
33 years of age, such certification shall be made only if the act would
34 constitute a class A-1 felony.

35 13. The ~~[provisions of this section]~~ probation service shall not
36 ~~[apply]~~ attempt to adjust a case where the petition is an order of
37 removal to the family court pursuant to article seven hundred twenty-
38 five of the criminal procedure law unless it has received the written
39 approval of the court.

40 § 67. Paragraph (c) of subdivision 3 of section 311.1 of the family
41 court act, as added by chapter 920 of the laws of 1982, is amended to
42 read as follows:

43 (c) the fact that the respondent is a person ~~[under sixteen years of]~~
44 of the necessary age to be a juvenile delinquent at the time of the
45 alleged act or acts;

46 § 68. Subdivision 3 of section 320.5 of the family court act is
47 amended by adding a new paragraph (a-1) to read as follows:

48 (a-1) Notwithstanding paragraph (a) of this subdivision, the court
49 shall not direct detention if:

50 (i) the events underlying the initial appearance appear to involve
51 only allegations that the child committed acts that would constitute no
52 more than a violation if committed by an adult; or

53 (ii) such events appear to involve only allegations that the child
54 committed acts that would constitute more than a violation but no more
55 than a misdemeanor if committed by an adult if:

1 (1) the alleged acts did not result in any physical injury as defined
2 in subdivision nine of section 10.00 of the penal law to another person;

3 (2) the respondent does not have any prior adjudications for an act
4 that would constitute a felony if committed by an adult;

5 (3) the respondent has no more than one prior adjudication for an act
6 that would constitute a misdemeanor if committed by an adult and that
7 act did not result in any physical harm to another person; and

8 (4) the respondent was assessed at a low risk on the applicable
9 detention risk assessment instrument approved by the office of children
10 and family services unless the court determines that detention is neces-
11 sary because the respondent otherwise poses an imminent risk to public
12 safety and states the reasons for such determination in the court order.

13 § 69. Paragraphs (a) and (b) of subdivision 5 of section 322.2 of the
14 family court act, paragraph (a) as amended by chapter 37 of the laws of
15 2016 and paragraph (b) as added by chapter 920 of the laws of 1982, are
16 amended to read as follows:

17 (a) If the court finds that there is probable cause to believe that
18 the respondent committed a felony, it shall order the respondent commit-
19 ted to the custody of the commissioner of mental health or the commis-
20 sioner of the office for persons with developmental disabilities for an
21 initial period not to exceed one year from the date of such order. Such
22 period may be extended annually upon further application to the court by
23 the commissioner having custody or his or her designee. Such application
24 must be made not more than sixty days prior to the expiration of such
25 period on forms that have been prescribed by the chief administrator of
26 the courts. At that time, the commissioner must give written notice of
27 the application to the respondent, the counsel representing the respond-
28 ent and the mental hygiene legal service if the respondent is at a resi-
29 dential facility. Upon receipt of such application, the court must
30 conduct a hearing to determine the issue of capacity. If, at the conclu-
31 sion of a hearing conducted pursuant to this subdivision, the court
32 finds that the respondent is no longer incapacitated, he or she shall be
33 returned to the family court for further proceedings pursuant to this
34 article. If the court is satisfied that the respondent continues to be
35 incapacitated, the court shall authorize continued custody of the
36 respondent by the commissioner for a period not to exceed one year. Such
37 extensions shall not continue beyond a reasonable period of time neces-
38 sary to determine whether the respondent will attain the capacity to
39 proceed to a fact finding hearing in the foreseeable future but in no
40 event shall continue beyond the respondent's eighteenth birthday or, if
41 the respondent was at least sixteen years of age when the act was
42 committed, beyond the respondent's twenty-first birthday.

43 (b) If a respondent is in the custody of the commissioner upon the
44 respondent's eighteenth birthday, or if the respondent was at least
45 sixteen years of age when the act resulting in the respondent's place-
46 ment was committed, beyond the respondent's twenty-first birthday, the
47 commissioner shall notify the clerk of the court that the respondent was
48 in his custody on such date and the court shall dismiss the petition.

49 § 70. Subdivisions 1 and 5 of section 325.1 of the family court act,
50 subdivision 1 as amended by chapter 398 of the laws of 1983, subdivision
51 5 as added by chapter 920 of the laws of 1982, are amended to read as
52 follows:

53 1. At the initial appearance, if the respondent denies a charge
54 contained in the petition and the court determines in accordance with
55 the requirements of section 320.5 of this part that ~~he~~ the respondent
56 shall be detained for more than three days pending a fact-finding hear-

ing, the court shall schedule a probable-cause hearing to determine the issues specified in section 325.3 of this part.

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

§ 71. Paragraph (a) of subdivision 2 of section 352.2 of the family court act, as amended by chapter 880 of the laws of 1985, is amended to read as follows:

(a) In determining an appropriate order the court shall consider the needs and best interests of the respondent as well as the need for protection of the community. If the respondent has committed a designated felony act the court shall determine the appropriate disposition in ~~[accord]~~ accordance with section 353.5 of this part. In all other cases the court shall order the least restrictive available alternative enumerated in subdivision one of this section which is consistent with the needs and best interests of the respondent and the need for protection of the community; provided, however, that the court shall not direct the placement of a respondent with a commissioner of social services or the office of children and family services if:

(i) the respondent only committed acts that would constitute no more than a violation if committed by an adult; or

(ii) the respondent only committed acts that would constitute more than a violation but no more than a misdemeanor if committed by an adult if:

(1) the acts did not result in any physical injury as defined in subdivision nine of section 10.00 of the penal law to another person;

(2) the respondent does not have any prior adjudications for an act that would constitute a felony if committed by an adult;

(3) the respondent has no more than one prior adjudication for an act that would constitute a misdemeanor if committed by an adult and that act did not result in any physical harm to another person; and

(4) the respondent was assessed at a low risk on the applicable pre-dispositional risk assessment instrument approved by the office of children and family services unless the court determines that such a placement is necessary because the respondent otherwise poses an imminent risk to public safety and states the reasons for such determination in the court order.

§ 72. The opening paragraph of subparagraph (iii) of paragraph (a) and paragraph (d) of subdivision 4 of section 353.5 of the family court act, as amended by section 6 of subpart A of part G of chapter 57 of the laws of 2012, are amended to read as follows:

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

1 four hundred four of the social services law for an act committed when
2 the respondent was under sixteen years of age, once the time frames in
3 subparagraph (ii) of this paragraph are met:

4 (d) Upon the expiration of the initial period of placement, or any
5 extension thereof, the placement may be extended in accordance with
6 section 355.3 on a petition of any party or the office of children and
7 family services, or, if applicable, a social services district operating
8 an approved juvenile justice services close to home initiative pursuant
9 to section four hundred four of the social services law, after a dispo-
10 sitional hearing, for an additional period not to exceed twelve months,
11 but no initial placement or extension of placement under this section
12 may continue beyond the respondent's twenty-first birthday, or, for an
13 act that was committed when the respondent was sixteen years of age or
14 older, the respondent's twenty-third birthday.

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

18 (d) Upon the expiration of the initial period of placement, or any
19 extension thereof, the placement may be extended in accordance with
20 section 355.3 on a petition of any party or the ~~[division for youth]~~
21 office of children and family services after a dispositional hearing,
22 for an additional period not to exceed twelve months, but no initial
23 placement or extension of placement under this section may continue
24 beyond the respondent's twenty-first birthday, or, for an act that was
25 committed when the respondent was sixteen years of age or older, the
26 respondent's twenty-third birthday.

27 § 74. Subdivisions 1, 2, 6 and 7 of section 354.1 of the family court
28 act, subdivision 1 as added by chapter 920 of the laws of 1982, subdivi-
29 sions 2, 6 and 7 as amended by chapter 645 of the laws of 1996, are
30 amended to read as follows:

31 1. If a person whose fingerprints, palmprints or photographs were
32 taken pursuant to section 306.1 or was initially fingerprinted as a
33 juvenile offender and the action is subsequently removed to a family
34 court pursuant to article seven hundred twenty-five of the criminal
35 procedure law is adjudicated to be a juvenile delinquent for a felony,
36 the family court shall forward or cause to be forwarded to the division
37 of criminal justice services notification of such adjudication and such
38 related information as may be required by such division, provided,
39 however, in the case of a person eleven ~~[or twelve]~~ years of age such
40 notification shall be provided only if the act upon which the adjudi-
41 cation is based would constitute a class ~~[A or B]~~ A-1 felony or, in the
42 case of a person twelve years of age, such notification shall be
43 provided only if the act upon which the adjudication is based would
44 constitute a class A or B felony.

45 2. If a person whose fingerprints, palmprints or photographs were
46 taken pursuant to section 306.1 or was initially fingerprinted as a
47 juvenile offender and the action is subsequently removed to family court
48 pursuant to article seven hundred twenty-five of the criminal procedure
49 law has had all petitions disposed of by the family court in any manner
50 other than an adjudication of juvenile delinquency for a felony, but in
51 the case of acts committed when such person was eleven ~~[or twelve]~~ years
52 of age which would constitute a class ~~[A or B]~~ A-1 felony only, or, in
53 the case of acts committed when such person was twelve years of age
54 which would constitute a class A or B felony only, all such finger-
55 prints, palmprints, photographs, and copies thereof, and all information
56 relating to such allegations obtained by the division of criminal

1 justice services pursuant to section 306.1 shall be destroyed forthwith.
2 The clerk of the court shall notify the commissioner of the division of
3 criminal justice services and the heads of all police departments and
4 law enforcement agencies having copies of such records, who shall
5 destroy such records without unnecessary delay.

6 6. If a person fingerprinted pursuant to section 306.1 and subsequent-
7 ly adjudicated a juvenile delinquent for a felony, but in the case of
8 acts committed when such a person was eleven [~~or twelve~~] years of age
9 which would constitute a class [~~A or B~~] A-1 felony only, or, in the case
10 of acts committed when such a person was twelve years of age which would
11 constitute a class A or B felony only, is subsequently convicted of a
12 crime, all fingerprints and related information obtained by the division
13 of criminal justice services pursuant to such section and not destroyed
14 pursuant to subdivisions two, five and seven or subdivision twelve of
15 section 308.1 shall become part of such division's permanent adult crim-
16 inal record for that person, notwithstanding section 381.2 or 381.3.

17 7. When a person fingerprinted pursuant to section 306.1 and subse-
18 quently adjudicated a juvenile delinquent for a felony, but in the case
19 of acts committed when such person was eleven [~~or twelve~~] years of age
20 which would constitute a class [~~A or B~~] A-1 felony only, or, in the case
21 of acts committed when such a person was twelve years of age which would
22 constitute a class A or B felony only, reaches the age of twenty-one, or
23 has been discharged from placement under this act for at least three
24 years, whichever occurs later, and has no criminal convictions or pend-
25 ing criminal actions which ultimately terminate in a criminal
26 conviction, all fingerprints, palmprints, photographs, and related
27 information and copies thereof obtained pursuant to section 306.1 in the
28 possession of the division of criminal justice services, any police
29 department, law enforcement agency or any other agency shall be
30 destroyed forthwith. The division of criminal justice services shall
31 notify the agency or agencies which forwarded fingerprints to such divi-
32 sion pursuant to section 306.1 of their obligation to destroy those
33 records in their possession. In the case of a pending criminal action
34 which does not terminate in a criminal conviction, such records shall be
35 destroyed forthwith upon such determination.

36 § 75. Subdivision 6 of section 355.3 of the family court act, as
37 amended by chapter 663 of the laws of 1985, is amended to read as
38 follows:

39 6. Successive extensions of placement under this section may be grant-
40 ed, but no placement may be made or continued beyond the respondent's
41 eighteenth birthday without the child's consent for acts committed
42 before the respondent's sixteenth birthday and in no event past the
43 child's twenty-first birthday except as provided for in subdivision four
44 of section 353.5 of this part.

45 § 76. Paragraph (b) of subdivision 3 of section 355.5 of the family
46 court act, as amended by chapter 145 of the laws of 2000, is amended to
47 read as follows:

48 (b) subsequent permanency hearings shall be held no later than every
49 twelve months following the respondent's initial twelve months in place-
50 ment but in no event past the respondent's twenty-first birthday;
51 provided, however, that they shall be held in conjunction with an exten-
52 sion of placement hearing held pursuant to section 355.3 of this [~~arti-~~
53 ~~cle~~] part.

54 § 77. Section 360.3 of the family court act is amended by adding a new
55 subdivision 7 to read as follows:

7. Nothing herein shall authorize a respondent to be detained under subdivision two of this section or placed under subdivision six of this section for a violation of a condition that would not constitute a crime if committed by an adult unless the court determines (a) that the respondent poses a specific imminent threat to public safety and states the reasons for the finding on the record or (b) the respondent is on probation for an act that would constitute a violent felony as defined in section 70.02 of the penal law if committed by an adult and the use of graduated sanctions has been exhausted without success.

§ 78. Subdivisions 5 and 6 of section 371 of the social services law, subdivision 5 as added by chapter 690 of the laws of 1962, and subdivision 6 as amended by chapter 596 of the laws of 2000, are amended to read as follows:

5. "Juvenile delinquent" means a person ~~[over seven and less than sixteen years of age who does any act which, if done by an adult, would constitute a crime]~~ as defined in section 301.2 of the family court act.

6. "Person in need of supervision" means a person ~~[less than eighteen years of age who is habitually truant or who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of a parent or other person legally responsible for such child's care, or other lawful authority]~~ as defined in section seven hundred twelve of the family court act.

§ 79. Subdivisions 3 and 4 of section 502 of the executive law, subdivision 3 as amended by section 1 of subpart B of part Q of chapter 58 of the laws of 2011 and subdivision 4 as added by chapter 465 of the laws of 1992, are amended to read as follows:

3. "Detention" means the temporary care and maintenance of youth held away from their homes pursuant to article three ~~[or seven]~~ of the family court act, or held pending a hearing for alleged violation of the conditions of release from an office of children and family services facility or authorized agency, or held pending a hearing for alleged violation of the condition of parole as a juvenile offender, or held pending return to a jurisdiction other than the one in which the youth is held, or held pursuant to a securing order of a criminal court if the youth named therein as principal is charged as a juvenile offender or held pending a hearing on an extension of placement or held pending transfer to a facility upon commitment or placement by a court or pursuant to article seven of the family court act if the petition pursuant to such article was filed prior to January first, two thousand twenty. Only alleged or convicted juvenile offenders who have not attained their eighteenth ~~or, commencing January first, two thousand nineteen, their twenty-first~~ birthday shall be subject to detention in a detention facility.

4. For purposes of this article, the term "youth" shall ~~[be synonymous with the term "child" and means]~~ mean a person not less than seven years of age and not more than twenty or commencing January first, two thousand nineteen, not more than twenty-two years of age.

§ 80. Paragraph (a) of subdivision 2 and subdivision 5 of section 507-a of the executive law, as amended by chapter 465 of the laws of 1992, are amended to read as follows:

(a) Consistent with other provisions of law, only those youth who have reached the age of ~~[seven]~~ ten but who have not reached the age of twenty-one may be placed in ~~[, committed to or remain in]~~ the ~~[division's]~~ custody of the office of children and family services. Except as provided for in paragraph (a-1) of this subdivision, no youth who has reached the age of twenty-one may remain in custody of the office of children and family services.

(a-1) (i) A youth who is committed to the office of children and family services as a juvenile offender or youthful offender may remain in the custody of the office during the period of his or her sentence beyond the age of twenty-one in accordance with the provisions of subdivision five of section five hundred eight of this title but in no event may such a youth remain in the custody of the office beyond his or her twenty-third birthday; and (ii) a youth found to have committed a designated class A felony act who is restrictively placed with the office under subdivision four of section 353.5 of the family court act for committing an act on or after the youth's sixteenth birthday may remain in the custody of the office of children and family services up to the age of twenty-three in accordance with his or her placement order.

(a-2) Whenever it shall appear to the satisfaction of the [division] office of children and family services that any youth placed therewith is not of proper age to be so placed or is not properly placed, or is mentally or physically incapable of being materially benefited by the program of the [division] office, the [division] office shall cause the return of such youth to the county from which placement was made.

5. Consistent with other provisions of law, in the discretion of the [director, youth] commissioner of the office of children and family services, youth placed within the office under the family court act who attain the age of eighteen while in [division] custody of the office and who are not required to remain in the placement with the office as a result of a dispositional order of the family court may reside in a non-secure facility until the age of twenty-one, provided that such youth attend a full-time vocational or educational program and are likely to benefit from such program.

§ 81. Paragraphs (a), (b), (c), (d) and (e) of subdivision 2 and subdivision 4 of section 508 of the executive law are REPEALED.

§ 82. Subdivisions 1, 2, 3, 5, 6, 7, 8 and 9 of section 508 of the executive law, subdivision 1 as amended by chapter 738 of the laws of 2004, subdivision 2 as amended by chapter 572 of the laws of 1985, subdivision 3 as added by chapter 481 of the laws of 1978 and renumbered by chapter 465 of the laws of 1992, subdivisions 5, 6 and 7 as amended by section 97 of subpart B of part C of chapter 62 of the laws of 2011, subdivision 8 as added by chapter 560 of the laws of 1984 and subdivision 9 as amended by chapter 37 of the laws of 2016, are amended and a new subdivision 1-a is added to read as follows:

1. The office of children and family services shall maintain [secure] facilities for the care and confinement of juvenile offenders committed [for an indeterminate, determinate or definite sentence] to the office pursuant to the sentencing provisions of the penal law. Such facilities shall provide appropriate services to juvenile offenders including but not limited to residential care, educational and vocational training, physical and mental health services, and employment counseling.

1-a. (a) (i) The state shall establish one or more facilities with enhanced security features and specially trained staff to serve those youth sentenced for committing offenses on or after their sixteenth birthday who are determined, based on the placement classification protocol established pursuant to paragraph (c) of this subdivision, to need an enhanced level of secure care which shall be administered by the office of children and family services.

(ii) A council comprised of the commissioner of the office of children and family services, the commissioner of the department of corrections and community supervision, the commissioner of the state commission of correction, and the commissioner of the division of criminal justice

1 services shall be established to oversee the operation of the facility.
2 The governor shall designate the chair of the council. The council shall
3 have the power to perform all acts necessary to carry out its duties
4 including making unannounced visits and inspections of the facility at
5 any time. Notwithstanding any other provision of state law to the
6 contrary, the council may request and the office shall submit to the
7 council, to the extent permitted by federal law, all information in the
8 form and manner and at such times as the council may require that is
9 appropriate to the purposes and operation of the council. The council
10 shall be subject to the same laws as apply to the office regarding the
11 protection and confidentiality of the information made available to the
12 council and shall prevent access thereto by, or the distribution thereof
13 to, persons not authorized by law.

14 (iii) Youth division aides and other appropriate staff working in the
15 facility shall receive specialized training to address working with the
16 types of youth placed in the facility, which shall include but not be
17 limited to, training on tactical responses and de-escalation techniques.
18 Any applicant for employment in the facility as a youth division aide
19 shall be subject to the same requirements and processes for psycholog-
20 ical screening as applicants for employment as correctional officers
21 with the department of corrections and community supervision pursuant to
22 section eight of the correction law including the right to review by the
23 independent advisory board established pursuant to such section,
24 provided, however, that when referred to in such section "department"
25 shall mean the office of children and family services and "commissioner"
26 shall mean the commissioner of the office of children and family
27 services. All staff of the facility shall be subject to random drug
28 tests.

29 (b) The department of corrections and community supervision or the
30 state commission of correction shall assign an assistant commissioner to
31 assist the office of children and family services, on a permanent basis,
32 with the security issues relating to operating facilities serving the
33 additional youth sentenced to the office.

34 (c) The department of corrections and community supervision or the
35 state commission of correction and the office of children and family
36 services shall jointly establish a placement classification protocol to
37 be used by the assistant commissioner assigned to the office pursuant to
38 paragraph (b) of this subdivision and an office of children and family
39 services official designated by the commissioner of the office to deter-
40 mine the appropriate level of care for each youth sentenced to the
41 office. The protocol shall include, but not necessarily be limited to,
42 consideration of the nature of the youth's offense and the youth's
43 history and service needs.

44 (d) Any new facilities developed by the office of children and family
45 services to serve the additional youth placed with the office as a
46 result of raising the age of juvenile jurisdiction shall, to the extent
47 practicable, consist of smaller, more home-like facilities located near
48 the youths' homes and families that provide gender-responsive program-
49 ming, services and treatment in small, closely supervised groups that
50 offer extensive and on-going individual attention and encourage support-
51 ive peer relationships.

52 2. Juvenile offenders committed to the office for committing crimes
53 prior to the age of sixteen shall be confined in such facilities until
54 the age of twenty-one in accordance with their sentences, and shall not
55 be released, discharged or permitted home visits except pursuant to the
56 provisions of this section.

1 3. The [~~division~~] office of children and family services shall report
2 in writing to the sentencing court and district attorney, not less than
3 once every six months during the period of confinement, on the status,
4 adjustment, programs and progress of the offender.

5 [~~5-~~] 4. The office of children and family services may transfer an
6 offender not less than eighteen [~~nor more than twenty-one~~] years of age
7 to the department of corrections and community supervision if the
8 commissioner of the office certifies to the commissioner of corrections
9 and community supervision that there is no substantial likelihood that
10 the youth will benefit from the programs offered by office facilities.

11 [~~6- At age twenty-one, all~~] 5. (a) All juvenile offenders committed to
12 the office for committing a crime prior to the youth's sixteenth birth-
13 day who still have time left on their sentences of imprisonment shall be
14 transferred at age twenty-one to the custody of the department of
15 corrections and community supervision for confinement pursuant to the
16 correction law.

17 [~~7-~~] (b) All offenders committed or transferred to the office for
18 committing a crime on or after their sixteenth birthday who still have
19 time left on their sentences of imprisonment shall be transferred to the
20 custody of the department of corrections and community supervision for
21 confinement pursuant to the correction law after completing two years of
22 care in office of children and family services facilities unless they
23 are within four months of completing the imprisonment portion of their
24 sentence and the office determines, in its discretion, on a case-by-case
25 basis that the youth should be permitted to remain with the office for
26 the additional short period of time necessary to enable them to complete
27 their sentence. In making such a determination, the factors the office
28 may consider include, but are not limited to, the age of the youth, the
29 amount of time remaining on the youth's sentence of imprisonment, the
30 level of the youth's participation in the program, the youth's educa-
31 tional and vocational progress, the opportunities available to the youth
32 through the office and through the department, and the length of the
33 youth's post-release supervision sentence. Nothing in this paragraph
34 shall authorize a youth to remain in an office facility beyond his or
35 her twenty-third birthday.

36 (c) Commencing January first, two thousand nineteen, all juvenile
37 offenders who are eligible to be released from an office of children and
38 family services facility before they are required to be transferred to
39 the department of corrections and community supervision and who are able
40 to complete the full-term of their post-release supervision sentences
41 before they turn twenty-three years of age shall remain with the office
42 of children and family services for post-release supervision.

43 (d) Commencing January first, two thousand nineteen, all juvenile
44 offenders released from an office of children and family services facil-
45 ity before they are transferred to the department of corrections and
46 community supervision who are unable to complete the full-term of their
47 post-release supervision sentences before they turn twenty-three years
48 of age shall be under the supervision of the department of corrections
49 and community supervision until expiration of the maximum term or period
50 of sentence, or expiration of supervision, including any post-release
51 supervision as the case may be provided, however, that the office shall
52 assist such department in planning for the youth's post-release super-
53 vision.

54 6. While in the custody of the office of children and family services,
55 an offender shall be subject to the rules and regulations of the office,
56 except that his or her parole, post-release supervision, temporary

1 release and discharge shall be governed by the laws applicable to
2 inmates of state correctional facilities and his or her transfer to
3 state hospitals in the office of mental health shall be governed by
4 section five hundred nine of this chapter; provided, however, that an
5 otherwise eligible juvenile offender may receive the six-month limited
6 credit time allowance for successful participation in one or more
7 programs developed by the office of children and family services that
8 are comparable to the programs set forth in section eight hundred
9 three-b of the correction law, taking into consideration the age of
10 juvenile offenders. The commissioner of the office of children and
11 family services shall, however, establish and operate temporary release
12 programs at office of children and family services facilities and
13 provide post-release supervision for eligible juvenile offenders and
14 ~~[contract with the department of corrections and community supervision~~
15 ~~for the provision of parole]~~ provide supervision ~~[services]~~ for tempo-
16 rary releasees and juveniles on post-release supervision. The rules and
17 regulations for these programs shall not be inconsistent with the laws
18 for temporary release and post-release supervision applicable to inmates
19 of state correctional facilities. For the purposes of temporary release
20 programs for juvenile offenders only, when referred to or defined in
21 article twenty-six of the correction law, "institution" shall mean any
22 facility designated by the commissioner of the office of children and
23 family services, "department" shall mean the office of children and
24 family services, "inmate" shall mean a juvenile offender residing in an
25 office of children and family services facility, and "commissioner"
26 shall mean the ~~[director]~~ commissioner of the office of children and
27 family services. For the purposes of such post-release supervision for
28 juvenile offenders under paragraph (c) of subdivision five of this
29 section only, when referred to in section 70.45 of the penal law or
30 article twelve-B of the executive law, the term "department of
31 corrections and community supervision", "department", "division of
32 parole", "division", "board of parole" and "board" shall mean the office
33 of children and family services, and the term "commissioner" shall mean
34 the office of children and family services. Time spent in office of
35 children and family services facilities and in juvenile detention facil-
36 ities shall be credited towards the sentence imposed in the same manner
37 and to the same extent applicable to inmates of state correctional
38 facilities.

39 ~~[8]~~ 7. Whenever a juvenile offender or a juvenile offender adjudi-
40 cated a youthful offender shall be delivered to the director of ~~[a divi-~~
41 ~~sion for youth]~~ an office of children and family services facility
42 pursuant to a commitment to the ~~[director of the division for youth]~~
43 office of children and family services, the officer so delivering such
44 person shall deliver to such facility director a certified copy of the
45 sentence received by such officer from the clerk of the court by which
46 such person shall have been sentenced, a copy of the report of the
47 probation officer's investigation and report, any other pre-sentence
48 memoranda filed with the court, a copy of the person's fingerprint
49 records, a detailed summary of available medical records, psychiatric
50 records and reports relating to assaults, or other violent acts,
51 attempts at suicide or escape by the person while in the custody of a
52 local detention facility.

53 ~~[9-]~~ 8. Notwithstanding any provision of law, including section five
54 hundred one-c of this article, the office of children and family
55 services shall make records pertaining to a person convicted of a sex
56 offense as defined in subdivision (p) of section 10.03 of the mental

1 hygiene law available upon request to the commissioner of mental health
2 or the commissioner of the office for persons with developmental disa-
3 bilities, as appropriate; a case review panel; and the attorney general;
4 in accordance with the provisions of article ten of the mental hygiene
5 law.

6 § 83. Section 712 of the family court act, as amended by chapter 920
7 of the laws of 1982, subdivision (a) as amended by section 7 of part G
8 of chapter 58 of the laws of 2010, subdivision (b) as amended by chapter
9 465 of the laws of 1992, subdivision (g) as amended by section 2 of part
10 B of chapter 3 of the laws of 2005, subdivision (h) as added by chapter
11 7 of the laws of 1999, subdivision (i) as amended and subdivisions (j),
12 (k), (l) and (m) as added by chapter 38 of the laws of 2014, is amended
13 to read as follows:

14 § 712. Definitions. As used in this article, the following terms shall
15 have the following meanings:

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

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

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

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

34 ~~(e)]~~ "Fact-finding hearing". A hearing to determine whether the
35 respondent did the acts alleged to show that he or she violated a law or
36 is incorrigible, ungovernable or habitually disobedient and beyond the
37 control of his or her parents, guardian or legal custodian.

38 ~~[(f)]~~ (c) "Dispositional hearing". A hearing to determine whether the
39 respondent requires supervision or treatment.

40 ~~[(g)]~~ (d) "Aggravated circumstances". Aggravated circumstances shall
41 have the same meaning as the definition of such term in subdivision (j)
42 of section one thousand twelve of this act.

43 ~~[(h)]~~ (e) "Permanency hearing". A hearing held in accordance with
44 paragraph (b) of subdivision two of section seven hundred fifty-four or
45 section seven hundred fifty-six-a of this article for the purpose of
46 reviewing the foster care status of the respondent and the appropriate-
47 ness of the permanency plan developed by the social services official on
48 behalf of such respondent.

49 ~~[(i)]~~ (f) "Diversion services". Services provided to children and
50 families pursuant to section seven hundred thirty-five of this article
51 for the purpose of avoiding the need to file a petition ~~[or direct the~~
52 ~~detention of the child]~~. Diversion services shall include: efforts to
53 adjust cases pursuant to this article before a petition is filed, or by
54 order of the court, after the petition is filed but before fact-finding
55 is commenced; and preventive services provided in accordance with
56 section four hundred nine-a of the social services law to avert the

1 placement of the child [~~into foster care~~], including crisis intervention
2 and respite services. Diversion services may also include, in cases
3 where any person is seeking to file a petition that alleges that the
4 child has a substance use disorder or is in need of immediate detoxifi-
5 cation or substance use disorder services, an assessment for substance
6 use disorder; provided, however, that notwithstanding any other
7 provision of law to the contrary, the designated lead agency shall not
8 be required to pay for all or any portion of the costs of such assess-
9 ment or substance use disorder or detoxification services, except in
10 cases where medical assistance for needy persons may be used to pay for
11 all or any portion of the costs of such assessment or services.

12 [~~(j)~~] (g) "Substance use disorder". The misuse of, dependence on, or
13 addiction to alcohol and/or legal or illegal drugs leading to effects
14 that are detrimental to the person's physical and mental health or the
15 welfare of others.

16 [~~(k)~~] (h) "Assessment for substance use disorder". Assessment by a
17 provider that has been certified by the office of alcoholism and
18 substance abuse services of a person less than eighteen years of age
19 where it is alleged that the youth is suffering from a substance use
20 disorder which could make a youth a danger to himself or herself or
21 others.

22 [~~(l)~~] (i) "A substance use disorder which could make a youth a danger
23 to himself or herself or others". A substance use disorder that is
24 accompanied by the dependence on, or the repeated use or abuse of, drugs
25 or alcohol to the point of intoxication such that the person is in need
26 of immediate detoxification or other substance use disorder services.

27 [~~(m)~~] (j) "Substance use disorder services". Substance use disorder
28 services shall have the same meaning as provided for in section 1.03 of
29 the mental hygiene law.

30 § 84. The part heading of part 2 of article 7 of the family court act
31 is amended to read as follows:

32 CUSTODY [~~AND DETENTION~~]

33 § 85. Section 720 of the family court act, as amended by chapter 419
34 of the laws of 1987, subdivision 3 as amended by section 9 of subpart B
35 of part Q of chapter 58 of the laws of 2011, subdivision 5 as amended by
36 section 3 of part E of chapter 57 of the laws of 2005, and paragraph (c)
37 of subdivision 5 as added by section 8 of part G of chapter 58 of the
38 laws of 2010, is amended to read as follows:

39 § 720. Detention precluded. [~~1.~~] The detention of a child shall not be
40 directed under any of the provisions of this article, except as other-
41 wise authorized by the interstate compact on juveniles. No child to whom
42 the provisions of this article may apply, shall be detained in any pris-
43 on, jail, lockup, or other place used for adults convicted of crime or
44 under arrest and charged with a crime.

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

47 ~~3. Detention of a person alleged to be or adjudicated as a person in~~
48 ~~need of supervision shall, except as provided in subdivision four of~~
49 ~~this section, be authorized only in a foster care program certified by~~
50 ~~the office of children and family services, or a certified or approved~~
51 ~~family boarding home, or a non secure detention facility certified by~~
52 ~~the office and in accordance with section seven hundred thirty nine of~~
53 ~~this article. The setting of the detention shall take into account (a)~~
54 ~~the proximity to the community in which the person alleged to be or~~
55 ~~adjudicated as a person in need of supervision lives with such person's~~
56 ~~parents or to which such person will be discharged, and (b) the existing~~

~~educational setting of such person and the proximity of such setting to the location of the detention setting.~~

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

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

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

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

§ 86. Section 727 of the family court act is REPEALED.

§ 87. The section heading and subdivisions (c) and (d) of section 728 of the family court act, subdivision (d) as added by chapter 145 of the laws of 2000, paragraph (i) as added and paragraph (ii) of subdivision (d) as renumbered by section 5 of part E of chapter 57 of the laws of 2005, and paragraph (iii) as amended and paragraph (iv) of subdivision (d) as added by section 10 of subpart B of part Q of chapter 58 of the laws of 2011, are amended to read as follows:

Discharge~~[7]~~ or release ~~[or detention]~~ by judge after hearing and before filing of petition in custody cases.

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

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

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

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

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

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

§ 88. Section 729 of the family court act is REPEALED.

§ 89. Subdivisions (b) and (f) and paragraph (i) of subdivision (d) of section 735 of the family court act, subdivision (b) as amended by chapter 38 of the laws of 2014, paragraph (i) of subdivision (d) as amended by chapter 535 of the laws of 2011 and subdivision (f) as added by section 7 of part E of chapter 57 of the laws of 2005, are amended to read as follows:

(b) The designated lead agency shall:

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

(ii) diligently attempt to prevent the filing of a petition under this article or, after the petition is filed, to prevent the placement of the youth into foster care; and

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

(iv) assess whether the youth is a sexually exploited child as defined in section four hundred forty-seven-a of the social services law and, if so, whether such youth should be referred to a safe house; and

(v) determine whether alternatives to detention are appropriate to avoid remand of the youth to detention including whether the youth and his or her family should be referred to an available family support center; and

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

(i) providing, at the first contact, information on the availability of or a referral to services in the geographic area where the youth and his or her family are located that may be of benefit in avoiding the need to file a petition under this article; including the availability, for up to twenty-one days, of a residential respite program, if the youth and his or her parent or other person legally responsible for his or her care agree, and the availability of other non-residential crisis intervention programs such as a family support center, family crisis counseling or alternative dispute resolution programs or an educational program as defined in section four hundred fifty-eight-l of the social services law.

(f) Efforts to prevent the filing of a petition pursuant to this section may extend until the designated lead agency determines that

1 there is no substantial likelihood that the youth and his or her family
2 will benefit from further attempts. Efforts at diversion pursuant to
3 this section may continue after the filing of a petition where the
4 designated lead agency determines that the youth and his or her family
5 will benefit from further attempts to prevent placement of the youth
6 ~~[from entering foster care]~~ in accordance with section seven hundred
7 fifty-six of this article.

8 § 90. Section 739 of the family court act, as amended by chapter 920
9 of the laws of 1982, subdivision (a) as amended by section 10 of part G
10 of chapter 58 of the laws of 2010, subdivision (c) as added by chapter
11 145 of the laws of 2000, is amended to read as follows:

12 § 739. Release or ~~[detention]~~ referral after filing of petition and
13 prior to order of disposition. ~~[(a)]~~ After the filing of a petition
14 under section seven hundred thirty-two of this part, the court in its
15 discretion may release the respondent ~~[or direct his or her detention]~~.
16 If the respondent may be a sexually exploited child as defined in subdi-
17 vision one of section four hundred forty-seven-a of the social services
18 law, the court may direct the respondent to an available short-term safe
19 house ~~[as an alternative to detention. However, the court shall not~~
20 ~~direct detention unless it finds and states the facts and reasons for so~~
21 ~~finding that unless the respondent is detained there is a substantial~~
22 ~~probability that the respondent will not appear in court on the return~~
23 ~~date and all available alternatives to detention have been exhausted.~~

24 ~~(b) Unless the respondent waives a determination that probable cause~~
25 ~~exists to believe that he is a person in need of supervision, no~~
26 ~~detention under this section may last more than three days (i) unless~~
27 ~~the court finds, pursuant to the evidentiary standards applicable to a~~
28 ~~hearing on a felony complaint in a criminal court, that such probable~~
29 ~~cause exists, or (ii) unless special circumstances exist, in which cases~~
30 ~~such detention may be extended not more than an additional three days~~
31 ~~exclusive of Saturdays, Sundays and public holidays.~~

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

35 ~~(i) whether continuation of the respondent in the respondent's home~~
36 ~~would be contrary to the best interests of the respondent based upon,~~
37 ~~and limited to, the facts and circumstance available to the court at the~~
38 ~~time of the court's determination in accordance with this section; and~~

39 ~~(ii) where appropriate, whether reasonable efforts were made prior to~~
40 ~~the date of the court order directing detention in accordance with this~~
41 ~~section, to prevent or eliminate the need for removal of the respondent~~
42 ~~from his or her home or, if the respondent had been removed from his or~~
43 ~~her home prior to the court appearance pursuant to this section, where~~
44 ~~appropriate, whether reasonable efforts were made to make it possible~~
45 ~~for the respondent to safely return home].~~

46 § 91. Section 741-a of the family court act, as amended by section 3
47 of part B of chapter 327 of the laws of 2007, is amended to read as
48 follows:

49 § 741-a. Notice and right to be heard. The foster parent caring for
50 ~~[the child]~~ a sexually exploited child placed in accordance with section
51 seven hundred fifty-six of this article or any pre-adoptive parent or
52 relative providing care for the respondent shall be provided with notice
53 of any permanency hearing held pursuant to this article by the social
54 services official. Such foster parent, pre-adoptive parent or relative
55 shall have the right to be heard at any such hearing; provided, however,
56 no such foster parent, pre-adoptive parent or relative shall be

1 construed to be a party to the hearing solely on the basis of such
2 notice and right to be heard. The failure of the foster parent, pre-a-
3 doptive parent, or relative caring for the child to appear at a perman-
4 ency hearing shall constitute a waiver of the right to be heard and such
5 failure to appear shall not cause a delay of the permanency hearing nor
6 shall such failure to appear be a ground for the invalidation of any
7 order issued by the court pursuant to this section.

8 § 92. Section 747 of the family court act is REPEALED.

9 § 93. Section 748 of the family court act is REPEALED.

10 § 94. Subdivision (b) of section 749 of the family court act, as
11 amended by chapter 806 of the laws of 1973, is amended to read as
12 follows:

13 (b) On its own motion, the court may adjourn the proceedings on
14 conclusion of a fact-finding hearing or during a dispositional hearing
15 to enable it to make inquiry into the surroundings, conditions and
16 capacities of the respondent. An ~~[adjournment on the court's motion may~~
17 ~~not be for a period of more than ten days if the respondent is detained,~~
18 ~~in which case not more than a total of two such adjournments may be~~
19 ~~granted in the absence of special circumstances. If the respondent is~~
20 ~~not detained, an]~~ adjournment may be for a reasonable time, but the
21 total number of adjourned days may not exceed two months.

22 § 95. Paragraph (a) of subdivision 2 of section 754 of the family
23 court act, as amended by chapter 7 of the laws of 1999, subparagraph
24 (ii) of paragraph (a) as amended by section 20 of part L of chapter 56
25 of the laws of 2015, is amended to read as follows:

26 (a) The order shall state the court's reasons for the particular
27 disposition. If the court places the child in accordance with section
28 seven hundred fifty-six of this part, the court in its order shall
29 determine: (i) whether continuation in the child's home would be contra-
30 ry to the best interest of the child and where appropriate, that reason-
31 able efforts were made prior to the date of the dispositional hearing
32 held pursuant to this article to prevent or eliminate the need for
33 removal of the child from his or her home and, if the child was removed
34 from his or her home prior to the date of such hearing, that such
35 removal was in the child's best interest and, where appropriate, reason-
36 able efforts were made to make it possible for the child to return safe-
37 ly home. If the court determines that reasonable efforts to prevent or
38 eliminate the need for removal of the child from the home were not made
39 but that the lack of such efforts was appropriate under the circum-
40 stances, the court order shall include such a finding; and (ii) in the
41 case of a child who has attained the age of fourteen, the services need-
42 ed, if any, to assist the child to make the transition from foster care
43 to independent living. ~~[Nothing in this subdivision shall be construed~~
44 ~~to modify the standards for directing detention set forth in section~~
45 ~~seven hundred thirty-nine of this article.]~~

46 § 96. Section 756 of the family court act, as amended by chapter 920
47 of the laws of 1982, paragraph (i) of subdivision (a) as amended by
48 chapter 309 of the laws of 1996, the opening paragraph of paragraph (ii)
49 of subdivision (a) as amended by section 11 of part G of chapter 58 of
50 the laws of 2010, subdivision (b) as amended by chapter 7 of the laws of
51 1999, and subdivision (c) as amended by section 10 of part E of chapter
52 57 of the laws of 2005, is amended to read as follows:

53 § 756. Placement. (a) (i) For purposes of section seven hundred
54 fifty-four, the court may place the child in its own home or in the
55 custody of a suitable relative or other suitable private person ~~[or a~~
56 ~~commissioner of social services]~~, subject to the orders of the court.

(ii) ~~[where the child is placed]~~ If the court finds that the respondent is a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of the social services law, the court may place the child with the commissioner of the local social services district~~[, the court]~~ and may direct the commissioner to place the child with an authorized agency or class of authorized agencies, including~~[, if the court finds that the respondent is a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of the social services law,]~~ an available long-term safe house. Unless the dispositional order provides otherwise, the court so directing shall include one of the following alternatives to apply in the event that the commissioner is unable to so place the child:

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

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

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

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

§ 97. Section 758-a of the family court act, as amended by chapter 73 of the laws of 1979, subdivision 1 as amended by chapter 4 of the laws of 1987, paragraph (b) of subdivision 1 as amended by chapter 575 of the laws of 2007, subdivision 2 as amended by chapter 309 of the laws of 1996, and subdivision 3 as separately amended by chapter 568 of the laws of 1979, is amended to read as follows:

§ 758-a. Restitution. 1. In cases involving acts of ~~[infants]~~ children over ~~[ten]~~ twelve and less than ~~[sixteen]~~ eighteen years of age, the court may

(a) recommend as a condition of placement, or order as a condition of probation or suspended judgment, restitution in an amount representing a fair and reasonable cost to replace the property or repair the damage caused by the ~~[infant]~~ child, not, however, to exceed one thousand dollars. ~~[In the case of a placement, the court may recommend that the infant pay out of his or her own funds or earnings the amount of~~

~~replacement or damage, either in a lump sum or in periodic payments in amounts set by the agency with which he is placed, and in the case of probation or suspended judgment, the~~ The court may require that the [infant] child pay out of his or her own funds or earnings the amount of replacement or damage, either in a lump sum or in periodic payments in amounts set by the court; and/or

(b) order as a condition of placement, probation, or suspended judgment, services for the public good including in the case of a crime involving willful, malicious, or unlawful damage or destruction to real or personal property maintained as a cemetery plot, grave, burial place, or other place of interment of human remains, services for the maintenance and repair thereof, taking into consideration the age and physical condition of the [infant] child.

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

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

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

§ 98. Section 774 of the family court act is amended to read as follows:

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

§ 98-a. Article 6 of the social services law is amended by adding a new title 12 to read as follows:

TITLE 12
FAMILY SUPPORT CENTERS

1 Section 458-m. Family support centers.

2 458-n. Funding for family support centers.

3 § 458-m. Family support centers. 1. As used in this title, the term
4 "family support center" shall mean a program established pursuant to
5 this title to provide community-based supportive services to children
6 and families with the goal of preventing a child from being adjudicated
7 a person in need of supervision and help prevent the out of home place-
8 ments of such youth under article seven of the family court act.

9 2. Family support centers shall provide comprehensive services to such
10 children and their families, either directly or through referrals with
11 partner agencies, including, but not limited to:

- 12 (a) rapid family assessments and screenings;
13 (b) crisis intervention;
14 (c) family mediation and skills building;
15 (d) mental and behavioral health services including cognitive inter-
16 ventions;
17 (e) case management;
18 (f) respite services;
19 (g) education advocacy; and
20 (h) other family support services.

21 3. The services that are provided shall be trauma responsive, family
22 focused, gender-responsive, and evidence based or informed and strengths
23 based and shall be tailored to the individualized needs of the child and
24 family based on the assessments and screenings conducted by such family
25 support center.

26 4. Family support centers shall have the capacity to serve families
27 outside of regular business hours including evenings and weekends.

28 § 458-n. Funding for family support centers. 1. Notwithstanding any
29 other provision of law to the contrary, to the extent that funds are
30 available for such purpose, the office of children and family services
31 shall distribute funding to the highest need social services districts
32 to contract with not-for-profit corporations to operate family support
33 centers in accordance with the provisions of this title and the specific
34 program model requirements issued by the office.

35 2. Notwithstanding any other provision of law to the contrary, when
36 determining the highest need social services districts pursuant to this
37 subdivision, the office may consider factors that may include, but are
38 not necessarily limited to:

39 (a) the total amount of available funding and the amount of funding
40 required for family support centers to meet the objectives outlined in
41 section four hundred fifty-eight-m of this title;

42 (b) relevant, available statistics regarding each district, which may
43 include, but not necessarily be limited to:

44 (i) the availability of services within such district to prevent or
45 reduce detention or residential placement of youth pursuant to article
46 seven of the family court act; and

47 (ii) relative to the youth population of such social services
48 district:

49 (1) the number of petitions filed pursuant to article seven of the
50 family court act; or

51 (2) the number of placements of youth into residential care or
52 detention pursuant to article seven of the family court act;

53 (c) any reported performance outcomes reported to the office pursuant
54 to subdivision three of this section for programs that previously
55 received funding pursuant to this title; or

56 (d) other appropriate factors as determined by the office.

1 3. Social services districts receiving funding under this title shall
2 report to the office of children and family services, in the form and
3 manner and at such times as determined by the office, on the performance
4 outcomes of any family support center located within such district that
5 receives funding under this title.

6 § 98-b. Subdivisions 3, 3-a, 11 and 12 of section 398 of the social
7 services law, subdivision 3 as amended by chapter 419 of the laws of
8 1987, paragraph (c) of subdivision 3 as amended by section 19 of part E
9 of chapter 57 of the laws of 2005, subdivision 3-a as added by section 1
10 of subpart B of part G of chapter 57 of the laws of 2012, subdivision 11
11 as added by chapter 514 of the laws of 1976 and subdivision 12 as
12 amended by section 12 of subpart B of part Q of chapter 58 of the laws
13 of 2011, are amended to read as follows:

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

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

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

18 (c) Receive within fifteen days from the order of placement as a
19 public charge any delinquent child committed or placed [~~or person in~~
20 ~~need of supervision placed~~] in his or her care by the family court
21 provided, however, that the commissioner of the social services district
22 with whom the child is placed may apply to the state commissioner or his
23 or her designee for approval of an additional fifteen days, upon written
24 documentation to the office of children and family services that the
25 youth is in need of specialized treatment or placement and the diligent
26 efforts by the commissioner of social services to locate an appropriate
27 placement.

28 [~~3-a. As to delinquent children:~~

29 ~~(a)~~ (d) (1) Conditionally release any juvenile delinquent placed with
30 the district to aftercare whenever the district determines conditional
31 release to be consistent with the needs and best interests of such juve-
32 nile delinquent, that suitable care and supervision can be provided, and
33 that there is a reasonable probability that such juvenile delinquent can
34 be conditionally released without endangering public safety; provided,
35 however, that such conditional release shall be made in accordance with
36 the regulations of the office of children and family services, and
37 provided further that no juvenile delinquent while absent from a facili-
38 ty or program without the consent of the director of such facility or
39 program shall be conditionally released by the district solely by reason
40 of the absence.

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

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

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

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

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

(ii) If a conditionally released juvenile delinquent is subject to article sixty-five of the education law or elects to participate in an educational program leading to a high school diploma, he or she shall be enrolled in a school or educational program leading to a high school diploma following release, or, if such release occurs during the summer recess, upon the commencement of the next school term. If a conditionally released juvenile delinquent is not subject to article sixty-five of the education law, and does not elect to participate in an educational program leading to a high school diploma, steps shall be taken, to the extent possible, to facilitate his or her gainful employment or enrollment in a vocational program following release.

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

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

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

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

11. In the case of a child who is adjudicated ~~[a person in need of supervision or]~~ a juvenile delinquent and is placed by the family court with the ~~[division for youth]~~ office of children and family services and who is placed by ~~[the division for youth]~~ such office with an authorized agency pursuant to court order, the social services official shall make expenditures in accordance with the regulations of the department for the care and maintenance of such child during the term of such placement subject to state reimbursement pursuant to section one hundred fifty-three-k of this ~~[title, or article nineteen-c of the executive law in applicable cases]~~ article.

12. A social services official shall be permitted to place persons adjudicated ~~[in need of supervision or]~~ delinquent~~[, and alleged persons to be in need of supervision]~~ in detention pending transfer to a placement, in the same foster care facilities as are providing care to destitute, neglected, abused or abandoned children. Such foster care facilities shall not provide care to a youth in the care of a social services official as a convicted juvenile offender.

§ 98-c. Paragraph (a) of subdivision 1 of section 409-a of the social services law, as amended by chapter 87 of the laws of 1993, subparagraph (i) as amended by chapter 342 of the laws of 2010, and subparagraph (ii)

1 as amended by section 22 of part C of chapter 83 of the laws of 2002, is
2 amended to read as follows:

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

30 § 99. Subdivision 1, the opening paragraph of subdivision 2 and
31 subparagraphs (i) and (iii) of paragraph (a) of subdivision 3 of section
32 529-b of the executive law, as added by section 3 of subpart B of part Q
33 of chapter 58 of the laws of 2011, are amended to read as follows:

34 1. (a) Notwithstanding any provision of law to the contrary, eligible
35 expenditures by an eligible municipality for services to divert youth at
36 risk of, alleged to be, or adjudicated as juvenile delinquents ~~[or~~
37 ~~persons alleged or adjudicated to be in need of supervision]~~, or youth
38 alleged to be or convicted as juvenile offenders from placement in
39 detention or in residential care shall be subject to state reimbursement
40 under the supervision and treatment services for juveniles program for
41 up to sixty-two percent of the municipality's expenditures, subject to
42 available appropriations and exclusive of any federal funds made avail-
43 able for such purposes, not to exceed the municipality's distribution
44 under the supervision and treatment services for juveniles program.

45 (b) The state funds appropriated for the supervision and treatment
46 services for juveniles program shall be distributed to eligible munici-
47 palities by the office of children and family services based on a plan
48 developed by the office which may consider historical information
49 regarding the number of youth seen at probation intake for an alleged
50 act of delinquency, the number of alleged persons in need of supervision
51 receiving diversion services under section seven hundred thirty-five of
52 the family court act, the number of youth remanded to detention, the
53 number of juvenile delinquents placed with the office, the number of
54 juvenile delinquents ~~[and persons in need of supervision]~~ placed in
55 residential care with the municipality, the municipality's reduction in
56 the use of detention and residential placements, and other factors as

1 determined by the office. Such plan developed by the office shall be
2 subject to the approval of the director of the budget. The office is
3 authorized, in its discretion, to make advance distributions to a muni-
4 cipality in anticipation of state reimbursement.

5 As used in this section, the term "municipality" shall mean a county,
6 or a city having a population of one million or more, and "supervision
7 and treatment services for juveniles" shall mean community-based
8 services or programs designed to safely maintain youth in the community
9 pending a family court disposition or conviction in criminal court and
10 services or programs provided to youth adjudicated as juvenile delin-
11 quents [~~or persons in need of supervision,~~] or youth alleged to be juve-
12 nile offenders to prevent residential placement of such youth or a
13 return to placement where such youth have been released to the community
14 from residential placement or programs provided to youth adjudicated
15 persons in need of supervision to maintain such youth in their homes.
16 Supervision and treatment services for juveniles may include but are not
17 limited to services or programs that:

18 (i) an analysis that identifies the neighborhoods or communities from
19 which the greatest number of juvenile delinquents [~~and persons in need~~
20 ~~of supervision~~] are remanded to detention or residentially placed and
21 from which the greatest number of alleged persons in need of supervision
22 are offered diversion services;

23 (iii) a description of how the services and programs proposed for
24 funding will reduce the number of youth from the municipality who are
25 detained and residentially or otherwise placed; how such services and
26 programs are family-focused; and whether such services and programs are
27 capable of being replicated across multiple sites;

28 § 100. The opening paragraph and paragraph (a) of subdivision 2 and
29 subdivisions 4, 5, 6 and 7 of section 530 of the executive law, the
30 opening paragraph of subdivision 2 and subdivision 4 as amended by
31 section 4 of subpart B of part Q of chapter 58 of the laws of 2011,
32 paragraph (a) of subdivision 2 as amended by section 1 of part M of
33 chapter 57 of the laws of 2012, subdivision 5 as amended by chapter 920
34 of the laws of 1982, subparagraphs 1, 2 and 4 of paragraph (a) and para-
35 graph (b) of subdivision 5 as amended by section 5 of subpart B of part
36 Q of chapter 58 of the laws of 2011, subdivision 6 as amended by chapter
37 880 of the laws of 1976, and subdivision 7 as amended by section 6 of
38 subpart B of part Q of chapter 58 of the laws of 2011, are amended to
39 read as follows:

40 [~~Expenditures~~] Except as provided for in subdivision eight of this
41 section, expenditures made by municipalities in providing care, mainte-
42 nance and supervision to youth in detention facilities designated pursu-
43 ant to [~~sections seven hundred twenty and~~] section 305.2 of the family
44 court act and certified by [~~the division for youth~~] office of children
45 and family services, shall be subject to reimbursement by the state, as
46 follows:

47 (a) Notwithstanding any provision of law to the contrary, eligible
48 expenditures by a municipality during a particular program year for the
49 care, maintenance and supervision [~~in foster care programs certified by~~
50 ~~the office of children and family services, certified or approved family~~
51 ~~boarding homes, and non-secure detention facilities certified by the~~
52 ~~office for those youth alleged to be persons in need of supervision or~~
53 ~~adjudicated persons in need of supervision held pending transfer to a~~
54 ~~facility upon placement; and~~] in secure and non-secure detention facili-
55 ties certified by the office in accordance with section five hundred
56 three of this article for those youth alleged to be juvenile delin-

1 quents; adjudicated juvenile delinquents held pending transfer to a
2 facility upon placement, and juvenile delinquents held at the request of
3 the office of children and family services pending extension of place-
4 ment hearings or release revocation hearings or while awaiting disposi-
5 tion of such hearings; and youth alleged to be or convicted as juvenile
6 offenders and, prior to January first, two thousand twenty, youth
7 alleged to be persons in need of supervision or adjudicated persons in
8 need of supervision held pending transfer to a facility upon placement
9 in foster care programs certified by the office of children and family
10 services, certified or approved family boarding homes, and non-secure
11 detention facilities certified by the office, shall be subject to state
12 reimbursement for up to fifty percent of the municipality's expendi-
13 tures, exclusive of any federal funds made available for such purposes,
14 not to exceed the municipality's distribution from funds that have been
15 appropriated specifically therefor for that program year. Municipalities
16 shall implement the use of detention risk assessment instruments in a
17 manner prescribed by the office so as to inform detention decisions.
18 Notwithstanding any other provision of state law to the contrary, data
19 necessary for completion of a detention risk assessment instrument may
20 be shared among law enforcement, probation, courts, detention adminis-
21 trators, detention providers, and the attorney for the child upon
22 retention or appointment; solely for the purpose of accurate completion
23 of such risk assessment instrument, and a copy of the completed
24 detention risk assessment instrument shall be made available to the
25 applicable detention provider, the attorney for the child and the court.

26 4. (a) The municipality must notify the office of children and family
27 services of state aid received under other state aid formulas by each
28 detention facility for which the municipality is seeking reimbursement
29 pursuant to this section, including but not limited to, aid for educa-
30 tion, probation and mental health services.

31 (b) Except as provided in subdivision eight of this section: (i) In
32 computing reimbursement to the municipality pursuant to this section,
33 the office shall insure that the aggregate of state aid under all state
34 aid formulas shall not exceed fifty percent of the cost of care, mainte-
35 nance and supervision provided to detainees eligible for state
36 reimbursement under subdivision two of this section, exclusive of feder-
37 al aid for such purposes not to exceed the amount of the municipality's
38 distribution under the juvenile detention services program.

39 ~~(c)~~ (ii) Reimbursement for administrative related expenditures as
40 defined by the office of children and family services, for secure and
41 nonsecure detention services shall not exceed seventeen percent of the
42 total approved expenditures for facilities of twenty-five beds or more
43 and shall not exceed twenty-one percent of the total approved expendi-
44 tures for facilities with less than twenty-five beds.

45 5. (a) Except as provided in paragraph (b) of this subdivision, care,
46 maintenance and supervision for the purpose of this section shall mean
47 and include only:

48 (1) temporary care, maintenance and supervision provided to alleged
49 juvenile delinquents and persons in need of supervision in detention
50 facilities certified pursuant to sections seven hundred twenty and 305.2
51 of the family court act by the office of children and family services,
52 pending adjudication of alleged delinquency or alleged need of super-
53 vision by the family court, or pending transfer to institutions to which
54 committed or placed by such court or while awaiting disposition by such
55 court after adjudication or held pursuant to a securing order of a crim-

1 inal court if the person named therein as principal is under [~~sixteen~~]
2 seventeen years of age; or[~~7~~]

3 (1-a) commencing on January first, two thousand twenty, temporary
4 care, maintenance, and supervision provided to alleged juvenile delin-
5 quents in detention facilities certified by the office of children and
6 family services, pending adjudication of alleged delinquency by the
7 family court, or pending transfer to institutions to which committed or
8 placed by such court or while awaiting disposition by such court after
9 adjudication or held pursuant to a securing order of a criminal court if
10 the person named therein as principal is under twenty-one; or

11 (2) temporary care, maintenance and supervision provided juvenile
12 delinquents in approved detention facilities at the request of the
13 office of children and family services pending release revocation hear-
14 ings or while awaiting disposition after such hearings; or

15 (3) temporary care, maintenance and supervision in approved detention
16 facilities for youth held pursuant to the family court act or the inter-
17 state compact on juveniles, pending return to their place of residence
18 or domicile[~~-~~]; or

19 (4) prior to January first, two thousand twenty, temporary care, main-
20 tenance and supervision provided youth detained in foster care facili-
21 ties or certified or approved family boarding homes pursuant to article
22 seven of the family court act.

23 (b) Payments made for reserved accommodations, whether or not in full
24 time use, approved and certified by the office of children and family
25 services [~~and certified pursuant to sections seven hundred twenty and~~
26 ~~305.2 of the family court act~~], in order to assure that adequate accom-
27 modations will be available for the immediate reception and proper care
28 therein of youth for which detention costs are reimbursable pursuant to
29 paragraph (a) of this subdivision, shall be reimbursed as expenditures
30 for care, maintenance and supervision under the provisions of this
31 section, provided the office shall have given its prior approval for
32 reserving such accommodations.

33 6. The [~~director of the division for youth~~] office of children and
34 family services may adopt, amend, or rescind all rules and regulations,
35 subject to the approval of the director of the budget and certification
36 to the chairmen of the senate finance and assembly ways and means
37 committees, necessary to carry out the provisions of this section.

38 7. The agency administering detention for each county and the city of
39 New York shall submit to the office of children and family services, at
40 such times and in such form and manner and containing such information
41 as required by the office of children and family services, an annual
42 report on youth remanded pursuant to article three or seven of the fami-
43 ly court act who are detained during each calendar year including,
44 commencing January first, two thousand twelve, the risk level of each
45 detained youth as assessed by a detention risk assessment instrument
46 approved by the office of children and family services provided, howev-
47 er, that the report due January first, two thousand twenty-one and ther-
48 eafter shall not be required to contain any information on youth who are
49 subject to article seven of the family court act. The office may
50 require that such data on detention use be submitted to the office elec-
51 tronically. Such report shall include, but not be limited to, the reason
52 for the court's determination in accordance with section 320.5 or seven
53 hundred thirty-nine of the family court act, if applicable, to detain
54 the youth; the offense or offenses with which the youth is charged; and
55 all other reasons why the youth remains detained. The office shall

1 submit a compilation of all the separate reports to the governor and the
2 legislature.

3 § 100-a. Subparagraph 1 of paragraph d of subdivision 3 of section
4 3214 of the education law, as amended by chapter 425 of the laws of
5 2002, is amended to read as follows:

6 (1) Consistent with the federal gun-free schools act, any public
7 school pupil who is determined under this subdivision to have brought a
8 firearm to or possessed a firearm at a public school shall be suspended
9 for a period of not less than one calendar year and any nonpublic school
10 pupil participating in a program operated by a public school district
11 using funds from the elementary and secondary education act of nineteen
12 hundred sixty-five who is determined under this subdivision to have
13 brought a firearm to or possessed a firearm at a public school or other
14 premises used by the school district to provide such programs shall be
15 suspended for a period of not less than one calendar year from partic-
16 ipation in such program. The procedures of this subdivision shall apply
17 to such a suspension of a nonpublic school pupil. A superintendent of
18 schools, district superintendent of schools or community superintendent
19 shall have the authority to modify this suspension requirement for each
20 student on a case-by-case basis. The determination of a superintendent
21 shall be subject to review by the board of education pursuant to para-
22 graph c of this subdivision and the commissioner pursuant to section
23 three hundred ten of this chapter. Nothing in this subdivision shall be
24 deemed to authorize the suspension of a student with a disability in
25 violation of the individuals with disabilities education act or article
26 eighty-nine of this chapter. A superintendent shall refer the pupil
27 under the age of sixteen who has been determined to have brought a weap-
28 on or firearm to school in violation of this subdivision to a present-
29 ment agency for a juvenile delinquency proceeding consistent with arti-
30 cle three of the family court act except a student fourteen or fifteen
31 years of age who qualifies for juvenile offender status under subdivi-
32 sion forty-two of section 1.20 of the criminal procedure law; provided
33 however, that commencing on January first, two thousand nineteen, a
34 superintendent shall refer the pupil under the age of seventeen who has
35 been determined to have brought a weapon or firearm to school in
36 violation of this subdivision to a presentment agency for a juvenile
37 delinquency proceeding consistent with article three of the family court
38 act except a student who qualifies for juvenile offender status under
39 subdivision forty-two of section 1.20 of the criminal procedure law; and
40 provided further that commencing on January first, two thousand twenty,
41 a superintendent shall refer the pupil under the age of eighteen who has
42 been determined to have brought a weapon or firearm to school in
43 violation of this subdivision to a presentment agency for a juvenile
44 delinquency proceeding consistent with article three of the family court
45 act except a student who qualifies for juvenile offender status under
46 subdivision forty-two of section 1.20 of the criminal procedure law. A
47 superintendent shall refer any pupil sixteen years of age or older or a
48 student fourteen or fifteen years of age who qualifies for juvenile
49 offender status under subdivision forty-two of section 1.20 of the crim-
50 inal procedure law, who has been determined to have brought a weapon or
51 firearm to school in violation of this subdivision to the appropriate
52 law enforcement officials.

53 § 100-b. Paragraph b of subdivision 4 of section 3214 of the education
54 law, as amended by chapter 181 of the laws of 2000, is amended to read
55 as follows:

b. The school authorities may institute proceedings before a court having jurisdiction to determine the liability of a person in parental relation to contribute towards the maintenance of a school delinquent under ~~[sixteen]~~ seventeen years of age or commencing January first, two thousand twenty, under eighteen years of age ordered to attend upon instruction under confinement. If the court shall find the person in parental relation able to contribute towards the maintenance of such a minor, it may issue an order fixing the amount to be paid weekly.

§ 101. The executive law is amended by adding a new section 259-p to read as follows:

§ 259-p. Interstate detention. (1) Notwithstanding any other provision of law, a defendant subject to section two hundred fifty-nine-mm of this article, may be detained as authorized by the interstate compact for adult offender supervision.

(2) A defendant shall be detained at a local correctional facility, except as otherwise provided in subdivision three of this section.

(3) (a) A defendant sixteen years of age or younger, who allegedly commits a criminal act or violation of his or her supervision on or after January first, two thousand nineteen or (b) a defendant seventeen years of age or younger who allegedly commits a criminal act or violation of his or her supervision on or after January first, two thousand twenty, shall be detained in a juvenile detention facility.

§ 102. Subdivision 4 of section 246 of the executive law, as amended by section 10 of part D of chapter 56 of the laws of 2010, is amended to read as follows:

4. An approved plan and compliance with standards relating to the administration of probation services promulgated by the commissioner of the division of criminal justice services shall be a prerequisite to eligibility for state aid.

The commissioner of the division of criminal justice services may take into consideration granting additional state aid from an appropriation made for state aid for county probation services for counties or the city of New York when a county or the city of New York demonstrates that additional probation services were dedicated to intensive supervision programs~~[7]~~ and intensive programs for sex offenders ~~[or programs defined as juvenile risk intervention services]~~. The commissioner shall grant additional state aid from an appropriation dedicated to juvenile risk intervention services coordination by probation departments which shall include, but not be limited to, probation services performed under article three of the family court act. The administration of such additional grants shall be made according to rules and regulations promulgated by the commissioner of the division of criminal justice services. Each county and the city of New York shall certify the total amount collected pursuant to section two hundred fifty-seven-c of this chapter. The commissioner of the division of criminal justice services shall thereupon certify to the comptroller for payment by the state out of funds appropriated for that purpose, the amount to which the county or the city of New York shall be entitled under this section. The commissioner shall, subject to an appropriation made available for such purpose, establish and provide funding to probation departments for a continuum of evidence-based intervention services for youth alleged or adjudicated juvenile delinquents pursuant to article three of the family court act or for eligible youth before or sentenced under the youth part in accordance with the criminal procedure law. Such additional state aid shall be made in an amount necessary to pay one hundred percent of the expenditures for evidence-based practices and juvenile risk and

1 evidence-based intervention services provided to youth sixteen years of
2 age or older when such services would not otherwise have been provided
3 absent the provisions of a chapter of the laws of two thousand seventeen
4 that increased the age of juvenile jurisdiction.

5 § 103. The second undesignated paragraph of subdivision 4 of section
6 246 of the executive law, as added by chapter 479 of the laws of 1970,
7 is amended to read as follows:

8 ~~[The director shall thereupon certify to the comptroller for payment~~
9 ~~by the state out of funds appropriated for that purpose, the amount to~~
10 ~~which the county or the city of New York shall be entitled under this~~
11 ~~section.]~~

12 The commissioner of the division of criminal justice services may take
13 into consideration granting additional state aid from an appropriation
14 made for state aid for county probation services for counties or the
15 city of New York when a county or the city of New York demonstrates that
16 additional probation services were dedicated to intensive supervision
17 programs and intensive programs for sex offenders. The commissioner
18 shall grant additional state aid from an appropriation dedicated to
19 juvenile risk intervention services coordination by probation depart-
20 ments which shall include, but not be limited to, probation services
21 performed under article three of the family court act. The adminis-
22 tration of such additional grants shall be made according to rules and
23 regulations promulgated by the commissioner of the division of criminal
24 justice services. Each county and the city of New York shall certify the
25 total amount collected pursuant to section two hundred fifty-seven-c of
26 this chapter. The commissioner of the division of criminal justice
27 services shall thereupon certify to the comptroller for payment by the
28 state out of funds appropriated for that purpose, the amount to which
29 the county or the city of New York shall be entitled under this section.
30 The commissioner shall, subject to an appropriation made available for
31 such purpose, establish and provide funding to probation departments for
32 a continuum of evidence-based intervention services for youth alleged or
33 adjudicated juvenile delinquents pursuant to article three of the family
34 court act or for eligible youth before or sentenced under the youth part
35 in accordance with the criminal procedure law.

36 § 104. The state finance law is amended by adding a new section 54-m
37 to read as follows:

38 § 54-m. Waiver of local share requirements associated with increasing
39 the age of juvenile jurisdiction above fifteen years. 1. Notwithstand-
40 ing any other provision of law to the contrary, a county that is subject
41 to section three-c of the general municipal law may apply to the New
42 York state division of budget to request a waiver of the local share
43 requirement of any expense that it would not have otherwise incurred
44 absent the provisions of a chapter of the laws of two thousand seventeen
45 that increased the age of juvenile jurisdiction above fifteen years of
46 age.

47 2. Request for a waiver pursuant to this section shall be made in the
48 time and manner as required by the division of budget, and must contain,
49 at minimum:

50 (a) a demonstration of fiscal hardship;

51 (b) a certification from the chief executive officer or budget officer
52 of such county to the state budget director that the county's most
53 recently adopted budget does not exceed the tax levy limit prescribed in
54 section three-c of the general municipal law and, if the governing body
55 of the county did enact a local law to override the tax levy limit, that

1 such local law was subsequently repealed; such certification shall be
2 made in a form and manner prescribed by the state budget director;

3 (c) a plan developed by the county that shows how the county will
4 appropriately implement the requirements of the chapter of the laws of
5 two thousand seventeen that increased the age of juvenile jurisdiction
6 above fifteen years of age;

7 (d) the specific expenses and associated local share of such expenses
8 that the county is seeking a waiver for; and

9 (e) any other information that may be required by the division of
10 budget.

11 3. In deciding whether to grant approval of a waiver request made
12 pursuant to this section, the division of budget shall consult with the
13 applicable state agency or agencies that oversee the services for which
14 the county is seeking a waiver of its local share.

15 4. Notwithstanding any other provision of law to the contrary, any
16 state assistance granted in association with a waiver issued pursuant to
17 this section shall be subject to an appropriation and shall only be made
18 to the extent that funds are available specifically therefor.

19 § 105. Severability. If any clause, sentence, paragraph, subdivision,
20 section or part contained in any part of this act shall be adjudged by
21 any court of competent jurisdiction to be invalid, such judgment shall
22 not affect, impair, or invalidate the remainder thereof, but shall be
23 confined in its operation to the clause, sentence, paragraph, subdivi-
24 sion, section or part contained in any part thereof directly involved in
25 the controversy in which such judgment shall have been rendered. It is
26 hereby declared to be the intent of the legislature that this act would
27 have been enacted even if such invalid provisions had not been included
28 herein.

29 § 106. This act shall take effect immediately; provided that:

30 a. sections forty-eight and forty-eight-a of this act shall take
31 effect on the one hundred and eightieth day after this act shall have
32 become a law and shall be deemed to apply to offenses committed prior
33 to, on, or after such effective date;

34 b. sections one through forty-one, forty-four through forty-seven,
35 forty-nine, fifty-four through seventy-two, seventy-four through eighty,
36 one hundred-a, one hundred-b and one hundred one of this act shall take
37 effect January 1, 2019; provided, however, that when the applicability
38 of such provision is dependent on the age of the youth that is alleged
39 or adjudicated to have been committed or is convicted of a crime or an
40 act that would constitute a crime if committed by an adult:

41 (i) effective January 1, 2019, such provisions shall be deemed to
42 apply to youth who have been alleged to have committed, adjudicated for,
43 or convicted of, an offense that occurred on or after such effective
44 date and who were 16 years of age at the time the offense occurred, and

45 (ii) effective January 1, 2020, such provisions shall be deemed to
46 apply to youth who have been alleged to have committed, adjudicated for,
47 or convicted of, an offense that occurred on or after such effective
48 date and who were seventeen years of age at the time such offense
49 occurred;

50 c. sections ninety-eight-a and one hundred two and one hundred four
51 shall take effect April 1, 2018;

52 d. sections eighty-three through ninety-eight and sections ninety-
53 eight-b through one hundred of this act shall take effect January 1,
54 2020 and shall be deemed to be applicable to the detention or placement
55 of youth pursuant to petitions filed pursuant to article seven of the
56 family court act on or after such effective date;

1 e. sections forty-two and forty-three of this act shall take effect
2 January 1, 2021;

3 f. the amendments to subdivision 1 of section 70.20 of the penal law
4 made by section forty-two of this act shall not affect the expiration of
5 such subdivision and shall be deemed to expire therewith;

6 g. the amendments to paragraph d of subdivision 3 of section 3214 of
7 the education law made by section one hundred-a of this act shall not
8 affect the expiration of such paragraph and shall be deemed to expire
9 therewith;

10 h. the amendments to subdivision 4 of section 353.5 of the family
11 court act made by section seventy-two of this act shall be subject to
12 the expiration and reversion of such subdivision pursuant to section 11
13 of subpart A of part G of chapter 57 of the laws of 2012, as amended,
14 when upon such date the provisions of section seventy-three of this act
15 shall take effect; provided, however if such date of reversion is prior
16 to January 1, 2019, section seventy-three of this act shall take effect
17 on January 1, 2019;

18 i. the amendments to subdivision 3-a of section 398 of the social
19 services law made by section ninety-eight-b of this act shall not affect
20 the expiration of such subdivision and shall be deemed repealed there-
21 with;

22 j. the amendments to subparagraph (ii) of paragraph (a) of subdivision
23 1 of section 409-a of the social services law made by section ninety-
24 eight-c of this act shall not affect the expiration of such subparagraph
25 and shall be deemed to expire therewith;

26 k. the amendments to the second undesignated paragraph of subdivision
27 4 of section 246 of the executive law made by section one hundred two of
28 this act shall be subject to the expiration and reversion of such undes-
29 ignated paragraph as provided in subdivision (aa) of section 427 of
30 chapter 55 of the laws of 1992, as amended, when upon such date section
31 one hundred three of this act shall take effect; provided, however if
32 such date of reversion is prior to April 1, 2018, section one hundred
33 three of this act shall take effect on April 1, 2018;

34 l. the amendments to paragraph (f) of subdivision 1 of section 70.30
35 of the penal law made by section forty-four-a of this act shall not
36 affect the expiration and reversion of such paragraph and shall expire
37 and be deemed repealed therewith; and

38 m. if chapter 492 of the laws of 2016 shall not have taken effect on
39 or before such date then section sixteen of this act shall take effect
40 on the same date and in the same manner as such chapter of the laws of
41 2016, takes effect.

42 PART K

43 Section 1. This part enacts into law major components of legislation
44 which are necessary for the financing of various child welfare services.
45 Each component is wholly contained within a subpart identified as
46 subparts A through B. The effective date for each particular provision
47 contained within a subpart is set forth in the last section of such
48 subpart. Any provision in any section contained within a subpart,
49 including the effective date of the subpart, which makes reference to a
50 section "of this act", when used in connection with that particular
51 component, shall be deemed to mean and refer to the corresponding
52 section of the subpart in which it is found. Section three of this part
53 sets forth the general effective date of this part.

1

SUBPART A

2 Section 1. Section 28 of part C of chapter 83 of the laws of 2002,
3 amending the executive law and other laws relating to funding for chil-
4 dren and family services, as amended by section 1 of part F of chapter
5 57 of the laws of 2012, is amended to read as follows:

6 § 28. This act shall take effect immediately; provided that sections
7 nine through eighteen and twenty through twenty-seven of this act shall
8 be deemed to have been in full force and effect on and after April 1,
9 2002; provided, however, that section fifteen of this act shall apply to
10 claims that are otherwise reimbursable by the state on or after April 1,
11 2002 except as provided in subdivision 9 of section 153-k of the social
12 services law as added by section fifteen of this act; provided further
13 however, that nothing in this act shall authorize the office of children
14 and family services to deny state reimbursement to a social services
15 district for violations of the provisions of section 153-d of the social
16 services law for services provided from January 1, 1994 through March
17 31, 2002; provided that section nineteen of this act shall take effect
18 September 13, 2002 and shall expire and be deemed repealed June 30,
19 2012; and, provided further, however, that notwithstanding any law to
20 the contrary, the office of children and family services shall have the
21 authority to promulgate, on an emergency basis, any rules and regu-
22 lations necessary to implement the requirements established pursuant to
23 this act; provided further, however, that the regulations to be devel-
24 oped pursuant to section one of this act shall not be adopted by emer-
25 gency rule; and provided further that the provisions of sections nine
26 through eighteen and twenty through twenty-seven of this act shall
27 expire and be deemed repealed on June 30, ~~2017~~ 2022.

28 § 2. This act shall take effect immediately.

29

SUBPART B

30 Section 1. Subdivision 10 of section 153 of the social services law,
31 as amended by section 2 of part 0 of chapter 58 of the laws of 2011, is
32 amended to read as follows:

33 10. Expenditures made by a social services district for the mainte-
34 nance of children with disabilities, placed by school districts, pursu-
35 ant to section forty-four hundred five of the education law shall, if
36 approved by the office of children and family services, be subject to
37 eighteen and four hundred twenty-four thousandths percent reimbursement
38 by the state and thirty-eight and four hundred twenty-four thousandths
39 percent reimbursement by school districts, except for social services
40 districts located within a city with a population of one million or
41 more, where such expenditures shall be subject to fifty-six and eight
42 hundred forty-eight thousandths percent reimbursement by the school
43 district, in accordance with paragraph c of subdivision one of section
44 forty-four hundred five of the education law, after first deducting
45 therefrom any federal funds received or to be received on account of
46 such expenditures, except that in the case of a student attending a
47 state-operated school for the deaf or blind pursuant to article eighty-
48 seven or eighty-eight of the education law who was not placed in such
49 school by a school district such expenditures shall be subject to fifty
50 percent reimbursement by the state after first deducting therefrom any
51 federal funds received or to be received on account of such expenditures
52 and there shall be no reimbursement by school districts. Such expendi-
53 tures shall not be subject to the limitations on state reimbursement

1 contained in subdivision two of section one hundred fifty-three-k of
2 this title. In the event of the failure of the school district to make
3 the maintenance payment pursuant to the provisions of this subdivision,
4 the state comptroller shall withhold state reimbursement to any such
5 school district in an amount equal to the unpaid obligation for mainte-
6 nance and pay over such sum to the social services district upon certifi-
7 cation of the commissioner of the office of children and family
8 services and the commissioner of education that such funds are overdue
9 and owed by such school district. The commissioner of the office of
10 children and family services, in consultation with the commissioner of
11 education, shall promulgate regulations to implement the provisions of
12 this subdivision.

13 § 2. Paragraph (a) of subdivision 2 of section 153-k of the social
14 services law, as added by section 15 of part C of chapter 83 of the laws
15 of 2002, is amended to read as follows:

16 (a) Notwithstanding the provisions of this chapter or of any other law
17 to the contrary, eligible expenditures by a social services district for
18 foster care services shall be subject to reimbursement with state funds
19 only to the extent of annual appropriations to the state foster care
20 block grant. Such foster care services shall include expenditures for
21 the provision and administration of: care, maintenance, supervision and
22 tuition; supervision of foster children placed in federally funded job
23 corps programs; and care, maintenance, supervision and tuition for adju-
24 dicated juvenile delinquents and persons in need of supervision placed
25 in residential programs operated by authorized agencies and in out-of-
26 state residential programs; except that, notwithstanding any other
27 provision of law to the contrary, reimbursement with state funds pursu-
28 ant to the state foster care block grant shall not be available for
29 tuition expenditures for foster children, including persons in need of
30 supervision and adjudicated juvenile delinquents, made by a social
31 services district located within a city having a population of one
32 million or more. Social services districts must develop and implement
33 children and family services delivery systems that are designed to
34 reduce the need for and the length of foster care placements and must
35 document their efforts in the multi-year consolidated services plan and
36 the annual implementation reports submitted pursuant to section thirty-
37 four-a of this chapter.

38 § 3. Paragraph c of subdivision 1 of section 4405 of the education
39 law, as amended by section 1 of part 0 of chapter 58 of the laws of
40 2011, is amended to read as follows:

41 c. Expenditures made by a social services district for the maintenance
42 of a child with a disability placed in a residential school under the
43 provisions of this article, including a child with a disability placed
44 by a school district committee on special education pursuant to this
45 article in a special act school district, or a state school subject to
46 the provisions of articles eighty-seven and eighty-eight of this chap-
47 ter, shall be subject to [~~thirty-eight and four hundred twenty-four~~
48 ~~thousandths percent~~] reimbursement by the child's school district of
49 residence pursuant to the provisions of subdivision ten of section one
50 hundred fifty-three of the social services law. The amount of such
51 reimbursement shall be a charge upon such school district of residence.

52 § 4. This act shall take effect immediately; provided, however, that
53 the amendments to subdivision 10 of section 153 of the social services
54 law made by section one of this act shall not affect the expiration of
55 such subdivision and shall expire therewith; and the amendments made to
56 paragraph (a) of subdivision 2 of section 153-k of the social services

1 law made by section two of this act shall not affect the repeal of such
2 section and shall be deemed repealed therewith.

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

12 § 3. This act shall take effect immediately; provided, however, that
13 the applicable effective date of subparts A and B of this part shall be
14 as specifically set forth in the last section of such subparts.

15 PART L

16 Section 1. Paragraph (iii) of subdivision (e) of section 1012 of the
17 family court act, as amended by chapter 320 of the laws of 2006, is
18 amended to read as follows:

19 (iii) (A) commits, or allows to be committed an offense against such
20 child defined in article one hundred thirty of the penal law; (B)
21 allows, permits or encourages such child to engage in any act described
22 in sections 230.25, 230.30 and 230.32 of the penal law; (C) commits any
23 of the acts described in sections 255.25, 255.26 and 255.27 of the penal
24 law; ~~(D)~~ allows such child to engage in acts or conduct described
25 in article two hundred sixty-three of the penal law; or (E) permits or
26 encourages such child to engage in any act or commits or allows to be
27 committed against such child any offense that would render such child
28 either a victim of sex trafficking or a victim of severe forms of traf-
29 ficking in persons pursuant to 22 U.S.C. 7102 as enacted by public law
30 106-386 or any successor federal statute; (F) provided, however, that
31 ~~(a)~~ (1) the corroboration requirements contained in the penal law and
32 ~~(b)~~ (2) the age requirement for the application of article two hundred
33 sixty-three of such law shall not apply to proceedings under this arti-
34 cle.

35 § 2. This act shall take effect immediately.

36 PART M

37 Section 1. Paragraph a of subdivision 2 of section 420 of the execu-
38 tive law, as amended by section 3 of part G of chapter 57 of the laws of
39 2013, is amended to read as follows:

40 a. (1) A municipality may submit to the office of children and family
41 services a plan for the providing of services for runaway and homeless
42 youth, as defined in article nineteen-H of this chapter. Where such
43 municipality is receiving state aid pursuant to paragraph a of subdivi-
44 sion one of this section, such runaway and homeless youth plan shall be
45 submitted as part of the comprehensive plan and shall be consistent with
46 the goals and objectives therein.

47 (2) A runaway and homeless youth plan shall be developed in consulta-
48 tion with the municipal youth bureau and the county or city department
49 of social services, shall be in accordance with the regulations of the
50 office of children and family services, shall provide for a coordinated
51 range of services for runaway and homeless youth and their families
52 including preventive, temporary shelter, transportation, counseling, and

1 other necessary assistance, and shall provide for the coordination of
2 all available county resources for runaway and homeless youth and their
3 families including services available through the municipal youth
4 bureau, the county or city department of social services, local boards
5 of education, local drug and alcohol programs and organizations or
6 programs which have past experience dealing with runaway and homeless
7 youth. [~~Such~~]

8 (3) In its plan a municipality may:

9 (i) include provisions for transitional independent living support
10 programs [~~for homeless youth between the ages of sixteen and twenty-one~~
11 and runaway and homeless youth crisis services programs as provided in
12 article nineteen-H of this chapter;

13 (ii) authorize services under article nineteen-H of this chapter to be
14 provided to homeless young adults, as such term is defined in section
15 five hundred thirty-two-a of this chapter;

16 (iii) authorize runaway and homeless youth to be served for additional
17 periods of time in accordance with any of the following provisions of
18 this chapter:

19 (A) paragraph (a) of subdivision two of section five hundred thirty-
20 two-b;

21 (B) paragraph (b) of subdivision two of section five hundred thirty-
22 two-b; or

23 (C) paragraph (b) of subdivision one of section five hundred thirty-
24 two-d; and

25 (iv) require that another designated person or entity, in addition to
26 the applicable runaway and homeless youth service coordinator, approve
27 any exigent circumstance request as such term is defined in section five
28 hundred thirty-two-a of this chapter, made to the office of children and
29 family services.

30 (4) Such plan shall also provide for the designation and duties of the
31 runaway and homeless youth service coordinator defined in section five
32 hundred thirty-two-a of this chapter who is available on a twenty-four
33 hour basis and maintains information concerning available shelter space,
34 transportation and services.

35 (5) Such plan may include provision for the per diem reimbursement for
36 residential care of runaway and homeless youth in [~~approved~~ certified
37 residential runaway and homeless youth programs which are authorized
38 agencies[, ~~provided that such per diem reimbursement shall not exceed a~~
39 total of thirty days for any one youth].

40 § 2. Subdivisions 1, 2, 4 and 6 of section 532-a of the executive law,
41 subdivisions 1 and 2 as amended by chapter 800 of the laws of 1985,
42 subdivisions 4 and 6 as amended by section 6 of part G of chapter 57 of
43 the laws of 2013, are amended, and two new subdivisions 9 and 10 are
44 added, to read as follows:

45 1. "Runaway youth" shall mean a person under the age of eighteen years
46 who is absent from his or her legal residence without the consent of his
47 or her parent, legal guardian or custodian.

48 2. "Homeless youth" shall mean:

49 (a) a person under the age of [~~twenty-one~~ eighteen who is in need of
50 services and is without a place of shelter where supervision and care
51 are available; or

52 (b) a person who is under the age of twenty-one but is at least age
53 eighteen and who is in need of services and is without a place of shel-
54 ter.

55 (c) Provided however, when a municipality's approved comprehensive
56 plan authorizes that services pursuant to this article be provided to

1 "homeless young adults" as such term is defined in this section, then
2 for purposes related to the provisions of that municipality's approved
3 comprehensive plan that include "homeless young adults", the term "home-
4 less youth" as used in this article shall be deemed to include "homeless
5 young adults".

6 4. ~~"[Approved-runaway]~~ Runaway and homeless youth crisis services
7 program" shall mean:

8 (a) any non-residential program approved by the office of children and
9 family services, after submission by the municipality~~[r]~~ as part of its
10 comprehensive plan, that provides services to runaway youth and homeless
11 youth that are in crisis, in accordance with the regulations of the
12 office of children and family services; or

13 (b) any residential ~~[facility]~~ program which is operated by an author-
14 ized agency as defined in subdivision ten of section three hundred
15 seventy-one of the social services law, and ~~[approved]~~ certified by the
16 office of children and family services ~~[after submission by the munici-~~
17 ~~pality as part of its comprehensive plan, established and operated]~~ to
18 provide short-term residential services to runaway youth and homeless
19 youth that are in crisis, in accordance with the applicable regulations
20 of the office of temporary and disability assistance and the office of
21 children and family services. ~~[Such]~~

22 (c) Runaway and homeless youth crisis services programs may also
23 provide non-residential crisis intervention and, if certified, residen-
24 tial respite services to youth in need of crisis intervention or respite
25 services, as such term is defined in this section. Residential respite
26 services in ~~[an approved]~~ a certified runaway and homeless youth crisis
27 services program may be provided to such youth for no more than twenty-
28 one days, in accordance with the regulations of the office of children
29 and family services and section seven hundred thirty-five of the family
30 court act.

31 6. "Transitional independent living support program" shall mean:

32 (a) any non-residential program approved by the office of children and
33 family services, after submission by the municipality as part of its
34 comprehensive plan, ~~[or]~~ that provides supportive services to enable
35 homeless youth to progress from crisis care and transitional care to
36 independent living, in accordance with the applicable regulations of the
37 office of children and family services; or

38 (b) any residential ~~[facility approved by the office of children and~~
39 ~~family services after submission by the municipality as part of its~~
40 ~~comprehensive plan to offer youth development programs,]~~ program estab-
41 lished and operated to provide supportive services, ~~[for a period of up~~
42 ~~to eighteen months]~~ in accordance with the regulations of the office of
43 children and family services, to enable homeless youth ~~[between the ages~~
44 ~~of sixteen and twenty-one]~~ to progress from crisis care and transitional
45 care to independent living.

46 ~~[Such]~~ (c) A transitional independent living support program may also
47 provide services to youth in need of crisis intervention or respite
48 services. Notwithstanding the time limitation in paragraph (i) of subdi-
49 vision (d) of section seven hundred thirty-five of the family court act,
50 residential respite services may be provided in a transitional independ-
51 ent living support program for a period of more than twenty-one days.

52 9. "Homeless young adult" shall mean a person who is age twenty-four
53 or younger but is at least age twenty-one and who is in need of services
54 and is without a place of shelter.

55 10. "Exigent circumstance request" shall mean a request made by a
56 municipality to the office of children and family services to approve:

1 (a) an additional length of stay in:

2 (i) a runaway and homeless youth crisis program pursuant to paragraph
3 (c) of subdivision two of section five hundred thirty-two-b of this
4 article; or

5 (ii) a transitional independent living program pursuant to paragraph
6 (c) of subdivision one of section five hundred thirty-two-d of this
7 article; or

8 (b) to allow a youth under the age of sixteen to be served in a tran-
9 sitional independent living program pursuant to subparagraph (ii) of
10 paragraph (a) of subdivision one of section five hundred thirty-two-d of
11 this article.

12 § 3. Section 532-b of the executive law, as added by chapter 722 of
13 the laws of 1978, the opening paragraph of subdivision 1 as amended by
14 chapter 182 of the laws of 2002, paragraph (a) of subdivision 1 as
15 amended by section 15 of part E of chapter 57 of the laws of 2005, para-
16 graph (e) of subdivision 1 as amended by chapter 569 of the laws of
17 1994, and subdivision 2 as amended by section 7 of part G of chapter 57
18 of the laws of 2013, is amended to read as follows:

19 § 532-b. Powers and duties of [~~approved~~] runaway [~~program~~] and home-
20 less youth crisis services programs. 1. Notwithstanding any other
21 provision of law, pursuant to regulations of the office of children and
22 family services [~~an approved~~] a runaway and homeless youth crisis
23 services program is authorized to and shall:

24 (a) provide assistance to any runaway or homeless youth or youth in
25 need of crisis intervention or respite services as defined in this arti-
26 cle;

27 (b) attempt to determine the cause for the youth's runaway or homeless
28 status;

29 (c) explain to the runaway [~~and~~] or homeless youth his or her legal
30 rights and options of service or other assistance available to the
31 youth;

32 (d) work towards reuniting such youth with his or her parent or guard-
33 ian as soon as practicable in accordance with section five hundred thir-
34 ty-two-c of this article;

35 (e) assist in arranging for necessary services for runaway or homeless
36 youth, and where appropriate, their families, including but not limited
37 to food, shelter, clothing, medical care, education and individual and
38 family counseling. Where the [~~approved~~] runaway and homeless youth
39 crisis services program concludes that such runaway or homeless youth
40 would be eligible for assistance, care or services from a local social
41 services district, it shall assist the youth in securing such assist-
42 ance, care or services as the youth is entitled to; [~~and~~]

43 (f) immediately report to the [~~local child protective service~~] state-
44 wide central register of child abuse and maltreatment or vulnerable
45 persons' central register, as appropriate, where it has reasonable cause
46 to suspect that the runaway or homeless youth has been abused or
47 neglected or when such youth maintains such to be the case[~~-~~];

48 (g) contact the appropriate local social services district if it is
49 believed that the youth may be a destitute child, as such term is
50 defined in section one thousand ninety-two of the family court act; and

51 (h) provide information to eligible youth about their ability to
52 re-enter foster care in accordance with article ten-B of the family
53 court act, and in appropriate cases, refer any such youth who may be
54 interested in re-entering foster care to the applicable local social
55 services district.

2. ~~[The]~~ (a) A runaway youth may remain in ~~[the]~~ a certified residential runaway and homeless youth crisis services program on a voluntary basis for a period not to exceed thirty days, or for a youth age fourteen or older for a period up to sixty days when authorized in the applicable municipality's approved comprehensive plan, from the date of admission where the filing of a petition pursuant to article ten of the family court act is not contemplated, in order that arrangements can be made for the runaway youth's return home, alternative residential placement pursuant to section three hundred ninety-eight of the social services law, or any other suitable plan.

(b) If the runaway youth and the parent, guardian or custodian agree~~[r]~~ in writing, the runaway youth may remain in ~~[the runaway]~~ such program up to sixty days, or up to one hundred twenty days when authorized in the applicable municipality's approved county comprehensive plan, without the filing of a petition pursuant to article ten of the family court act, provided that in any such case the facility shall first have obtained the approval of the applicable municipal runaway and homeless youth services coordinator, who shall notify the municipality's youth bureau of his or her approval together with a statement as to the reason why such additional residential stay is necessary and a description of the efforts being made to find suitable alternative living arrangements for such youth.

(c) A runaway youth may remain in a certified residential runaway and homeless youth crisis services program beyond the applicable period authorized by paragraph (a) or (b) of this subdivision upon the approval of the commissioner of the office of children and family services or his or her designee upon written documentation of: the exigent circumstances that make the additional length of stay necessary; the diligent efforts that have been made by the program to find suitable alternative living arrangements for such youth; and the approval for the additional length of stay from the applicable municipal runaway and homeless youth services coordinator and any other individual or entity designated in the municipality's approved comprehensive plan.

§ 4. Section 532-c of the executive law, as added by chapter 722 of the laws of 1978, is amended to read as follows:

§ 532-c. Notice to parent; return of runaway youth to parent; alternative living arrangements. 1. The staff of ~~[the]~~ a residential runaway and homeless youth crisis services program shall, to the maximum extent possible, preferably within twenty-four hours but within no more than seventy-two hours following the youth's admission into the program, notify such runaway youth's parent, guardian or custodian of his or her physical and emotional condition, and the circumstances surrounding the runaway youth's presence at the program, unless there are compelling circumstances why the parent, guardian or custodian should not be so notified. Where such circumstances exist, the ~~[runaway]~~ program director or his or her designee shall either file an appropriate petition in the family court, refer the youth to the local social services district, or in instances where abuse or neglect is suspected, report such case pursuant to title six of article six of the social services law.

2. Where custody of the youth upon leaving the ~~[approved]~~ program is assumed by a relative or other person, other than the parent or guardian, the staff of the program shall so notify the parent or guardian as soon as practicable after the release of the youth. The officers, directors or employees of ~~[an approved runaway]~~ the program shall be immune from any civil or criminal liability for or arising out of the release

1 of a runaway or homeless youth to a relative or other responsible person
2 other than a parent or guardian.

3 § 5. Section 532-d of the executive law, as amended by chapter 182 of
4 the laws of 2002, subdivisions (e) and (g) as amended and subdivision
5 (f) as added by section 16 of part E of chapter 57 of the laws of 2005,
6 is amended to read as follows:

7 § 532-d. Residential [~~facilities operated as~~] transitional independent
8 living support programs. Notwithstanding any inconsistent provision of
9 law, pursuant to regulations of the office of children and family
10 services, residential facilities operating as transitional independent
11 living support programs are authorized to and shall:

12 [~~(a)~~] 1. (a) (i) provide shelter to homeless youth [~~between the ages~~
13 ~~of sixteen and twenty-one as defined in this article~~] who are at least
14 age sixteen.

15 (ii) Provided, however, that shelter may be provided to a homeless
16 youth under the age of sixteen upon the approval of the commissioner of
17 the office of children and family services or his or her designee upon
18 written documentation of: the exigent circumstances that warrant shelter
19 being provided to the youth based on consideration of the youth's age;
20 the diligent efforts that have been made by the program to find suitable
21 alternative living arrangements for such youth; and approval for the
22 youth to be sheltered in the program from the applicable municipal runa-
23 way and homeless youth coordinator and any other individual or entity
24 designated in the municipality's approved comprehensive plan.

25 (b) Shelter may be provided to a homeless youth in a transitional
26 independent living program for a period of up to eighteen months, or up
27 to twenty-four months when authorized in the applicable municipality's
28 approved comprehensive plan;

29 (c) A homeless youth who entered a transitional independent living
30 program under the age of twenty-one may continue to receive shelter
31 services in such program beyond the applicable period authorized by
32 paragraph (b) of this subdivision, upon approval of the commissioner of
33 the office of children and family services or his or her designee upon
34 written documentation of: the exigent circumstances that make the addi-
35 tional length of stay necessary; the diligent efforts that have been
36 made by the program to find suitable alternative living arrangements for
37 such youth; and approval from the applicable municipal runaway and home-
38 less youth services coordinator, and any other individual or entity
39 designated in the municipality's approved comprehensive plan;

40 [~~(b)~~] 2. work toward reuniting such homeless youth with his or her
41 parent, guardian or custodian, where possible;

42 [~~(c)~~] 3. provide or assist in securing necessary services for such
43 homeless youth, and where appropriate, his or her family, including but
44 not limited to housing, educational, medical care, legal, mental health,
45 and substance and alcohol abuse services. Where such program concludes
46 that such homeless youth would be eligible for assistance, care or
47 services from a local social services district, it shall assist such
48 youth in securing such assistance, care or services;

49 [~~(d)~~] 4. for a homeless youth whose service plan involves independent
50 living, provide practical assistance in achieving independence, either
51 through direct provision of services or through written agreements with
52 other community and public agencies for the provision of services in the
53 following areas; high school education or high school equivalency educa-
54 tion; higher education assessment; job training and job placement; coun-
55 seling; assistance in the development of socialization skills; guidance
56 and assistance in securing housing appropriate to needs and income; and

1 training in the development of skills necessary for responsible inde-
2 pendent living, including but not limited to money and home management,
3 personal care, and health maintenance; and

4 ~~[(e)]~~ 5. provide residential services to a youth in need of crisis
5 intervention or respite services, as defined in this article; [and]

6 ~~[(f)]~~ 6. continue to provide services to a homeless youth who is not
7 yet eighteen years of age but who has reached the [eighteen-month] maxi-
8 mum time period provided by paragraph (b) of subdivision [six] one of
9 this section [five hundred thirty-two-a of this article], until he or
10 she is eighteen years of age or for an additional six months if he or
11 she is still under the age of eighteen; and

12 ~~[(g)]~~ 7. contact the appropriate local social services district if it
13 is believed that the youth may be a destitute child, as such term is
14 defined in section one thousand ninety-two of the family court act;

15 8. provide information to eligible youth about their ability to re-en-
16 ter foster care in accordance with article ten-B of the family court
17 act, and in appropriate cases, refer any such youth who may be inter-
18 ested in re-entering foster care to the applicable local social services
19 district; and

20 9. provide such reports and data as specified by the office of chil-
21 dren and family services.

22 § 6. The executive law is amended by adding a new section 532-f to
23 read as follows:

24 § 532-f. Required certification for residential programs. Notwith-
25 standing any other provision of law to the contrary, any residential
26 program established for the purpose of serving runaway and homeless
27 youth that serves any youth under the age of eighteen or that is
28 contained in a municipality's approved comprehensive plan, must be
29 certified by the office of children and family services and must be
30 operated by an authorized agency as such term is defined in subdivision
31 ten of section three hundred seventy-one of the social services law.

32 § 7. Paragraph (iii) of subdivision (b) of section 724 of the family
33 court act, as amended by section 4 of part E of chapter 57 of the laws
34 of 2005, is amended to read as follows:

35 (iii) take a youth in need of crisis intervention or respite services
36 to ~~[an approved]~~ a runaway and homeless youth crisis services program or
37 other approved respite or crisis program; or

38 § 8. Subdivision 2 of section 447-a of the social services law, as
39 added by chapter 569 of the laws of 2008, is amended to read as follows:

40 2. The term "short-term safe house" means a residential facility oper-
41 ated by an authorized agency as defined in subdivision ten of section
42 three hundred seventy-one of this article including a residential facil-
43 ity operating as part of ~~[an approved]~~ a runaway and homeless youth
44 crisis services program as defined in subdivision four of section five
45 hundred thirty-two-a of the executive law or a not-for-profit agency
46 with experience in providing services to sexually exploited youth and
47 approved in accordance with the regulations of the office of children
48 and family services that provides emergency shelter, services and care
49 to sexually exploited children including food, shelter, clothing,
50 medical care, counseling and appropriate crisis intervention services at
51 the time they are taken into custody by law enforcement and for the
52 duration of any legal proceeding or proceedings in which they are either
53 the complaining witness or the subject child. The short-term safe house
54 shall also be available at the point in time that a child under the age
55 of eighteen has first come into the custody of juvenile detention offi-
56 cials, law enforcement, local jails or the local commissioner of social

1 services or is residing with the local runaway and homeless youth
2 authority.

3 § 9. This act shall take effect January 1, 2018; provided however,
4 that:

5 (a) the office of children and family services is authorized to
6 promulgate regulations regarding any of the provisions of this act on or
7 before the effective date of such act;

8 (b) the amendments to article 19-H of the executive law made by
9 section six of this act that require that certain residential runaway
10 and homeless youth programs be operated by authorized agencies shall be
11 deemed to apply to such programs that are certified by the office of
12 children and family services on or after the effective date of this act;

13 (c) the amendments to:

14 (i) paragraph a of subdivision 2 of section 420 of the executive law,
15 made by section one of this act, shall not affect the expiration and
16 reversion of such subdivision pursuant to section 9 of part G of chapter
17 57 of the laws of 2013 and shall expire and be deemed repealed there-
18 with; and

19 (ii) subdivisions 4 and 6 of section 532-a of the executive law, made
20 by section two of this act, shall not affect the expiration and rever-
21 sion of such subdivisions pursuant to section 9 of part G of chapter 57
22 of the laws of 2013 and shall expire and be deemed repealed therewith;

23 (iii) subdivision 2 of section 532-b of the executive law made by
24 section three of this act, shall not affect the expiration and reversion
25 of such subdivision pursuant to section 9 of part G of chapter 57 of the
26 laws of 2013 and shall expire and be deemed repealed therewith.

27 PART N

28 Section 1. The public health law is amended by adding a new article
29 29-I to read as follows:

30 ARTICLE 29-I

31 MEDICAL SERVICES FOR FOSTER CHILDREN

32 Section 2999-gg. Voluntary foster care agency health facilities.

33 § 2999-gg. Voluntary foster care agency health facilities. 1. In
34 order for an authorized agency that is approved by the office of chil-
35 dren and family services to care for or board out children to provide
36 limited health-related services as defined in regulations of the depart-
37 ment either directly or through a contract arrangement, such agency must
38 obtain, in accordance with a schedule developed by the department in
39 conjunction with the office of children and family services, a license
40 issued by the commissioner in conjunction with the office of children
41 and family services to provide such services. Such schedule shall
42 require that all such authorized agencies operating on January first,
43 two thousand nineteen obtain the license required by this section no
44 later than January first, two thousand nineteen. Such licenses shall be
45 issued in accordance with the standards set forth in this article and
46 the regulations of the department. Provided however, that a license
47 pursuant to this section shall not be required if such authorized agency
48 is otherwise authorized to provide limited-health-related services under
49 a license issued pursuant to article twenty-eight of this chapter or
50 article thirty-one of the mental hygiene law. For the purposes of this
51 section, the term authorized agency shall be an authorized agency as
52 defined in paragraph (a) of subdivision ten of section three hundred
53 seventy-one of the social services law.

1 2. Such license shall not be issued unless it is determined that the
2 equipment, personnel, rules, standards of care and services are fit and
3 adequate, and that the health-related services will be provided in the
4 manner required by this article and the rules and regulations there-
5 under.

6 3. The commissioner and the commissioner of the office of children and
7 family services shall enter into a memorandum of agreement for the
8 purposes of administering the requirements of this section.

9 4. Proceedings involving the issuance of licenses for health-related
10 services to authorized agencies:

11 (a) A license for health-related services under this article may be
12 revoked, suspended, limited, annulled or denied by the commissioner, in
13 consultation with the office of children and family services, if an
14 authorized agency is determined to have failed to comply with the
15 provisions of this article or the rules and regulations promulgated
16 thereunder.

17 (b) No such license shall be revoked, suspended, limited, annulled or
18 denied without a hearing. However, a license may be temporarily
19 suspended or limited without a hearing for a period not in excess of
20 thirty days upon written notice that the continuation of health-related
21 services places the public health or safety of the recipients in immi-
22 nent danger.

23 (c) The commissioner shall fix a time and place for the hearing. A
24 copy of the charges, together with the notice of the time and place of
25 the hearing, shall be served in person or mailed by registered or certi-
26 fied mail to the authorized agency at least twenty-one days before the
27 date fixed for the hearing. The authorized agency shall file with the
28 department not less than eight days prior to the hearing, a written
29 answer to the charges.

30 (d) All orders or determinations hereunder shall be subject to review
31 as provided in article seventy-eight of the civil practice law and
32 rules. Application for such review must be made within sixty days after
33 service in person or by registered or certified mail of a copy of the
34 order or determination upon the applicant or agency.

35 § 2. This act shall take effect immediately, provided, however, that
36 the department of health, in consultation with the office of children
37 and family services, shall issue any regulations necessary for the
38 implementation of this act.

39 PART 0

40 Section 1. Subdivision 1 of section 131-r of the social services law,
41 as added by chapter 81 of the laws of 1995 and as designated by chapter
42 340 of the laws of 2003, is amended to read as follows:

43 1. Any person who is receiving or has received, within the previous
44 ten years, public assistance pursuant to the provisions of this article,
45 and who wins a lottery prize of six hundred dollars or more shall reim-
46 burse the department from the winnings, for all such public assistance
47 benefits paid to such person during the previous ten years[~~; provided,~~
48 ~~however, that such crediting to the department shall in no event exceed~~
49 ~~fifty percent of the amount of the lottery prize~~]. The commissioner
50 shall enter into an agreement with the director of the lottery, pursuant
51 to section sixteen hundred thirteen-b of the tax law, for the crediting
52 of lottery prizes against public assistance benefits. Nothing herein
53 shall limit the ability of a social services district to make recoveries

1 pursuant to section ~~[104]~~ one hundred four or section ~~[106-b]~~ one
2 hundred six-b of this chapter.

3 § 2. Subdivisions 1 and 3 of section 1613-b of the tax law, as amended
4 by chapter 601 of the laws of 2007, are amended to read as follows:

5 (1) Notwithstanding any limitations in section one hundred four of the
6 social services law, the director of the lottery, on behalf of the divi-
7 sion of the lottery, shall enter into a written agreement with the
8 commissioner of the office of temporary and disability assistance, on
9 behalf of the office of temporary and disability assistance, which shall
10 set forth the procedures for crediting any lottery prize of six hundred
11 dollars or more awarded to an individual against any and all public
12 assistance benefits which were given to or on behalf of such individual
13 within a period of up to ten years prior to the issuance of such prize
14 of which the director of the lottery has been notified by the commis-
15 sioner of the office of temporary and disability assistance pursuant to
16 the provisions of such agreement~~[; provided, however, that in no event~~
17 ~~shall such credit to the office of temporary and disability assistance~~
18 ~~exceed fifty percent of any such lottery prize and provided further]~~
19 that, unless otherwise determined cost effective by the commissioner of
20 the office of temporary and disability assistance and the director of
21 the lottery such procedure shall be required only to the extent that and
22 with respect to periods for which it can be effected through automated
23 type match.

24 (3) Prior to awarding any lottery prize of six hundred dollars or
25 more, the division of the lottery shall review the notice of liability
26 of public assistance benefits paid provided by the office of temporary
27 and disability assistance. For each lottery prize winner identified on
28 such notice as an individual, who is receiving or has received, within
29 the last ten years, public assistance benefits, the lottery division
30 shall credit to the office of temporary and disability assistance such
31 amount of the prize to satisfy the amount of public assistance benefits
32 indicated as received within the previous ten years, and any remainder
33 shall be awarded to the prize winner~~[; provided, however, that in no~~
34 ~~event shall such credit to the office of temporary and disability~~
35 ~~assistance exceed fifty percent of any such lottery prize]~~.

36 § 3. This act shall take effect July 1, 2017.

37 PART P

38 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
39 section 131-o of the social services law, as amended by section 1 of
40 part 0 of chapter 54 of the laws of 2016, are amended to read as
41 follows:

42 (a) in the case of each individual receiving family care, an amount
43 equal to at least \$141.00 for each month beginning on or after January
44 first, two thousand ~~[sixteen]~~ seventeen.

45 (b) in the case of each individual receiving residential care, an
46 amount equal to at least \$163.00 for each month beginning on or after
47 January first, two thousand ~~[sixteen]~~ seventeen.

48 (c) in the case of each individual receiving enhanced residential
49 care, an amount equal to at least ~~[\$193.00]~~ \$194.00 for each month
50 beginning on or after January first, two thousand ~~[sixteen]~~ seventeen.

51 (d) for the period commencing January first, two thousand ~~[seventeen]~~
52 eighteen, the monthly personal needs allowance shall be an amount equal
53 to the sum of the amounts set forth in subparagraphs one and two of this
54 paragraph:

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

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

§ 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of section 209 of the social services law, as amended by section 2 of part 0 of chapter 54 of the laws of 2016, are amended to read as follows:

(a) On and after January first, two thousand ~~[sixteen]~~ seventeen, for an eligible individual living alone, ~~[\$820.00]~~ \$822.00; and for an eligible couple living alone, ~~[\$1204.00]~~ \$1,207.00.

(b) On and after January first, two thousand ~~[sixteen]~~ seventeen, for an eligible individual living with others with or without in-kind income, ~~[\$756.00]~~ \$758.00; and for an eligible couple living with others with or without in-kind income, ~~[\$1146.00]~~ \$1,149.00.

(c) On and after January first, two thousand ~~[sixteen]~~ seventeen, (i) for an eligible individual receiving family care, ~~[\$999.48]~~ \$1,001.48 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, ~~[\$961.48]~~ \$963.48; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(d) On and after January first, two thousand ~~[sixteen]~~ seventeen, (i) for an eligible individual receiving residential care, ~~[\$1168.00]~~ \$1,170.00 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving residential care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, ~~[\$1138.00]~~ \$1,140.00; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(e) (i) On and after January first, two thousand ~~[sixteen]~~ seventeen, for an eligible individual receiving enhanced residential care, ~~[\$1427.00]~~ \$1,429.00; and (ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

(f) The amounts set forth in paragraphs (a) through (e) of this subdivision shall be increased to reflect any increases in federal supplemental security income benefits for individuals or couples which become effective on or after January first, two thousand ~~[seventeen]~~ eighteen but prior to June thirtieth, two thousand ~~[seventeen]~~ eighteen.

§ 3. This act shall take effect December 31, 2017.

PART Q

Section 1. Section 412 of the social services law is amended by adding a new subdivision 9 to read as follows:

1 9. A "publicly-funded emergency shelter for families with children"
2 means any facility with overnight sleeping accommodations and that is
3 used to house recipients of temporary housing assistance and which hous-
4 es or may house children and families with children.

5 § 2. Paragraph (a) of subdivision 1 of section 413 of the social
6 services law, as separately amended by chapters 126 and 205 of the laws
7 of 2014, is amended to read as follows:

8 (a) The following persons and officials are required to report or
9 cause a report to be made in accordance with this title when they have
10 reasonable cause to suspect that a child coming before them in their
11 professional or official capacity is an abused or maltreated child, or
12 when they have reasonable cause to suspect that a child is an abused or
13 maltreated child where the parent, guardian, custodian or other person
14 legally responsible for such child comes before them in their profes-
15 sional or official capacity and states from personal knowledge facts,
16 conditions or circumstances which, if correct, would render the child an
17 abused or maltreated child: any physician; registered physician assist-
18 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
19 osteopath; optometrist; chiropractor; podiatrist; resident; intern;
20 psychologist; registered nurse; social worker; emergency medical techni-
21 cian; licensed creative arts therapist; licensed marriage and family
22 therapist; licensed mental health counselor; licensed psychoanalyst;
23 licensed behavior analyst; certified behavior analyst assistant; hospi-
24 tal personnel engaged in the admission, examination, care or treatment
25 of persons; a Christian Science practitioner; school official, which
26 includes but is not limited to school teacher, school guidance counse-
27 lor, school psychologist, school social worker, school nurse, school
28 administrator or other school personnel required to hold a teaching or
29 administrative license or certificate; full or part-time compensated
30 school employee required to hold a temporary coaching license or profes-
31 sional coaching certificate; social services worker; employee of a publ-
32 ically-funded emergency shelter for families with children; director of a
33 children's overnight camp, summer day camp or traveling summer day camp,
34 as such camps are defined in section thirteen hundred ninety-two of the
35 public health law; day care center worker; school-age child care worker;
36 provider of family or group family day care; employee or volunteer in a
37 residential care facility for children that is licensed, certified or
38 operated by the office of children and family services; or any other
39 child care or foster care worker; mental health professional; substance
40 abuse counselor; alcoholism counselor; all persons credentialed by the
41 office of alcoholism and substance abuse services; peace officer; police
42 officer; district attorney or assistant district attorney; investigator
43 employed in the office of a district attorney; or other law enforcement
44 official.

45 § 3. Subdivision 3 of section 424-a of the social services law, as
46 amended by section 8 of part D of chapter 501 of the laws of 2012, is
47 amended to read as follows:

48 3. For purposes of this section, the term "provider" or "provider
49 agency" shall mean: an authorized agency[~~7~~]; the office of children and
50 family services[~~7~~]; juvenile detention facilities subject to the certif-
51 ication of [~~such~~] the office[~~7~~] of children and family services;
52 programs established pursuant to article nineteen-H of the executive
53 law[~~7~~]; non-residential or residential programs or facilities licensed
54 or operated by the office of mental health or the office for people with
55 developmental disabilities except family care homes[~~7~~]; licensed child
56 day care centers, including head start programs which are funded pursu-

ant to title V of the federal economic opportunity act of nineteen hundred sixty-four, as amended[7]; early intervention service established pursuant to section twenty-five hundred forty of the public health law[7]; preschool services established pursuant to section forty-four hundred ten of the education law[7]; school-age child care programs[7]; special act school districts as enumerated in chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, as amended[7]; programs and facilities licensed by the office of alcoholism and substance abuse services[7]; residential schools which are operated, supervised or approved by the education department[7]; publicly-funded emergency shelters for families with children, provided, however, for purposes of this section, when the provider or provider agency is a publicly-funded emergency shelter for families with children, then all references in this section to the "potential for regular and substantial contact with individuals who are cared for by the agency" shall mean the potential for regular and substantial contact with children who are served by such shelter; and any other facility or provider agency, as defined in subdivision four of section four hundred eighty-eight of this chapter, in regard to the employment of staff, or use of providers of goods and services and staff of such providers, consultants, interns and volunteers.

§ 4. The social services law is amended by adding a new section 460-h to read as follows:

§ 460-h. Review of criminal history information concerning prospective employees, consultants, assistants and volunteers of publicly-funded emergency shelters for families with children. 1. Every provider of services to publicly-funded emergency shelters for families with children, as such phrase is defined in subdivision nine of section four hundred twelve of this chapter, shall request from the division of criminal justice services criminal history information, as such phrase is defined in paragraph (c) of subdivision one of section eight hundred forty-five-b of the executive law, concerning each prospective employee, consultant, assistant or volunteer of such provider who will have the potential for regular and substantial contact with children who are served by the publicly-funded emergency shelter for families with children.

(a) Prior to requesting criminal history information concerning any prospective employee, consultant, assistant or volunteer, a provider shall:

(1) inform the prospective employee, consultant, assistant or volunteer in writing that the provider is required to request his or her criminal history information from the division of criminal justice services and review such information pursuant to this section; and

(2) obtain the signed informed consent of the prospective employee, consultant, assistant or volunteer on a form supplied by the division of criminal justice services which indicates that such person has:

(i) been informed of the right and procedures necessary to obtain, review and seek correction of his or her criminal history information;

(ii) been informed of the reason for the request for his or her criminal history information;

(iii) consented to such request; and

(iv) supplied on the form a current mailing or home address.

(b) Upon receiving such written consent, the provider shall obtain a set of fingerprints of such prospective employee, consultant, assistant, or volunteer and provide such fingerprints to the division of criminal

1 justice services pursuant to regulations established by the division of
2 criminal justice services.

3 2. A provider shall designate one or two persons in its employ who
4 shall be authorized to request, receive and review the criminal history
5 information, and only such persons and the prospective employee,
6 consultant, assistant or volunteer to which the criminal history infor-
7 mation relates shall have access to such information; provided, however,
8 the criminal history information may be disclosed to other personnel
9 authorized by the provider who are empowered to make decisions concern-
10 ing prospective employees, consultants, assistants or volunteers and
11 provided further that such other personnel shall also be subject to the
12 confidentiality requirements and all other provisions of this section. A
13 provider shall notify each person authorized to have access to criminal
14 history information pursuant to this section.

15 3. A provider requesting criminal history information pursuant to this
16 section shall also complete a form developed for such purpose by the
17 division of criminal justice services. Such form shall include a sworn
18 statement of the person designated by such provider to request, receive
19 and review criminal history information pursuant to subdivision two of
20 this section certifying that:

21 (a) such criminal history information will be used by the provider
22 solely for purposes authorized by this section;

23 (b) the provider and its staff are aware of and will abide by the
24 confidentiality requirements and all other provisions of this section;
25 and

26 (c) the persons designated by the provider to receive criminal history
27 information pursuant to subdivision two of this section shall upon
28 receipt immediately mark such criminal history information "confiden-
29 tial," and shall at all times maintain such criminal history information
30 in a secure place.

31 4. Upon receipt of the fingerprints and sworn statement required by
32 this section, the provider shall promptly submit the fingerprints to the
33 division of criminal justice services.

34 5. The division of criminal justice services shall promptly provide
35 the requested criminal history information, if any, to the provider that
36 transmitted the fingerprints to it. Criminal history information
37 provided by the division of criminal justice services pursuant to this
38 section shall be furnished only by mail or other method of secure and
39 confidential delivery, addressed to the requesting provider. Such infor-
40 mation and the envelope in which it is enclosed shall be prominently
41 marked "confidential," and shall at all times be maintained by the
42 provider in a secure place.

43 6. Upon receipt of criminal history information from the division of
44 criminal justice services, the provider may request, and is entitled to
45 receive, information pertaining to any crime identified on such criminal
46 history information from any state or local law enforcement agency,
47 district attorney, parole officer, probation officer or court for the
48 purposes of determining whether any grounds relating to such crime exist
49 for denying an application, renewal, or employment.

50 7. After receiving criminal history information pursuant to subdivi-
51 sions five and six of this section and before making a determination,
52 the provider shall provide the prospective employee, consultant, assist-
53 ant or volunteer with a copy of such criminal history information and a
54 copy of article twenty-three-A of the correction law and inform such
55 prospective employee, consultant, assistant and volunteer of his or her
56 right to seek correction of any incorrect information contained in such

1 criminal history information provided by the division of criminal
2 justice services pursuant to the regulations and procedures established
3 by the division of criminal justice services and the right of the
4 prospective employee, consultant, assistant or volunteer to provide
5 information relevant to such analysis.

6 8. Criminal history information obtained pursuant to subdivisions five
7 and six of this section shall be considered by the provider in accord-
8 ance with the provisions of article twenty-three-A of the correction law
9 and subdivisions fifteen and sixteen of section two hundred ninety-six
10 of the executive law.

11 9. A prospective employee, consultant, assistant or volunteer may
12 withdraw from the application process, without prejudice, at any time
13 regardless of whether he or she, or the provider, has reviewed his or
14 her criminal history information. Where a prospective employee, consult-
15 ant, assistant or volunteer withdraws from the application process, any
16 fingerprints and criminal history information concerning such prospec-
17 tive employee, consultant, assistant or volunteer received by the
18 provider shall, within ninety days, be returned to such prospective
19 employee, consultant, assistant or volunteer by the person designated
20 for receipt of criminal history information pursuant to subdivision two
21 of this section.

22 10. Any person who willfully permits the release of any confidential
23 criminal history information contained in the report to persons not
24 permitted by this section to receive such information shall be guilty of
25 a misdemeanor.

26 11. The commissioner of the division of criminal justice services, in
27 consultation with the office of temporary and disability assistance,
28 shall promulgate all rules and regulations necessary to implement the
29 provisions of this section, which shall include convenient procedures
30 for the provider to promptly verify the accuracy of the reviewed crimi-
31 nal history information and, to the extent authorized by law, to have
32 access to relevant documents related thereto.

33 § 5. Severability. If any clause, sentence, paragraph, subdivision, or
34 section contained in this act shall be adjudged by any court of compe-
35 tent jurisdiction to be invalid, such judgement shall not affect,
36 impair, or invalidate the remainder thereof, but shall be confined in
37 its operation to the clause, sentence, paragraph, subdivision, or
38 section directly involved in the controversy in which such judgment
39 shall have been rendered. It is hereby declared to be the intent of the
40 legislature that this act would have been enacted even if such invalid
41 provision had not been included herein.

42 § 6. This act shall take effect on the ninetieth day after it shall
43 have become a law; provided however that: the commissioner of the office
44 of children and family services, in consultation with the office of
45 temporary and disability assistance, shall promulgate all rules and
46 regulations necessary to implement the provisions of section two of this
47 act; the commissioner of the office of temporary and disability assist-
48 ance, in consultation with the office of children and family services,
49 shall promulgate all rules and regulations necessary to implement the
50 provisions of sections one and three of this act; and the commissioner
51 of the division of criminal justice services, in consultation with the
52 office of temporary and disability assistance, shall promulgate all
53 rules and regulations necessary to implement the provisions of section
54 four of this act; and provided further, the aforementioned rules or
55 regulations may be promulgated on an emergency basis.

1

PART R

2 Section 1. Notwithstanding any other provision of law, the housing
3 trust fund corporation may provide, for purposes of the rural rental
4 assistance program, a sum not to exceed twenty-two million nine hundred
5 sixty thousand dollars for the fiscal year ending March 31, 2018.
6 Notwithstanding any other provision of law, and subject to the approval
7 of the New York state director of the budget, the board of directors of
8 the state of New York mortgage agency shall authorize the transfer to
9 the housing trust fund corporation, for the purposes of reimbursing any
10 costs associated with rural rental assistance program contracts author-
11 ized by this section, a total sum not to exceed twenty-two million nine
12 hundred sixty thousand dollars, such transfer to be made from (i) the
13 special account of the mortgage insurance fund created pursuant to
14 section 2429-b of the public authorities law, in an amount not to exceed
15 the actual excess balance in the special account of the mortgage insur-
16 ance fund, as determined and certified by the state of New York mortgage
17 agency for the fiscal year 2016-2017 in accordance with section 2429-b
18 of the public authorities law, if any, and/or (ii) provided that the
19 reserves in the project pool insurance account of the mortgage insurance
20 fund created pursuant to section 2429-b of the public authorities law
21 are sufficient to attain and maintain the credit rating (as determined
22 by the state of New York mortgage agency) required to accomplish the
23 purposes of such account, the project pool insurance account of the
24 mortgage insurance fund, such transfer to be made as soon as practicable
25 but no later than June 30, 2017.

26 § 2. Notwithstanding any other provision of law, the housing finance
27 agency may provide, for costs associated with the rehabilitation of
28 Mitchell Lama housing projects, a sum not to exceed forty-one million
29 dollars for the fiscal year ending March 31, 2018. Notwithstanding any
30 other provision of law, and subject to the approval of the New York
31 state director of the budget, the board of directors of the state of New
32 York mortgage agency shall authorize the transfer to the housing finance
33 agency, for the purposes of reimbursing any costs associated with Mitc-
34 hell Lama housing projects authorized by this section, a total sum not
35 to exceed forty-one million dollars, such transfer to be made from (i)
36 the special account of the mortgage insurance fund created pursuant to
37 section 2429-b of the public authorities law, in an amount not to exceed
38 the actual excess balance in the special account of the mortgage insur-
39 ance fund, as determined and certified by the state of New York mortgage
40 agency for the fiscal year 2016-2017 in accordance with section 2429-b
41 of the public authorities law, if any, and/or (ii) provided that the
42 reserves in the project pool insurance account of the mortgage insurance
43 fund created pursuant to section 2429-b of the public authorities law
44 are sufficient to attain and maintain the credit rating (as determined
45 by the state of New York mortgage agency) required to accomplish the
46 purposes of such account, the project pool insurance account of the
47 mortgage insurance fund, such transfer to be made as soon as practicable
48 but no later than March 31, 2018.

49 § 3. Notwithstanding any other provision of law, the housing trust
50 fund corporation may provide, for purposes of the neighborhood preserva-
51 tion program, a sum not to exceed eight million four hundred seventy-
52 nine thousand dollars for the fiscal year ending March 31, 2018.
53 Notwithstanding any other provision of law, and subject to the approval
54 of the New York state director of the budget, the board of directors of
55 the state of New York mortgage agency shall authorize the transfer to

1 the housing trust fund corporation, for the purposes of reimbursing any
2 costs associated with neighborhood preservation program contracts
3 authorized by this section, a total sum not to exceed eight million four
4 hundred seventy-nine thousand dollars, such transfer to be made from (i)
5 the special account of the mortgage insurance fund created pursuant to
6 section 2429-b of the public authorities law, in an amount not to exceed
7 the actual excess balance in the special account of the mortgage insur-
8 ance fund, as determined and certified by the state of New York mortgage
9 agency for the fiscal year 2016-2017 in accordance with section 2429-b
10 of the public authorities law, if any, and/or (ii) provided that the
11 reserves in the project pool insurance account of the mortgage insurance
12 fund created pursuant to section 2429-b of the public authorities law
13 are sufficient to attain and maintain the credit rating (as determined
14 by the state of New York mortgage agency) required to accomplish the
15 purposes of such account, the project pool insurance account of the
16 mortgage insurance fund, such transfer to be made as soon as practicable
17 but no later than June 30, 2017.

18 § 4. Notwithstanding any other provision of law, the housing trust
19 fund corporation may provide, for purposes of the rural preservation
20 program, a sum not to exceed three million five hundred thirty-nine
21 thousand dollars for the fiscal year ending March 31, 2018. Notwith-
22 standing any other provision of law, and subject to the approval of the
23 New York state director of the budget, the board of directors of the
24 state of New York mortgage agency shall authorize the transfer to the
25 housing trust fund corporation, for the purposes of reimbursing any
26 costs associated with rural preservation program contracts authorized by
27 this section, a total sum not to exceed three million five hundred thir-
28 ty-nine thousand dollars, such transfer to be made from (i) the special
29 account of the mortgage insurance fund created pursuant to section
30 2429-b of the public authorities law, in an amount not to exceed the
31 actual excess balance in the special account of the mortgage insurance
32 fund, as determined and certified by the state of New York mortgage
33 agency for the fiscal year 2016-2017 in accordance with section 2429-b
34 of the public authorities law, if any, and/or (ii) provided that the
35 reserves in the project pool insurance account of the mortgage insurance
36 fund created pursuant to section 2429-b of the public authorities law
37 are sufficient to attain and maintain the credit rating (as determined
38 by the state of New York mortgage agency) required to accomplish the
39 purposes of such account, the project pool insurance account of the
40 mortgage insurance fund, such transfer to be made as soon as practicable
41 but no later than June 30, 2017.

42 § 5. Notwithstanding any other provision of law, the housing trust
43 fund corporation may provide, for purposes of the rural and urban commu-
44 nity investment fund program created pursuant to article XXVII of the
45 private housing finance law, a sum not to exceed thirty-six million
46 dollars for the fiscal year ending March 31, 2018. Notwithstanding any
47 other provision of law, and subject to the approval of the New York
48 state director of the budget, the board of directors of the state of New
49 York mortgage agency shall authorize the transfer to the housing trust
50 fund corporation, for the purposes of reimbursing any costs associated
51 with rural and urban community investment fund program contracts author-
52 ized by this section, a total sum not to exceed thirty-six million
53 dollars, such transfer to be made from (i) the special account of the
54 mortgage insurance fund created pursuant to section 2429-b of the public
55 authorities law, in an amount not to exceed the actual excess balance in
56 the special account of the mortgage insurance fund, as determined and

1 certified by the state of New York mortgage agency for the fiscal year
2 2016-2017 in accordance with section 2429-b of the public authorities
3 law, if any, and/or (ii) provided that the reserves in the project pool
4 insurance account of the mortgage insurance fund created pursuant to
5 section 2429-b of the public authorities law are sufficient to attain
6 and maintain the credit rating (as determined by the state of New York
7 mortgage agency) required to accomplish the purposes of such account,
8 the project pool insurance account of the mortgage insurance fund, such
9 transfer to be made as soon as practicable but no later than March 31,
10 2018.

11 § 6. Notwithstanding any other provision of law, the housing trust
12 fund corporation may provide, for the purposes of carrying out the
13 provisions of the low income housing trust fund program created pursuant
14 to article XVIII of the private housing finance law, a sum not to exceed
15 twenty-one million dollars for the fiscal year ending March 31, 2018.
16 Notwithstanding any other provision of law, and subject to the approval
17 of the New York state director of the budget, the board of directors of
18 the state of New York mortgage agency shall authorize the transfer to
19 the housing trust fund corporation, for the purposes of carrying out the
20 provisions of the low income housing trust fund program created pursuant
21 to article XVIII of the private housing finance law authorized by this
22 section, a total sum not to exceed twenty-one million dollars, such
23 transfer to be made from (i) the special account of the mortgage insur-
24 ance fund created pursuant to section 2429-b of the public authorities
25 law, in an amount not to exceed the actual excess balance in the special
26 account of the mortgage insurance fund, as determined and certified by
27 the state of New York mortgage agency for the fiscal year 2016-2017 in
28 accordance with section 2429-b of the public authorities law, if any,
29 and/or (ii) provided that the reserves in the project pool insurance
30 account of the mortgage insurance fund created pursuant to section
31 2429-b of the public authorities law are sufficient to attain and main-
32 tain the credit rating (as determined by the state of New York mortgage
33 agency) required to accomplish the purposes of such account, the project
34 pool insurance account of the mortgage insurance fund, such transfer to
35 be made as soon as practicable but no later than March 31, 2018.

36 § 7. Notwithstanding any other provision of law, the housing trust
37 fund corporation may provide, for purposes of the homes for working
38 families program for deposit in the housing trust fund created pursuant
39 to section 59-a of the private housing finance law and subject to the
40 provisions of article XVIII of the private housing finance law, a sum
41 not to exceed two million dollars for the fiscal year ending March 31,
42 2018. Notwithstanding any other provision of law, and subject to the
43 approval of the New York state director of the budget, the board of
44 directors of the state of New York mortgage agency shall authorize the
45 transfer to the housing trust fund corporation, for the purposes of
46 reimbursing any costs associated with homes for working families program
47 contracts authorized by this section, a total sum not to exceed two
48 million dollars, such transfer to be made from (i) the special account
49 of the mortgage insurance fund created pursuant to section 2429-b of the
50 public authorities law, in an amount not to exceed the actual excess
51 balance in the special account of the mortgage insurance fund, as deter-
52 mined and certified by the state of New York mortgage agency for the
53 fiscal year 2016-2017 in accordance with section 2429-b of the public
54 authorities law, if any, and/or (ii) provided that the reserves in the
55 project pool insurance account of the mortgage insurance fund created
56 pursuant to section 2429-b of the public authorities law are sufficient

1 to attain and maintain the credit rating (as determined by the state of
2 New York mortgage agency) required to accomplish the purposes of such
3 account, the project pool insurance account of the mortgage insurance
4 fund, such transfer to be made as soon as practicable but no later than
5 March 31, 2018.

6 § 8. Notwithstanding any other provision of law, the homeless housing
7 and assistance corporation may provide, for purposes of the New York
8 state supportive housing program, the solutions to end homelessness
9 program or the operational support for AIDS housing program, or to qual-
10 ified grantees under those programs, in accordance with the requirements
11 of those programs, a sum not to exceed six million five hundred twenty-
12 two thousand dollars for the fiscal year ending March 31, 2018. The
13 homeless housing and assistance corporation may enter into an agreement
14 with the office of temporary and disability assistance to administer
15 such sum in accordance with the requirements of the programs. Notwith-
16 standing any other provision of law, and subject to the approval of the
17 New York state director of the budget, the board of directors of the
18 state of New York mortgage agency shall authorize the transfer to the
19 homeless housing and assistance corporation, a total sum not to exceed
20 six million five hundred twenty-two thousand dollars, such transfer to
21 be made from (i) the special account of the mortgage insurance fund
22 created pursuant to section 2429-b of the public authorities law, in an
23 amount not to exceed the actual excess balance in the special account of
24 the mortgage insurance fund, as determined and certified by the state of
25 New York mortgage agency for the fiscal year 2016-2017 in accordance
26 with section 2429-b of the public authorities law, if any, and/or (ii)
27 provided that the reserves in the project pool insurance account of the
28 mortgage insurance fund created pursuant to section 2429-b of the public
29 authorities law are sufficient to attain and maintain the credit rating
30 (as determined by the state of New York mortgage agency) required to
31 accomplish the purposes of such account, the project pool insurance
32 account of the mortgage insurance fund, such transfer to be made as soon
33 as practicable but no later than March 31, 2018.

34 § 9. This act shall take effect immediately.

35 PART S

36 Section 1. The section heading of section 421-a of the real property
37 tax law, as amended by chapter 857 of the laws of 1975 and such section
38 as renumbered by chapter 110 of the laws of 1977, is amended to read as
39 follows:

40 ~~[Exemption of new multiple dwellings from local taxation.]~~ Affordable
41 New York Housing Program.

42 § 2. Subparagraphs (i) and (iii) of paragraph (a) of subdivision 10 of
43 section 421-a of the real property tax law, as amended by chapter 15 of
44 the laws of 2008, are amended to read as follows:

45 (i) all rent stabilization registrations required to be filed on or
46 after January first, two thousand eight shall contain a designation
47 which identifies all units that are subject to the provisions of this
48 section as "[421-a] Affordable New York Housing Program units" and
49 specifically identifies affordable units created pursuant to this
50 section and units which are required to be occupied by persons or fami-
51 lies who meet specified income limits pursuant to the provisions of a
52 local law enacted pursuant to this section as "[421-a] Affordable New
53 York Housing Program affordable units" and shall contain an explanation
54 of the requirements that apply to all such units. The owner of a unit

1 that is subject to the provisions of this section shall, in addition to
2 complying with the requirements of section 26-517 of the rent stabiliza-
3 tion law, file a copy of the rent registration for each such unit with
4 the local housing agency;

5 (iii) the local housing agency shall create a report which, at a mini-
6 mum, contains the following information for every building which
7 receives benefits pursuant to this section: address, commencement and
8 termination date of the benefits, total number of residential units,
9 number of "[421-a] Affordable New York Housing Program units" and number
10 of "[421-a] Affordable New York Housing Program affordable units",
11 apartment number or other designation of such units and the rent for
12 each of such units. The local housing agency with the cooperation of the
13 division of housing and community renewal shall maintain, and update
14 such report no less than annually, with information secured from annual
15 registrations. Such reports shall be available for public inspection in
16 a form that assigns a unique designation to each unit other than its
17 actual apartment number to maintain the privacy of such information; and

18 § 3. Subdivision 16 of section 421-a of the real property tax law, as
19 added by section 63-c of part A of chapter 20 of the laws of 2015, is
20 amended to read as follows:

21 16. (a) Definitions. For the purposes of this subdivision:

22 (i) "[421-a] Affordable New York Housing Program benefits" shall mean
23 exemption from real property taxation pursuant to this subdivision.

24 (ii) "Affordability option A" shall mean that, within any eligible
25 site: (A) not less than ten percent of the dwelling units are affor-
26 dable housing forty percent units; (B) not less than an additional ten
27 percent of the dwelling units are affordable housing sixty percent
28 units; (C) not less than an additional five percent of the dwelling
29 units are affordable housing one hundred thirty percent units; and (D)
30 such eligible site is developed without the substantial assistance of
31 grants, loans or subsidies provided by a federal, state or local govern-
32 mental agency or instrumentality pursuant to a program for the develop-
33 ment of affordable housing, except that such eligible site may receive
34 tax exempt bond proceeds and four percent tax credits.

35 (iii) "Affordability option B" shall mean that, within any eligible
36 site, (A) not less than ten percent of the dwelling units are affordable
37 housing seventy percent units, and (B) not less than an additional twen-
38 ty percent of the dwelling units are affordable housing one hundred
39 thirty percent units.

40 (iv) "Affordability option C" shall mean that, within any eligible
41 site excluding the geographic area south of ninety-sixth street in the
42 borough of Manhattan, and all other geographic areas in the city of New
43 York excluded pursuant to local law, (A) not less than thirty percent of
44 the dwelling units are affordable housing one hundred thirty percent
45 units, and (B) such eligible site is developed without the substantial
46 assistance of grants, loans or subsidies provided by a federal, state or
47 local governmental agency or instrumentality pursuant to a program for
48 the development of affordable housing.

49 (v) "Affordability option D" shall only apply to a homeownership
50 project, of which one hundred percent of the units shall have an average
51 assessed value not to exceed sixty-five thousand dollars upon the first
52 assessment following the completion date and where each owner of any
53 such unit shall agree, in writing, to maintain such unit as their prima-
54 ry residence for no less than five years from the acquisition of such
55 unit.

(vi) "Affordability option E" shall mean that, within any eligible site within the enhanced affordability area, such site must consist of no less than three hundred rental dwelling units of which (A) not less than ten percent of the rental dwelling units are affordable housing forty percent units; (B) not less than an additional ten percent of the rental dwelling units are affordable housing sixty percent units; (C) not less than an additional five percent of the rental dwelling units are affordable housing one hundred twenty percent units; and (D) such eligible site is developed without the substantial assistance of grants, loans or subsidies provided by a federal, state or local governmental agency or instrumentality pursuant to a program for the development of affordable housing, except that such eligible site may receive tax exempt bond proceeds and four percent tax credits.

(vii) "Affordability option F" shall mean that, within any eligible site within the enhanced affordability area, such site must consist of no less than three hundred rental dwelling units of which (A) not less than ten percent of the rental dwelling units are affordable housing seventy percent units; and (B) not less than an additional twenty percent of the rental dwelling units are affordable housing one hundred thirty percent units.

(viii) "Affordability option G" shall mean that, within any eligible site located within the Brooklyn enhanced affordability area or the Queens enhanced affordability area, such site must consist of no less than three hundred rental dwelling units of which (A) not less than thirty percent of the rental dwelling units are affordable housing one-hundred thirty percent units; and (B) such eligible site is developed without the substantial assistance of grants, loans or subsidies provided by a federal, state or local governmental agency or instrumentality pursuant to a program for the development of affordable housing.

~~(vi)~~ (ix) "Affordability percentage" shall mean a fraction, the numerator of which is the number of affordable housing units in an eligible site and the denominator of which is the total number of dwelling units in such eligible site.

~~(vii)~~ (x) "Affordable housing forty percent unit" shall mean a dwelling unit that: (A) is situated within the eligible site for which ~~421-a~~ Affordable New York Housing Program benefits are granted; and (B) upon initial rental and upon each subsequent rental following a vacancy during the restriction period, is affordable to and restricted to occupancy by individuals or families whose household income does not exceed forty percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

~~(viii)~~ (xi) "Affordable housing sixty percent unit" shall mean a dwelling unit that: (A) is situated within the eligible site for which ~~421-a~~ Affordable New York Housing Program benefits are granted; and (B) upon initial rental and upon each subsequent rental following a vacancy during the restriction period, is affordable to and restricted to occupancy by individuals or families whose household income does not exceed sixty percent of the area median income, adjusted for family size, at the time that such household initially occupies such dwelling unit.

~~(ix)~~ (xii) "Affordable housing seventy percent unit" shall mean a dwelling unit that: (A) is situated within the eligible site for which ~~421-a~~ Affordable New York Housing Program benefits are granted; and (B) upon initial rental and upon each subsequent rental following a vacancy during the restriction period, is affordable to and restricted

1 to occupancy by individuals or families whose household income does not
2 exceed seventy percent of the area median income, adjusted for family
3 size, at the time that such household initially occupies such dwelling
4 unit.

5 (xiii) "Affordable housing one hundred twenty percent unit" shall mean
6 a dwelling unit that: (A) is situated within the eligible site for which
7 Affordable New York Housing Program benefits are granted; and (B) upon
8 initial rental and upon each subsequent rental following a vacancy
9 during the restriction period, is affordable to and restricted to occu-
10 pancy by individuals or families whose household income does not exceed
11 one hundred twenty percent of the area median income, adjusted for fami-
12 ly size, at the time that such household initially occupies such dwell-
13 ing unit.

14 ~~[(x)]~~ (xiv) "Affordable housing one hundred thirty percent unit" shall
15 mean a dwelling unit that: (A) is situated within the eligible site for
16 which ~~[421-a]~~ Affordable New York Housing Program benefits are granted;
17 and (B) upon initial rental and upon each subsequent rental following a
18 vacancy during the restriction period, is affordable to and restricted
19 to occupancy by individuals or families whose household income does not
20 exceed one hundred thirty percent of the area median income, adjusted
21 for family size, at the time that such household initially occupies such
22 dwelling unit.

23 ~~[(x-i)]~~ (xv) "Affordable housing unit" shall mean, collectively and
24 individually, affordable housing forty percent units, affordable housing
25 sixty percent units, affordable housing seventy percent units, afforda-
26 ble housing one hundred twenty percent units and affordable housing one
27 hundred thirty percent units.

28 ~~[(x-ii)]~~ (xvi) "Agency" shall mean the department of housing preserva-
29 tion and development.

30 ~~[(x-iii)]~~ (xvii) "Application" shall mean an application for ~~[421-a]~~
31 Affordable New York Housing Program benefits.

32 ~~[(x-iv)]~~ (xviii) "Average hourly wage" shall mean the amount equal to
33 the aggregate amount of all wages and all employee benefits paid to, or
34 on behalf of, construction workers for construction work divided by the
35 aggregate number of hours of construction work.

36 (xix) "Brooklyn enhanced affordability area" shall mean any tax lots
37 now existing or hereafter created which are located entirely within
38 community boards one and two of the borough of Brooklyn bounded and
39 described as follows: All that piece or parcel of land situate and being
40 in the boroughs of Queens and Brooklyn, New York. Beginning at the point
41 of intersection of the centerline of Newtown Creek and the westerly
42 bounds of the East River; Thence southeasterly along the centerline of
43 Newtown Creek, said centerline also being the boundary between Queens
44 County to the northeast and Kings County to the southwest, to the point
45 of intersection with Greenpoint Avenue; Thence southwesterly along
46 Greenpoint Avenue, to the intersection with Kings Land Avenue; Thence
47 southerly along Kingsland Avenue to the intersection with Meeker Avenue;
48 Thence southwesterly along Meeker Avenue to the intersection with
49 Leonard Street; Thence southerly along Leonard Street to the inter-
50 section with Metropolitan Avenue; Thence westerly along Metropolitan
51 Avenue to the intersection with Lorimer Street; Thence southerly along
52 Lorimer Street to the intersection with Montrose Avenue; Thence westerly
53 along Montrose Avenue to the intersection with Union Avenue; Thence
54 southerly along Union Avenue to the intersection with Johnson Avenue;
55 Thence westerly along Johnson Avenue to the intersection with Broadway;
56 Thence northwesterly along Broadway to the intersection with Rutledge

1 Street; Thence southwesterly along Rutledge Street to the intersection
2 with Kent Avenue and Classon Avenue; Thence southwesterly and southerly
3 along Classon Avenue to the intersection with Dekalb Avenue; Thence
4 westerly along Dekalb Avenue to the intersection with Bond Street;
5 Thence southwesterly along Bond Street to the intersection with Wyckoff
6 Street; Thence northwesterly along Wyckoff Street to the intersection
7 with Hoyt Street; Thence southwesterly along Hoyt Street to the inter-
8 section with Warren Street; Thence northwesterly along Warren Street to
9 the intersection with Court Street; Thence northeasterly along Court
10 Street to the intersection with Atlantic Avenue; Thence northwesterly
11 along Atlantic Avenue, crossing under The Brooklyn Queens Expressway
12 (aka Interstate 278), to the terminus of Atlantic Avenue at the Brooklyn
13 Bridge Park/Pier 6; Thence northwesterly passing through the Brooklyn
14 Bridge Park to the bulkhead of the East River at Pier 6; Thence in a
15 general northeasterly direction along the easterly bulkhead or shoreline
16 of the East River to the intersection with the centerline of Newtown
17 Creek, and the point or place of Beginning.

18 (xx) "Building service employee" shall mean any person who is regular-
19 ly employed at, and performs work in connection with the care or mainte-
20 nance of, an eligible site, including, but not limited to, a watchman,
21 guard, doorman, building cleaner, porter, handyman, janitor, gardener,
22 groundskeeper, elevator operator and starter, and window cleaner, but
23 not including persons regularly scheduled to work fewer than eight hours
24 per week at the eligible site.

25 ~~[(xv)]~~ (xxi) "Commencement date" shall mean, with respect to any
26 eligible multiple dwelling, the date upon which excavation and
27 construction of initial footings and foundations lawfully begins in good
28 faith or, for an eligible conversion, the date upon which the actual
29 construction of the conversion, alteration or improvement of the pre-ex-
30 isting building or structure lawfully begins in good faith.

31 ~~[(xvi)]~~ (xxii) "Completion date" shall mean, with respect to any
32 eligible multiple dwelling, the date upon which the local department of
33 buildings issues the first temporary or permanent certificate of occu-
34 pancy covering all residential areas of an eligible multiple dwelling.

35 ~~[(xvii)]~~ (xxiii) "Construction period" shall mean, with respect to any
36 eligible multiple dwelling, a period: (A) beginning on the later of the
37 commencement date of such eligible multiple dwelling or three years
38 before the completion date of such eligible multiple dwelling; and (B)
39 ending on the day preceding the completion date of such eligible multi-
40 ple dwelling.

41 (xxiv) "Construction work" shall mean the provision of labor performed
42 on an eligible site between the commencement date and the completion
43 date, whereby materials and constituent parts are combined to initially
44 form, make or build an eligible multiple dwelling, including without
45 limitation, painting, or providing of material, articles, supplies or
46 equipment in the eligible multiple dwelling, but excluding security
47 personnel and work related to the fit-out of commercial spaces.

48 (xxv) "Construction workers" shall mean all persons performing
49 construction work who (A) are paid on an hourly basis and (B) are not in
50 a management or executive role or position.

51 (xxvi) "Contractor certified payroll report" shall mean an original
52 payroll report submitted by a contractor or sub-contractor to the inde-
53 pendent monitor setting forth to the best of the contractor's or sub-
54 contractor's knowledge, the total number of hours of construction work
55 performed by construction workers, the amount of wages and employee
56 benefits paid to construction workers for construction work.

1 ~~[(xviii)]~~ (xxvii) "Eligible conversion" shall mean the conversion,
2 alteration or improvement of a pre-existing building or structure
3 resulting in a multiple dwelling in which no more than forty-nine
4 percent of the floor area consists of such pre-existing building or
5 structure.

6 ~~[(xix)]~~ (xxviii) "Eligible multiple dwelling" shall mean a multiple
7 dwelling, including a portion of a multiple dwelling, or homeownership
8 project containing six or more dwelling units created through new
9 construction or eligible conversion for which the commencement date is
10 after December thirty-first, two thousand fifteen and on or before June
11 fifteenth, two thousand ~~[nineteen]~~ twenty-two, and for which the
12 completion date is on or before June fifteenth, two thousand ~~[twenty-~~
13 ~~three]~~ twenty-six.

14 ~~[(xx)]~~ (xxix) "Eligible site" shall mean either: (A) a tax lot
15 containing an eligible multiple dwelling; or (B) a zoning lot containing
16 two or more eligible multiple dwellings that are part of a single appli-
17 cation.

18 (xxx) "Employee benefits" shall mean all supplemental compensation
19 paid by the employer, on behalf of construction workers, other than
20 wages, including, without limitation, any premiums or contributions made
21 into plans or funds that provide health, welfare, non-occupational disa-
22 bility coverage, retirement, vacation benefits, holiday pay, life insur-
23 ance and apprenticeship training. The value of any employee benefits
24 received shall be determined based on the prorated hourly cost to the
25 employer of the employee benefits received by construction workers.

26 (xxxi) "Enhanced affordability area" shall mean the Manhattan enhanced
27 affordability area, the Brooklyn enhanced affordability area and the
28 Queens enhanced affordability area.

29 (xxxii) "Enhanced thirty-five year benefit" shall mean: (A) for the
30 construction period, a one hundred percent exemption from real property
31 taxation, other than assessments for local improvements; and (B) for the
32 next thirty-five years of the extended restriction period, a one hundred
33 percent exemption from real property taxation, other than assessments
34 for local improvements.

35 (xxxiii) "Extended restriction period" shall mean a period commencing
36 on the completion date and expiring on the fortieth anniversary of the
37 completion date, notwithstanding any earlier termination or revocation
38 of Affordable New York Housing Program benefits.

39 ~~[(xxi)]~~ (xxxiv) "Fiscal officer" shall mean the comptroller or other
40 analogous officer in a city having a population of one million or more.

41 ~~[(xxii)]~~ (xxxv) "Floor area" shall mean the horizontal areas of the
42 several floors, or any portion thereof, of a dwelling or dwellings, and
43 accessory structures on a lot measured from the exterior faces of exte-
44 rior walls, or from the center line of party walls.

45 ~~[(xxiii)]~~ (xxxvi) "Four percent tax credits" shall mean federal low
46 income housing tax credits computed in accordance with clause (ii) of
47 subparagraph (B) of paragraph (1) of subsection (b) of section forty-two
48 of the internal revenue code of nineteen hundred eighty-six, as amended.

49 ~~[(xxiv)]~~ (xxxvii) "Homeownership project" shall mean a multiple dwell-
50 ing or portion thereof operated as condominium or cooperative housing,
51 however, it shall not include a multiple dwelling or portion thereof
52 operated as cooperative or condominium housing located within the
53 borough of Manhattan, and shall not include a multiple dwelling that
54 contains more than thirty-five units.

1 ~~[(xxxv)]~~ (xxxviii) "Independent monitor" shall mean an accountant
2 licensed and in good standing pursuant to article one hundred forty-nine
3 of the education law.

4 (xxxix) "Job action" shall mean any delay, interruption or interfer-
5 ence with the construction work caused by the actions of any labor
6 organization or concerted action of any employees at the eligible site,
7 including without limitation, strikes, sympathy strikes, work stoppages,
8 walk outs, slowdowns, picketing, bannering, hand billing, demon-
9 strations, sickouts, refusals to cross a picket line, refusals to handle
10 struck business, and use of the rat or other inflatable balloons or
11 similar displays.

12 (xl) "Market unit" shall mean a dwelling unit in an eligible multiple
13 dwelling other than an affordable housing unit.

14 ~~[(xxxvi)]~~ (xli) "Multiple dwelling" shall have the meaning set forth in
15 the multiple dwelling law.

16 ~~[(xxxvii)]~~ (xlii) "Non-residential tax lot" shall mean a tax lot that
17 does not contain any dwelling units.

18 ~~[(xxxviii)]~~ (xliii) "Manhattan enhanced affordability area" shall mean
19 any tax lots now existing or hereafter created located entirely south of
20 96th street in the borough of Manhattan.

21 (xliv) "Project labor agreement" shall mean a pre-hire collective
22 bargaining agreement setting forth the terms and conditions of employ-
23 ment for the construction workers on an eligible site.

24 (xlv) "Project-wide certified payroll report" shall mean a certified
25 payroll report submitted by the independent monitor to the agency based
26 on each contractor certified payroll report which sets forth the total
27 number of hours of construction work performed by construction workers,
28 the aggregate amount of wages and employee benefits paid to construction
29 workers for construction work and the average hourly wage.

30 (xlvi) "Queens enhanced affordability area" shall mean any tax lots
31 now existing or hereafter created which are located entirely within
32 community boards one and two of the borough of Queens bounded and
33 described as follows: All that piece or parcel of land situate and being
34 in the boroughs of Queens and Brooklyn, New York. Beginning at the point
35 being the intersection of the easterly shore of the East River with a
36 line of prolongation of 20th Avenue projected northwesterly; Thence
37 southeasterly on the line of prolongation of 20th Avenue and along 20th
38 Avenue to the intersection with 31st Street; Thence southwesterly along
39 31st Street to the intersection with Northern Boulevard; Thence south-
40 westerly along Northern Boulevard to the intersection with Queens Boule-
41 vard (aka Route 25); Thence southeasterly along Queens Boulevard to the
42 intersection with Van Dam Street; Thence southerly along Van Dam Street
43 to the intersection with Borden Avenue; Thence southwesterly along Van
44 Dam Street to the intersection with Greenpoint Avenue and Review Avenue;
45 Thence southwesterly along Greenpoint Avenue to the point of inter-
46 section with the centerline of Newtown Creek, said centerline of Newtown
47 Creek also being the boundary between Queens County to the north and
48 Kings County to the south; Thence northwesterly along the centerline of
49 Newtown Creek, also being the boundary between Queens County and Kings
50 County to its intersection with the easterly bounds of the East River;
51 Thence in a general northeasterly direction along the easterly bulkhead
52 or shoreline of the East River to the point or place of Beginning.

53 (xlvii) "Rent stabilization" shall mean, collectively, the rent
54 stabilization law of nineteen hundred sixty-nine, the rent stabilization
55 code, and the emergency tenant protection act of nineteen seventy-four,
56 all as in effect as of the effective date of the chapter of the laws of

1 two thousand fifteen that added this subdivision or as amended thereaft-
2 er, together with any successor statutes or regulations addressing
3 substantially the same subject matter.

4 [~~(xxix)~~] (xlviii) "Rental project" shall mean an eligible site in
5 which all dwelling units included in any application are operated as
6 rental housing.

7 [~~(xxx)~~] (xlix) "Residential tax lot" shall mean a tax lot that
8 contains dwelling units.

9 [~~(xxxi)~~] (l) "Restriction period" shall mean a period commencing on
10 the completion date and expiring on the thirty-fifth anniversary of the
11 completion date, notwithstanding any earlier termination or revocation
12 of [421-a] Affordable New York Housing Program benefits.

13 [~~(xxxii)~~] (li) "Tax exempt bond proceeds" shall mean the proceeds of
14 an exempt facility bond, as defined in paragraph (7) of subsection (a)
15 of section one hundred forty-two of the internal revenue code of nine-
16 teen hundred eighty-six, as amended, the interest upon which is exempt
17 from taxation under section one hundred three of the internal revenue
18 code of nineteen hundred eighty-six, as amended.

19 (lii) "Third party fund administrator" shall be a person or entity
20 that receives funds pursuant to paragraph (c) of this subdivision and
21 oversees and manages the disbursal of such funds to construction work-
22 ers. The third party fund administrator shall be a person or entity
23 approved by the agency, and recommended by one, or more, representative
24 or representatives of the largest trade association of residential real
25 estate developers, either for profit or not-for-profit, in New York city
26 and one, or more, representative or representatives of the largest trade
27 labor association representing building and construction workers, with
28 membership in New York city. The third party fund administrator shall
29 be appointed for a term of three years, provided, however, that the
30 administrator in place at the end of a three year term shall continue to
31 serve beyond the end of the term until a replacement administrator is
32 appointed. The agency, after providing notice and after meeting with the
33 third party fund administrator, may remove such administrator for cause
34 upon an agency determination that the administrator has been ineffective
35 at overseeing or managing the disbursal of funds to the construction
36 workers. The third party fund administrator shall, at the request of the
37 agency, submit reports to the agency.

38 [~~(xxxiii)~~] (liii) "Thirty-five year benefit" shall mean: (A) for the
39 construction period, a one hundred percent exemption from real property
40 taxation, other than assessments for local improvements; (B) for the
41 first twenty-five years of the restriction period, a one hundred percent
42 exemption from real property taxation, other than assessments for local
43 improvements; and (C) for the final ten years of the restriction period,
44 an exemption from real property taxation, other than assessments for
45 local improvements, equal to the affordability percentage.

46 [~~(xxxiv)~~] (liv) "Twenty year benefit" shall mean: (A) for the
47 construction period, a one hundred percent exemption from real property
48 taxation, other than assessments for local improvements; (B) for the
49 first fourteen years of the restriction period, a one hundred percent
50 exemption from real property taxation, other than assessments for local
51 improvements, provided, however, that no exemption shall be given for
52 any portion of a unit's assessed value that exceeds \$65,000; and (C) for
53 the final six years of the restriction period, a twenty-five percent
54 exemption from real property taxation, other than assessments for local
55 improvements, provided, however, that no exemption shall be given for
56 any portion of a unit's assessed value that exceeds \$65,000.

(lv) "Wages" shall mean all compensation, remuneration or payments of any kind paid to, or on behalf of, construction workers, including, without limitation, any hourly compensation paid directly to the construction worker, together with employee benefits, such as health, welfare, non-occupational disability coverage, retirement, vacation benefits, holiday pay, life insurance and apprenticeship training, and payroll taxes, including, to the extent permissible by law, all amounts paid for New York state unemployment insurance, New York state disability insurance, metropolitan commuter transportation mobility tax, federal unemployment insurance and pursuant to the federal insurance contributions act or any other payroll tax that is paid by the employer.

(b) Benefit. In cities having a population of one million or more, notwithstanding the provisions of any other subdivision of this section or of any general, special or local law to the contrary, new eligible sites, except hotels, that comply with the provisions of this subdivision shall be exempt from real property taxation, other than assessments for local improvements, in the amounts and for the periods specified in this paragraph. A rental project that meets all of the requirements of this subdivision shall receive a thirty-five year benefit and a homeownership project that meets all of the requirements of this subdivision shall receive a twenty year benefit. A rental project that also meets all of the requirements of paragraph (c) of this subdivision shall receive an enhanced thirty-five year benefit.

(c) In addition to all other requirements set forth in this subdivision, rental projects containing three hundred or more rental dwelling units located within the enhanced affordability area shall comply with the requirements set forth in this paragraph. For purposes of this paragraph, "contractor" shall mean any entity which by agreement with another party (including subcontractors) undertakes to perform construction work at an eligible site and "applicant" shall mean an applicant for Affordable New York Housing Program benefits and any successor thereto.

(i) Such rental project shall comply with either affordability option E, affordability option F or affordability option G.

(ii) The minimum average hourly wage paid to construction workers on an eligible site within the Manhattan enhanced affordability area shall be no less than sixty dollars per hour. Three years from the effective date of the chapter of the laws of two thousand seventeen that added this paragraph and every three years thereafter, the minimum average hourly wage shall be increased by five percent; provided, however, that any building with a commencement date prior to the date of such increase shall be required to pay the minimum average hourly wage as required on its commencement date.

(iii) The minimum average hourly wage paid to construction workers on an eligible site within the Brooklyn enhanced affordability area or the Queens enhanced affordability area shall be no less than forty-five dollars per hour. Three years from the effective date of the chapter of the laws of two thousand seventeen that added this paragraph and every three years thereafter, the minimum average hourly wage shall be increased by five percent; provided, however, that any building with a commencement date prior to the date of such increase shall be required to pay the minimum average hourly wage as required on its commencement date.

(iv) The requirements of subparagraphs (ii) and (iii) of this paragraph shall not be applicable to:

(A) an eligible multiple dwelling in which at least fifty percent of the dwelling units upon initial rental and upon each subsequent rental

1 following a vacancy during the restriction period, are affordable to and
2 restricted to occupancy by individuals or families whose household
3 income does not exceed one hundred twenty-five percent of the area medi-
4 an income, adjusted for family size, at the time that such household
5 initially occupies such dwelling unit;

6 (B) any portion of an eligible multiple dwelling which is owned and
7 operated as a condominium or cooperative; or

8 (C) at the option of the applicant, to an eligible site subject to a
9 project labor agreement.

10 (v) The applicant shall contract with an independent monitor. Such
11 independent monitor shall submit to the agency within one year of the
12 completion date a project-wide certified payroll report. In the event
13 such project-wide certified payroll report is not submitted to the agen-
14 cy within the requisite time, the applicant shall be subject to a fine
15 of one thousand dollars per week, or any portion thereof; provided that
16 the maximum fine shall be seventy-five thousand dollars. In the event
17 that the average hourly wage is less than the minimum average hourly
18 wage set forth in subparagraph (ii) or (iii) of this paragraph as appli-
19 cable, the project-wide certified report shall also set forth the aggre-
20 gate amount of such deficiency.

21 (vi) The contractor certified payroll report shall be submitted by
22 each contractor and sub-contractor no later than ninety days after the
23 completion of construction work by such contractor or sub-contractor. In
24 the event that a contractor or sub-contractor fails or refuses to submit
25 the contractor certified payroll report within the time prescribed in
26 this subparagraph, the independent monitor shall notify the agency and
27 the agency shall be authorized to fine such contractor or sub-contractor
28 in the amount of one thousand dollars per week, or any portion thereof,
29 provided that the maximum fine shall be seventy-five thousand dollars.

30 (vii) In the event that the project-wide certified payroll report
31 shows that the average hourly wage as required by subparagraph (ii) or
32 (iii) of this paragraph, as applicable, was not paid, (A) if the average
33 hourly wage is within fifteen percent of the average hourly wage
34 required by subparagraph (i) or (ii) of this paragraph, as applicable,
35 then no later than one hundred twenty days from the date of submission
36 of such project-wide certified payroll report, the applicant shall pay
37 to the third party fund administrator an amount equal to the amount of
38 the deficiency set forth in the project-wide certified payroll report.
39 The third party fund administrator shall distribute such payment to the
40 construction workers who performed construction work on such eligible
41 site. Prior to making such repayment, the third party fund administrator
42 shall submit to the agency a plan subject to the agency's approval
43 setting forth the manner in which the third party fund administrator
44 will reach the required average wage within one hundred fifty days of
45 receiving the payment from the applicant and how any remaining funds
46 will be disbursed in the event that the third party fund administrator
47 cannot distribute the funds to the construction workers within one year
48 of receiving agency approval. In the event that the applicant fails to
49 make such payment within the time period prescribed in this subpara-
50 graph, the applicant shall be subject to a fine of one thousand dollars
51 per week provided that the maximum fine shall be seventy-five thousand
52 dollars; or (B) if the average hourly wage is more than fifteen percent
53 below the minimum average hourly wage required by subparagraph (i) or
54 (ii) of this paragraph, as applicable, then no later than one hundred
55 twenty days from the date of submission of such project-wide certified
56 payroll report, the applicant shall pay to the third party fund adminis-

1 trator an amount equal to the amount of the deficiency set forth in the
2 project-wide payroll report. The third party fund administrator shall
3 distribute such payment to the construction workers who performed
4 construction work on such eligible site. Prior to making such repayment,
5 the third party fund administrator shall submit to the agency a plan
6 subject to the agency's approval setting forth the manner in which the
7 third party fund administrator will reach the required average wage
8 within one hundred fifty days of receiving the payment from the appli-
9 cant and how any remaining funds will be disbursed in the event that the
10 third party fund administrator cannot distribute the funds to the
11 construction workers within one year of receiving agency approval. In
12 addition, the agency shall impose a penalty on the applicant in an
13 amount equal to twenty-five percent of the amount of the deficiency,
14 provided, however, that the agency shall not impose such penalty where
15 the eligible multiple dwelling has been the subject of a job action
16 which results in a work delay. Any payments received by the agency
17 pursuant to this subparagraph shall be used to provide affordable hous-
18 ing. In the event that the applicant fails to make such payment within
19 the time period prescribed in this subparagraph, the applicant shall be
20 subject to a fine of one thousand dollars per week, provided that the
21 maximum fine shall be seventy-five thousand dollars. Notwithstanding any
22 provision of this paragraph, the applicant shall not be liable in any
23 respect whatsoever for any payments, fines or penalties related to or
24 resulting from contractor fraud, mistake, or negligence or for fraudu-
25 lent or inaccurate contractor certified payroll reports or for fraudu-
26 lent or inaccurate project-wide certified payroll reports, provided,
27 however, that payment to the third party fund administrator in the
28 amount set forth in the project-wide certified payroll report as
29 described in this subparagraph shall still be made by the contractor or
30 sub-contractor in the event of underpayment resulting from or caused by
31 the contractor or sub-contractor, and that the applicant will be liable
32 for underpayment to the third party administrator unless the agency
33 determines, in its sole discretion, that the underpayment was the result
34 of, or caused by, contractor fraud, mistake or negligence and/or for
35 fraudulent or inaccurate contractor certified payroll reports and/or
36 project-wide certified payroll reports. The applicant shall otherwise
37 not be liable in any way whatsoever once the payment to the third party
38 fund administrator has been made in the amount set forth in the
39 project-wide certified payroll report.

40 (viii) Nothing in this paragraph shall be construed to confer a
41 private right of action to enforce the provisions of this paragraph,
42 provided, however, that this sentence shall not be construed as a waiver
43 of any existing rights of construction workers or their representatives
44 related to wage and benefit collection, wage theft or other labor
45 protections or rights and provided, further, that nothing in this para-
46 graph relieves any obligations pursuant to a collective bargaining
47 agreement.

48 (ix) A rental project containing three hundred or more residential
49 dwelling units not located within the enhanced affordability area may
50 elect to comply with the requirements of this paragraph. Such election
51 shall be made in the application and shall not thereafter be changed.
52 Such rental project shall comply with all of the requirements of this
53 paragraph and shall be deemed to be located within the Brooklyn enhanced
54 affordability area or the Queens enhanced affordability area for the
55 purposes of this paragraph.

1 ~~[(e)]~~ (d) Tax payments. In addition to any other amounts payable
2 pursuant to this subdivision, the owner of any eligible site receiving
3 ~~[421-a]~~ Affordable New York Housing Program benefits shall pay, in each
4 tax year in which such ~~[421-a]~~ Affordable New York Housing Program bene-
5 fits are in effect, real property taxes and assessments as follows:

6 (i) with respect to each eligible multiple dwelling constructed on
7 such eligible site, real property taxes on the assessed valuation of
8 such land and any improvements thereon in effect during the tax year
9 prior to the commencement date of such eligible multiple dwelling, with-
10 out regard to any exemption from or abatement of real property taxation
11 in effect during such tax year, which real property taxes shall be
12 calculated using the tax rate in effect at the time such taxes are due;
13 and

14 (ii) all assessments for local improvements.

15 ~~[(d)]~~ (e) Limitation on benefits for non-residential space. If the
16 aggregate floor area of commercial, community facility and accessory use
17 space in an eligible site, other than parking which is located not more
18 than twenty-three feet above the curb level, exceeds twelve percent of
19 the aggregate floor area in such eligible site, any ~~[421-a]~~ Affordable
20 New York Housing Program benefits shall be reduced by a percentage equal
21 to such excess. If an eligible site contains multiple tax lots, the tax
22 arising out of such reduction in ~~[421-a]~~ Affordable New York Housing
23 Program benefits shall first be apportioned pro rata among any non-resi-
24 dential tax lots. After any such non-residential tax lots are fully
25 taxable, the remainder of the tax arising out of such reduction in
26 ~~[421-a]~~ Affordable New York Housing Program benefits, if any, shall be
27 apportioned pro rata among the remaining residential tax lots.

28 ~~[(e)]~~ (f) Calculation of benefit. Based on the certification of the
29 agency certifying the applicant's eligibility for ~~[421-a]~~ Affordable New
30 York Housing Program benefits, the assessors shall certify to the
31 collecting officer the amount of taxes to be exempted.

32 ~~[(f)]~~ (g) Affordability requirements. During the restriction period, a
33 rental project shall comply with either affordability option A, affor-
34 dability option B, or affordability option C or for purposes of a homeown-
35 ership project, such project shall comply with affordability option D.
36 Such election shall be made in the application and shall not thereafter
37 be changed. The rental project shall also comply with all provisions of
38 this paragraph during the restriction period and with subparagraph (iii)
39 of this paragraph both during and after the restriction period to the
40 extent provided in such subparagraph. A rental project containing three
41 hundred or more rental dwelling units located in the enhanced affor-
42 dability area or a rental project containing three hundred or more rental
43 dwelling units not located within the enhanced affordability area which
44 elects to comply with the requirements of paragraph (c) of this subdivi-
45 sion shall comply with either affordability option E, affordability
46 option F, or affordability option G. Such election shall be made in the
47 application and shall not thereafter be changed. Such rental project
48 shall also comply with all provisions of this paragraph during the
49 extended restriction period and with subparagraph (iii) of this para-
50 graph both during and after the extended restriction period to the
51 extent provided in such paragraph.

52 (i) Affordable units located in a rental project shall share the same
53 common entrances and common areas as market rate units in such rental
54 project, and shall not be isolated to a specific floor or area of [~~a~~
55 ~~building~~] the rental project. Common entrances shall mean any area

1 regularly used by any resident of the rental project for ingress and
2 egress from ~~[a multiple dwelling]~~ the rental project; and

3 (ii) Unless preempted by the requirements of a federal, state or local
4 housing program, either (A) the affordable housing units in an eligible
5 site shall have a unit mix proportional to the market units, or (B) at
6 least fifty percent of the affordable housing units in an eligible site
7 shall have two or more bedrooms and no more than twenty-five percent of
8 the affordable housing units shall have less than one bedroom.

9 (iii) Notwithstanding any provision of rent stabilization to the
10 contrary, all affordable housing units shall be fully subject to rent
11 stabilization during the restriction period, provided that tenants hold-
12 ing a lease and in occupancy of such affordable housing units at the
13 expiration of the restriction period shall have the right to remain as
14 rent stabilized tenants for the duration of their occupancy.

15 (iv) All rent stabilization registrations required to be filed pursu-
16 ant to subparagraph (iii) of this paragraph shall contain a designation
17 that specifically identifies affordable housing units created pursuant
18 to this subdivision as "~~[421-a]~~ Affordable New York Housing Program
19 affordable housing units" and shall contain an explanation of the
20 requirements that apply to all such affordable housing units.

21 (v) Failure to comply with the provisions of this paragraph that
22 require the creation, maintenance, rent stabilization compliance and
23 occupancy of affordable housing units or for purposes of a homeownership
24 project the failure to comply with affordability option D shall result
25 in revocation of any ~~[421-a]~~ Affordable New York Housing Program bene-
26 fits for the period of such non-compliance.

27 (vi) Nothing in this subdivision shall (A) prohibit the occupancy of
28 an affordable housing unit by individuals or families whose income at
29 any time is less than the maximum percentage of the area median income,
30 adjusted for family size, specified for such affordable housing unit
31 pursuant to this subdivision, or (B) prohibit the owner of an eligible
32 site from requiring, upon initial rental or upon any rental following a
33 vacancy, the occupancy of any affordable housing unit by such lower
34 income individuals or families.

35 (vii) Following issuance of a temporary certificate of occupancy and
36 upon each vacancy thereafter, an affordable housing unit shall promptly
37 be offered for rental by individuals or families whose income does not
38 exceed the maximum percentage of the area median income, adjusted for
39 family size, specified for such affordable housing unit pursuant to this
40 subdivision and who intend to occupy such affordable housing unit as
41 their primary residence. An affordable housing unit shall not be (A)
42 rented to a corporation, partnership or other entity, or (B) held off
43 the market for a period longer than is reasonably necessary to perform
44 repairs needed to make such affordable housing unit available for occu-
45 pancy.

46 (viii) An affordable housing unit shall not be rented on a temporary,
47 transient or short-term basis. Every lease and renewal thereof for an
48 affordable housing unit shall be for a term of one or two years, at the
49 option of the tenant.

50 (ix) An affordable housing unit shall not be converted to cooperative
51 or condominium ownership.

52 (x) The agency may establish by rule such requirements as the agency
53 deems necessary or appropriate for (A) the marketing of affordable hous-
54 ing units, both upon initial occupancy and upon any vacancy, (B) moni-
55 toring compliance with the provisions of this paragraph and (C) the
56 marketing and monitoring of any homeownership project that is granted an

1 exemption pursuant to this subdivision. Such requirements may include,
2 but need not be limited to, retaining a monitor approved by the agency
3 and paid for by the owner.

4 (xi) Notwithstanding any provision of this subdivision to the contra-
5 ry, a market unit shall be subject to rent stabilization unless, in the
6 absence of ~~[421-a]~~ Affordable New York Housing Program benefits, the
7 owner would be entitled to remove such market unit from rent stabiliza-
8 tion upon vacancy by reason of the monthly rent exceeding any limit
9 established thereunder.

10 ~~[(g)]~~ (h) Building service employees. (i) For the purposes of this
11 paragraph, "applicant" shall mean an applicant for ~~[421-a]~~ Affordable
12 New York Housing Program benefits, any successor to such applicant, or
13 any employer of building service employees for such applicant, includ-
14 ing, but not limited to, a property management company or contractor.

15 (ii) All building service employees employed by the applicant at the
16 eligible site shall receive the applicable prevailing wage for the
17 entire restriction period.

18 (iii) The fiscal officer shall have the power to enforce the
19 provisions of this paragraph. In enforcing such provisions, the fiscal
20 officer shall have the power:

21 (A) to investigate or cause an investigation to be made to determine
22 the prevailing wages for building service employees; in making such
23 investigation, the fiscal officer may utilize wage and fringe benefit
24 data from various sources, including, but not limited to, data and
25 determinations of federal, state or other governmental agencies;

26 (B) to institute and conduct inspections at the site of the work or
27 elsewhere;

28 (C) to examine the books, documents and records pertaining to the
29 wages paid to, and the hours of work performed by, building service
30 employees;

31 (D) to hold hearings and, in connection therewith, to issue subpoenas,
32 administer oaths and examine witnesses; the enforcement of a subpoena
33 issued under this paragraph shall be regulated by the civil practice law
34 and rules;

35 (E) to make a classification by craft, trade or other generally recog-
36 nized occupational category of the building service employees and to
37 determine whether such work has been performed by the building service
38 employees in such classification;

39 (F) to require the applicant to file with the fiscal officer a record
40 of the wages actually paid by such applicant to the building service
41 employees and of their hours of work;

42 (G) to delegate any of the foregoing powers to his or her deputy or
43 other authorized representative; and

44 (H) to promulgate rules as he or she shall consider necessary for the
45 proper execution of the duties, responsibilities and powers conferred
46 upon him or her by the provisions of this subparagraph.

47 (iv) If the fiscal officer finds that the applicant has failed to
48 comply with the provisions of this paragraph, he or she shall present
49 evidence of such noncompliance to the agency.

50 (v) Subparagraph (ii) of this paragraph shall not be applicable to:

51 (A) an eligible multiple dwelling containing less than thirty dwelling
52 units; or

53 (B) an eligible multiple dwelling in which all of the dwelling units
54 are affordable housing units and not less than fifty percent of such
55 affordable housing units, upon initial rental and upon each subsequent
56 rental following a vacancy during the restriction period, are affordable

1 to and restricted to occupancy by individuals or families whose house-
2 hold income does not exceed one hundred twenty-five percent of the area
3 median income, adjusted for family size, at the time that such household
4 initially occupies such dwelling unit.

5 ~~[(h)]~~ (i) Replacement ratio. If the land on which an eligible site is
6 located contained any dwelling units three years prior to the commence-
7 ment date of the first eligible multiple dwelling thereon, then such
8 eligible site shall contain at least one affordable housing unit for
9 each dwelling unit that existed on such date and was thereafter demol-
10 ished, removed or reconfigured.

11 ~~[(i)]~~ (j) Concurrent exemptions or abatements. An eligible ~~[multiple~~
12 ~~dwelling]~~ site receiving ~~[421-a]~~ Affordable New York Housing Program
13 benefits shall not receive any exemption from or abatement of real prop-
14 erty taxation under any other law.

15 ~~[(j)]~~ (k) Voluntary renunciation or termination. Notwithstanding the
16 provisions of any general, special or local law to the contrary, an
17 owner shall not be entitled to voluntarily renounce or terminate any
18 ~~[421-a]~~ Affordable New York Housing Program benefits unless the agency
19 authorizes such renunciation or termination in connection with the
20 commencement of a new tax exemption pursuant to either the private hous-
21 ing finance law or section four hundred twenty-c of this title.

22 ~~[(k)]~~ (l) Termination or revocation. The agency may terminate or
23 revoke ~~[421-a]~~ Affordable New York Housing Program benefits for noncom-
24 pliance with this subdivision, provided, however, that the agency shall
25 not terminate or revoke Affordable New York Housing Program benefits for
26 a failure to comply with paragraph (c) of this subdivision. If ~~[421-a]~~
27 Affordable New York Housing Program benefits are terminated or revoked
28 for noncompliance with this subdivision, ~~[all of the affordable housing~~
29 ~~units shall remain subject to rent stabilization or for a homeownership~~
30 ~~project such project shall continue to comply with affordability option~~
31 ~~D of this subdivision and all other requirements of this subdivision for~~
32 ~~the restriction period and any additional period expressly provided in~~
33 ~~this subdivision, as if the 421-a benefits had not been terminated or~~
34 ~~revoked]~~ (i) all of the affordable housing units shall remain subject to
35 rent stabilization and all other requirements of this subdivision for
36 the restriction period and any additional period expressly provided in
37 this subdivision, as if the Affordable New York Housing Program benefits
38 had not been terminated or revoked; (ii) all of the market rate housing
39 units shall remain subject to rent stabilization and all other require-
40 ments of this subdivision for the restriction period and any additional
41 period expressly provided in this subdivision, as if the Affordable New
42 York Housing Program benefits had not been terminated or revoked,
43 provided, however, that the owner shall still be entitled to remove such
44 market unit from rent stabilization upon vacancy by reason of the month-
45 ly rent exceeding any limit established thereunder; (iii) or for a
46 homeownership project such project shall continue to comply with afford-
47 ability option D of this subdivision and all other requirements of this
48 subdivision for the restriction period and any additional period
49 expressly provided in this subdivision, as if the Affordable New York
50 Housing Program benefits had not been terminated or revoked.

51 ~~[(l)]~~ (m) Powers cumulative. The enforcement provisions of this subdivi-
52 sion shall not be exclusive, and are in addition to any other rights,
53 remedies, or enforcement powers set forth in any other law or available
54 at law or in equity.

55 ~~[(m)]~~ (n) Multiple tax lots. If an eligible site contains multiple tax
56 lots, an application may be submitted with respect to one or more of

1 such tax lots. The agency shall determine eligibility for ~~[421-a]~~
2 Affordable New York Housing Program benefits based upon the tax lots
3 included in such application and benefits for each multiple dwelling
4 shall commence upon commencement of construction of such multiple dwell-
5 ing.

6 ~~[(n)]~~ (o) Applications. (i) The application with respect to any eligi-
7 ble multiple dwelling shall be filed with the agency not later than one
8 year after the completion date of such eligible multiple dwelling.

9 (ii) Notwithstanding the provisions of any general, special or local
10 law to the contrary, the agency may require by rule that applications be
11 filed electronically.

12 (iii) The agency may rely on certification by an architect or engineer
13 submitted by an applicant in connection with the filing of an applica-
14 tion. A false certification by such architect or engineer shall be
15 deemed to be professional misconduct pursuant to section sixty-five
16 hundred nine of the education law. Any licensee found guilty of such
17 misconduct under the procedures prescribed in section sixty-five hundred
18 ten of the education law shall be subject to the penalties prescribed in
19 section sixty-five hundred eleven of the education law, and shall there-
20 after be ineligible to submit a certification pursuant to this subdivi-
21 sion.

22 (iv) The agency shall not require that the applicant demonstrate
23 compliance with the requirements of paragraph (c) of this subdivision as
24 a condition to approval of the application.

25 ~~[(o)]~~ (p) Filing fee. The agency may require a filing fee of three
26 thousand dollars per dwelling unit in connection with any application.
27 However, the agency may promulgate rules imposing a lesser fee for
28 eligible sites containing eligible multiple dwellings constructed with
29 the substantial assistance of grants, loans or subsidies provided by a
30 federal, state or local governmental agency or instrumentality pursuant
31 to a program for the development of affordable housing.

32 ~~[(p)]~~ (q) Rules. The agency shall have the sole authority to enforce
33 the provisions of this subdivision. The agency ~~[may]~~ shall promulgate
34 rules to carry out the provisions of this subdivision, including, but
35 not limited to, provisions related to the calculation of the average
36 hourly wage.

37 ~~[(q)] Authority of city to enact local law. Except as otherwise speci-~~
38 ~~fied in this subdivision, a city to which this subdivision is applicable~~
39 ~~may enact a local law to restrict, limit or condition the eligibility~~
40 ~~for or the scope or amount of 421-a benefits in any manner, provided~~
41 ~~that such local law may not grant 421-a benefits beyond those provided~~
42 ~~in this subdivision and provided further that such local law shall not~~
43 ~~take effect sooner than one year after it is enacted. The provisions of~~
44 ~~sections 11-245 and 11-245.1 of the administrative code of the city of~~
45 ~~New York or of any other local law of the city of New York that were~~
46 ~~enacted on or before the effective date of the chapter of the laws of~~
47 ~~two thousand fifteen which added this paragraph shall not restrict,~~
48 ~~limit or condition the eligibility for or the scope or amount of 421-a~~
49 ~~benefits pursuant to this subdivision.]~~

50 (r) Election. Notwithstanding anything in this subdivision to the
51 contrary, ~~[if a memorandum of understanding pursuant to subdivision~~
52 ~~sixteen-a of this section has been executed and noticed,]~~ a rental
53 project or homeownership project with a commencement date on or before
54 December thirty-first, two thousand fifteen that has not received bene-
55 fits pursuant to this section prior to the effective date of the chapter
56 of the laws of two thousand fifteen that added this subdivision may

elect to comply with this subdivision and receive ~~[421-a]~~ Affordable New York Housing Program benefits pursuant to this subdivision.

§ 4. Subdivision 16-a of section 421-a of the real property tax law is REPEALED.

§ 5. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act 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, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 6. This act shall take effect immediately; and provided, however, that sections one, two, and three of this act shall be deemed to have been in full force and effect on and after January 1, 2016.

PART T

Section 1. Subdivision 4 of section 170.15 of the criminal procedure law, as amended by chapter 67 of the laws of 2000, is amended to read as follows:

4. Notwithstanding any provision of this section to the contrary, in any county outside a city having a population of one million or more, upon or after arraignment of a defendant on an information, a simplified information, a prosecutor's information or a misdemeanor complaint pending in a local criminal court, such court may, upon motion of the defendant and with the consent of the district attorney, order that the action be removed from the court in which the matter is pending to another local criminal court in the same county which has been designated a drug court by the chief administrator of the courts, or to another local criminal court in the same county or an adjoining county that has been designated a veterans treatment court by the chief administrator of the courts, and such drug court or veterans treatment court may then conduct such action to ~~[judgement]~~ judgment or other final disposition; provided, however, that an order of removal issued under this subdivision shall not take effect until five days after the date the order is issued unless, prior to such effective date, the drug court or veterans treatment court notifies the court that issued the order that:

(a) it will not accept the action, in which event the order shall not take effect, or

(b) it will accept the action on a date prior to such effective date, in which event the order shall take effect upon such prior date.

Upon providing notification pursuant to paragraph (a) or (b) of this subdivision, the drug court or veterans treatment court shall promptly give notice to the defendant, his or her counsel and the district attorney.

§ 2. Subdivision 3 of section 180.20 of the criminal procedure law, as amended by chapter 67 of the laws of 2000, is amended to read as follows:

3. Notwithstanding any provision of this section to the contrary, in any county outside a city having a population of one million or more, upon or after arraignment of a defendant on a felony complaint pending in a local criminal court having preliminary jurisdiction thereof, such court may, upon motion of the defendant and with the consent of the

1 district attorney, order that the action be removed from the court in
2 which the matter is pending to another local criminal court in the same
3 county which has been designated a drug court by the chief administrator
4 of the courts, or to another court in the same county or an adjoining
5 county that has been designated a veterans treatment court by the chief
6 administrator of the courts, and such drug court or veterans treatment
7 court may then dispose of such felony complaint pursuant to this arti-
8 cle; provided, however, that an order of removal issued under this
9 subdivision shall not take effect until five days after the date the
10 order is issued unless, prior to such effective date, the drug court or
11 veterans treatment court notifies the court that issued the order that:

12 (a) it will not accept the action, in which event the order shall not
13 take effect, or

14 (b) it will accept the action on a date prior to such effective date,
15 in which event the order shall take effect upon such prior date.

16 Upon providing notification pursuant to paragraph (a) or (b) of this
17 subdivision, the drug court or veterans treatment court shall promptly
18 give notice to the defendant, his or her counsel and the district attor-
19 ney.

20 § 3. Subdivision 2 of section 212 of the judiciary law is amended by
21 adding a new paragraph (u) to read as follows:

22 (u) To the extent practicable, establish such number of veterans
23 treatment courts as may be necessary to fulfill the purposes of subdivi-
24 sion four of section 170.15 and subdivision three of section 180.20 of
25 the criminal procedure law.

26 § 4. This act shall take effect immediately.

27 PART U

28 Section 1. The executive law is amended by adding a new article 51 to
29 read as follows:

30 ARTICLE 51

31 DIVISION OF CENTRAL ADMINISTRATIVE HEARINGS

32 Section 1010. Division of central administration hearings.

33 1011. Powers and duties.

34 § 1010. Division of central administrative hearings. There is hereby
35 created in the executive department a division of central administrative
36 hearings hereinafter in this article called the division. The head of
37 such division shall be a chief administrative law judge who shall be
38 appointed by the governor and shall hold office at the pleasure of the
39 governor.

40 § 1011. Powers and duties. Notwithstanding any law to the contrary,
41 the chief administrative law judge may establish, consolidate, reorgan-
42 ize or abolish any administrative hearing function within any civil
43 department as he or she determines to be necessary for the efficient
44 operation of the division, provided that any such actions must be
45 approved by the director of the budget pursuant to a plan submitted to
46 the director, and provided further that such authority shall not apply
47 to the department of law and the department of audit and control.

48 § 2. This act shall take effect on the one hundred eightieth day after
49 it shall have become a law; provided, however, that effective immediate-
50 ly, any actions necessary to be taken for the implementation of the
51 provisions of this act on its effective date are authorized and directed
52 to be completed on or before such effective date.

53 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
54 sion, section or part of this act shall be adjudged by any court of

1 competent jurisdiction to be invalid, such judgment shall not affect,
2 impair, or invalidate the remainder thereof, but shall be confined in
3 its operation to the clause, sentence, paragraph, subdivision, section
4 or part thereof directly involved in the controversy in which such judg-
5 ment shall have been rendered. It is hereby declared to be the intent of
6 the legislature that this act would have been enacted even if such
7 invalid provisions had not been included herein.

8 § 3. This act shall take effect immediately provided, however, that
9 the applicable effective date of Parts A through U of this act shall be
10 as specifically set forth in the last section of such Parts.