

# STATE OF NEW YORK

3526

2017-2018 Regular Sessions

## IN ASSEMBLY

January 27, 2017

Introduced by M. of A. AUBRY, LENTOL, GLICK, JAFFEE -- Multi-Sponsored  
by -- M. of A. CAHILL, GOTTFRIED, HIKIND, PEOPLES-STOKES, PERRY,  
TITONE -- read once and referred to the Committee on Correction

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

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

1 Section 1. Paragraph (a) of subdivision 1 of section 700 of the  
2 correction law, as amended by chapter 342 of the laws of 1972, is  
3 amended to read as follows:

4 (a) "Eligible offender" shall mean a person who has been convicted of  
5 a crime or of an offense [~~-, but who has not been convicted more than once~~  
6 ~~of a felony~~].

7 § 2. Section 701 of the correction law, as amended by chapter 342 of  
8 the laws of 1972, subdivision 2 as amended by chapter 235 of the laws of  
9 2007, is amended to read as follows:

10 § 701. Certificate of [~~relief from disabilities~~] restoration. 1. A  
11 certificate of [~~relief from disabilities~~] restoration may be granted as  
12 provided in this article to relieve an eligible offender of any forfei-  
13 ture or disability, or to remove any bar to his employment, automat-  
14 ically imposed by law by reason of his conviction of the crime or of the  
15 offense specified therein. Such certificate may be limited to one or  
16 more enumerated forfeitures, disabilities or bars, or may relieve the

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

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1 eligible offender of all forfeitures, disabilities and bars. [~~Provided,~~  
2 ~~however, that no such certificate shall apply, or be construed so as to~~  
3 ~~apply, to the right of such person to retain or to be eligible for~~  
4 ~~public office.~~]

5 2. Notwithstanding any other provision of law, except subdivision five  
6 of section twenty-eight hundred six of the public health law or para-  
7 graph (b) of subdivision two of section eleven hundred ninety-three of  
8 the vehicle and traffic law, a conviction of a crime or of an offense  
9 specified in a certificate of [~~relief from disabilities~~] restoration  
10 shall not cause automatic forfeiture of any license, other than a  
11 license issued pursuant to section 400.00 of the penal law to a person  
12 convicted of a class A-I felony or a violent felony offense, as defined  
13 in subdivision one of section 70.02 of the penal law, permit, employ-  
14 ment, or franchise, including the right to register for or vote at an  
15 election, or automatic forfeiture of any other right or privilege, held  
16 by the eligible offender and covered by the certificate. Nor shall such  
17 conviction be deemed to be a conviction within the meaning of any  
18 provision of law that imposes, by reason of a conviction, a bar to any  
19 employment, a disability to exercise any right, or a disability to apply  
20 for or to receive any license, permit, or other authority or privilege  
21 covered by the certificate; provided, however, that a conviction for a  
22 second or subsequent violation of any subdivision of section eleven  
23 hundred ninety-two of the vehicle and traffic law committed within the  
24 preceding ten years shall impose a disability to apply for or receive an  
25 operator's license during the period provided in such law; and provided  
26 further, however, that a conviction for a class A-I felony or a violent  
27 felony offense, as defined in subdivision one of section 70.02 of the  
28 penal law, shall impose a disability to apply for or receive a license  
29 or permit issued pursuant to section 400.00 of the penal law. A certifi-  
30 cate of [~~relief from a disability~~] restoration imposed pursuant to  
31 subparagraph (v) of paragraph b of subdivision two and paragraphs i and  
32 j of subdivision six of section five hundred ten of the vehicle and  
33 traffic law may only be issued upon a determination that compelling  
34 circumstances warrant such relief.

35 3. A certificate of [~~relief from disabilities~~] restoration shall not,  
36 however, in any way prevent any judicial, administrative, licensing or  
37 other body, board or authority from relying upon the conviction speci-  
38 fied therein as the basis for the exercise of its discretionary power to  
39 suspend, revoke, refuse to issue or refuse to renew any license, permit  
40 or other authority or privilege.

41 § 3. Intentionally omitted.

42 § 4. Section 702 of the correction law, as amended by chapter 342 of  
43 the laws of 1972, the section heading as amended by chapter 931 of the  
44 laws of 1976, subdivision 1 as amended by chapter 488 of the laws of  
45 2011, subdivision 3 as amended by section 64 of part A of chapter 56 of  
46 the laws of 2010 and subdivisions 4 and 6 as amended by section 32 of  
47 subpart B of part C of chapter 62 of the laws of 2011, is amended to  
48 read as follows:

49 § 702. Certificates of [~~relief from disabilities~~] restoration issued  
50 by courts. 1. Any court of this state [~~may, in its discretion,~~] shall,  
51 absent a finding that issuance of such certificate will jeopardize  
52 public safety, issue a certificate of [~~relief from disabilities~~] resto-  
53 ration at the time of sentencing to an eligible offender for a  
54 conviction that occurred in such court, if the court [~~either (a) imposed~~  
55 ~~a revocable sentence or (b)~~] imposed a sentence other than one executed  
56 by commitment to an institution under the jurisdiction of the state

1 department of corrections and community supervision. Such certificate  
2 [~~may be~~] issued [~~(i)~~] at the time sentence is pronounced [~~, in which case~~  
3 ~~it~~] may grant relief from forfeitures, as well as from disabilities [~~, or~~  
4 ~~(ii) at any time thereafter, in which case it shall apply only to disa-~~  
5 ~~bilities~~]. Where such court either imposes a revocable sentence or  
6 imposes a sentence other than one executed by commitment to an institu-  
7 tion under the jurisdiction of the state department of corrections and  
8 community supervision, the court, upon application and in accordance  
9 with subdivision two of this section, shall initially determine the  
10 fitness of an eligible offender for such certificate prior to or at the  
11 time sentence is pronounced. Where the court finds that issuance of the  
12 certificate at sentencing will jeopardize public safety, such certif-  
13 icate shall be issued as follows:

14 (a) for an offender who receives a revocable sentence, such offender  
15 shall be issued such certificate after serving one year of such revoca-  
16 ble sentence imposed by the court provided that such offender has not  
17 been convicted of a new crime during that time and is not the subject of  
18 an undisposed arrest. Such certificate shall apply only to disabilities.  
19 In order to receive such a certificate, the eligible offender must apply  
20 to the court in which they were sentenced.

21 (b) for an offender who receives a definite sentence of imprisonment,  
22 such offender shall be issued such certificate one year after release  
23 from incarceration provided that such offender has not been convicted of  
24 a new crime during that time and is not the subject of an undisposed  
25 arrest. Such certificate shall apply only to disabilities. In order to  
26 receive such a certificate, the eligible offender must apply to the  
27 court in which they were sentenced.

28 In calculating the one year periods under paragraphs (a) and (b) of  
29 this subdivision, any period of time during which the person was incar-  
30 cerated for any reason between the time of conviction and the date on  
31 which the eligible offender becomes eligible for a certificate shall be  
32 excluded and such one year period shall be extended by a period or peri-  
33 ods equal to the time served under such incarceration.

34 2. [~~Such~~] The relief granted by such certificate shall [~~not be issued~~  
35 ~~by the court unless the court is satisfied that,~~

36 ~~(a) The person to whom it is to be granted is an eligible offender, as~~  
37 ~~defined in section seven hundred,~~

38 ~~(b) The relief to be granted by the certificate is]~~ be consistent with  
39 the rehabilitation of the eligible offender[~~,~~] and

40 [~~(c) The relief to be granted by the certificate is]~~ be consistent  
41 with the public interest.

42 3. [~~Where a certificate of relief from disabilities is not issued at~~  
43 ~~the time sentence is pronounced it shall only be issued thereafter upon~~  
44 ~~verified application to the court. The court may, for the purpose of~~  
45 ~~determining whether such certificate shall be issued, request its~~  
46 ~~probation service to conduct an investigation of the applicant, or if~~  
47 ~~the court has no probation service it may request the probation service~~  
48 ~~of the county court for the county in which the court is located to~~  
49 ~~conduct such investigation. Any probation officer requested to make an~~  
50 ~~investigation pursuant to this section shall prepare and submit to the~~  
51 ~~court a written report in accordance with such request.~~

52 4.] Where the court has imposed a revocable sentence and the certif-  
53 icate of [~~relief from disabilities~~] restoration is issued prior to the  
54 expiration or termination of the time which the court may revoke such  
55 sentence, the certificate shall be deemed to be a temporary certificate  
56 until such time as the court's authority to revoke the sentence has

1 expired or is terminated. While temporary, such certificate (a) may be  
2 revoked by the court for violation of the conditions of the sentence,  
3 and (b) shall be revoked by the court if it revokes the sentence and  
4 commits the person to an institution under the jurisdiction of the state  
5 department of corrections and community supervision. Any such revocation  
6 shall be upon notice and after an opportunity to be heard. If the  
7 certificate is not so revoked, it shall become a permanent certificate  
8 upon expiration or termination of the court's authority to revoke the  
9 sentence.

10 [5] 4. Any court that has issued a certificate of [~~relief from disa-~~  
11 ~~ilities~~] restoration may at any time issue a new certificate to enlarge  
12 the relief previously granted, provided, however, that the provisions of  
13 subdivisions one through [~~four~~] three of this section shall apply to the  
14 issuance of any such new certificate.

15 [~~6-~~] 5. Any written report submitted to the court [~~pursuant to~~] for  
16 the purposes of this section is confidential and may not be made avail-  
17 able to any person or public or private agency except where specifically  
18 required or permitted by statute or upon specific authorization of the  
19 court. However, upon the court's receipt of such report, the court shall  
20 provide a copy of such report, or direct that such report be provided to  
21 the applicant's attorney, or the applicant himself, if he or she has no  
22 attorney. In its discretion, the court may except from disclosure a part  
23 or parts of the report which are not relevant to the granting of a  
24 certificate, or sources of information which have been obtained on a  
25 promise of confidentiality, or any other portion thereof, disclosure of  
26 which would not be in the interest of justice. The action of the court  
27 excepting information from disclosure shall be subject to appellate  
28 review. The court, in its discretion, may hold a conference in open  
29 court or in chambers to afford an applicant an opportunity to controvert  
30 or to comment upon any portions of the report. The court may also  
31 conduct a summary hearing at the conference on any matter relevant to  
32 the granting of the application and may take testimony under oath.

33 § 5. Section 703 of the correction law, as amended by section 34 of  
34 subpart B of part C of chapter 62 of the laws of 2011, is amended to  
35 read as follows:

36 § 703. Certificates of [~~relief from disabilities~~] restoration issued  
37 by the department of corrections and community supervision. 1. The  
38 department of corrections and community supervision shall [~~have the~~  
39 ~~power to~~] issue a certificate of [~~relief from disabilities~~] restoration  
40 to:

41 (a) any eligible offender who has been committed to an institution  
42 under the jurisdiction of the state department of corrections and commu-  
43 nity supervision who successfully earned merit time or a certificate of  
44 earned eligibility during their period of incarceration. Such certif-  
45 icate [~~may~~] shall be issued by the department at the time the offender  
46 is released from such institution under the department's supervision [~~or~~  
47 ~~otherwise or at any time thereafter~~]. If such eligible offender did not  
48 earn merit time or a certificate of earned eligibility, the board shall  
49 issue such certificate at the time of such eligible offender's release  
50 from prison unless it is determined that the issuance of such certif-  
51 icate would jeopardize public safety. If such certificate is not issued  
52 upon such eligible offender's release from prison, such offender shall  
53 be issued a certificate by the board of parole after two years of unre-  
54 voked parole, conditional release or post-release supervision. Such  
55 individual shall apply to the board of parole in order to receive such  
56 certificate.

1 In calculating the two year period under this paragraph, any period of  
2 time during which the person was incarcerated for any reason between the  
3 time of conviction and the date on which the eligible offender becomes  
4 eligible for a certificate shall be excluded and such two year period  
5 shall be extended by a period or periods equal to the time served under  
6 such incarceration;

7 (b) any eligible offender who resides within this state and whose  
8 judgment of conviction was rendered by a court in any other jurisdiction  
9 where such eligible offender applies for such certificate, is not incar-  
10 cerated at the time of the application and is not subject to an undis-  
11 posed arrest, unless the board determines that the issuance of such  
12 certificate would jeopardize public safety. If a certificate of restora-  
13 tion is not issued at the time of the application, the board shall issue  
14 a certificate to such eligible offender one year after the date of the  
15 application where the judgment of conviction was for a misdemeanor and  
16 two years after the date of the application where the judgment of  
17 conviction was for a felony, provided that such offender has not been  
18 convicted of a new crime and is not the subject of an undisposed arrest.

19 2. Where the department has issued a certificate of [~~relief from disa-~~  
20 ~~abilities~~] restoration, the department may at any time issue a new  
21 certificate enlarging the relief previously granted.

22 3. The relief granted by the department [~~shall not issue any~~] in a  
23 certificate of [~~relief from disabilities~~] restoration pursuant to  
24 [~~subdivisions~~] subdivision one or two[, ~~unless the department is satis-~~  
25 ~~fied that.~~

26 [~~(a) The person to whom it is to be granted is an eligible offender, as~~  
27 ~~defined in section seven hundred;~~

28 [~~(b) The relief to be granted by the certificate is~~] of this section  
29 shall be consistent with the rehabilitation of the eligible offender[+]  
30 and

31 [~~(c) The relief to be granted by the certificate is~~] be consistent  
32 with the public interest.

33 4. Any certificate of [~~relief from disabilities~~] restoration issued by  
34 the department to an eligible offender who at time of the issuance of  
35 the certificate is under the department's supervision, shall be deemed  
36 to be a temporary certificate until such time as the eligible offender  
37 is discharged from the department's supervision, and, while temporary,  
38 such certificate may be revoked by the department for violation of the  
39 conditions of community supervision. Revocation shall be upon notice to  
40 the releasee, who shall be accorded an opportunity to explain the  
41 violation prior to decision thereon. If the certificate is not so  
42 revoked, it shall become a permanent certificate upon expiration or  
43 termination of the department's jurisdiction over the individual.

44 5. In granting or revoking a certificate of [~~relief from disabilities~~]  
45 restoration the action of the department shall be deemed a judicial  
46 function and shall not be reviewable if done according to law.

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

49 7. Presumption based on federal recommendation. Where a certificate of  
50 [~~relief from disabilities~~] restoration is sought pursuant to paragraph  
51 (b) of subdivision one of this section on a judgment of conviction  
52 rendered by a federal district court in this state and the department is  
53 in receipt of a written recommendation in favor of the issuance of such  
54 certificate from the chief probation officer of the district, the  
55 department shall issue the requested certificate, unless it finds that  
56 the requirements of [~~paragraphs (a), (b) and (c) of~~] subdivision three

1 of this section have not been satisfied; or that the interests of  
2 justice would not be advanced by the issuance of the certificate.

3 § 6. Section 703-a of the correction law is REPEALED.

4 § 7. Section 703-b of the correction law is REPEALED.

5 § 8. Section 704 of the correction law, as added by chapter 654 of the  
6 laws of 1966, is amended to read as follows:

7 § 704. Effect of revocation; use of revoked certificate. 1. Where a  
8 certificate of [~~relief from disabilities~~] restoration is deemed to be  
9 temporary and such certificate is revoked, disabilities and forfeitures  
10 thereby relieved shall be reinstated as of the date upon which the  
11 person to whom the certificate was issued receives written notice of  
12 such revocation. Any such person shall upon receipt of such notice  
13 surrender the certificate to the issuing court or board.

14 2. A person who knowingly uses or attempts to use, a revoked certif-  
15 icate of [~~relief from disabilities~~] restoration in order to obtain or to  
16 exercise any right or privilege that he would not be entitled to obtain  
17 or to exercise without a valid certificate shall be guilty of a misde-  
18 meanor.

19 3. Where a certificate of restoration has been revoked, the offender  
20 shall be eligible for a new certificate in accordance with sections  
21 seven hundred two and seven hundred three of this article as applicable.

22 § 9. Section 705 of the correction law, as amended by section 36 of  
23 subpart B of part C of chapter 62 of the laws of 2011, is amended to  
24 read as follows:

25 § 705. Forms and filing. 1. All applications, certificates and orders  
26 of revocation necessary for the purposes of this article shall be upon  
27 forms prescribed pursuant to agreement among the state commissioner of  
28 corrections and community supervision, the chairman of the state board  
29 of parole and the administrator of the state judicial conference. Such  
30 forms relating to certificates of [~~relief from disabilities~~] restoration  
31 shall be distributed by the office of probation and correctional alter-  
32 natives and [~~forms relating to certificates of good conduct shall be~~  
33 ~~distributed~~] by the commissioner of the department of corrections and  
34 community supervision.

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

39 § 10. Paragraph (h) of subdivision 1 of section 130 of the executive  
40 law, as amended by section 1 of part LL of chapter 56 of the laws of  
41 2010, is amended to read as follows:

42 (h) vagrancy or prostitution, and who has not subsequent to such  
43 conviction received an executive pardon therefor or a certificate of  
44 [~~relief from disabilities or a certificate of good conduct~~] restoration  
45 pursuant to article twenty-three of the correction law to remove the  
46 disability under this section because of such conviction.

47 § 11. Subdivision 3 of section 175 of the executive law, as amended by  
48 section 2 of part LL of chapter 56 of the laws of 2010, is amended to  
49 read as follows:

50 3. Upon a showing by the attorney general in an application for an  
51 injunction that any person engaged in solicitation has been convicted in  
52 this state or elsewhere of a felony or of a misdemeanor involving the  
53 misappropriation, misapplication or misuse of the money or property of  
54 another, and who has not, subsequent to such conviction, received execu-  
55 tive pardon therefor or a certificate of [~~relief from disabilities or a~~  
56 ~~certificate of good conduct~~] restoration pursuant to article twenty-

1 three of the correction law, the supreme court, after a hearing, may  
2 enjoin such person from engaging in any solicitation.

3 § 12. Clause 1 of paragraph c of subdivision 2 of section 435 of the  
4 executive law, as amended by chapter 371 of the laws of 1974, is amended  
5 to read as follows:

6 (1) a person convicted of a crime who has not received a pardon[7] or  
7 a certificate of [~~good conduct or a certificate of relief from disabili-~~  
8 ~~ties~~] restoration;

9 § 13. Paragraph (c) of subdivision 8 of section 283 of the tax law, as  
10 amended by section 24 of part LL of chapter 56 of the laws of 2010, is  
11 amended to read as follows:

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

23 § 14. Subdivision 2 of section 102 of the alcoholic beverage control  
24 law, as amended by section 1 of part OO of chapter 56 of the laws of  
25 2010, the opening paragraph as separately amended by section 3 of part  
26 LL of chapter 56 of the laws of 2010 and paragraph (g) as separately  
27 amended by chapter 232 of the laws of 2010, is amended to read as  
28 follows:

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

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

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

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

48 (d) Unlawful entry of a building;

49 (e) Aiding escape from prison;

50 (f) Unlawfully possessing or distributing habit forming narcotic  
51 drugs;

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

56 (h) Vagrancy or prostitution; or

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

3 If, as hereinabove provided, the state liquor authority issues its  
4 written approval for the employment by a licensee, in a specified capac-  
5 ity, of a person previously convicted of a felony or any of the offenses  
6 above enumerated, such person, may, unless he or she is subsequently  
7 convicted of a felony or any of such offenses, thereafter be employed in  
8 the same capacity by any other licensee without the further written  
9 approval of the authority unless the prior approval given by the author-  
10 ity is terminated.

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

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

22 § 15. Paragraph (d) of subdivision 1 of section 110 of the alcoholic  
23 beverage control law, as amended by chapter 114 of the laws of 2000, is  
24 amended to read as follows:

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

44 § 16. Subdivisions 1, 1-a and 4 of section 126 of the alcoholic bever-  
45 age control law, as amended by section 50 of subpart B of part C of  
46 chapter 62 of the laws of 2011, are amended to read as follows:

47 1. Except as provided in subdivision one-a of this section, a person  
48 who has been convicted of a felony or any of the misdemeanors mentioned  
49 in section eleven hundred forty-six of the former penal law as in force  
50 and effect immediately prior to September first, nineteen hundred  
51 sixty-seven, or of an offense defined in section 230.20 or 230.40 of the  
52 penal law, unless subsequent to such conviction such person shall have  
53 received an executive pardon therefor removing this disability, a  
54 certificate of [~~good conduct granted by the department of corrections  
55 and community supervision, or a certificate of relief from disabilities~~]  
56 restoration granted by the department of corrections and community

1 supervision or a court of this state pursuant to the provisions of arti-  
2 cle twenty-three of the correction law to remove the disability under  
3 this section because of such conviction.

4 1-a. Notwithstanding the provision of subdivision one of this section,  
5 a corporation holding a license to traffic in alcoholic beverages shall  
6 not, upon conviction of a felony or any of the misdemeanors or offenses  
7 described in subdivision one of this section, be automatically forbidden  
8 to traffic in alcoholic beverages, but the application for a license by  
9 such a corporation shall be subject to denial, and the license of such a  
10 corporation shall be subject to revocation or suspension by the authori-  
11 ty pursuant to section one hundred eighteen of this [~~chapter~~] article,  
12 consistent with the provisions of article twenty-three-A of the  
13 correction law. For any felony conviction by a court other than a court  
14 of this state, the authority may request the department of corrections  
15 and community supervision to investigate and review the facts and  
16 circumstances concerning such a conviction, and such department shall,  
17 if so requested, submit its findings to the authority as to whether the  
18 corporation has conducted itself in a manner such that discretionary  
19 review by the authority would not be inconsistent with the public inter-  
20 est. The department of corrections and community supervision may charge  
21 the licensee or applicant a fee equivalent to the expenses of an appro-  
22 priate investigation under this subdivision. For any conviction rendered  
23 by a court of this state, the authority may request the corporation, if  
24 the corporation is eligible for a certificate of [~~relief from disabili-~~  
25 ~~ties~~] restoration, to seek such a certificate [~~from the court which~~  
26 ~~rendered the conviction~~] in accordance with article twenty-three of the  
27 correction law and to submit such a certificate as part of the authori-  
28 ty's discretionary review process.

29 4. A copartnership or a corporation, unless each member of the part-  
30 nership, or each of the principal officers and directors of the corpo-  
31 ration, is a citizen of the United States or an alien lawfully admitted  
32 for permanent residence in the United States, not less than twenty-one  
33 years of age, and has not been convicted of any felony or any of the  
34 misdemeanors, specified in section eleven hundred forty-six of the  
35 former penal law as in force and effect immediately prior to September  
36 first, nineteen hundred sixty-seven, or of an offense defined in section  
37 230.20 or 230.40 of the penal law, or if so convicted has received,  
38 subsequent to such conviction, an executive pardon therefor removing  
39 this disability, a certificate of [~~good conduct granted by the depart-~~  
40 ~~ment of corrections and community supervision, or a certificate of~~  
41 ~~relief from disabilities~~] restoration granted by the department of  
42 corrections and community supervision or a court of this state pursuant  
43 to the provisions of article twenty-three of the correction law to  
44 remove the disability under this section because of such conviction;  
45 provided however that a corporation which otherwise conforms to the  
46 requirements of this section and chapter may be licensed if each of its  
47 principal officers and more than one-half of its directors are citizens  
48 of the United States or aliens lawfully admitted for permanent residence  
49 in the United States; and provided further that a corporation organized  
50 under the not-for-profit corporation law or the education law which  
51 otherwise conforms to the requirements of this section and chapter may  
52 be licensed if each of its principal officers and more than one-half of  
53 its directors are not less than twenty-one years of age and none of its  
54 directors are less than eighteen years of age; and provided further that  
55 a corporation organized under the not-for-profit corporation law or the  
56 education law and located on the premises of a college as defined by

1 section two of the education law which otherwise conforms to the  
2 requirements of this section and chapter may be licensed if each of its  
3 principal officers and each of its directors are not less than eighteen  
4 years of age.

5 § 17. Subdivision 4 of section 96-z-3 of the agriculture and markets  
6 law, as amended by section 4 of part LL of chapter 56 of the laws of  
7 2010, is amended to read as follows:

8 (4) applicant, an officer, director, partner, or holder of ten per  
9 centum or more of the voting stock of an applicant has been convicted of  
10 a felony by a court of the United States or any state or territory ther-  
11 eof, without subsequent pardon by the governor or other appropriate  
12 authority of the state or jurisdiction in which such conviction  
13 occurred, or the receipt of a certificate of [~~relief from disabilities~~  
14 ~~or a certificate of good conduct~~] restoration pursuant to article twenty-  
15 ty-three of the correction law,

16 § 18. Paragraph (d) of subdivision 4 of section 129 of the agriculture  
17 and markets law, as amended by section 5 of part LL of chapter 56 of the  
18 laws of 2010, is amended to read as follows:

19 (d) The applicant or registrant, or an officer, director, partner or  
20 holder of ten per centum or more of the voting stock of the applicant or  
21 registrant, has been convicted of a felony by a court of the United  
22 States or any state or territory thereof, without subsequent pardon by  
23 the governor or other appropriate authority of the state or jurisdiction  
24 in which such conviction occurred, or receipt of a certificate of  
25 [~~relief from disabilities or a certificate of good conduct~~] restoration  
26 pursuant to article twenty-three of the correction law;

27 § 19. Paragraph (c) of subdivision 2 of section 2897 of the public  
28 health law, as amended by section 21 of part LL of chapter 56 of the  
29 laws of 2010, is amended to read as follows:

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

40 § 20. Section 3454 of the public health law, as amended by section 22  
41 of part LL of chapter 56 of the laws of 2010, is amended to read as  
42 follows:

43 § 3454. Restoration of licenses after conviction of a felony. If a  
44 person convicted of a felony or crime deemed to be a felony is subse-  
45 quently pardoned by the governor of the state where such conviction was  
46 had or by the president of the United States, or shall receive a certif-  
47 icate of [~~relief from disabilities or a certificate of good conduct~~]  
48 restoration pursuant to article twenty-three of the correction law to  
49 remove the disability under this section because of such conviction, the  
50 commissioner may, in his or her discretion, on application of such  
51 person, and on the submission to him or her of satisfactory evidence,  
52 restore to such person the right to practice in this state.

53 § 21. Paragraph (a) of subdivision 2 of section 3510 of the public  
54 health law, as added by chapter 175 of the laws of 2006, is amended to  
55 read as follows:

1 (a) No person convicted of a felony shall continue to hold a license  
2 to practice radiologic technology, unless he or she has been granted an  
3 executive pardon, a certificate of [~~relief from disabilities or a~~  
4 ~~certificate of good conduct~~] restoration for such felony and, the  
5 commissioner, in his or her discretion, restores the license after  
6 determining that the individual does not pose a threat to patient health  
7 and safety.

8 § 22. Paragraph 1 of subdivision (a) of section 189-a of the general  
9 municipal law, as added by chapter 574 of the laws of 1978, is amended  
10 to read as follows:

11 (1) a person convicted of a crime who has not received a pardon, a  
12 certificate of [~~good conduct or a certificate of relief from disabili-~~  
13 ~~ties~~] restoration;

14 § 23. Paragraph (a) of subdivision 1 of section 191 of the general  
15 municipal law, as amended by section 15 of part LL of chapter 56 of the  
16 laws of 2010, is amended to read as follows:

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

36 § 24. Paragraph (a) of subdivision 9 of section 476 of the general  
37 municipal law, as amended by section 16 of part LL of chapter 56 of the  
38 laws of 2010, is amended to read as follows:

39 (a) a person convicted of a crime who has not received a pardon or a  
40 certificate of [~~good conduct or a certificate of relief from disabili-~~  
41 ~~ties~~] restoration pursuant to article twenty-three of the correction  
42 law;

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

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

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

18 § 26. Paragraph b of subdivision 5 of section 84-a of the town law, as  
 19 amended by section 10 of part LL of chapter 56 of the laws of 2010, is  
 20 amended to read as follows:

21 b. On the reverse side of such envelope shall be printed the following  
 22 statement:

23 STATEMENT OF ABSENTEE VOTER

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

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

53 Date..... Signature of Voter.....

54 § 27. Paragraph b of subdivision 5 of section 175-b of the town law,  
 55 as amended by section 11 of part LL of chapter 56 of the laws of 2010,  
 56 is amended to read as follows:

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

3 STATEMENT OF ABSENTEE VOTER

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

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

33 Date.....Signature of Voter.....

34 § 28. Paragraph b of subdivision 5 of section 213-b of the town law,  
35 as amended by section 12 of part LL of chapter 56 of the laws of 2010,  
36 is amended to read as follows:

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

39 STATEMENT OF ABSENTEE VOTER

40 I do declare that I will have been a citizen of the United States for  
41 thirty days, and will be at least eighteen years of age, on the date of  
42 the district election; that I will have been a resident of this state  
43 and of the district if any, shown on the reverse side of this envelope  
44 for thirty days next preceding the said election and that I am or on  
45 such date will be, a registered voter of said district; that I will be  
46 unable to appear personally on the day of said district election at the  
47 polling place of the said district in which I am or will be a qualified  
48 voter because of the reason stated on my application heretofore submit-  
49 ted; that I have not qualified, or do I intend to vote, elsewhere than  
50 as set forth on the reverse side of this envelope; that I have not  
51 received or offered, do not expect to receive, have not paid, offered or  
52 promised to pay, contributed, offered or promised to contribute to  
53 another to be paid or used, any money or other valuable thing, as a  
54 compensation or reward for the giving or withholding of a vote at this  
55 district election, and have not made any promise to influence the giving

1 or withholding of any such votes; that I have not made or become direct-  
 2 ly or indirectly interested in any bet or wager depending upon the  
 3 result of this district election; and that I have not been convicted of  
 4 bribery or any infamous crime, or, if so convicted, that I have been  
 5 pardoned or restored to all the rights of a citizen, without restriction  
 6 as to the right of suffrage, or received a certificate of [~~relief from~~  
 7 ~~disabilities or a certificate of good conduct~~] restoration pursuant to  
 8 article twenty-three of the correction law removing my disability to  
 9 register and vote or my maximum sentence of imprisonment has expired.

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

14 Date..... Signature of Voter .....

15 § 29. Paragraph b of subdivision 5 of section 2018-a of the education  
 16 law, as amended by section 8 of part LL of chapter 56 of the laws of  
 17 2010, is amended to read as follows:

18 b. On the reverse side of such envelope shall be printed the following  
 19 statement:

20 STATEMENT OF ABSENTEE VOTER

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

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

53 Date.....Signature of Voter .....

1 § 30. Paragraph b of subdivision 6 of section 2018-b of the education  
 2 law, as amended by section 9 of part LL of chapter 56 of the laws of  
 3 2010, is amended to read as follows:  
 4 b. On the reverse side of such envelope shall be printed the following  
 5 statement:

6 STATEMENT OF ABSENTEE VOTER

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

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

37 Date.....Signature of Voter .....

38 § 31. Subdivision 2 of section 69-o of the general business law, as  
 39 amended by chapter 575 of the laws of 1993, is amended to read as  
 40 follows:

41 2. After the filing of an applicant's fingerprint cards, the secretary  
 42 of state shall forward such fingerprints to the division of criminal  
 43 justice services to be compared with the fingerprints on file with the  
 44 division of criminal justice services in order to ascertain whether the  
 45 applicant has been convicted of a felony involving fraud, bribery,  
 46 perjury or theft pursuant to article one hundred forty, one hundred  
 47 fifty-five, one hundred sixty, one hundred sixty-five, one hundred  
 48 seventy, one hundred seventy-five, one hundred seventy-six, one hundred  
 49 eighty, one hundred eighty-five, one hundred ninety, one hundred nine-  
 50 ty-five, two hundred or two hundred ten of the penal law; or has a crim-  
 51 inal action which has been pending for such a felony for under one year

1 without a final disposition unless adjourned in contemplation of  
2 dismissal; provided, however, that for the purposes of this article,  
3 none of the following shall be considered criminal convictions or  
4 reported as such:

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

9 (b) A conviction the records of which have been expunged or sealed  
10 pursuant to the applicable provisions of the laws of this state or of  
11 any other jurisdiction; or

12 (c) A conviction for which [~~a certificate of relief from disabilities~~  
13 ~~or~~] a certificate of [~~good conduct~~] restoration has been issued pursuant  
14 to article twenty-three of the correction law.

15 The division of criminal justice services shall retain the fingerprint  
16 cards and return the report of such convictions or pending cases, if  
17 any, to the secretary of state who shall retain them in a confidential  
18 file for no more than one year, after which time such report shall be  
19 destroyed.

20 The secretary of state shall deny the application of any individual  
21 convicted of a felony involving fraud, bribery, perjury or theft pursu-  
22 ant to article one hundred forty, one hundred fifty-five, one hundred  
23 sixty, one hundred sixty-five, one hundred seventy, one hundred seven-  
24 ty-five, one hundred seventy-six, one hundred eighty, one hundred eight-  
25 y-five, one hundred ninety, one hundred ninety-five, two hundred or two  
26 hundred ten of the penal law; or has a criminal action which has been  
27 pending for such a felony for under one year without a final disposition  
28 unless adjourned in contemplation of dismissal; provided, however, that  
29 for the purposes of this article, none of the following shall be consid-  
30 ered criminal convictions or reported as such:

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

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

38 (iii) A conviction for which [~~a certificate of relief from disabili-~~  
39 ~~ties or~~] a certificate of [~~good conduct~~] restoration has been issued  
40 pursuant to article twenty-three of the correction law.

41 § 32. Subdivision 1 of section 81 of the general business law, as  
42 amended by section 14 of part LL of chapter 56 of the laws of 2010, is  
43 amended to read as follows:

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

51 No holder of any unexpired license certificate issued pursuant to this  
52 article shall knowingly employ in connection with his or its business in  
53 any capacity whatsoever, any person who has been convicted of a felony  
54 or any of the offenses specified in subdivision two of section seventy-  
55 four of this article, and who has not subsequent to such conviction  
56 received executive pardon therefor removing this disability, or received

1 a certificate of [~~relief from disabilities or a certificate of good~~  
2 ~~conduct~~] restoration pursuant to article twenty-three of the correction  
3 law to remove the disability under this section because of such a  
4 conviction, or any person whose private detective or investigator's  
5 license or bail enforcement agent's license was revoked or application  
6 for such license was denied by the department of state or by the author-  
7 ities of any other state or territory because of conviction of any of  
8 such offenses. Should the holder of an unexpired license certificate  
9 falsely state or represent that a person is or has been in his employ,  
10 such false statement or misrepresentation shall be sufficient cause for  
11 the revocation of such license. Any person falsely stating or represent-  
12 ing that he is or has been a detective or employed by a detective agency  
13 or that he is or has been a bail enforcement agent or employed by a bail  
14 enforcement agency shall be guilty of a misdemeanor.

15 § 33. Paragraph 4 of subsection (d) of section 2108 of the insurance  
16 law, as amended by section 18 of part LL of chapter 56 of the laws of  
17 2010, is amended to read as follows:

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

25 § 34. Subdivision 6 of section 369 of the banking law, as amended by  
26 chapter 164 of the laws of 2003 and paragraph (b) as amended by section  
27 6 of part LL of chapter 56 of the laws of 2010, is amended to read as  
28 follows:

29 6. The superintendent may refuse to issue a license pursuant to this  
30 article if he shall find that the applicant, or any person who is a  
31 director, officer, partner, agent, employee or substantial stockholder  
32 of the applicant, (a) has been convicted of a crime in any jurisdiction  
33 or (b) is associating or consorting with any person who has, or persons  
34 who have, been convicted of a crime or crimes in any jurisdiction or  
35 jurisdictions; provided, however, that the superintendent shall not  
36 issue such a license if he shall find that the applicant, or any person  
37 who is a director, officer, partner, agent, employee or substantial  
38 stockholder of the applicant, has been convicted of a felony in any  
39 jurisdiction or of a crime which, if committed within this state, would  
40 constitute a felony under the laws thereof. For the purposes of this  
41 article, a person shall be deemed to have been convicted of a crime if  
42 such person shall have pleaded guilty to a charge thereof before a court  
43 or magistrate, or shall have been found guilty thereof by the decision  
44 or judgment of a court or magistrate or by the verdict of a jury, irre-  
45 spective of the pronouncement of sentence or the suspension thereof,  
46 unless such plea of guilty, or such decision, judgment or verdict, shall  
47 have been set aside, reversed or otherwise abrogated by lawful judicial  
48 process or unless the person convicted of the crime shall have received  
49 a pardon therefor from the president of the United States or the gover-  
50 nor or other pardoning authority in the jurisdiction where the  
51 conviction was had, or shall have received a certificate of [~~relief from~~  
52 ~~disabilities or a certificate of good conduct~~] restoration pursuant to  
53 article twenty-three of the correction law to remove the disability  
54 under this article because of such conviction. The term "substantial  
55 stockholder," as used in this subdivision, shall be deemed to refer to a  
56 person owning or controlling ten per centum or more of the total

1 outstanding stock of the corporation in which such person is a stock-  
2 holder. In making a determination pursuant to this subdivision, the  
3 superintendent shall require fingerprinting of the applicant. Such fing-  
4 erprints shall be submitted to the division of criminal justice services  
5 for a state criminal history record check, as defined in subdivision one  
6 of section three thousand thirty-five of the education law, and may be  
7 submitted to the federal bureau of investigation for a national criminal  
8 history record check.

9 § 35. Paragraph 5 of subdivision a of section 265.20 of the penal law,  
10 as amended by chapter 235 of the laws of 2007, is amended to read as  
11 follows:

12 5. Possession of a rifle or shotgun by a person other than a person  
13 who has been convicted of a class A-I felony or a violent felony  
14 offense, as defined in subdivision one of section 70.02 of this chapter,  
15 who has been convicted as specified in subdivision four of section  
16 265.01 of this article to whom a certificate of [~~good-conduct~~] restora-  
17 tion has been issued [~~pursuant to section seven hundred three b of the~~  
18 ~~correction law~~].

19 § 36. Section 751 of the correction law, as amended by chapter 284 of  
20 the laws of 2007, is amended to read as follows:

21 § 751. Applicability. The provisions of this article shall apply to  
22 any application by any person for a license or employment at any public  
23 or private employer, who has previously been convicted of one or more  
24 criminal offenses in this state or in any other jurisdiction, and to any  
25 license or employment held by any person whose conviction of one or more  
26 criminal offenses in this state or in any other jurisdiction preceded  
27 such employment or granting of a license, except where a mandatory  
28 forfeiture, disability or bar to employment is imposed by law, and has  
29 not been removed by an executive pardon, certificate of [~~relief from~~  
30 ~~disabilities or certificate of good-conduct~~] restoration. Nothing in  
31 this article shall be construed to affect any right an employer may have  
32 with respect to an intentional misrepresentation in connection with an  
33 application for employment made by a prospective employee or previously  
34 made by a current employee.

35 § 37. Subdivision 2 of section 753 of the correction law, as added by  
36 chapter 931 of the laws of 1976, is amended to read as follows:

37 2. In making a determination pursuant to section seven hundred fifty-  
38 two of this [~~chapter~~] article, the public agency or private employer  
39 shall also give consideration to a certificate of [~~relief from disabili-~~  
40 ~~ties or a certificate of good-conduct~~] restoration issued to the appli-  
41 cant, which certificate shall create a presumption of rehabilitation in  
42 regard to the offense or offenses specified therein.

43 § 38. The closing paragraph of section 79-a of the civil rights law,  
44 as amended by chapter 687 of the laws of 1973, is amended to read as  
45 follows:

46 Nothing in this section shall be deemed to preclude the issuance of a  
47 certificate of [~~good-conduct~~] restoration by the board of parole or  
48 sentencing court pursuant to law to a person who previously has been  
49 sentenced to imprisonment for life.

50 § 39. The first undesignated paragraph of section 440-a of the real  
51 property law, as amended by section 23 of part LL of chapter 56 of the  
52 laws of 2010, is amended to read as follows:

53 No person, co-partnership, limited liability company or corporation  
54 shall engage in or follow the business or occupation of, or hold himself  
55 or itself out or act temporarily or otherwise as a real estate broker or  
56 real estate salesman in this state without first procuring a license

1 therefor as provided in this article. No person shall be entitled to a  
2 license as a real estate broker under this article, either as an indi-  
3 vidual or as a member of a co-partnership, or as a member or manager of  
4 a limited liability company or as an officer of a corporation, unless he  
5 or she is twenty years of age or over, a citizen of the United States or  
6 an alien lawfully admitted for permanent residence in the United States.  
7 No person shall be entitled to a license as a real estate salesman under  
8 this article unless he or she is over the age of eighteen years. No  
9 person shall be entitled to a license as a real estate broker or real  
10 estate salesman under this article who has been convicted in this state  
11 or elsewhere of a felony, of a sex offense, as defined in subdivision  
12 two of section one hundred sixty-eight-a of the correction law or any  
13 offense committed outside of this state which would constitute a sex  
14 offense, or a sexually violent offense, as defined in subdivision three  
15 of section one hundred sixty-eight-a of the correction law or any  
16 offense committed outside this state which would constitute a sexually  
17 violent offense, and who has not subsequent to such conviction received  
18 executive pardon therefor or a certificate of [~~relief from disabilities~~  
19 ~~or a certificate of good conduct~~] restoration pursuant to article twenty-  
20 three of the correction law, to remove the disability under this  
21 section because of such conviction. No person shall be entitled to a  
22 license as a real estate broker or real estate salesman under this arti-  
23 cle who does not meet the requirements of section 3-503 of the general  
24 obligations law.

25 § 40. Paragraph (a) of subdivision 1 of section 20-438 of the adminis-  
26 trative code of the city of New York is amended to read as follows:

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

48 § 41. Paragraph (a) of subdivision 5 of section 2806 of the public  
49 health law, as amended by section 20 of part LL of chapter 56 of the  
50 laws of 2010, is amended to read as follows:

51 (a) Except as provided in paragraphs (b) and (d) of this subdivision,  
52 anything contained in this section or in a certificate of [~~relief from~~  
53 ~~disabilities or a certificate of good conduct~~] restoration issued pursu-  
54 ant to article twenty-three of the correction law to the contrary  
55 notwithstanding, a hospital operating certificate of a hospital under  
56 control of a controlling person as defined in paragraph (a) of subdivi-

1 sion twelve of section twenty-eight hundred one-a of this article, or  
2 under control of any other entity, shall be revoked upon a finding by  
3 the department that such controlling person or any individual, member of  
4 a partnership or shareholder of a corporation to whom or to which an  
5 operating certificate has been issued, has been convicted of a class A,  
6 B or C felony, or a felony related in any way to any activity or program  
7 subject to the regulations, supervision, or administration of the  
8 department or of the office of temporary and disability assistance or in  
9 violation of the public officers law in a court of competent jurisdic-  
10 tion in the state, or of a crime outside the state which, if committed  
11 within the state, would have been a class A, B or C felony or a felony  
12 related in any way to any activity or program subject to the regu-  
13 lations, supervision, or administration of the department or of the  
14 office of temporary and disability assistance or in violation of the  
15 public officers law.

16 § 42. Paragraph (a) of subdivision 1 and paragraph (a) of subdivision  
17 2 of section 509-c of the vehicle and traffic law, paragraph (a) of  
18 subdivision 1 as amended by section 25 and paragraph (a) of subdivision  
19 2 as amended by section 26 of part LL of chapter 56 of the laws of 2010,  
20 are amended to read as follows:

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

41 (a) permanently, if that person has been convicted of or forfeited  
42 bond or collateral which forfeiture order has not been vacated or the  
43 subject of an order of remission upon a violation committed prior to  
44 September fifteenth, nineteen hundred eighty-five, of section 130.30,  
45 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an  
46 offense committed under a former section of the penal law which would  
47 constitute a violation of the aforesaid sections of the penal law or any  
48 offense committed outside of this state which would constitute a  
49 violation of the aforesaid sections of the penal law. However, such  
50 disqualification may be waived provided that five years have expired  
51 since the applicant was discharged or released from a sentence of impri-  
52 sonment imposed pursuant to conviction of an offense that requires  
53 disqualification under this paragraph and that the applicant shall have  
54 been granted a certificate of [~~relief from disabilities or a certificate~~  
55 ~~of good conduct~~] restoration pursuant to article twenty-three of the  
56 correction law.

1 § 43. Paragraph (a) and subparagraph (i) of paragraph (b) of subdivi-  
2 sion 1 and paragraphs (a) and (b) and subparagraph (i) of paragraph (c)  
3 of subdivision 2 of section 509-cc of the vehicle and traffic law, as  
4 added by chapter 675 of the laws of 1985, subparagraphs (i), (ii) and  
5 (iii) of paragraph (a) and subparagraph (i) of paragraph (b) of subdivi-  
6 sion 1 as amended by section 27 and paragraphs (a) and (b) and subpara-  
7 graph (i) of paragraph (c) of subdivision 2 as amended by section 28 of  
8 part LL of chapter 56 of the laws of 2010, are amended to read as  
9 follows:

10 (a) permanently, if that person

11 (i) has been convicted of or forfeited bond or collateral which  
12 forfeiture order has not been vacated or the subject of an order of  
13 remission upon a violation committed prior to September fifteenth, nine-  
14 teen hundred eighty-five, of section 130.30, 130.35, 130.45, 130.50,  
15 130.60, or 130.65 of the penal law, or an offense committed under a  
16 former section of the penal law which would constitute a violation of  
17 the aforesaid sections of the penal law or any offense committed outside  
18 of this state which would constitute a violation of the aforesaid  
19 sections of the penal law, provided, however, the provisions of this  
20 subparagraph shall not apply to convictions, suspensions or revocations  
21 or forfeitures of bonds for collateral upon any of the charges listed in  
22 this subparagraph for violations which occurred prior to September  
23 first, nineteen hundred seventy-four committed by a person employed as a  
24 bus driver on September first, nineteen hundred seventy-four. However,  
25 such disqualification may be waived provided that five years have  
26 expired since the applicant was discharged or released from a sentence  
27 of imprisonment imposed pursuant to conviction of an offense that  
28 requires disqualification under this paragraph and that the applicant  
29 shall have been granted a certificate of [~~relief from disabilities or a~~  
30 ~~certificate of good conduct~~] **restoration** pursuant to article twenty-  
31 three of the correction law. When the certificate is issued by a court  
32 for a conviction which occurred in this state, it shall only be issued  
33 by the court having jurisdiction over such conviction. Such certificate  
34 shall specifically indicate that the authority granting such certificate  
35 has considered the bearing, if any, the criminal offense or offenses for  
36 which the person was convicted will have on the applicant's fitness or  
37 ability to operate a bus transporting school children to the applicant's  
38 prospective employment, prior to granting such a certificate; or

39 (ii) has been convicted of an offense listed in paragraph (a) of  
40 subdivision four of this section that was committed on or after Septem-  
41 ber fifteenth, nineteen hundred eighty-five. However, such disqualifica-  
42 tion may be waived by the commissioner provided that five years have  
43 expired since the applicant was discharged or released from a sentence  
44 of imprisonment imposed pursuant to conviction of an offense that  
45 requires disqualification under this paragraph and that the applicant  
46 shall have been granted a certificate of [~~relief from disabilities or a~~  
47 ~~certificate of good conduct~~] **restoration** pursuant to article twenty-  
48 three of the correction law. When the certificate is issued by a court  
49 for a conviction which occurred in this state, it shall only be issued  
50 by the court having jurisdiction over such conviction. Such certificate  
51 shall specifically indicate that the authority granting such certificate  
52 has considered the bearing, if any, the criminal offense or offenses for  
53 which the person was convicted will have on the applicant's fitness or  
54 ability to operate a bus transporting school children, prior to granting  
55 such a certificate; or

1 (iii) has been convicted of an offense listed in paragraph (b) of  
2 subdivision four of this section that was committed on or after Septem-  
3 ber fifteenth, nineteen hundred eighty-five. However, such disqualifica-  
4 tion shall be waived provided that five years have expired since the  
5 applicant discharged or released from a sentence of imprisonment imposed  
6 pursuant to conviction of an offense that requires disqualification  
7 under this paragraph and that the applicant shall have been granted a  
8 certificate of [~~relief from disabilities or a certificate of good~~  
9 ~~conduct~~] restoration pursuant to article twenty-three of the correction  
10 law. When the certificate is issued by a court for a conviction which  
11 occurred in this state, it shall only be issued by the court having  
12 jurisdiction over such conviction. Such certificate shall specifically  
13 indicate that the authority granting such certificate has considered the  
14 bearing, if any, the criminal offense or offenses for which the person  
15 was convicted will have on the applicant's fitness or ability to operate  
16 a bus transporting school children, prior to granting such a certifi-  
17 cate. Provided, however, that at the discretion of the commissioner,  
18 the certificate of relief from disabilities may remove disqualification  
19 at any time; or

20 (i) has been convicted within the preceding five years of an offense  
21 listed in paragraph (c) of subdivision four of this section that was  
22 committed on or after September fifteenth, nineteen hundred eighty-five.  
23 However, such disqualification shall be waived provided that the appli-  
24 cant has been granted a certificate of [~~relief from disabilities or a~~  
25 ~~certificate of good conduct~~] restoration pursuant to article twenty-  
26 three of the correction law. When the certificate is issued by a court  
27 for a conviction which occurred in this state, it shall only be issued  
28 by the court having jurisdiction over such conviction. Such certificate  
29 shall specifically indicate that the authority granting such certificate  
30 has considered the bearing, if any, the criminal offense or offenses for  
31 which the person was convicted will have on the applicant's fitness or  
32 ability to operate a bus transporting school children, prior to granting  
33 such a certificate;

34 (a) permanently, if that person has been convicted of an offense list-  
35 ed in paragraph (a) of subdivision four of this section. However, such  
36 disqualification may be waived by the commissioner provided that five  
37 years have expired since the applicant was discharged or released from a  
38 sentence of imprisonment imposed pursuant to conviction of an offense  
39 that requires disqualification under this paragraph and that the appli-  
40 cant shall have been granted a certificate of [~~relief from disabilities~~  
41 ~~or a certificate of good conduct~~] restoration pursuant to article twen-  
42 ty-three of the correction law. When the certificate is issued by a  
43 court for a conviction which occurred in this state, it shall only be  
44 issued by the court having jurisdiction over such conviction. Such  
45 certificate shall specifically indicate that the authority granting such  
46 certificate has considered the bearing, if any, the criminal offense or  
47 offenses for which the person was convicted will have on the applicant's  
48 fitness or ability to operate a bus transporting school children to the  
49 applicant's prospective employment, prior to granting such a certifi-  
50 cate.

51 (b) permanently, if that person has been convicted of an offense list-  
52 ed in paragraph (b) of subdivision four of this section. However, such  
53 disqualification shall be waived provided that five years have expired  
54 since the applicant was incarcerated pursuant to a sentence of imprison-  
55 ment imposed on conviction of an offense that requires disqualification  
56 under this paragraph and that the applicant shall have been granted a

1 certificate of [~~relief from disabilities or a certificate of good~~  
2 ~~conduct~~] restoration pursuant to article twenty-three of the correction  
3 law. When the certificate is issued by a court for a conviction which  
4 occurred in this state, it shall only be issued by the court having  
5 jurisdiction over such conviction. Such certificate shall specifically  
6 indicate that the authority granting such certificate has considered the  
7 bearing, if any, the criminal offense or offenses for which the person  
8 was convicted will have on the applicant's fitness or ability to operate  
9 a bus transporting school children, prior to granting such a certifi-  
10 cate. Provided, however, that at the discretion of the commissioner the  
11 certificate of [~~relief from disabilities or a certificate of good~~  
12 ~~conduct~~] restoration pursuant to article twenty-three of the correction  
13 law may remove disqualification at any time.

14 (i) has been convicted within the preceding five years of an offense  
15 listed in paragraph (c) of subdivision four of this section. However,  
16 notwithstanding the provisions of subdivision three of section seven  
17 hundred one of the correction law [~~such~~], such disqualification shall  
18 be waived provided that the applicant has been granted a certificate of  
19 [~~relief from disabilities or a certificate of good conduct~~] restoration  
20 pursuant to article twenty-three of the correction law. When the certifi-  
21 cate is issued by a court for a conviction which occurred in this  
22 state, it shall only be issued by the court having jurisdiction over  
23 such conviction. Such certificate shall specifically indicate that the  
24 authority granting such certificate has considered the bearing, if any,  
25 the criminal offense or offenses for which the person was convicted will  
26 have on the applicant's fitness or ability to operate a bus transporting  
27 school children, prior to granting such a certificate.

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

31 (iii) after such documentation, if required, is accepted, that such  
32 person is granted a certificate of [~~relief from disabilities or a~~  
33 ~~certificate of good conduct~~] restoration pursuant to article twenty-  
34 three of the correction law by the court in which such person was last  
35 penalized.

36 § 45. Subparagraph (iii) of paragraph (c) of subdivision 2 of section  
37 510-a of the vehicle and traffic law, as amended by section 30 of part  
38 LL of chapter 56 of the laws of 2010, is amended to read as follows:

39 (iii) after such documentation, if required, is accepted, that such  
40 person is granted a certificate of [~~relief from disabilities or a~~  
41 ~~certificate of good conduct~~] restoration pursuant to article twenty-  
42 three of the correction law by the court in which such person was last  
43 penalized.

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

47 (5) A restricted use license or privilege shall be valid for the oper-  
48 ation of any motor vehicle, except a vehicle for hire as a taxicab,  
49 livery, coach, limousine, van or wheelchair accessible van or tow truck  
50 as defined in this chapter subject to the conditions set forth herein,  
51 which the holder would otherwise be entitled to operate had his drivers  
52 license or privilege not been suspended or revoked. Notwithstanding  
53 anything to the contrary in a certificate of [~~relief from disabilities~~  
54 ~~or a certificate of good conduct~~] restoration issued pursuant to article  
55 twenty-three of the correction law, a restricted use license shall not  
56 be valid for the operation of a commercial motor vehicle. A restricted

1 use license shall not be valid for the operation of a vehicle for hire  
2 as a taxicab, livery, coach, limousine, van or wheelchair accessible van  
3 or tow truck where the holder thereof had his or her drivers license  
4 suspended or revoked and (i) such suspension or revocation is mandatory  
5 pursuant to the provisions of subdivision two or two-a of section five  
6 hundred ten of this title; or (ii) any such suspension is permissive for  
7 habitual or persistent violations of this chapter or any local law  
8 relating to traffic as set forth in paragraph d or i of subdivision  
9 three of section five hundred ten of this title; or (iii) any such  
10 suspension is permissive and has been imposed by a magistrate, justice  
11 or judge of any city, town or village, any supreme court justice, any  
12 county judge, or judge of a district court. Except for a commercial  
13 motor vehicle as defined in subdivision four of section five hundred  
14 one-a of this title, the restrictions on types of vehicles which may be  
15 operated with a restricted license contained in this subdivision shall  
16 not be applicable to a restricted license issued to a person whose  
17 license has been suspended pursuant to paragraph three of subdivision  
18 four-e of section five hundred ten of this title.

19 § 47. Item (ii) of clause (b) of subparagraph 12 of paragraph (b) of  
20 subdivision 2 of section 1193 of the vehicle and traffic law, as amended  
21 by section 32 of part LL of chapter 56 of the laws of 2010, is amended  
22 to read as follows:

23 (ii) that such person is granted a certificate of [~~relief from disa-~~  
24 ~~ilities or a certificate of good conduct~~] restoration pursuant to arti-  
25 cle twenty-three of the correction law.

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

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

33 (iii) after such documentation is accepted, that such person is grant-  
34 ed a certificate of [~~relief from disabilities or a certificate of good~~  
35 ~~conduct~~] restoration pursuant to article twenty-three of the correction  
36 law.

37 § 49. Subparagraph 1 of paragraph (d) of subdivision 2 of section 1193  
38 of the vehicle and traffic law, as amended by section 34 of part LL of  
39 chapter 56 of the laws of 2010, is amended to read as follows:

40 (1) Notwithstanding anything to the contrary contained in a certif-  
41 icate of [~~relief from disabilities or a certificate of good conduct~~]  
42 restoration issued pursuant to article twenty-three of the correction  
43 law, where a suspension or revocation, other than a revocation required  
44 to be issued by the commissioner, is mandatory pursuant to paragraph (a)  
45 or (b) of this subdivision, the magistrate, justice or judge shall issue  
46 an order suspending or revoking such license upon sentencing, and the  
47 license holder shall surrender such license to the court. Except as  
48 hereinafter provided, such suspension or revocation shall take effect  
49 immediately.

50 § 50. Item (iii) of clause a of subparagraph 3 of paragraph (e) of  
51 subdivision 2 of section 1193 of the vehicle and traffic law, as amended  
52 by section 35 of part LL of chapter 56 of the laws of 2010, is amended  
53 to read as follows:

54 (iii) after such documentation is accepted, that such person is grant-  
55 ed a certificate of [~~relief from disabilities or a certificate of good~~

1 ~~conduct~~] restoration pursuant to article twenty-three of the correction  
2 law.

3 § 51. Item (iii) of clause c of subparagraph 1 of paragraph (d) of  
4 subdivision 2 of section 1194 of the vehicle and traffic law, as amended  
5 by section 37 of part LL of chapter 56 of the laws of 2010, is amended  
6 to read as follows:

7 (iii) after such documentation is accepted, that such person is grant-  
8 ed a certificate of [~~relief from disabilities or a certificate of good~~  
9 ~~conduct~~] restoration pursuant to article twenty-three of the correction  
10 law by the court in which such person was last penalized.

11 § 52. Paragraph (g) of subdivision 7 of section 1196 of the vehicle  
12 and traffic law, as amended by section 38 of part LL of chapter 56 of  
13 the laws of 2010, is amended to read as follows:

14 (g) Notwithstanding anything to the contrary contained in a certif-  
15 icate of [~~relief from disabilities or a certificate of good conduct~~]  
16 restoration issued pursuant to article twenty-three of the correction  
17 law, any conditional license or privilege issued to a person convicted  
18 of a violation of any subdivision of section eleven hundred ninety-two  
19 of this article shall not be valid for the operation of any commercial  
20 motor vehicle. In addition, no such conditional license or privilege  
21 shall be valid for the operation of a taxicab as defined in this chap-  
22 ter.

23 § 53. Whenever the term "certificate of good conduct" or "certificate  
24 of relief from disabilities" or any equivalent expression thereof is  
25 used in any provision of law, either such term shall be deemed to mean  
26 and refer to a certificate of restoration as established in this act.

27 § 54. Any certificate of relief from disabilities or certificate of  
28 good conduct issued prior to the effective date of this act shall be  
29 deemed the equivalent of a certificate of restoration and shall remain  
30 in full force and effect on and after the effective date of this act.  
31 Nothing in this act shall be read to invalidate a certificate of relief  
32 from disabilities or a certificate of good conduct issued prior to the  
33 effective date of this act.

34 § 55. This act shall take effect on the ninetieth day after it shall  
35 have become a law, provided that the amendments to subdivision 5 of  
36 section 530 of the vehicle and traffic law made by section forty-six of  
37 this act shall not affect the expiration of such subdivision and shall  
38 be deemed to expire therewith.