

STATE OF NEW YORK

S. 2006--A

A. 3006--A

SENATE - ASSEMBLY

January 23, 2017

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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

tuition assistance program (Part F); to amend the education law, in relation to the NY-SUNY 2020 challenge grant program act; and to amend chapter 260 of the laws of 2011, amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof (Part G); to amend the education law, in relation to foundation contributions to the city university of New York (Part H); to amend the limited liability company law and the labor law, in relation to the ability of the state to collect unpaid wages (Part I); to amend the criminal procedure law, the penal law, the correction law, the executive law, the family court act, the social services law, the education law and the state finance law, in relation to proceedings against juvenile offenders and the age of juvenile offenders and to repeal certain provisions of the criminal procedure law, the family court act and the executive law relating thereto (Part J); to amend chapter 83 of the laws of 2002, amending the executive law and other laws relating to funding for children and family services, in relation to extending the effectiveness thereof (Subpart A); and to amend the social services law and the education law, in relation to restructuring financing for residential school placements (Subpart B) (Part K); to amend the family court act, in relation to the definition of an abused child (Part L); to amend the executive law, the social services law and the family court act, in relation to increasing the age of youth eligible to be served in RHYA programs and to allow for additional length of stay for youth in residential programs (Part M); to amend the public health law, in relation to the licensure of certain health-related services provided by authorized agencies (Part N); to amend the social services law and the tax law, in relation to increasing the amount of lottery winnings that the state can recoup related to current and former public assistance recipients (Part O); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part P); to amend the social services law, in relation to expanding inquiries of the statewide central register of child abuse and maltreatment and allowing additional reviews of criminal history information (Part Q); to utilize reserves in the mortgage insurance fund for various housing purposes (Part R); to amend the real property tax law, in relation to the affordable New York housing program and to repeal certain provisions of such law relating thereto (Part S); to amend the criminal procedure law and the judiciary law, in relation to removal of a criminal action to a veterans treatment court (Part T); and to amend the executive law, in relation to creating a division of central administrative hearings within the executive department (Part U)

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

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

1 "of this act", when used in connection with that particular component,
2 shall be deemed to mean and refer to the corresponding section of the
3 Part in which it is found. Section three of this act sets forth the
4 general effective date of this act.

5 PART A

6 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
7 tion law, as amended by section 1 of part A of chapter 54 of the laws of
8 2016, is amended to read as follows:

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

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

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

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

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

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

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

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

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

1 upon application directly to the board of regents or on the recommenda-
2 tion of the board of trustees of the state university of New York pursu-
3 ant to a competitive process in accordance with subdivision nine-a of
4 this section. Provided that such reissuance shall not be counted toward
5 the statewide numerical limit established by this subdivision[, ~~and~~
6 ~~provided further that no more than twenty-two charters may be reissued~~
7 ~~pursuant to this paragraph~~].

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

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

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

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

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

36 § 5-a. Paragraph c of subdivision 6-g of section 3602 of the education
37 law, as amended by section 11-a of part A of chapter 54 of the laws of
38 2016, is amended to read as follows:

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

44 § 5-b. Paragraph (e) of subdivision 3 of section 2853 of the education
45 law is amended by adding a new subparagraph 1-a to read as follows:

46 (1-a) The co-location site or alternative space offered pursuant to
47 subparagraph one of this paragraph shall be sufficient to accommodate
48 approved grade levels within the same building within bands as follows:
49 Kindergarten through grade 4, grades 5-8, and grades 9-12, including
50 those grade levels not yet in operation at the time of offering but
51 included within the charter school's planned grade configuration. The
52 defined grade level bands herein shall include an allowable deviation of
53 one grade level above or below the stated levels if such grade level is
54 an existing approved grade level of the charter school.

55 § 6. Subdivision 41 of section 3602 of the education law, as added by
56 section 18 of part B of chapter 57 of the laws of 2007, the subdivision

1 heading and opening paragraph as amended by section 20 of part B of
2 chapter 57 of the laws of 2008, is amended to read as follows:

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

9 (a) the product of (i) the product of eighty percent multiplied by the
10 charter school basic tuition computed for such school district for the
11 base year pursuant to section twenty-eight hundred fifty-six of this
12 chapter, multiplied by (ii) the positive difference, if any, of the
13 number of resident pupils enrolled in the charter school in the base
14 year less the number of resident pupils enrolled in a charter school in
15 the year prior to the base year, provided, however, that a school
16 district shall be eligible for an apportionment pursuant to this para-
17 graph only if the number of its resident pupils enrolled in charter
18 schools in the base year exceeds two percent of the total resident
19 public school district enrollment of such school district in the base
20 year or the total general fund payments made by such district to charter
21 schools in the base year for resident pupils enrolled in charter schools
22 exceeds two percent of total general fund expenditures of such district
23 in the base year, plus

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

40 (c) the product of (i) the product of forty percent multiplied by the
41 charter school basic tuition computed for such school district for the
42 base year pursuant to section twenty-eight hundred fifty-six of this
43 chapter, multiplied by (ii) the positive difference, if any, of the
44 number of resident pupils enrolled in the charter school in the year two
45 years prior to the base year less the number of resident pupils enrolled
46 in a charter school in the year three years prior to the base year,
47 provided, however, that a school district shall be eligible for an
48 apportionment pursuant to this paragraph only if the number of its resi-
49 dent pupils enrolled in charter schools in the year two years prior to
50 the base year exceeds two percent of the total resident public school
51 district enrollment of such school district in the year two years prior
52 to the base year or the total general fund payments made by such
53 district to charter schools in the year two years prior to the base year
54 for resident pupils enrolled in charter schools exceeds two percent of
55 the total general fund expenditures of such district in the year two
56 years prior to the base year[+], plus

1 (d) for aid payable in the two thousand eighteen--two thousand nine-
2 teen school year the product of (i) ninety percent, multiplied by (ii)
3 the positive difference, if any, of the charter school basic tuition
4 computed for such school district for the base year pursuant to section
5 twenty-eight hundred fifty-six of this chapter less the charter school
6 basic tuition computed for such school district for the two thousand
7 ten--two thousand eleven school year pursuant to section twenty-eight
8 hundred fifty-six of this chapter, multiplied by (iii) the number of
9 resident pupils enrolled in the charter school in the base year,
10 provided, however, that a school district shall be eligible for an
11 apportionment pursuant to this paragraph only if the number of its resi-
12 dent pupils enrolled in charter schools in the base year exceeds five
13 thousandths (0.005) of the total resident public school district enroll-
14 ment of such school district in the base year or the total general fund
15 payments made by such district to charter schools in the base year for
16 resident pupils enrolled in charter schools exceeds five thousandths
17 (0.005) of the total general fund expenditures of such district in the
18 base year, plus

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

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

1 (0.005) of the total general fund expenditures of such district in the
2 year two years prior to the base year.

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

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

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

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

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

41 a. The commissioner shall annually determine which public elementary
42 and secondary schools are persistently dangerous in accordance with
43 regulations of the commissioner developed in consultation with a repre-
44 sentative sample of local educational agencies. Such determination shall
45 be based on data submitted through the uniform violent incident report-
46 ing system over a period prescribed in the regulations, which shall not
47 be less than two years.

48 b. Each local educational agency required to provide unsafe school
49 choice shall establish procedures for determinations by the superinten-
50 dent of schools or other chief school officer of whether a student is
51 the victim of a violent criminal offense that occurred on school grounds
52 of the school that the student attends. Such superintendent of schools
53 or other chief school officer shall, prior to making any such determi-
54 nation, consult with any law enforcement agency investigating such
55 alleged violent criminal offense and consider any reports or records
56 provided by such agency. The trustees or board of education or other

1 governing board of a local educational agency may provide, by local rule
2 or by-law, for appeal of the determination of the superintendent of
3 schools to such governing board. Notwithstanding any other provision of
4 law to the contrary, the determination of such chief school officer
5 pursuant to this paragraph shall not have collateral estoppel effect in
6 any student disciplinary proceeding brought against the alleged victim
7 or perpetrator of such violent criminal offense. For purposes of this
8 subdivision, "violent criminal offense" shall mean a crime that involved
9 infliction of serious physical injury upon another as defined in the
10 penal law, a sex offense that involved forcible compulsion or any other
11 offense defined in the penal law that involved the use or threatened use
12 of a deadly weapon.

13 c. Each local educational agency, as defined in subsection [~~twenty-~~
14 ~~six~~] thirty of section [~~ninety-one~~] eighty-one hundred one of the [~~No~~
15 ~~Child Left Behind Act of 2001~~] Elementary and Secondary Education Act of
16 nineteen hundred sixty-five, as amended, that is required to provide
17 school choice pursuant to section [~~ninety-five~~] eighty-five hundred
18 thirty-two of the [~~No Child Left Behind Act of 2001~~] Elementary and
19 Secondary Education Act of nineteen hundred sixty-five, as amended,
20 shall establish procedures for notification of parents of, or persons in
21 parental relation to, students attending schools that have been desig-
22 nated as persistently dangerous and parents of, or persons in parental
23 relation to, students who are victims of violent criminal offenses of
24 their right to transfer to a safe public school within the local educa-
25 tional agency and procedures for such transfer, except that nothing in
26 this subdivision shall be construed to require such notification where
27 there are no other public schools within the local educational agency at
28 the same grade level or such transfer to a safe public school within the
29 local educational agency is otherwise impossible or to require a local
30 educational agency that has only one public school within the local
31 educational agency or only one public school at each grade level to
32 develop such procedures. The commissioner shall be authorized to adopt
33 any regulations deemed necessary to assure that local educational agen-
34 cies implement the provisions of this subdivision.

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

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

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

52 (1) Consistent with the federal gun-free schools act, any public
53 school pupil who is determined under this subdivision to have brought a
54 firearm to or possessed a firearm at a public school shall be suspended
55 for a period of not less than one calendar year and any nonpublic school
56 pupil participating in a program operated by a public school district

1 using funds from the elementary and secondary education act of nineteen
2 hundred sixty-five who is determined under this subdivision to have
3 brought a firearm to or possessed a firearm at a public school or other
4 premises used by the school district to provide such programs shall be
5 suspended for a period of not less than one calendar year from partic-
6 ipation in such program. The procedures of this subdivision shall apply
7 to such a suspension of a nonpublic school pupil. A superintendent of
8 schools, district superintendent of schools or community superintendent
9 shall have the authority to modify this suspension requirement for each
10 student on a case-by-case basis. The determination of a superintendent
11 shall be subject to review by the board of education pursuant to para-
12 graph c of this subdivision and the commissioner pursuant to section
13 three hundred ten of this chapter. Nothing in this subdivision shall be
14 deemed to authorize the suspension of a student with a disability in
15 violation of the individuals with disabilities education act or article
16 eighty-nine of this chapter. A superintendent shall refer the pupil
17 under the age of sixteen who has been determined to have brought a weap-
18 on or firearm to school in violation of this subdivision to a present-
19 ment agency for a juvenile delinquency proceeding consistent with arti-
20 cle three of the family court act except a student fourteen or fifteen
21 years of age who qualifies for juvenile offender status under subdivi-
22 sion forty-two of section 1.20 of the criminal procedure law; provided,
23 however that commencing on January first, two thousand nineteen a super-
24 intendent shall refer the pupil under the age of seventeen who has been
25 determined to have brought a weapon or firearm to school in violation of
26 this subdivision to a presentment agency for a juvenile delinquency
27 proceeding consistent with article three of the family court act except
28 a student who qualifies for juvenile offender status under subdivision
29 forty-two of section 1.20 of the criminal procedure law; and provided,
30 further that commencing on January first, two thousand twenty, a super-
31 intendent shall refer the pupil under the age of eighteen who has been
32 determined to have brought a weapon or firearm to school in violation of
33 this subdivision to a presentment agency for a juvenile delinquency
34 proceeding consistent with article three of the family court act except
35 a student who qualifies for juvenile offender status under subdivision
36 forty-two of section 1.20 of the criminal procedure law. A superinten-
37 dent shall refer any pupil sixteen years of age or older or a student
38 fourteen or fifteen years of age who qualifies for juvenile offender
39 status under subdivision forty-two of section 1.20 of the criminal
40 procedure law, who has been determined to have brought a weapon or
41 firearm to school in violation of this subdivision to the appropriate
42 law enforcement officials.

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

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

1 nonpublic school pupil. A superintendent of schools, district super-
2 intendent of schools or community superintendent shall have the authori-
3 ty to modify this suspension requirement for each student on a case-by-
4 case basis. The determination of a superintendent shall be subject to
5 review by the board of education pursuant to paragraph c of this subdivi-
6 sion and the commissioner pursuant to section three hundred ten of
7 this chapter. Nothing in this subdivision shall be deemed to authorize
8 the suspension of a student with a disability in violation of the indi-
9 viduals with disabilities education act or article eighty-nine of this
10 chapter. A superintendent shall refer the pupil under the age of sixteen
11 who has been determined to have brought a weapon to school in violation
12 of this subdivision to a presentment agency for a juvenile delinquency
13 proceeding consistent with article three of the family court act except
14 a student fourteen or fifteen years of age who qualifies for juvenile
15 offender status under subdivision forty-two of section 1.20 of the crim-
16 inal procedure law; provided, however that commencing on January first,
17 two thousand nineteen a superintendent shall refer the pupil under the
18 age of seventeen who has been determined to have brought a weapon or
19 firearm to school in violation of this subdivision to a presentment
20 agency for a juvenile delinquency proceeding consistent with article
21 three of the family court act except a student who qualifies for juve-
22 nil offender status under subdivision forty-two of section 1.20 of the
23 criminal procedure law; and provided further that commencing on January
24 first, two thousand twenty, a superintendent shall refer the pupil under
25 the age of eighteen who has been determined to have brought a weapon or
26 firearm to school in violation of this subdivision to a presentment
27 agency for a juvenile delinquency proceeding consistent with article
28 three of the family court act except a student who qualifies for juve-
29 nil offender status under subdivision forty-two of section 1.20 of the
30 criminal procedure law. A superintendent shall refer any pupil sixteen
31 years of age or older or a student fourteen or fifteen years of age who
32 qualifies for juvenile offender status under subdivision forty-two of
33 section 1.20 of the criminal procedure law, who has been determined to
34 have brought a weapon to school in violation of this subdivision to the
35 appropriate law enforcement officials.

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

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

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

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

51 § 14. Paragraph o of subdivision 1 of section 3602 of the education
52 law, as amended by section 15 of part A of chapter 54 of the laws of
53 2016, is amended to read as follows:

54 o. "English language learner count" shall mean the number of pupils
55 served in the base year in programs for pupils [~~with limited English~~
56 proficiency] who are English language learners approved by the commis-

1 sioner pursuant to the provisions of this chapter and in accordance with
2 regulations adopted for such purpose.

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

9 § 16. Subparagraph (ii) of paragraph q of subdivision 1 of section
10 3602 of the education law, as amended by section 25 of part A of chapter
11 58 of the laws of 2011, is amended to read as follows:

12 (ii) "Census count" shall mean the product of the public school
13 enrollment of the school district on the date enrollment was counted in
14 accordance with this subdivision for the base year multiplied by (A) for
15 aid for school years prior to the two thousand seventeen--two thousand
16 eighteen school year, the quotient of the number of persons aged five to
17 seventeen within the school district, based on the most recent decennial
18 census as tabulated by the National Center on Education Statistics, who
19 were enrolled in public schools and whose families had incomes below the
20 poverty level, divided by the total number of persons aged five to
21 seventeen within the school district, based on such decennial census,
22 who were enrolled in public schools, computed to four decimals without
23 rounding, or (B) for aid for the two thousand seventeen--two thousand
24 eighteen school year and thereafter, the quotient of (1) the sum of the
25 number of persons aged five to seventeen within the school district,
26 based on the small area income and poverty estimates produced by the
27 United States census bureau, whose families had incomes below the pover-
28 ty level for the year two years prior to the year in which the base year
29 began, plus such number for the year three years prior to the year in
30 which the base year began, plus such number for the year four years
31 prior to the year in which the base year began, divided by (2) the sum
32 of the total number of persons aged five to seventeen within the school
33 district, based on such census bureau estimates, for the year two years
34 prior to the year in which the base year began, plus such total number
35 for the year three years prior to the year in which the base year began,
36 plus such total number for the year four years prior to the year in
37 which the base year began, computed to four decimals without rounding.

38 § 17. Paragraph g of subdivision 3 of section 3602 of the education
39 law, as amended by section 13 of part B of chapter 57 of the laws of
40 2008, is amended to read as follows:

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

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

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

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

51 (4) a value computed by subtracting from fifty-one hundredths the
52 product obtained by multiplying the combined wealth ratio by twenty-two
53 hundredths, provided, however, that for the purpose of computing the
54 state sharing ratio for total foundation aid, the tier four value shall
55 ~~not be computed [by subtracting from fifty-one hundredths the product~~
56 ~~obtained by multiplying the combined wealth ratio by one hundred seven-~~

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

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

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

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

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

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

- 30 Labor Force Region Index
- 31 Capital District 1.124
- 32 Southern Tier 1.045
- 33 Western New York 1.091
- 34 Hudson Valley 1.314
- 35 Long Island/NYC 1.425
- 36 Finger Lakes 1.141
- 37 Central New York 1.103
- 38 Mohawk Valley 1.000
- 39 North Country 1.000

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

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

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

13 § 19. Paragraph a of subdivision 9 of section 3602 of the education
14 law, as amended by section 9 of part A of chapter 57 of the laws of
15 2013, is amended to read as follows:

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

28 § 20. Paragraph c of subdivision 15 of section 3602 of the education
29 law, as amended by section 16 of part B of chapter 57 of the laws of
30 2007, is amended to read as follows:

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

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

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

~~1 further that for the two thousand twelve two thousand thirteen school
2 year, no school district shall receive total foundation aid in excess of
3 the sum of the total foundation aid base for aid payable in the two
4 thousand eleven two thousand twelve school year computed pursuant to
5 subparagraph (ii) of paragraph j of subdivision one of this section,
6 plus the phase in foundation increase computed pursuant to paragraph b
7 of this subdivision, and provided further that for the two thousand
8 thirteen two thousand fourteen school year and thereafter, no school
9 district shall receive total foundation aid in excess of the sum of the
10 total foundation aid base computed pursuant to subparagraph (ii) of
11 paragraph j of subdivision one of this section, plus the phase in founda-
12 tion increase computed pursuant to paragraph b of this subdivision,
13 and provided further that for the two thousand sixteen two thousand
14 seventeen school year, no eligible school districts shall receive total
15 foundation aid in excess of the sum of the total foundation aid base
16 computed pursuant to subparagraph (ii) of paragraph j of subdivision one
17 of this section plus the sum of (A) the phase in foundation increase,
18 (B) the executive foundation increase with a minimum increase pursuant
19 to paragraph b-2 of this subdivision, and (C) an amount equal to "COMMU-
20 NITY SCHOOLS AID" in the computer listing produced by the commissioner
21 in support of the executive budget request for the two thousand
22 sixteen two thousand seventeen school year and entitled "BT161-7",
23 where (1) "eligible school district" shall be defined as a district with
24 (a) an unrestricted aid increase of less than seven percent (0.07) and
25 (b) a three year average free and reduced price lunch percent greater
26 than fifteen percent (0.15), and (2) "unrestricted aid increase" shall
27 mean the quotient arrived at when dividing (a) the sum of the executive
28 foundation aid increase plus the gap elimination adjustment for the base
29 year, by (b) the difference of foundation aid for the base year less the
30 gap elimination adjustment for the base year, and (3) "executive founda-
31 tion increase" shall mean the difference of (a) the amounts set forth
32 for each school district as "FOUNDATION AID" under the heading "2016-17
33 ESTIMATED AIDS" in the school aid computer listing produced by the
34 commissioner in support of the executive budget request for the two
35 thousand sixteen two thousand seventeen school year and entitled
36 "BT161-7" less (b) the amounts set forth for each school district as
37 "FOUNDATION AID" under the heading "2015-16 BASE YEAR AIDS" in such
38 computer listing and provided further that total foundation aid shall
39 not be less than the product of the total foundation aid base computed
40 pursuant to paragraph j of subdivision one of this section and the due-
41 minimum percent which shall be, for the two thousand twelve two thou-
42 sand thirteen school year, one hundred and six tenths percent (1.006)
43 and for the two thousand thirteen two thousand fourteen school year for
44 city school districts of those cities having populations in excess of
45 one hundred twenty five thousand and less than one million inhabitants
46 one hundred and one and one hundred and seventy six thousandths percent
47 (1.01176), and for all other districts one hundred and three tenths
48 percent (1.003), and for the two thousand fourteen two thousand fifteen
49 school year one hundred and eighty five hundredths percent (1.0085), and
50 for the two thousand fifteen two thousand sixteen school year, one
51 hundred thirty seven hundredths percent (1.0037), subject to allocation
52 pursuant to the provisions of subdivision eighteen of this section and
53 any provisions of a chapter of the laws of New York as described there-
54 in, nor more than the product of such total foundation aid base and one
55 hundred fifteen percent, provided, however, that for the two thousand
56 sixteen two thousand seventeen school year such maximum shall be no~~

~~1 more than the sum of (i) the product of such total foundation aid base
2 and one hundred fifteen percent plus (ii) the executive foundation
3 increase and plus (iii) "COMMUNITY SCHOOLS AID" in the computer listing
4 produced by the commissioner in support of the executive budget request
5 for the two thousand sixteen two thousand seventeen school year and
6 entitled "BT161 7" and provided further that for the two thousand nine-
7 two thousand ten through two thousand eleven two thousand twelve
8 school years, each school district shall receive total foundation aid in
9 an amount equal to the amount apportioned to such school district for
10 the two thousand eight two thousand nine school year pursuant to this
11 subdivision. Total aidable foundation pupil units shall be calculated
12 pursuant to paragraph g of subdivision two of this section.]~~

13 a. For the two thousand seventeen--two thousand eighteen school year,
14 districts shall be eligible for foundation aid equal to the sum of: (1)
15 the base increase, plus (2) the community schools increase, plus (3) the
16 foundation aid base, as defined pursuant to paragraph j of subdivision
17 one of this section. For the two thousand eighteen--two thousand nine-
18 teen school year and thereafter, districts shall be eligible for founda-
19 tion aid equal to the amount of foundation aid such district received in
20 the two thousand seventeen--two thousand eighteen school year.

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

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

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

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

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

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

52 (ii) The scaled per pupil increase shall be equal to the product of
53 one hundred ninety-five dollars (\$195) multiplied by the scaled per
54 pupil ratio, multiplied by the base year public school district enroll-
55 ment as computed pursuant to subparagraph two of paragraph n of subdivi-
56 sion one of this section. The scaled per pupil ratio shall be the value

1 computed by subtracting from two the product of two and fifteen
2 hundredths (2.15) multiplied by the combined wealth ratio for total
3 foundation aid, defined pursuant to subparagraph two of paragraph c of
4 subdivision three of this section, computed to three decimal places
5 without rounding. The scaled per pupil ratio shall not exceed nine-
6 tenths (0.9) or be less than zero.

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

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

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

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

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

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

~~1 [a. Foundation formula aid. Foundation formula aid shall equal the
2 remainder when the expected minimum local contribution is subtracted
3 from the product of the foundation amount, the regional cost index, and
4 the pupil need index, or: (foundation amount x regional cost index x
5 pupil need index) - expected minimum local contribution.~~

~~6 (1) The foundation amount shall reflect the average per pupil cost of
7 general education instruction in successful school districts, as deter-
8 mined by a statistical analysis of the costs of special education and
9 general education in successful school districts, provided that the
10 foundation amount shall be adjusted annually to reflect the percentage
11 increase in the consumer price index as computed pursuant to section two
12 thousand twenty two of this chapter, provided that for the two thousand
13 eight--two thousand nine school year, for the purpose of such adjust-
14 ment, the percentage increase in the consumer price index shall be
15 deemed to be two and nine tenths percent (0.029), and provided further
16 that the foundation amount for the two thousand seven two thousand
17 eight school year shall be five thousand two hundred fifty eight
18 dollars, and provided further that for the two thousand seven--two thou-
19 sand eight through two thousand sixteen--two thousand seventeen school
20 years, the foundation amount shall be further adjusted by the phase in
21 foundation percent established pursuant to paragraph b of this subdivi-
22 sion.~~

~~23 (2) The regional cost index shall reflect an analysis of labor market
24 costs based on median salaries in professional occupations that require
25 similar credentials to those of positions in the education field, but
26 not including those occupations in the education field, provided that
27 the regional cost indices for the two thousand seven two thousand eight
28 school year and thereafter shall be as follows:~~

29 Labor Force Region	Index
30 Capital District	1.124
31 Southern Tier	1.045
32 Western New York	1.091
33 Hudson Valley	1.314
34 Long Island/NYC	1.425
35 Finger Lakes	1.141
36 Central New York	1.103
37 Mohawk Valley	1.000
38 North Country	1.000

~~39 (3) The pupil need index shall equal the sum of one plus the extraor-
40 dinary needs percent, provided, however, that the pupil need index shall
41 not be less than one nor more than two. The extraordinary needs percent
42 shall be calculated pursuant to paragraph w of subdivision one of this
43 section.~~

~~44 (4) The expected minimum local contribution shall equal the lesser of
45 (i) the product of (A) the quotient arrived at when the selected actual
46 valuation is divided by total wealth foundation pupil units, multiplied
47 by (B) the product of the local tax factor, multiplied by the income
48 wealth index, or (ii) the product of (A) the product of the foundation
49 amount, the regional cost index, and the pupil need index, multiplied by
50 (B) the positive difference, if any, of one minus the state sharing
51 ratio for total foundation aid. The local tax factor shall be estab-
52 lished by May first of each year by determining the product, computed to
53 four decimal places without rounding, of ninety percent multiplied by
54 the quotient of the sum of the statewide average tax rate as computed by
55 the commissioner for the current year in accordance with the provisions
56 of paragraph c of subdivision one of section thirty six hundred nine e~~

1 ~~of this part plus the statewide average tax rate computed by the commis-~~
2 ~~sioner for the base year in accordance with such provisions plus the~~
3 ~~statewide average tax rate computed by the commissioner for the year~~
4 ~~prior to the base year in accordance with such provisions, divided by~~
5 ~~three, provided however that for the two thousand seven two thousand~~
6 ~~eight school year, such local tax factor shall be sixteen thousandths~~
7 ~~(0.016), and provided further that for the two thousand eight two thou-~~
8 ~~sand nine school year, such local tax factor shall be one hundred~~
9 ~~fifty-four ten thousandths (0.0154). The income wealth index shall be~~
10 ~~calculated pursuant to paragraph d of subdivision three of this section,~~
11 ~~provided, however, that for the purposes of computing the expected mini-~~
12 ~~imum local contribution the income wealth index shall not be less than~~
13 ~~sixty-five percent (0.65) and shall not be more than two hundred percent~~
14 ~~(2.0) and provided however that such income wealth index shall not be~~
15 ~~more than ninety five percent (0.95) for the two thousand eight two~~
16 ~~thousand nine school year, and provided further that such income wealth~~
17 ~~index shall not be less than zero for the two thousand thirteen two~~
18 ~~thousand fourteen school year. The selected actual valuation shall be~~
19 ~~calculated pursuant to paragraph c of subdivision one of this section.~~
20 ~~Total wealth foundation pupil units shall be calculated pursuant to~~
21 ~~paragraph h of subdivision two of this section.~~

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

28 ~~(2) (i) Phase in foundation percent. The phase in foundation percent~~
29 ~~shall equal one hundred thirteen and fourteen one hundredths percent~~
30 ~~(1.1314) for the two thousand eleven two thousand twelve school year,~~
31 ~~one hundred ten and thirty eight hundredths percent (1.1038) for the two~~
32 ~~thousand twelve two thousand thirteen school year, one hundred seven~~
33 ~~and sixty eight hundredths percent (1.0768) for the two thousand thir-~~
34 ~~teen two thousand fourteen school year, one hundred five and six~~
35 ~~hundredths percent (1.0506) for the two thousand fourteen two thousand~~
36 ~~fifteen school year, and one hundred two and five tenths percent~~
37 ~~(1.0250) for the two thousand fifteen two thousand sixteen school year.~~

38 ~~(ii) Phase in foundation increase factor. For the two thousand~~
39 ~~eleven two thousand twelve school year, the phase in foundation~~
40 ~~increase factor shall equal thirty seven and one half percent (0.375)~~
41 ~~and the phase in due minimum percent shall equal nineteen and forty one~~
42 ~~hundredths percent (0.1941), for the two thousand twelve two thousand~~
43 ~~thirteen school year the phase in foundation increase factor shall equal~~
44 ~~one and seven tenths percent (0.017), for the two thousand thirteen two~~
45 ~~thousand fourteen school year the phase in foundation increase factor~~
46 ~~shall equal (1) for a city school district in a city having a population~~
47 ~~of one million or more, five and twenty three hundredths percent~~
48 ~~(0.0523) or (2) for all other school districts zero percent, for the two~~
49 ~~thousand fourteen two thousand fifteen school year the phase in founda-~~
50 ~~tion increase factor shall equal (1) for a city school district of a~~
51 ~~city having a population of one million or more, four and thirty two~~
52 ~~hundredths percent (0.0432) or (2) for a school district other than a~~
53 ~~city school district having a population of one million or more for~~
54 ~~which (A) the quotient of the positive difference of the foundation~~
55 ~~formula aid minus the foundation aid base computed pursuant to paragraph~~
56 ~~j of subdivision one of this section divided by the foundation formula~~

~~aid is greater than twenty two percent (0.22) and (B) a combined wealth ratio less than thirty five hundredths (0.35), seven percent (0.07) or (3) for all other school districts, four and thirty one hundredths percent (0.0431), and for the two thousand fifteen--two thousand sixteen school year the phase in foundation increase factor shall equal: (1) for a city school district of a city having a population of one million or more, thirteen and two hundred seventy four thousandths percent (0.13274); or (2) for districts where the quotient arrived at when dividing (A) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid less the total foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by (B) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid is greater than nineteen percent (0.19), and where the district's combined wealth ratio is less than thirty three hundredths (0.33), seven and seventy five hundredths percent (0.0775); or (3) for any other district designated as high need pursuant to clause (c) of subparagraph two of paragraph e of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven two thousand eight school year and entitled "SA0708", four percent (0.04); or (4) for a city school district in a city having a population of one hundred twenty five thousand or more but less than one million, fourteen percent (0.14); or (5) for school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen two thousand fifteen school year and entitled "SA1415", four and seven hundred fifty one thousandths percent (0.04751); or (6) for all other districts one percent (0.01), and for the two thousand sixteen two thousand seventeen school year shall equal for an eligible school district the greater of: (1) for a city school district in a city with a population of one million or more, seven and seven hundred eighty four thousandths percent (0.07784); or (2) for a city school district in a city with a population of more than two hundred fifty thousand but less than one million as of the most recent federal decennial census, seven and three hundredths percent (0.0703); or (3) for a city school district in a city with a population of more than two hundred thousand but less than two hundred fifty thousand as of the most recent federal decennial census, six and seventy two hundredths percent (0.0672); or (4) for a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred thousand as of the most recent federal decennial census, six and seventy four hundredths percent (0.0674); or (5) for a city school district in a city with a population of more than one hundred twenty five thousand but less than one hundred fifty thousand as of the most recent federal decennial census, nine and fifty five hundredths percent (0.0955); or (6) for school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen two thousand fifteen school year and entitled "SA1415" with a combined wealth ratio less than one and four tenths (1.4), nine percent (0.09), provided, however, that for such districts that are also districts designated as high need urban-suburban pursuant to clause (c) of subparagraph two of paragraph e of subdivision six of this section for the school aid computer listing~~

~~1 produced by the commissioner in support of the enacted budget for the
2 two thousand seven two thousand eight school year and entitled
3 "SA0708", nine and seven hundred and nineteen thousandths percent
4 (0.09719); or (7) for school districts designated as high need rural
5 pursuant to clause (c) of subparagraph two of paragraph e of subdivision
6 six of this section for the school aid computer listing produced by the
7 commissioner in support of the enacted budget for the two thousand
8 seven two thousand eight school year and entitled "SA0708", thirteen
9 and six tenths percent (0.136); or (8) for school districts designated
10 as high need urban suburban pursuant to clause (c) of subparagraph two
11 of paragraph e of subdivision six of this section for the school aid
12 computer listing produced by the commissioner in support of the enacted
13 budget for the two thousand seven two thousand eight school year and
14 entitled "SA0708", seven hundred nineteen thousandths percent (0.00719);
15 or (9) for all other eligible school districts, forty seven hundredths
16 percent (0.0047) and for the two thousand seventeen two thousand eigh-
17 teen school year and thereafter the commissioner shall annually deter-
18 mine the phase-in foundation increase factor subject to allocation
19 pursuant to the provisions of subdivision eighteen of this section and
20 any provisions of a chapter of the laws of New York as described there-
21 in.]~~

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

~~29 [b-2. Due minimum for the two thousand sixteen two thousand seventeen
30 school year. Notwithstanding any other provision of law to the contrary,
31 for the two thousand sixteen two thousand seventeen school year the
32 total foundation aid shall not be less than the sum of the total founda-
33 tion aid base computed pursuant to paragraph j of subdivision one of
34 this section plus the due minimum for the two thousand sixteen two
35 thousand seventeen school year, where such due minimum shall equal the
36 difference of (1) the product of (A) two percent (0.02) multiplied by
37 (B) the difference of total foundation aid for the base year less the
38 gap elimination adjustment for the base year, less (2) the sum of (A)
39 the difference of the amounts set forth for each school district as
40 "FOUNDATION AID" under the heading "2016-17 ESTIMATED AIDS" in the
41 school aid computer listing produced by the commissioner in support of
42 the executive budget request for the two thousand sixteen two thousand
43 seventeen school year and entitled "BT161-7" less the amounts set forth
44 for each school district as "FOUNDATION AID" under the heading "2015-16
45 BASE YEAR AIDS" in such computer listing plus (B) the gap elimination
46 adjustment for the base year.]~~

47 c. Public excess cost aid set aside. Each school district shall set
48 aside from its total foundation aid computed for the current year pursu-
49 ant to this subdivision an amount equal to the product of: (i) the
50 difference between the amount the school district was eligible to
51 receive in the two thousand six two thousand seven school year pursuant
52 to or in lieu of paragraph six of subdivision nineteen of this section
53 as such paragraph existed on June thirtieth, two thousand seven, minus
54 the amount such district was eligible to receive pursuant to or in lieu
55 of paragraph five of subdivision nineteen of this section as such para-
56 graph existed on June thirtieth, two thousand seven, in such school

1 year, and (ii) the sum of one and the percentage increase in the consumer price index for the current year over such consumer price index for the two thousand six--two thousand seven school year, as computed pursuant to section two thousand twenty-two of this chapter. Notwithstanding any other provision of law to the contrary, the public excess cost aid setaside shall be paid pursuant to section thirty-six hundred nine-b of this part.

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

13 e. Community schools aid set-aside. Each school district shall set aside from its total foundation aid computed for the current year pursuant to this subdivision an amount equal to ~~[the following amount, if any, for such district and]~~ the sum of (i) the amount, if any, set forth for such district as "COMMUNITY SCHL AID (BT1617)" in the data file produced by the commissioner in support of the enacted budget for the two thousand sixteen--two thousand seventeen school year and entitled "SA161-7" and (ii) the amount, if any, set forth for such district as "COMMUNITY SCHL INCR" in the data file produced by the commissioner in support of the executive budget request for the two thousand seventeen--two thousand eighteen school year and entitled "BT171-8". Each school district shall use [the] such "COMMUNITY SCHL AID (BT1617)" amount [set aside] to support the transformation of school buildings into community hubs to deliver co-located or school-linked academic, health, mental health, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator, or to support other costs incurred to maximize students' academic achievement[+]. Each school district shall use such "COMMUNITY SCHL INCR" amount to support the transformation of school buildings into community hubs to deliver co-located or school linked academic, health, mental health, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator and programs for English language learners, provided further that a school district whose "COMMUNITY SCHL INCR" amount exceeds one million dollars (\$1,000,000) shall use an amount equal to the greater of one hundred fifty thousand dollars (\$150,000) or ten percent of such "COMMUNITY SCHL INCR" amount to support such transformation at additional schools with extraordinary high levels of student need as identified by the commissioner, subject to the approval of the director of the budget.

Addison	\$132,624
Adirondack	\$98,303
Afton	\$62,527
Albany	\$2,696,127
Albion	\$171,687
Altmar-Parish-Williamstown	\$154,393
Amityville	\$140,803
Amsterdam	\$365,464
Andover	\$41,343
Auburn	\$211,759
Ausable Valley	\$82,258
Avoca	\$40,506
Batavia	\$116,085
Bath	\$139,788

1	Beacon	\$87,748
2	Beaver River	\$67,970
3	Beekmantown	\$98,308
4	Belfast	\$44,520
5	Belleville-Henderson	\$21,795
6	Binghamton	\$477,949
7	Belivar-Richburg	\$102,276
8	Bradford	\$28,058
9	Brasher Falls	\$146,944
10	Brentwood	\$2,089,437
11	Bridgewater-West Winfield (Mt. Markham)	\$101,498
12	Brocton	\$63,939
13	Brookfield	\$24,973
14	Brushton-Moira	\$102,613
15	Buffalo	\$12,524,617
16	Camden	\$243,929
17	Campbell-Savona	\$81,862
18	Canajoharie	\$78,428
19	Canaseraga	\$24,622
20	Candor	\$69,400
21	Canistota-Greenwood	\$105,783
22	Carthage	\$273,578
23	Cassadaga Valley	\$99,547
24	Catskill	\$69,599
25	Cattaraugus-Little Valley	\$89,771
26	Central Islip	\$650,359
27	Central Valley	\$154,059
28	Charlotte Valley	\$27,925
29	Chateaugay	\$43,580
30	Cheektowaga-Sloan	\$68,242
31	Chenango Valley	\$46,359
32	Cherry Valley-Springfield	\$29,704
33	Cincinnatus	\$71,378
34	Clifton-Fine	\$17,837
35	Clyde-Savannah	\$84,797
36	Clymer	\$28,267
37	Cohoes	\$110,625
38	Copenhagen	\$35,037
39	Copiague	\$308,995
40	Cortland	\$147,875
41	Crown Point	\$24,277
42	Cuba-Rushford	\$67,917
43	Dalton-Nunda (Koshequa)	\$65,630
44	Dansville	\$136,766
45	De Ruyter	\$38,793
46	Deposit	\$37,615
47	Delgeville	\$82,884
48	Downsville	\$10,000
49	Dundee	\$59,404
50	Dunkirk	\$224,658
51	East Ramapo (Spring Valley)	\$360,848
52	Edmeston	\$30,288
53	Edwards-Knox	\$95,261
54	Elizabethtown-Lewis	\$14,844
55	Ellenville	\$128,950
56	Elmira	\$501,348

1	Fallsburg	\$111,523
2	Fillmore	\$84,252
3	Forestville	\$34,773
4	Fort Edward	\$32,403
5	Fort Plain	\$86,187
6	Franklin	\$19,086
7	Franklinville	\$84,503
8	Freeport	\$479,702
9	Friendship	\$51,013
10	Fulton	\$241,424
11	Genesee Valley	\$65,066
12	Geneva	\$146,409
13	Georgetown-South Otselic	\$34,626
14	Gilbertsville-Mount Upton	\$30,930
15	Glens Falls Common	\$10,000
16	Gloversville	\$257,549
17	Gouverneur	\$197,139
18	Gowanda	\$122,173
19	Granville	\$86,044
20	Green Island	\$17,390
21	Greene	\$87,782
22	Hadley-Luzerne	\$37,868
23	Hammond	\$18,750
24	Hancock	\$34,174
25	Hannibal	\$149,286
26	Harpursville	\$89,804
27	Hempstead	\$3,123,056
28	Herkimer	\$64,467
29	Hermon-Dekalb	\$49,211
30	Heuvelton	\$53,905
31	Hinsdale	\$47,128
32	Hornell	\$152,327
33	Hudson	\$86,263
34	Hudson Falls	\$125,709
35	Indian River	\$404,452
36	Jamestown	\$422,610
37	Jasper-Troupsburg	\$65,899
38	Jefferson	\$22,350
39	Johnson	\$179,735
40	Johnstown	\$98,329
41	Kingston	\$241,138
42	Kiryas Joel	\$10,000
43	La Fargeville	\$36,602
44	Lackawanna	\$293,188
45	Lansingburgh	\$170,080
46	Laurens	\$32,110
47	Liberty	\$141,704
48	Lisbon	\$56,498
49	Little Falls	\$76,292
50	Livingston Manor	\$32,996
51	Lowville	\$117,907
52	Lyme	\$15,856
53	Lyons	\$89,298
54	Madison	\$43,805
55	Madrid-Waddington	\$59,412
56	Malone	\$241,483

1	Marathon	\$79,560
2	Margaretville	\$10,000
3	Massena	\$227,985
4	Mograw	\$51,558
5	Medina	\$135,337
6	Middleburgh	\$58,936
7	Middletown	\$683,511
8	Milford	\$28,281
9	Monticello	\$185,418
10	Moriah	\$76,592
11	Morris	\$45,012
12	Morristown	\$25,106
13	Morrisville-Eaton	\$62,490
14	Mt Morris	\$58,594
15	Mt Vernon	\$517,463
16	New York City	\$28,491,241
17	Newark	\$137,556
18	Newburgh	\$837,244
19	Newfield	\$60,998
20	Niagara Falls	\$733,330
21	North Rose-Walcott	\$107,958
22	Northern Adirondaack	\$84,115
23	Norwich	\$155,921
24	Norwood-Norfolk	\$116,262
25	Odessa-Montour	\$70,110
26	Ogdensburg	\$126,942
27	Olean	\$129,603
28	Oppenheim-Ephratah-St. Johnsville	\$86,646
29	Otego-Unadilla	\$72,613
30	Oxford Acad & Central Schools	\$80,443
31	Parishville-Hopkinton	\$35,003
32	Peekskill	\$230,795
33	Penn Yan	\$71,001
34	Pine Valley (South Dayton)	\$67,455
35	Plattsburgh	\$75,055
36	Poland	\$37,498
37	Port Chester-Rye	\$241,428
38	Port Jervis	\$189,220
39	Poughkeepsie	\$1,747,582
40	Prattsburgh	\$35,110
41	Pulaski	\$89,146
42	Putnam	\$10,000
43	Randolph	\$88,646
44	Red Creek	\$87,007
45	Remsen	\$32,650
46	Rensselaer	\$74,616
47	Richfield Springs	\$37,071
48	Ripley	\$18,495
49	Rochester	\$7,624,908
50	Rome	\$369,655
51	Romulus	\$22,112
52	Roosevelt	\$353,005
53	Salamanca	\$139,051
54	Salmon River	\$200,831
55	Sandy Creek	\$72,287
56	Schenectady	\$642,884

1	Sehenevus	\$29,516
2	Seio	\$47,097
3	Sharon Springs	\$26,994
4	Sherburne-Earlville	\$154,286
5	Sherman	\$45,067
6	Sidney	\$98,699
7	Silver Creek	\$68,538
8	Sodus	\$100,038
9	Solvay	\$85,506
10	South Kortright	\$23,420
11	South Lewis	\$95,627
12	South Seneca	\$49,768
13	Spencer-Van Etten	\$76,108
14	St Regis Falls	\$30,078
15	Stamford	\$20,137
16	Stockbridge Valley	\$38,537
17	Syracuse	\$10,186,478
18	Ticonderoga	\$36,467
19	Tioga	\$99,411
20	Troy	\$277,420
21	Unadilla Valley	\$90,571
22	Uniondale	\$362,887
23	Utica	\$273,267
24	Van Hornesville-Owen D. Young	\$18,604
25	Walton	\$82,541
26	Warrensburg	\$57,996
27	Waterloo	\$123,111
28	Watertown	\$222,343
29	Watervliet	\$94,487
30	Waverly	\$120,319
31	Wayland-Cohocton	\$125,273
32	Wellsville	\$114,359
33	West Canada Valley	\$58,917
34	Westbury	\$403,563
35	Westfield	\$46,542
36	Whitehall	\$46,192
37	Whitesville	\$26,719
38	Whitney Point	\$152,109
39	William Floyd	\$492,842
40	Worcester	\$26,862
41	Wyandanch	\$402,010
42	Yonkers	\$4,286,726
43	Yorkshire-Pioneer	\$210,306]

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

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

1 for the two thousand nine--two thousand ten school year and entitled
2 "SA0910".

3 § 23. Paragraph b of subdivision 6-c of section 3602 of the education
4 law, as amended by section 24 of part A of chapter 54 of the laws of
5 2016, is amended to read as follows:

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

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

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

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

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

1 two thousand nine--two thousand ten school year and entitled "SA0910".
2 Each school district shall be eligible to receive a high tax aid appor-
3 tionment in the two thousand thirteen--two thousand fourteen through
4 [~~two thousand sixteen--two thousand seventeen~~] two thousand seventeen--
5 two thousand eighteen school years equal to the greater of (1) the
6 amount set forth for such school district as "HIGH TAX AID" under the
7 heading "2008-09 BASE YEAR AIDS" in the school aid computer listing
8 produced by the commissioner in support of the budget for the two thou-
9 sand nine--two thousand ten school year and entitled "SA0910" or (2) the
10 amount set forth for such school district as "HIGH TAX AID" under the
11 heading "2013-14 ESTIMATED AIDS" in the school aid computer listing
12 produced by the commissioner in support of the executive budget for the
13 2013-14 fiscal year and entitled "BT131-4".

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

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

1 district as "UNIVERSAL PREKINDERGARTEN" under the heading "2016-17 ESTI-
2 MATED AIDS" in the school aid computer listing produced by the commis-
3 sioner in support of the enacted budget for the 2016-17 school year and
4 entitled "SA161-7" plus (ii) the amount awarded to such school district
5 for the priority full-day prekindergarten and expanded half-day prekin-
6 dergarten grant program for high need students for the two thousand
7 sixteen--two thousand seventeen school year pursuant to chapter fifty-
8 three of the laws of two thousand fourteen, and provided further that
9 the maximum grant shall not exceed the total actual grant expenditures
10 incurred by the school district in the current school year as approved
11 by the commissioner.

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

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

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

44 (ii) [~~"Base aidable prekindergarten pupils", "Base aidable prekinde-~~
45 ~~rgarten pupils" shall equal the sum of the base aidable prekindergarten~~
46 ~~pupils calculated pursuant to this subdivision for the base year, based~~
47 ~~on data on file for the school aid computer listing produced by the~~
48 ~~commissioner in support of the enacted budget for the base year, plus~~
49 ~~the additional aidable prekindergarten pupils calculated pursuant to~~
50 ~~this subdivision for the base year, based on data on file for the school~~
51 ~~aid computer listing produced by the commissioner in support of the~~
52 ~~enacted budget for the base year] "Full-day prekindergarten pupils"
53 shall equal (i) the maximum aidable full-day prekindergarten pupils such
54 district was eligible to serve for the priority full-day prekindergarten
55 and expanded half-day prekindergarten grant program for the two thousand
56 sixteen--two thousand seventeen school year pursuant to chapter fifty-~~

1 three of the laws of two thousand fourteen plus (ii) the number of half-
2 day prekindergarten pupils converted into a full-day prekindergarten
3 pupil under the priority full-day prekindergarten and expanded half-day
4 prekindergarten grant program for high need students pursuant to chapter
5 fifty-three of the laws of two thousand fourteen;

6 (iii) "Half-day prekindergarten pupils shall equal (A) (i) the maximum
7 aidable universal prekindergarten pupils each district was eligible to
8 serve in the two thousand sixteen--two thousand seventeen school year
9 pursuant to this section plus (ii) the maximum aidable half-day prekin-
10 dergarten pupils such district was eligible to serve for the priority
11 full-day prekindergarten and expanded half-day prekindergarten grant
12 program for the two thousand sixteen--two thousand seventeen school year
13 pursuant to chapter fifty-three of the laws of two thousand fourteen
14 minus (B) the number of half-day prekindergarten pupils converted into a
15 full-day prekindergarten pupil under the priority full-day prekindergar-
16 ten and expanded half-day prekindergarten grant program for high need
17 students pursuant to chapter fifty-three of the laws of two thousand
18 fourteen;

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

29 [~~(iv) "Additional aidable prekindergarten pupils". For the two thou-~~
30 ~~sand seven two thousand eight through two thousand eight two thousand~~
31 ~~nine school years, "additional aidable prekindergarten pupils" shall~~
32 ~~equal the product of (A) the positive difference, if any, of the~~
33 ~~unserved prekindergarten pupils less the base aidable prekindergarten~~
34 ~~pupils multiplied by (B) the prekindergarten phase-in factor,~~

35 ~~(v) the "prekindergarten aid base" shall mean the sum of the amounts~~
36 ~~the school district received for the two thousand six two thousand~~
37 ~~seven school year for grants awarded pursuant to this section and for~~
38 ~~targeted prekindergarten grants,~~

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

~~to this section for the base year, based on data on file for the school aid computer listing produced by the commissioner on February fifteenth of the base year, pursuant to paragraph b of subdivision twenty-one of section three hundred five of this chapter, is less than or equal to the amount allocated pursuant to this section for the year prior to the base year, based on data on file for the school aid computer listing produced by the commissioner on February fifteenth of the base year, pursuant to paragraph b of subdivision twenty-one of section three hundred five of this chapter, the prekindergarten phase-in factor shall equal zero, and (C) for any district not subject to the provisions of clause (A) or (B) of this subparagraph, the prekindergarten phase-in factor shall not exceed thirteen percent, and shall not be less than seven percent;~~
~~(vii) "Base year" shall mean the base year as defined pursuant to subdivision one of section thirty-six hundred two of this part.]~~

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

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

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

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

b. Notwithstanding the provisions of subdivision ten of this section, where the district serves fewer half-day prekindergarten pupils during

1 the current year than the number of eligible total half-day prekinde-
2 garten pupils set forth for the district in paragraph b of subdivision
3 ten of this section, the school district shall have its apportionment
4 reduced by the amount of the selected aid per prekindergarten pupil
5 pursuant to paragraph b of subdivision ten of this section multiplied by
6 the difference of eligible total half-day prekindergarten pupils less
7 the number of half-day prekindergarten pupils actually served.
8 Provided, however, that in calculating any such reduction in apportion-
9 ment, the commissioner shall exclude the reduction, if any, in the
10 number of half-day prekindergarten pupils served during the current year
11 occurring due to the conversion of half-day prekindergarten slots into
12 full-day prekindergarten slots using federal or local funds or state
13 funds other than those provided pursuant to this section.

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

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

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

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

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

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

1 17. Notwithstanding any inconsistent provision of law, as a condition
2 of eligibility for receipt of funding pursuant to this section, a
3 school district shall agree to adopt approved quality indicators within
4 two years, including, but not limited to, valid and reliable measures of
5 environmental quality, the quality of teacher-student interactions and
6 child outcomes, and ensure that any such assessment of child outcomes
7 shall not be used to make high-stakes educational decisions for individ-
8 ual children.

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

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

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

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

1 reduced at the time of actual payment by any remaining unrecovered
2 balance of such excess payments, and the remaining scheduled deductions
3 of such excess payments pursuant to this paragraph shall be reduced by
4 the commissioner to reflect the amount so recovered. [~~The commissioner
5 shall certify no payment to a school district based on a claim submitted
6 later than three years after the close of the school year in which such
7 payment was first to be made. For claims for which payment is first to
8 be made in the nineteen hundred ninety-six--ninety-seven school year,
9 the commissioner shall certify no payment to a school district based on
10 a claim submitted later than two years after the close of such school
11 year.~~] For claims for which payment is first to be made [~~in the nineteen
12 hundred ninety-seven--ninety eight~~] prior to the two thousand sixteen--
13 two thousand seventeen school year [~~and thereafter~~], the commissioner
14 shall certify no payment to a school district based on a claim submitted
15 later than one year after the close of such school year. For claims for
16 which payment is first to be made in the two thousand sixteen--two thou-
17 sand seventeen school year and thereafter, the commissioner shall certi-
18 fy no payment to a school district based on a claim submitted later than
19 the first of November of such school year. Provided, however, no
20 payments shall be barred or reduced where such payment is required as a
21 result of a final audit of the state. [~~It is further provided that,
22 until June thirtieth, nineteen hundred ninety-six, the commissioner may
23 grant a waiver from the provisions of this section for any school
24 district if it is in the best educational interests of the district
25 pursuant to guidelines developed by the commissioner and approved by the
26 director of the budget.~~] Further provided that for any apportionments
27 provided pursuant to sections seven hundred one, seven hundred eleven,
28 seven hundred fifty-one, seven hundred fifty-three, nineteen hundred
29 fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six
30 hundred two-c, thirty-six hundred two-e and forty-four hundred five of
31 this chapter for the two thousand sixteen--two thousand seventeen and
32 two thousand seventeen--two thousand eighteen school years, the commis-
33 sioner shall certify no payment to a school district, other than
34 payments pursuant to subdivisions six-a, eleven, thirteen and fifteen of
35 section thirty-six hundred two of this part, in excess of the payment
36 computed based on an electronic data file used to produce the school aid
37 computer listing produced by the commissioner in support of the execu-
38 tive budget request submitted for the two thousand seventeen--two thou-
39 sand eighteen state fiscal year and entitled "BT171-8", and further
40 provided that for any apportionments provided pursuant to sections seven
41 hundred one, seven hundred eleven, seven hundred fifty-one, seven
42 hundred fifty-three, nineteen hundred fifty, thirty-six hundred two,
43 thirty-six hundred two-b, thirty-six hundred two-c, thirty-six hundred
44 two-e and forty-four hundred five of this chapter for the two thousand
45 eighteen--two thousand nineteen school year and thereafter, the commis-
46 sioner shall certify no payment to a school district, other than
47 payments pursuant to subdivisions six-a, eleven, thirteen and fifteen of
48 section thirty-six hundred two of this part, in excess of the payment
49 computed based on an electronic data file used to produce the school aid
50 computer listing produced by the commissioner in support of the execu-
51 tive budget request submitted for the state fiscal year in which the
52 school year commences.

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

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

1 tionment calculated by the commissioner based on data on file at the
2 time the payment is processed; provided however, that for the purposes
3 of any payments made pursuant to this section prior to the first busi-
4 ness day of June of the current year, moneys apportioned shall not
5 include any aids payable pursuant to subdivisions six and fourteen, if
6 applicable, of section thirty-six hundred two of this part as current
7 year aid for debt service on bond anticipation notes and/or bonds first
8 issued in the current year or any aids payable for full-day kindergarten
9 for the current year pursuant to subdivision nine of section thirty-six
10 hundred two of this part. For aid payable in the two thousand seven-
11 teen--two thousand eighteen school year, reference to such "school aid
12 computer listing for the current year" shall mean the printouts entitled
13 "BT171-8".

14 § 34. Paragraph b of subdivision 2 of section 3612 of the education
15 law, as amended by section 26 of part A of chapter 54 of the laws of
16 2016, is amended to read as follows:

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

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

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

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

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

24 § 4403-a. Waivers from certain duties. 1. A local school district,
25 approved private school or board of cooperative educational services may
26 submit an application for a waiver from any requirement imposed on such
27 district, school or board of cooperative educational services pursuant
28 to section forty-four hundred two or section forty-four hundred three of
29 this article, and regulations promulgated thereunder, for a specific
30 school year. Such application must be submitted at least sixty days in
31 advance of the proposed date on which the waiver would be effective and
32 shall be in a form prescribed by the commissioner.

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

48 3. The commissioner may grant a waiver from any requirement imposed on
49 a local school district, approved private school or board of cooperative
50 educational services pursuant to section forty-four hundred two or
51 section forty-four hundred three of this article, upon a finding that
52 such waiver will enable a local school district, approved private school
53 or board of cooperative educational services to implement an innovative
54 special education program that is consistent with applicable federal
55 requirements, and will enhance student achievement and/or opportunities
56 for placement in regular classes and programs. In making such determi-

1 nation, the commissioner shall consider any comments received by the
2 local school district, approved private school or board of cooperative
3 educational services from parents or persons in parental relation to the
4 students that would be directly affected by the waiver if granted.

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

10 § 37. Subparagraph (i) of paragraph a of subdivision 10 of section
11 4410 of the education law is amended by adding a new clause (D) to read
12 as follows:

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

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

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

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

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

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

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

51 ~~e. Upon referral of a pupil for participation in a gifted program~~
52 ~~funded under this chapter]~~ d. For any school district offering a gifted
53 program through this chapter, the school district shall so inform the
54 parent or guardian of such [pupil's referral] program and shall seek
55 their approval to administer diagnostic tests or other evaluation mech-
56 anisms related to the program objectives of the district in order to

1 determine eligibility for participation in such gifted program. Failing
2 to receive approval, the child shall not be tested, evaluated or partic-
3 ipate in the program. In no case shall the parent, guardian or pupil be
4 charged a fee for the administration of such diagnostic tests or other
5 evaluation mechanisms. Provided that, any school district offering a
6 program under this section shall provide the opportunity to administer
7 such diagnostic tests or other evaluation mechanisms for all students in
8 a grade.

9 [~~E-~~] e. The parent or guardian of a pupil designated as gifted shall
10 be informed by the local school authorities of the pupil's placement in
11 such gifted program funded under this chapter.

12 § 39. Subparagraph (ii) of paragraph (a) of subdivision 9 of section
13 103 of the general municipal law, as amended by chapter 62 of the laws
14 of 2016, is amended to read as follows:

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

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

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

30 § 41. Subdivision 6-a of section 140 of chapter 82 of the laws of
31 1995, amending the education law and certain other laws relating to
32 state aid to school districts and the appropriation of funds for the
33 support of government, as amended by section 17-a of part A of chapter
34 57 of the laws of 2012, is amended to read as follows:

35 (6-a) Section seventy-three of this act shall take effect July 1, 1995
36 and shall be deemed repealed June 30, [~~2017~~] 2022;

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

42 § 34. This act shall take effect July 1, 2002; provided, that sections
43 one through twenty, twenty-four, and twenty-six through thirty of this
44 act shall expire and be deemed repealed June 30, [~~2017~~] 2020 provided,
45 further, that notwithstanding any provision of article 5 of the general
46 construction law, on June 30, [~~2017~~] 2020 the provisions of subdivisions
47 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs
48 b, d, and e of subdivision 15, and subdivisions 17 and 21 of section
49 2554 of the education law as repealed by section three of this act,
50 subdivision 1 of section 2590-b of the education law as repealed by
51 section six of this act, paragraph (a) of subdivision 2 of section
52 2590-b of the education law as repealed by section seven of this act,
53 section 2590-c of the education law as repealed by section eight of this
54 act, paragraph c of subdivision 2 of section 2590-d of the education law
55 as repealed by section twenty-six of this act, subdivision 1 of section
56 2590-e of the education law as repealed by section twenty-seven of this

1 act, subdivision 28 of section 2590-h of the education law as repealed
2 by section twenty-eight of this act, subdivision 30 of section 2590-h of
3 the education law as repealed by section twenty-nine of this act, subdi-
4 vision 30-a of section 2590-h of the education law as repealed by
5 section thirty of this act shall be revived and be read as such
6 provisions existed in law on the date immediately preceding the effec-
7 tive date of this act; provided, however, that sections seven and eight
8 of this act shall take effect on November 30, 2003; provided further
9 that the amendments to subdivision 25 of section 2554 of the education
10 law made by section two of this act shall be subject to the expiration
11 and reversion of such subdivision pursuant to section 12 of chapter 147
12 of the laws of 2001, as amended, when upon such date the provisions of
13 section four of this act shall take effect.

14 § 43. Subdivision 12 of section 17 of chapter 345 of the laws of 2009
15 amending the education law and other laws relating to the New York city
16 board of education, chancellor, community councils, and community super-
17 intendants, as amended by section 2 of part O of chapter 73 of the laws
18 of 2016, is amended to read as follows:

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

24 § 44. Subdivision b of section 2 of chapter 756 of the laws of 1992,
25 relating to funding a program for work force education conducted by the
26 consortium for worker education in New York city, as amended by section
27 28 of part A of chapter 54 of the laws of 2016, is amended to read as
28 follows:

29 b. Reimbursement for programs approved in accordance with subdivision
30 a of this section for ~~[the 2012--2013 school year shall not exceed 63.3~~
31 ~~percent of the lesser of such approvable costs per contact hour or~~
32 ~~twelve dollars and thirty five cents per contact hour, reimbursement for~~
33 ~~the 2013--2014 school year shall not exceed 62.3 percent of the lesser~~
34 ~~of such approvable costs per contact hour or twelve dollars and sixty-~~
35 ~~five cents per contact hour, reimbursement for the 2014--2015 school~~
36 ~~year shall not exceed 61.6 percent of the lesser of such approvable~~
37 ~~costs per contact hour or thirteen dollars per contact hour, reimburse-~~
38 ~~ment for]~~ the 2015--2016 school year shall not exceed 60.7 percent of
39 the lesser of such approvable costs per contact hour or thirteen dollars
40 and forty cents per contact hour, ~~[and]~~ reimbursement for the 2016--2017
41 school year shall not exceed 60.3 percent of the lesser of such approva-
42 ble costs per contact hour or thirteen dollars ninety cents per contact
43 hour, and reimbursement for the 2017--2018 school year shall not exceed
44 60.4 percent of the lesser of such approvable costs per contact hour or
45 thirteen dollars and ninety cents per contact hour, where a contact hour
46 represents sixty minutes of instruction services provided to an eligible
47 adult. Notwithstanding any other provision of law to the contrary, ~~[for~~
48 ~~the 2012--2013 school year such contact hours shall not exceed one~~
49 ~~million six hundred sixty-four thousand five hundred thirty-two~~
50 ~~(1,664,532) hours; whereas for the 2013--2014 school year such contact~~
51 ~~hours shall not exceed one million six hundred forty nine thousand seven~~
52 ~~hundred forty six (1,649,746) hours; whereas for the 2014--2015 school~~
53 ~~year such contact hours shall not exceed one million six hundred twen-~~
54 ~~ty-five thousand (1,625,000) hours; whereas]~~ for the 2015--2016 school
55 year such contact hours shall not exceed one million five hundred nine-
56 ty-nine thousand fifteen (1,599,015) hours; whereas for the 2016--2017

1 school year such contact hours shall not exceed one million five hundred
2 fifty-one thousand three hundred twelve (1,551,312); and for the
3 2017--2018 school year such contact hours shall not exceed one million
4 three hundred seventy thousand six hundred seventy-nine (1,370,679).

5 Notwithstanding any other provision of law to the contrary, the appor-
6 tionment calculated for the city school district of the city of New York
7 pursuant to subdivision 11 of section 3602 of the education law shall be
8 computed as if such contact hours provided by the consortium for worker
9 education, not to exceed the contact hours set forth herein, were eligi-
10 ble for aid in accordance with the provisions of such subdivision 11 of
11 section 3602 of the education law.

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

16 v. The provisions of this subdivision shall not apply after the
17 completion of payments for the 2017--2018 school year. Notwithstanding
18 any inconsistent provisions of law, the commissioner of education shall
19 withhold a portion of employment preparation education aid due to the
20 city school district of the city of New York to support a portion of the
21 costs of the work force education program. Such moneys shall be credited
22 to the elementary and secondary education fund-local assistance account
23 and shall not exceed eleven million five hundred thousand dollars
24 (\$11,500,000).

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

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

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

36 (22) sections one hundred twelve, one hundred thirteen, one hundred
37 fourteen, one hundred fifteen and one hundred sixteen of this act shall
38 take effect on July 1, 1995; provided, however, that section one hundred
39 thirteen of this act shall remain in full force and effect until July 1,
40 [~~2017~~] 2018 at which time it shall be deemed repealed;

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

46 § 48. Paragraphs a-1 and (b) of section 5 of chapter 89 of the laws of
47 2016 relating to supplementary funding for dedicated programs for public
48 school students in the East Ramapo central school district, are amended
49 to read as follows:

50 (a-1) The East Ramapo central school district shall be eligible to
51 receive reimbursement [~~from such funds made available~~] pursuant to
52 [~~paragraph (a) of~~] this [~~section~~] act, subject to available appropri-
53 ation, for its approved expenditures in the two thousand sixteen--two
54 thousand seventeen school year and thereafter on services to improve and
55 enhance the educational opportunities of students attending the public
56 schools in such district. Such services shall include, but not be limit-

1 ed to, reducing class sizes, expanding academic and enrichment opportu-
2 nities, establishing and expanding kindergarten programs, expanding
3 extracurricular opportunities and providing student support services,
4 provided, however, transportation services and expenses shall not be
5 eligible for reimbursement from such funds.

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

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

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

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

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

50 § 51. School bus driver training. In addition to apportionments other-
51 wise provided by section 3602 of the education law, for aid payable in
52 the 2017--2018 school year, the commissioner of education shall allocate
53 school bus driver training grants to school districts and boards of
54 cooperative educational services pursuant to sections 3650-a, 3650-b and
55 3650-c of the education law, or for contracts directly with not-for-pro-
56 fit educational organizations for the purposes of this section. Such

1 payments shall not exceed four hundred thousand dollars (\$400,000) per
2 school year.

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

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

46 c. Notwithstanding the provisions of section 3609-a of the education
47 law, an amount equal to the amount paid to a school district pursuant to
48 subdivisions a and b of this section shall first be deducted from the
49 following payments due the school district during the school year
50 following the year in which application was made pursuant to subpara-
51 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
52 section 3609-a of the education law in the following order: the lottery
53 apportionment payable pursuant to subparagraph (2) of such paragraph
54 followed by the fixed fall payments payable pursuant to subparagraph (4)
55 of such paragraph and then followed by the district's payments to the
56 teachers' retirement system pursuant to subparagraph (1) of such para-

1 graph, and any remainder to be deducted from the individualized payments
2 due the district pursuant to paragraph b of such subdivision shall be
3 deducted on a chronological basis starting with the earliest payment due
4 the district.

5 § 53. Special apportionment for public pension accruals. a. Notwith-
6 standing any other provision of law, upon application to the commission-
7 er of education, not later than June 30, 2018, a school district eligi-
8 ble for an apportionment pursuant to section 3602 of the education law
9 shall be eligible to receive an apportionment pursuant to this section,
10 for the school year ending June 30, 2018 and such apportionment shall
11 not exceed the additional accruals required to be made by school
12 districts in the 2004--2005 and 2005--2006 school years associated with
13 changes for such public pension liabilities. The amount of such addi-
14 tional accrual shall be certified to the commissioner of education by
15 the president of the board of education or the trustees or, in the case
16 of a city school district in a city with a population in excess of
17 125,000 inhabitants, the mayor of such city. Such application shall be
18 made by a school district, after the board of education or trustees have
19 adopted a resolution to do so and in the case of a city school district
20 in a city with a population in excess of 125,000 inhabitants, with the
21 approval of the mayor of such city.

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

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

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

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

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

11 d. Notwithstanding any other law, rule or regulation to the contrary,
12 moneys appropriated to the state education department for general
13 support for public schools may be interchanged with any other item of
14 appropriation for general support for public schools within the general
15 fund local assistance account office of prekindergarten through grade
16 twelve education programs.

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

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

1 district, four hundred thousand dollars (\$400,000). Notwithstanding the
2 provisions of this section, a school district receiving a grant pursuant
3 to this section may use such grant funds for: (i) any instructional or
4 instructional support costs associated with the operation of a magnet
5 school; or (ii) any instructional or instructional support costs associ-
6 ated with implementation of an alternative approach to reduction of
7 racial isolation and/or enhancement of the instructional program and
8 raising of standards in elementary and secondary schools of school
9 districts having substantial concentrations of minority students. The
10 commissioner of education shall not be authorized to withhold magnet
11 grant funds from a school district that used such funds in accordance
12 with this paragraph, notwithstanding any inconsistency with a request
13 for proposals issued by such commissioner. For the purpose of attendance
14 improvement and dropout prevention for the 2017--2018 school year, for
15 any city school district in a city having a population of more than one
16 million, the setaside for attendance improvement and dropout prevention
17 shall equal the amount set aside in the base year. For the 2017--2018
18 school year, it is further provided that any city school district in a
19 city having a population of more than one million shall allocate at
20 least one-third of any increase from base year levels in funds set aside
21 pursuant to the requirements of this subdivision to community-based
22 organizations. Any increase required pursuant to this subdivision to
23 community-based organizations must be in addition to allocations
24 provided to community-based organizations in the base year. For the
25 purpose of teacher support for the 2017--2018 school year: to the city
26 school district of the city of New York, sixty-two million seven hundred
27 seven thousand dollars (\$62,707,000); to the Buffalo city school
28 district, one million seven hundred forty-one thousand dollars
29 (\$1,741,000); to the Rochester city school district, one million seven-
30 ty-six thousand dollars (\$1,076,000); to the Yonkers city school
31 district, one million one hundred forty-seven thousand dollars
32 (\$1,147,000); and to the Syracuse city school district, eight hundred
33 nine thousand dollars (\$809,000). All funds made available to a school
34 district pursuant to this section shall be distributed among teachers
35 including prekindergarten teachers and teachers of adult vocational and
36 academic subjects in accordance with this section and shall be in addi-
37 tion to salaries heretofore or hereafter negotiated or made available;
38 provided, however, that all funds distributed pursuant to this section
39 for the current year shall be deemed to incorporate all funds distrib-
40 uted pursuant to former subdivision 27 of section 3602 of the education
41 law for prior years. In school districts where the teachers are repres-
42 ented by certified or recognized employee organizations, all salary
43 increases funded pursuant to this section shall be determined by sepa-
44 rate collective negotiations conducted pursuant to the provisions and
45 procedures of article 14 of the civil service law, notwithstanding the
46 existence of a negotiated agreement between a school district and a
47 certified or recognized employee organization.

48 § 57. Support of public libraries. The moneys appropriated for the
49 support of public libraries by a chapter of the laws of 2017 enacting
50 the aid to localities budget shall be apportioned for the 2017-2018
51 state fiscal year in accordance with the provisions of sections 271,
52 272, 273, 282, 284, and 285 of the education law as amended by the
53 provisions of this chapter and the provisions of this section, provided
54 that library construction aid pursuant to section 273-a of the education
55 law shall not be payable from the appropriations for the support of
56 public libraries and provided further that no library, library system or

1 program, as defined by the commissioner of education, shall receive less
2 total system or program aid than it received for the year 2001-2002
3 except as a result of a reduction adjustment necessary to conform to the
4 appropriations for support of public libraries. Notwithstanding any
5 other provision of law to the contrary the moneys appropriated for the
6 support of public libraries for the year 2017-2018 by a chapter of the
7 laws of 2017 enacting the education, labor and family assistance budget
8 shall fulfill the state's obligation to provide such aid and, pursuant
9 to a plan developed by the commissioner of education and approved by the
10 director of the budget, the aid payable to libraries and library systems
11 pursuant to such appropriations shall be reduced proportionately to
12 assure that the total amount of aid payable does not exceed the total
13 appropriations for such purpose.

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

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

28 1. sections one, three, four, five, five-a, five-b, six, fifteen,
29 sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two,
30 twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty
31 eight, twenty-nine, thirty, thirty-two, thirty-three, thirty-four, thir-
32 ty-five, forty-eight, forty-nine, fifty-one, fifty-five, and fifty-six
33 of this act shall take effect July 1, 2017;

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

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

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

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

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

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

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

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

12 PART B

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

15 oo. Boards of cooperative educational services may provide a collabo-
16 rative alternative education program known as a "recovery high school"
17 for students (i) diagnosed with substance use disorder, as defined by
18 the Diagnostic and Statistical Manual of Mental Disorders V, and (ii)
19 who have demonstrated a commitment to recovery. Provided that a recovery
20 high school may be one of two such schools authorized by the commis-
21 sioner of the office of alcoholism and substance abuse services in conjunc-
22 tion with the commissioner, provided that each recovery high school
23 shall contain the following program elements: (a) a comprehensive four
24 year high school education, (b) a structured plan of recovery for
25 students, (c) a partnership with a local social services agency with
26 expertise in substance use disorder and mental health, and (d) any other
27 program elements pursuant to regulations of the commissioner of alcohol-
28 ism and substance abuse services.

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

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

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

51 (12) To enter into contracts with the commissioner of the office of
52 alcoholism and substance abuse services, substance abuse treatment
53 providers, and any other organization for the purpose of operating a

1 recovery high school program. Any such proposed contract shall be
2 subject to the review and approval of the commissioner.

3 § 3. This act shall take effect immediately.

4 PART C

5 Section 1. Section 3209 of the education law, as amended by chapter
6 569 of the laws of 1994, paragraphs a and a-1 of subdivision 1 as
7 amended and subdivision 2-a as added by chapter 101 of the laws of 2003,
8 paragraph b of subdivision 3 as amended by section 28 of part B of chap-
9 ter 57 of the laws of 2007, is amended to read as follows:

10 § 3209. Education of homeless children. 1. Definitions.

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

13 (1) a child or youth who lacks a fixed, regular, and adequate night-
14 time residence, including a child or youth who is:

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

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

19 (iii) abandoned in hospitals; or

20 (iv) [~~awaiting foster care placement; or~~
21 ~~(v)~~] a migratory child, as defined in subsection two of section thir-
22 teen hundred nine of the Elementary and Secondary Education Act of 1965,
23 as amended by the Every Student Succeeds Act of 2015, who qualifies as
24 homeless under any of the provisions of clauses (i) through [~~(iv)~~] (iii)
25 of this subparagraph or subparagraph two of this paragraph; [~~or~~]

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

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

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

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

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

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

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

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

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

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

9 School district of origin shall also mean the school district in the
10 state of New York in which the child was residing when circumstances
11 arose which caused such child to become homeless if such child was
12 eligible to apply, register, or enroll in public preschool or kindergar-
13 ten at the time such child became homeless, or the homeless child has a
14 sibling who attends a school in the school district in which the child
15 was residing when circumstances arose which caused such child to become
16 homeless.

17 d. School district of current location. The term "school district of
18 current location" shall mean the public school district within the state
19 of New York in which the hotel, motel, shelter or other temporary hous-
20 ing arrangement of a homeless child, or the residential program for
21 runaway and homeless youth, is located, which is different from the
22 school district of origin. [~~Whenever the school district of current~~
23 ~~location is designated pursuant to subdivision two of this section, the~~
24 ~~child shall be entitled to attend the school that is zoned for his or~~
25 ~~her temporary location or any school that nonhomeless students who live~~
26 ~~in the same attendance zone in which the homeless child or youth is~~
27 ~~temporarily residing are entitled to attend.~~]

28 e. Regional placement plan. The term "regional placement plan" shall
29 mean a comprehensive regional approach to the provision of educational
30 placements for homeless children which has been approved by the commis-
31 sioner.

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

33 (1) a preschool whose students are entitled to attend a specified
34 elementary school or group of elementary schools upon completion of that
35 preschool;

36 (2) a school whose students are entitled to attend a specified elemen-
37 tary, middle, intermediate, or high school or group of specified elemen-
38 tary, middle, intermediate, or high schools upon completion of the
39 terminal grade of such school; or

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

43 g. Preschool. The term "preschool" shall mean a publicly funded prek-
44 indergarten program administered by the department or a local educa-
45 tional agency or a Head Start program administered by a local educa-
46 tional agency and/or services under the Individuals with Disabilities
47 Education Act administered by a local educational agency.

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

49 (1) a school that enrolls students from a specified or group of
50 preschools, elementary schools, middle schools, intermediate schools, or
51 high schools; or

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

55 i. School of origin. The term "school of origin" shall mean a public
56 school that a child or youth attended when permanently housed, or the

1 school in which the child or youth was last enrolled, including a
2 preschool or a charter school. Provided that, for a homeless child or
3 youth who completes the final grade level served by the school of
4 origin, the term "school of origin" shall include the designated receiv-
5 ing school at the next grade level for all feeder schools. Where the
6 child is eligible to attend school in the school district of origin
7 because the child becomes homeless after such child is eligible to
8 apply, register, or enroll in the public preschool or kindergarten or
9 the child is living with a school-age sibling who attends school in the
10 school district of origin, the school of origin shall include any public
11 school or preschool in which such child would have been entitled or
12 eligible to attend based on such child's last residence before the
13 circumstances arose which caused such child to become homeless.

14 2. Choice of district and school.

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

18 (1) the school district of current location;

19 (2) the school district of origin; or

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

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

24 (1) the school of origin; or

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

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

44 (2) Notwithstanding any other provision of law to the contrary, where
45 the [~~public~~] school [~~or school district~~] district of origin or school of
46 origin that a homeless child was attending on a tuition-free basis or
47 was entitled to attend when circumstances arose which caused the child
48 to become homeless is located [~~outside the state~~] in New York state and
49 the homeless child's temporary housing arrangement is located in a
50 contiguous state, the homeless child shall be [~~deemed a resident of the~~
51 ~~school district in which the hotel, motel, shelter or other temporary~~
52 ~~housing arrangement of the child is currently located and shall be]~~
53 entitled to [~~attend the schools of such district without payment of~~
54 ~~tuition in accordance with subdivision one of section thirty-two hundred~~
55 ~~two of this article. Such district of residence shall not be considered~~
56 ~~a school district of origin or a school district of current location for~~

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

9 (3) Notwithstanding any other provision of law to the contrary, where
10 the child's temporary housing arrangement is located in New York state,
11 the homeless child shall be entitled to attend the school of origin or
12 any school that nonhomeless children and youth who live in the attend-
13 ance area in which the child or youth is actually living are eligible to
14 attend, including a preschool, subject to a best interest determination
15 pursuant to subparagraph three of paragraph f of this subdivision, for
16 the duration of the homelessness and until the end of the school year in
17 which such child becomes permanently housed and for one additional year
18 if that year constitutes the child's terminal year in such building.

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

34 [~~d.~~] e. Such designation shall be made on forms specified by the
35 commissioner, and shall include the name of the child, the name of the
36 parent or person in parental relation to the child, the name and
37 location of the temporary housing arrangement, the name of the school
38 district of origin, the name of the school district where the child's
39 records are located, the complete address where the family was located
40 at the time circumstances arose which caused such child to become home-
41 less and any other information required by the commissioner. All school
42 districts, temporary housing facilities operated or approved by a local
43 social services district, and residential facilities for runaway and
44 homeless youth shall make such forms available and shall ensure that the
45 completed designation forms are given to the local educational agency
46 liaison for the local educational agency in which the designated school
47 is located in a timeframe prescribed by the commissioner in regulations.

48 Where the homeless child is located in a temporary housing facility
49 operated or approved by a local social services district, or a residen-
50 tial facility for runaway and homeless youth, the director of the facil-
51 ity or a person designated by the social services district, shall, with-
52 in two business days, assist the designator in completing the
53 designation forms and enrolling the homeless child in the designated
54 school district and shall forward the completed designation form to the
55 local educational agency liaison for the local educational agency in

1 which the designated school is located in a timeframe prescribed by the
2 commissioner in regulations.

3 [~~e~~] f. Upon receipt of the designation form, the designated school
4 district shall immediately:

5 (1) review the designation form to ensure that it has been completed;

6 (2) admit the homeless child even if the child or youth is unable to
7 produce records normally a requirement for enrollment, such as previous
8 academic records, records of immunization and/or other required health
9 records, proof of residency or other documentation and/or even if the
10 child has missed application or enrollment deadlines during any period
11 of homelessness, if applicable. Provided that nothing herein shall be
12 construed to require the immediate attendance of an enrolled student
13 lawfully excluded from school temporarily pursuant to section nine
14 hundred six of this chapter because of a communicable or infectious
15 disease that imposes a significant risk of infection of others;

16 [~~2~~] (3) determine whether the designation made by the designator is
17 consistent with the best interests of the homeless child or youth. In
18 determining a homeless child's best interest, a local educational agency
19 shall:

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

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

29 (iii) if after considering student-centered factors and conducting a
30 best interest school placement determination, the local educational
31 agency determines that it is not in the homeless child's best interest
32 to attend the school of origin or the school designated by the designa-
33 tor, the local educational agency must provide a written explanation of
34 the reasons for its determination, in a manner and form understandable
35 to such parent, guardian, or unaccompanied youth. The information must
36 also include information regarding the right to a timely appeal in
37 accordance with regulations of the commissioner. The homeless child or
38 youth must be enrolled in the school in which enrollment is sought by
39 the designator during the pendency of all available appeals;

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

41 [~~3~~] (5) make a written request to the school district where the
42 child's records are located for a copy of such records; and

43 [~~4~~] (6) forward the designation form to the [~~commissioner, and the~~]
44 school district of origin where applicable.

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

51 [~~g~~] h. Where the school of origin is a charter school, the school
52 district designated pursuant to this subdivision shall be deemed to be
53 the school district of residence of such child for purposes of fiscal
54 and programmatic responsibility under article fifty-six of this chapter
55 and shall be responsible for transportation of the homeless child if a

1 social services district is not otherwise responsible pursuant to subdivi-
2 vision four of this section.

3 i. The commissioner shall promulgate regulations setting forth the
4 circumstances pursuant to which a change in designation may be made and
5 establishing a procedure for the identification of the school district
6 of origin.

7 2-a. Notwithstanding any other provision of law to the contrary, each
8 local educational agency, as such term is defined in subsection twenty-
9 six of section ninety-one hundred one of the Elementary and Secondary
10 Education Act of 1965, as amended by the Every Student Succeeds Act of
11 2015, shall designate a local educational agency liaison for homeless
12 children and youths and shall, consistent with the provisions of this
13 section, otherwise comply with the applicable requirements of paragraphs
14 three through seven of subsection (g) of section seven hundred twenty-
15 two of subtitle B of title VII of the McKinney-Vento Assistance Act.

16 3. Reimbursement.

17 a. Where either the school district of current location or a school
18 district participating in a regional placement plan is designated as the
19 district in which the homeless child shall attend upon instruction and
20 such homeless child's school district of origin is within New York
21 state, the school district providing instruction, including preschool
22 instruction, shall be eligible for reimbursement by the department, as
23 approved by the commissioner, for the direct cost of educational
24 services, not otherwise reimbursed under special federal programs,
25 calculated pursuant to regulations of the commissioner for the period of
26 time for which such services are provided. The claim for such reimburse-
27 ment shall be in a form prescribed by the commissioner. The educational
28 costs for such children shall not be otherwise aidable or reimbursable.

29 b. The school district of origin shall reimburse the department for
30 its expenditure for educational services on behalf of a homeless child
31 pursuant to paragraph a of this subdivision in an amount equal to the
32 school district basic contribution, as such term is defined in subdivi-
33 sion eight of section forty-four hundred one of this chapter, pro-rated
34 for the period of time for which such services were provided in the base
35 year by a school district other than the school district of origin. Upon
36 certification by the commissioner, the comptroller shall deduct from any
37 state funds which become due to the school district of origin an amount
38 equal to the reimbursement required to be made by such school district
39 in accordance with this paragraph, and the amount so deducted shall not
40 be included in the operating expense of such district for the purpose of
41 computing the approved operating expense pursuant to paragraph t of
42 subdivision one of section thirty-six hundred two of this chapter.

43 4. Transportation.

44 a. A social services district shall provide for the transportation of
45 each homeless child, including those in preschool and students with
46 disabilities identified pursuant to sections forty-four hundred one and
47 forty-four hundred two of this chapter whose individualized education
48 programs include special transportation services, who is eligible for
49 benefits pursuant to section three hundred fifty-j of the social
50 services law, to and from a temporary housing location in which the
51 child was placed by the social services district and the school attended
52 by such child pursuant to this section, if such temporary housing facil-
53 ity is located outside of the designated school district pursuant to
54 paragraph a of subdivision two of this section. A social services
55 district shall be authorized to contract with a board of education or a
56 board of cooperative educational services for the provision of such

1 transportation. Where the social services district requests that the
2 designated school district of attendance provide or arrange for trans-
3 portation for a homeless child eligible for transportation pursuant to
4 this paragraph, the designated school district of attendance shall
5 provide or arrange for the transportation and the social services
6 district shall fully and promptly reimburse the designated school
7 district of attendance for the cost as determined by the designated
8 school district. This paragraph shall apply to placements made by a
9 social services district without regard to whether a payment is made by a
10 the district to the operator of the temporary housing facility.

11 b. [~~The division for youth, to the extent funds are provided for such~~
12 ~~purpose, as determined by the director of the budget,~~] The designated
13 school district of attendance shall provide for the transportation of
14 each homeless child who is living in a residential program for runaway
15 and homeless youth established pursuant to article nineteen-H of the
16 executive law, to and from such residential program, and the school
17 attended by such child pursuant to this section, if such temporary hous-
18 ing location is located outside the designated school district. The
19 [~~division for youth or the director of a residential program for runaway~~
20 ~~and homeless youth~~] designated district of attendance shall be author-
21 ized to contract with [~~a school district or~~] a board of cooperative
22 educational services or a residential program for runaway and homeless
23 youth for the provision of such transportation. The department shall
24 reimburse the designated school district of attendance for the cost of
25 transporting such child to and from the residential program and the
26 school attended by such child to the extent funds are provided for such
27 purpose, as determined by the director of the budget.

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

55 d. Notwithstanding any other provision of law, where a homeless child
56 designates the school district of current location as the district the

1 child will attend and such child does not attend the school of origin,
2 such school district shall provide transportation to such child on the
3 same basis as a resident student.

4 e. [~~Notwithstanding any other provision of law, if a homeless child~~
5 ~~chooses to remain in the public school building the child previously~~
6 ~~attended pursuant to subparagraph one of paragraph b of subdivision two~~
7 ~~of this section or paragraph c of subdivision two of this section the~~
8 ~~school district shall provide transportation to and from the child's~~
9 ~~temporary housing location and the school the child legally attends if~~
10 ~~such temporary housing is located in a different attendance zone or~~
11 ~~community school district within such district. The cost of such trans-~~
12 ~~portation shall be reimbursed in accordance with the provisions of para-~~
13 ~~graph c of this subdivision.] Where the designated school district of
14 attendance has recommended that the homeless child attend a summer
15 educational program and the lack of transportation poses a barrier to
16 such child's participation in the summer educational program, the desig-
17 nated school district of attendance shall provide transportation.~~

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

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

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

28 (3) the lack of transportation poses a barrier to such child's partic-
29 ipation in the activity.

30 g. Where the homeless child is temporarily living in a contiguous
31 state and has designated a school of origin located in the state of New
32 York, the designated school district in New York state shall collaborate
33 with the local educational agency in which such child is temporarily
34 living to arrange for transportation in accordance with section
35 722(g)(1)(J)(iii)(II) of the McKinney-Vento Homeless Assistance Act.

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

42 i. Transportation as described in this subdivision must be provided to
43 the homeless child by the designated school district of attendance or
44 the social services district for the duration of homelessness. The
45 designated district of attendance must transport the child for the
46 remainder of the school year in which the child becomes permanently
47 housed and one additional year if that year constitutes the child's
48 terminal year in the designated school. Such transportation shall not be
49 in excess of fifty miles each way except where the commissioner certi-
50 fies that transportation in excess of fifty miles is in the best inter-
51 est of the child. The designated school district of attendance shall be
52 entitled to reimbursement from the current school district in which the
53 child becomes permanently housed for any cost incurred for transporta-
54 tion for the remainder of the school year after the child becomes perma-
55 nently housed and one additional year if that year constitutes the
56 child's terminal year in the designated school.

1 5. Each school district shall:

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

7 b. provide a written explanation, including a statement regarding the
8 right to appeal pursuant to 42 U.S.C. section 11432(g)(3)(E)(ii), the
9 name, post office address and telephone number of the local educational
10 agency liaison and the form petition for commencing an appeal to the
11 commissioner pursuant to section three hundred ten of this chapter of a
12 final determination regarding enrollment, school selection and/or trans-
13 portation, to the homeless child's or youth's parent or guardian, if the
14 school district declines to either enroll and/or transport such child or
15 youth to the school of origin or a school requested by the parent or
16 guardian; and

17 c. shall immediately enroll the child or youth in the school in which
18 enrollment is sought pending final resolution of the dispute over the
19 school district's final determination of the child's or youth's homeless
20 status, including all available appeals within the local educational
21 agency and the commissioner pursuant to the provisions of section three
22 hundred ten of this chapter.

23 6. a. By January thirty-first, nineteen hundred ninety-five, the
24 commissioner, the commissioner of [~~social services, and the director of~~
25 ~~the division for youth~~] the office of temporary and disability assist-
26 ance and the commissioner of the office of children and family services
27 shall develop a plan to ensure coordination and access to education for
28 homeless children and shall annually review such plan.

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

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

38 ~~[6-]~~ 7. Public welfare officials, except as otherwise provided by law,
39 shall furnish indigent children with suitable clothing, shoes, books,
40 food, transportation and other necessities to enable them to attend upon
41 instruction as required by law. Upon demonstration of need, such neces-
42 saries shall also include transportation of indigent children for the
43 purposes of evaluations pursuant to section forty-four hundred ten of
44 this chapter and title II-A of article twenty-five of the public health
45 law.

46 ~~[7-]~~ 8. Information about a homeless child's or youth's living situ-
47 ation shall be treated as a student educational record, and shall not be
48 deemed to be directory information, under the McKinney-Vento Homeless
49 Assistance Act, as amended by the Every Student Succeeds Act of 2015.

50 9. Each homeless child to be assisted under this section shall be
51 provided services comparable to services offered to other students in
52 the school selected under this section, including the following: trans-
53 portation services; educational services for which the child or youth
54 meets the eligibility criteria, such as services provided under Title I
55 of the Elementary and Secondary Education Act of 1965 or similar state
56 or local programs; educational programs for children with disabilities;

1 educational programs for English learners; programs in career and tech-
2 nical education; programs for gifted and talented students; and school
3 nutrition programs.

4 10. The commissioner may promulgate regulations to carry out the
5 purposes of this section.

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

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

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

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

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

17 (iii) abandoned in hospitals;

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

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

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

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

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

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

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

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

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

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

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

3 § 669-h. Excelsior scholarship. 1. Eligibility. An excelsior scholar-
4 ship award shall be made to an applicant who: (a) is matriculated in an
5 approved program leading to an undergraduate degree at a New York state
6 public institution of higher education; (b) if enrolled in (i) a public
7 institution of higher education prior to application, has completed at
8 least fifteen combined credits per term, or its equivalent, applicable
9 to his or her program or programs of study or (ii) an institution of
10 higher education prior to application, has completed at least fifteen
11 combined credits per term, or its equivalent, applicable to his or her
12 program or programs of study and which were accepted upon transfer to a
13 public institution of higher education; (c) enrolls in and completes at
14 least fifteen combined credits per term, or its equivalent, applicable
15 to his or her program or programs of study except in limited circum-
16 stances as prescribed by the corporation in regulation. Notwithstanding,
17 in the student's last semester, the student may take at least one course
18 needed to meet his or her graduation requirements and enroll in and
19 complete at least fifteen credit hours or its equivalent; (d) has an
20 adjusted gross income, as defined in this subdivision, equal to or less
21 than: (i) one hundred thousand dollars for recipients receiving an award
22 in the two thousand seventeen--two thousand eighteen academic year; (ii)
23 one hundred ten thousand dollars for recipients receiving an award in
24 the two thousand eighteen--two thousand nineteen academic year; and
25 (iii) one hundred twenty-five thousand dollars for recipients receiving
26 an award in the two thousand nineteen--two thousand twenty academic year
27 and thereafter; and (e) complies with the applicable provisions of this
28 article and all requirements promulgated by the corporation for the
29 administration of the program. Adjusted gross income shall be the total
30 of the combined adjusted gross income of the applicant and the appli-
31 cant's parents or the applicant and the applicant's spouse, if married,
32 as reported on the federal income tax return, or as otherwise obtained
33 by the corporation, for the calendar year coinciding with the tax year
34 established by the U.S. department of education to qualify applicants
35 for federal student financial aid programs authorized by Title IV of the
36 Higher Education Act of nineteen hundred sixty-five, as amended, for the
37 school year in which application for assistance is made.

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

1 tuition. Notwithstanding paragraph h of subdivision two of section
2 three hundred fifty-five and paragraph (a) of subdivision seven of
3 section six thousand two hundred six of this chapter, and any other law,
4 rule or regulation to the contrary, the undergraduate tuition charged by
5 the institution to recipients of an award shall not exceed the tuition
6 rate established by the institution for the two thousand sixteen--two
7 thousand seventeen academic year.

8 3. Duration. An eligible recipient shall not receive an award for more
9 than four academic years of full-time undergraduate study or five
10 academic years if the program of study normally requires five years. An
11 eligible recipient enrolled in an eligible two year program of study
12 shall not receive an award for more than two academic years. Notwith-
13 standing, such duration may be extended for an allowable interruption of
14 study.

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

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

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

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

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

32 § 2. This act shall take effect immediately.

33 PART E

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

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

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

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

52 (ii) An applicant who is not a legal resident of the state eligible
53 pursuant to subparagraph (i) of this paragraph, but is a United States
54 citizen, an alien lawfully admitted for permanent residence in the

1 United States, an individual of a class of refugees paroled by the
2 attorney general of the United States under his or her parole authority
3 pertaining to the admission of aliens to the United States, or an appli-
4 cant without lawful immigration status shall be eligible for an award at
5 the undergraduate level of study provided that the student:

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

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

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

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

34 § 4. Paragraph b of subdivision 5 of section 661 of the education law,
35 as amended by chapter 466 of the laws of 1977, is amended to read as
36 follows:

37 b. ~~[(a)]~~ (i) Except as otherwise provided in subparagraph (ii) of this
38 paragraph, an applicant for an award at the graduate level of study must
39 either ~~[(a)]~~ (a) have been a legal resident of the state for at least
40 one year immediately preceding the beginning of the semester, quarter or
41 term of attendance for which application for assistance is made, or
42 ~~[(b)]~~ (b) be a legal resident of the state and have been a legal resi-
43 dent during his or her last academic year of undergraduate study and
44 have continued to be a legal resident until matriculation in the gradu-
45 ate program.

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

54 (a) attended a registered New York state high school for two or more
55 years, graduated from a registered New York state high school, lived
56 continuously in New York state while attending an approved New York

1 state high school, applied for attendance at the institution of higher
2 education for the graduate study for which an award is sought, and
3 attended within ten years of receiving a New York state high school
4 diploma; or

5 (b) attended an approved New York state program for a state high
6 school equivalency diploma, lived continuously in New York state while
7 attending an approved New York state program for a general equivalency
8 diploma, received a state high school equivalency diploma, subsequently
9 applied for attendance at the institution of higher education for the
10 graduate study for which an award is sought, and attended the institu-
11 tion of higher education for the graduate study for which an award is
12 sought within ten years of receiving a state high school equivalency
13 diploma; or

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

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

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

28 d. If an applicant for an award allocated on a geographic basis has
29 more than one residence in this state, his or her residence for the
30 purpose of this article shall be his or her place of actual residence
31 during the major part of the year while attending school, as determined
32 by the commissioner; and further provided that an applicant who does not
33 have a residence in this state and is eligible for an award pursuant to
34 subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of
35 this subdivision shall be deemed to reside in the geographic area of the
36 institution of higher education in which he or she attends for purposes
37 of an award allocated on a geographic basis.

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

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

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

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

1 (ii) attended an approved New York state program for general equiv-
2 alency diploma exam preparation, received a general equivalency diploma
3 issued within New York state, lived continuously in New York state while
4 attending an approved New York state program for general equivalency
5 diploma exam preparation, and subsequently applied for attendance [~~a~~],
6 earned admission based on that general equivalency diploma, and attended
7 an institution or educational unit of the state university within five
8 years of receiving a general equivalency diploma issued within New York
9 state; or

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

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

19 (ii) attended an approved New York state program for general equiv-
20 alency diploma exam preparation, received a general equivalency diploma
21 issued within New York state, lived continuously in New York state while
22 attending an approved New York state program for general equivalency
23 diploma exam preparation, and subsequently applied for attendance [~~a~~],
24 earned admission based on that general equivalency diploma, and attended
25 an institution or educational unit of the city university within five
26 years of receiving a general equivalency diploma issued within New York
27 state; or

28 § 8-a. Paragraph (a) of subdivision 7 of section 6206 of the education
29 law, as amended by chapter 327 of the laws of 2002, the opening para-
30 graph as amended by section 4 of chapter 437 of the laws of 2015, is
31 amended to read as follows:

32 (a) The board of trustees shall establish positions, departments,
33 divisions and faculties; appoint and in accordance with the provisions
34 of law fix salaries of instructional and non-instructional employees
35 therein; establish and conduct courses and curricula; prescribe condi-
36 tions of student admission, attendance and discharge; and shall have the
37 power to determine in its discretion whether tuition shall be charged
38 and to regulate tuition charges, and other instructional and non-in-
39 structional fees and other fees and charges at the educational units of
40 the city university. The trustees shall review any proposed community
41 college tuition increase and the justification for such increase. The
42 justification provided by the community college for such increase shall
43 include a detailed analysis of ongoing operating costs, capital, debt
44 service expenditures, and all revenues. The trustees shall not impose a
45 differential tuition charge based upon need or income. All students
46 enrolled in programs leading to like degrees at the senior colleges
47 shall be charged a uniform rate of tuition, except for differential
48 tuition rates based on state residency. Notwithstanding any other
49 provision of this paragraph, the trustees may authorize the setting of a
50 separate category of tuition rate, that shall be greater than the
51 tuition rate for resident students and less than the tuition rate for
52 non-resident students, only for students enrolled in distance learning
53 courses who are not residents of the state. The trustees shall further
54 provide that the payment of tuition and fees by any student who is not a
55 resident of New York state, other than a non-immigrant alien within the
56 meaning of paragraph (15) of subsection (a) of section 1101 of title 8

1 of the United States Code, shall be paid at a rate or charge no greater
2 than that imposed for students who are residents of the state if such
3 student:

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

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

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

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

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

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

55 (i) attended an approved New York high school for two or more years,
56 graduated from an approved New York high school, lived continuously in

1 New York state while attending an approved New York high school, and
2 applied for attendance [~~at an institution or educational unit of the~~
3 ~~state university~~] and attended a community college within five years of
4 receiving a New York state high school diploma; or

5 (ii) attended an approved New York state program for general equiv-
6 alency diploma exam preparation, received a general equivalency diploma
7 issued within New York state, lived continuously in New York state while
8 attending an approved New York state program for general equivalency
9 diploma exam preparation, and subsequently applied for attendance [~~at an~~
10 ~~institution or educational unit of the state university~~], earned admis-
11 sion based on that general equivalency diploma, and attended a community
12 college within five years of receiving a general equivalency diploma
13 issued within New York state; or

14 (iii) was enrolled in [~~an institution or educational unit of the state~~
15 ~~university~~] a community college in the fall semester or quarter of the
16 two thousand one--two thousand two academic year and was authorized by
17 such [~~institution or educational unit~~] community college to pay tuition
18 at the rate or charge imposed for students who are residents of the
19 state.

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

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

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

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

44 § 10-a. Paragraph d of subdivision 3 of section 6451 of the education
45 law, as amended by chapter 494 of the laws of 2016, is amended to read
46 as follows:

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

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

4 (v) Any necessary supplemental financial assistance, which may include
5 the cost of books and necessary maintenance for such students, including
6 students without lawful immigration status provided that the student
7 meets the requirements set forth in subparagraph (ii) of paragraph a or
8 subparagraph (ii) of paragraph b of subdivision five of section six
9 hundred sixty-one of this chapter, as applicable; provided, however,
10 that such supplemental financial assistance shall be furnished pursuant
11 to criteria promulgated by such universities and approved by the regents
12 and the director of the budget.

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

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

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

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

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

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

1 university of New York, the city university of New York or community
2 colleges as prescribed in subparagraph eight of paragraph h of subdivi-
3 sion two of section three hundred fifty-five or paragraph (a) of subdivi-
4 vision seven of section six thousand two hundred six of this chapter.

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

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

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

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

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

40 (B) attended an approved New York state program for a state high
41 school equivalency diploma, lived continuously in New York state while
42 attending an approved New York state program for a general equivalency
43 diploma, received a state high school equivalency diploma, subsequently
44 applied for attendance at the institution of higher education for the
45 graduate study for which an award is sought, and attended the institu-
46 tion of higher education for the graduate study for which an award is
47 sought within ten years of receiving a state high school equivalency
48 diploma; or

49 (C) is otherwise eligible for the payment of tuition and fees at a
50 rate no greater than that imposed for resident students of the state
51 university of New York, the city university of New York or community
52 college as prescribed in subparagraph eight of paragraph h of subdivi-
53 sion two of section three hundred fifty-five or paragraph (a) of subdivi-
54 vision seven of section six thousand two hundred six of this chapter.

55 Provided, further, that a student without lawful immigration status
56 shall also be required to file an affidavit with such institution of

1 higher education stating that the student has filed an application to
2 legalize his or her immigration status, or will file such an application
3 as soon as he or she is eligible to do so.

4 § 14. Subparagraph (i) of paragraph a of subdivision 2 of section
5 695-e of the education law, as amended by chapter 593 of the laws of
6 2003, is amended to read as follows:

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

14 § 15. Subparagraph (iii) of paragraph a of subdivision 2 of section
15 695-e of the education law, as amended by chapter 593 of the laws of
16 2003, is amended to read as follows:

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

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

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

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

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

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

52 c. the president of the higher education services corporation shall
53 notify the legislative bill drafting commission upon the occurrence of
54 the issuance of regulations and the development of an application form
55 provided for in this section in order that the commission may maintain
56 an accurate and timely effective data base of the official text of the

1 laws of the state of New York in furtherance of effectuating the
2 provisions of section 44 of the legislative law and section 70-b of the
3 public officers law.

4 PART F

5 Section 1. The opening paragraph of paragraph c of subdivision 3 of
6 section 667 of the education law, as added by chapter 83 of the laws of
7 1995 and as relettered by section 2 of part J of chapter 58 of the laws
8 of 2011, is amended to read as follows:

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

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

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

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

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

30 PART G

31 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section
32 355 of the education law, as amended by section 1 of part D of chapter
33 54 of the laws of 2016, is amended to read as follows:

34 (4) The trustees shall not impose a differential tuition charge based
35 upon need or income. Except as hereinafter provided, all students
36 enrolled in programs leading to like degrees at state-operated insti-
37 tutions of the state university shall be charged a uniform rate of
38 tuition except for differential tuition rates based on state residency.
39 Provided, however, that the trustees may authorize the presidents of the
40 colleges of technology and the colleges of agriculture and technology to
41 set differing rates of tuition for each of the colleges for students
42 enrolled in degree-granting programs leading to an associate degree and
43 non-degree granting programs so long as such tuition rate does not
44 exceed the tuition rate charged to students who are enrolled in like
45 degree programs or degree-granting undergraduate programs leading to a
46 baccalaureate degree at other state-operated institutions of the state
47 university of New York. Notwithstanding any other provision of this
48 subparagraph, the trustees may authorize the setting of a separate cate-
49 gory of tuition rate, that shall be greater than the tuition rate for
50 resident students and less than the tuition rate for non-resident
51 students, only for students enrolled in distance learning courses who
52 are not residents of the state. Except as otherwise authorized in this

1 subparagraph, the trustees shall not adopt changes affecting tuition
2 charges prior to the enactment of the annual budget, provided however
3 that:

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

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

44 (iii) On or before November thirtieth, two thousand [~~eleven~~]
45 seventeen, the trustees shall approve and submit to the chairs of the
46 assembly ways and means committee and the senate finance committee and
47 to the director of the budget a master tuition plan setting forth the
48 tuition rates that the trustees propose for resident undergraduate
49 students for the five year period commencing with the two thousand
50 [~~eleven~~] seventeen--two thousand [~~twelve~~] eighteen academic year and
51 ending in the two thousand [~~fifteen~~] twenty-one--two thousand [~~sixteen~~]
52 twenty-two academic year, and shall submit any proposed amendments to
53 such plan by November thirtieth of each subsequent year thereafter
54 through November thirtieth, two thousand [~~fifteen~~] twenty-one, and
55 provided further, that with the approval of the board of trustees, each
56 university center may increase non-resident undergraduate tuition rates

1 each year by not more than ten percent over the tuition rates of the
2 prior academic year for a six year period commencing with the two thou-
3 sand eleven--two thousand twelve academic year and ending in the two
4 thousand sixteen--two thousand seventeen academic year.

5 [~~(iii)~~] (iv) Beginning in state fiscal year two thousand twelve-two
6 thousand thirteen and ending in state fiscal year two thousand fifteen-
7 -two thousand sixteen, the state shall appropriate and make available
8 general fund operating support, including fringe benefits, for the state
9 university in an amount not less than the amount appropriated and made
10 available in the prior state fiscal year; provided, however, that if the
11 governor declares a fiscal emergency, and communicates such emergency to
12 the temporary president of the senate and speaker of the assembly, state
13 support for operating expenses at the state university and city univer-
14 sity may be reduced in a manner proportionate to one another, and the
15 aforementioned provisions shall not apply.

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

28 § 2. Paragraph (a) of subdivision 7 of section 6206 of the education
29 law, as amended by section 2 of part D of chapter 54 of the laws of
30 2016, is amended to read as follows:

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

53 (i) Commencing with the two thousand eleven--two thousand twelve
54 academic year and ending in the two thousand fifteen--two thousand
55 sixteen academic year, the city university of New York board of trustees
56 shall be empowered to increase the resident undergraduate rate of

1 tuition by not more than three hundred dollars over the resident under-
2 graduate rate of tuition adopted by the board of trustees in the prior
3 academic year, provided however that commencing with the two thousand
4 eleven--two thousand twelve academic year and [~~each year thereafter~~]
5 ending with the two thousand sixteen--two thousand seventeen academic
6 year if the annual resident undergraduate rate of tuition would exceed
7 five thousand dollars, then a tuition credit for each eligible student,
8 as determined and calculated by the New York state higher education
9 services corporation pursuant to section six hundred eighty-nine-a of
10 this chapter, shall be applied toward the tuition charged for each
11 semester, quarter or term of study. Tuition for each semester, quarter
12 or term of study shall not be due for any student eligible to receive
13 such tuition credit until the tuition credit is calculated and applied
14 against the tuition charged for the corresponding semester, quarter or
15 term.

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

37 (iii) On or before November thirtieth, two thousand [~~eleven~~]
38 seventeen, the trustees shall approve and submit to the chairs of the
39 assembly ways and means committee and the senate finance committee and
40 to the director of the budget a master tuition plan setting forth the
41 tuition rates that the trustees propose for resident undergraduate
42 students for the five year period commencing with the two thousand
43 [~~eleven~~] seventeen--two thousand [~~twelve~~] eighteen academic year and
44 ending in the two thousand [~~fifteen~~] twenty-one--two thousand [~~sixteen~~]
45 twenty-two academic year, and shall submit any proposed amendments to
46 such plan by November thirtieth of each subsequent year thereafter
47 through November thirtieth, two thousand [~~fifteen~~] twenty-one.

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

1 city university may be reduced in a manner proportionate to one another,
2 and the aforementioned provisions shall not apply.

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

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

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

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

17 § 5. Section 16 of chapter 260 of the laws of 2011 amending the educa-
18 tion law and the New York state urban development corporation act relat-
19 ing to establishing components of the NY-SUNY 2020 challenge grant
20 program, as amended by section 5 of part D of chapter 54 of the laws of
21 2016, is amended to read as follows:

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

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

35 PART H

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

38 F. Foundation contributions to the city university of New York. 1.
39 Notwithstanding any other law, rule or regulation to the contrary,
40 commencing in the two thousand seventeen--two thousand eighteen academic
41 year and each academic year thereafter, the trustees of the city univer-
42 sity of New York shall annually collect from each affiliated nonprofit
43 organization and foundation an amount equal to ten percent of the annual
44 revenue received by each affiliated nonprofit organization or foundation
45 in the previous academic year. The funds collected pursuant to this
46 subdivision shall be utilized to fund tuition assistance initiatives for
47 students in need attending the city university of New York.

48 2. As used within this subdivision "affiliated nonprofit organization
49 or foundation" means an organization or foundation formed under the
50 not-for-profit corporation law or any other entity formed for the bene-
51 fit of or controlled by the city university of New York or its respec-
52 tive universities, colleges, community colleges, campuses or subdivi-
53 sions, including the research foundation of the city university of New
54 York, to assist in meeting the specific needs of, or providing a direct

1 benefit to, the respective university, college, community college,
2 campus or subdivision or the university as a whole, that has control of,
3 manages or receives fifty thousand dollars or more annually, including
4 alumni associations. For the purposes of this subdivision, this term
5 does not include a student-run organization comprised solely of enrolled
6 students and formed for the purpose of advancing a student objective.

7 § 2. This act shall take effect immediately.

8 PART I

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

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

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

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

49 (i) to order the employer to identify such shareholders and members
50 and, if the employer shall fail to identify such shareholders within ten
51 days after an order under this subparagraph, to bring an action in the
52 name and on behalf of the people of the state of New York against such
53 employer in the supreme court to compel such employer to identify such

1 shareholders and members and pay a civil penalty of no more than ten
2 thousand dollars;

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

9 (iii) to name such shareholders and members in any order or judgement
10 within the scope of this paragraph and to hold such shareholders and
11 members jointly and severally liable for all wages, pay, and compen-
12 sation, together with interest assessed under this chapter, from the
13 date of any written notice pursuant to subparagraph (ii) of this para-
14 graph, which orders and judgments may be enforced as provided for under
15 this chapter, in lieu of actions commenced under section six hundred
16 thirty of the business corporation law and section six hundred nine of
17 the limited liability company law.

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

22 PART J

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

25 ARTICLE 722

26 PROCEEDINGS AGAINST JUVENILE OFFENDERS; ESTABLISHMENT OF YOUTH

27 PART AND RELATED PROCEDURES

28 Section 722.00 Probation case planning and services.

29 722.10 Youth part of the superior court established.

30 722.20 Proceedings in a youth part of the superior court.

31 § 722.00 Probation case planning and services.

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

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

51 3. Nothing shall preclude the probation department and juvenile from
52 entering into a voluntary written/formal case plan as to terms and
53 conditions to be met, including, but not limited to, reporting to the
54 probation department and other probation department contacts, undergoing

1 alcohol, substance abuse, or mental health testing, participating in
2 specific services, adhering to service program requirements, and school
3 attendance, where applicable. Following the juvenile's successful
4 completion of the conditions of his or her case plan, the court, with
5 the consent of the district attorney may dismiss the indictment or any
6 count thereof in accordance with section 210.40 of this chapter.

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

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

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

21 § 722.10 Youth part of the superior court established.

22 The chief administrator of the courts is hereby directed to establish,
23 in a superior court in each county of the state that exercises criminal
24 jurisdiction, a part of court to be known as the youth part of the supe-
25 rior court for the county in which such court presides. Judges presid-
26 ing in the youth part shall receive training in specialized areas,
27 including, but not limited to, juvenile justice, adolescent development
28 and effective treatment methods for reducing crime commission by adoles-
29 cents. The youth part shall have exclusive jurisdiction of all
30 proceedings in relation to juvenile offenders, except as provided in
31 section 180.75 of this chapter.

32 § 722.20 Proceedings in a youth part of the superior court.

33 1. When a juvenile offender is arraigned before a youth part, the
34 provisions of this section shall apply. If the youth part is not in
35 session, the defendant shall be brought before the most accessible
36 magistrate designated by the appellate division of the supreme court to
37 act as a youth part for the purpose of making a determination whether
38 such juvenile shall be detained. If the defendant is ordered to be
39 detained, he or she shall be brought before the next session of the
40 youth part. If the defendant is not detained, he or she shall be ordered
41 to appear at the next session of the youth part.

42 2. If the defendant waives a hearing upon the felony complaint, the
43 court must order that the defendant be held for the action of the grand
44 jury with respect to the charge or charges contained in the felony
45 complaint.

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

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

53 (b) If there is not reasonable cause to believe that the defendant
54 committed a crime for which a person under the age of seventeen, or
55 commencing January first, two thousand twenty, a person under the age of
56 eighteen is criminally responsible but there is reasonable cause to

1 believe that the defendant is a "juvenile delinquent" as defined in
2 subdivision one of section 301.2 of the family court act, the court must
3 specify the act or acts it found reasonable cause to believe the defend-
4 ant did and direct that the action be removed to the family court in
5 accordance with the provisions of article seven hundred twenty-five of
6 this title; or

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

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

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

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

56 (i) the seriousness and circumstances of the offense;

1 (ii) the extent of harm caused by the offense;
2 (iii) the evidence of guilt, whether admissible or inadmissible at
3 trial;

4 (iv) the history, character and condition of the defendant;
5 (v) the purpose and effect of imposing upon the defendant a sentence
6 authorized for the offense;

7 (vi) the impact of a removal of the case to the family court on the
8 safety or welfare of the community;

9 (vii) the impact of a removal of the case to the family court upon the
10 confidence of the public in the criminal justice system;

11 (viii) where the court deems it appropriate, the attitude of the
12 complainant or victim with respect to the motion; and

13 (ix) any other relevant fact indicating that a judgment of conviction
14 in the criminal court would serve no useful purpose.

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

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

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

38 § 2. The opening paragraph and subdivisions 2 and 3 of section 725.05
39 of the criminal procedure law, as added by chapter 481 of the laws of
40 1978, are amended to read as follows:

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

45 2. Where the direction is authorized pursuant to paragraph (b) of
46 subdivision [~~three~~] two of section [~~180-75~~] 725.20 of this
47 [~~chapter~~] article, it must specify the act or acts it found reasonable
48 cause to believe the defendant did.

49 3. Where the direction is authorized pursuant to subdivision [~~four~~]
50 three of section [~~180-75~~] 722.20 of this [~~chapter~~] title, it must speci-
51 fy the act or acts it found reasonable cause to allege.

52 § 3. Section 725.20 of the criminal procedure law, as added by chapter
53 481 of the laws of 1978, subdivisions 1 and 2 as amended by chapter 411
54 of the laws of 1979, is amended to read as follows:

55 § 725.20 Record of certain actions removed.

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

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

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

13 [~~(b) Where the direction is one authorized by subdivision four of~~
14 ~~section 180.75 of this chapter, a copy of the statement of the district~~
15 ~~attorney made pursuant to paragraph (b) of subdivision six of section~~
16 ~~180.75 of this chapter,~~

17 [~~(c) Where the direction is authorized by section 180.75, a copy of~~
18 ~~the portion of the minutes containing the statement by the court pursu-~~
19 ~~ant to paragraph (a) of subdivision six of such section 180.75,~~

20 (d)] Where the direction is one authorized by subparagraph (iii) of
21 paragraph [~~(h)~~] (g) of subdivision five of section 220.10 or section
22 330.25 of this chapter, a copy of the minutes of the plea of guilty,
23 including the minutes of the memorandum submitted by the district attor-
24 ney and the court;

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

29 [~~(f) Where the direction is one authorized by paragraph (b) of subdivi-~~
30 ~~vision one of section 210.43 of this chapter, a copy of that portion of~~
31 ~~the minutes containing the statement of the district attorney made~~
32 ~~pursuant to paragraph (b) of subdivision five of section 210.43,~~] and

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

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

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

54 COMMENCEMENT OF ACTION IN LOCAL
55 CRIMINAL COURT OR YOUTH PART OF A SUPERIOR COURT--[~~LOCAL~~
56 ~~CRIMINAL COURT~~] ACCUSATORY INSTRUMENTS

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

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

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

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

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

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

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

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

31 § 100.60 Youth part of the superior court accusatory instruments; in what courts filed.

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

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

39 REQUIRING DEFENDANT'S APPEARANCE

40 IN LOCAL CRIMINAL COURT OR YOUTH PART OF SUPERIOR COURT

41 FOR ARRAIGNMENT

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

44 § 110.10 Methods of requiring defendant's appearance in local criminal court or youth part of the superior court for arraignment; in general.

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

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

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

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

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

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

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

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

16 § 110.20 Local criminal court or youth part of the superior court accu-
17 satory instruments; notice thereof to district attorney.

18 When a criminal action in which a crime is charged is commenced in a
19 local criminal court, or youth part of the superior court other than the
20 criminal court of the city of New York, a copy of the accusatory instru-
21 ment shall be promptly transmitted to the appropriate district attorney
22 upon or prior to the arraignment of the defendant on the accusatory
23 instrument. If a police officer or a peace officer is the complainant
24 or the filer of a simplified information, or has arrested the defendant
25 or brought him before the local criminal court or youth part of the
26 superior court on behalf of an arresting person pursuant to subdivision
27 one of section 140.20, such officer or his agency shall transmit the
28 copy of the accusatory instrument to the appropriate district attorney.
29 In all other cases, the clerk of the court in which the defendant is
30 arraigned shall so transmit it.

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

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

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

41 § 120.30 Warrant of arrest; by what courts issuable and in what courts
42 returnable.

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

47 2. The particular local criminal court or courts or youth part of the
48 superior court with which any particular local criminal court or youth
49 part of the superior court accusatory instrument may be filed for the
50 purpose of obtaining a warrant of arrest are determined, generally, by
51 the provisions of section 100.55 or 100.60 of this title. If, however, a
52 particular accusatory instrument may pursuant to said section 100.55 be
53 filed with a particular town court and such town court is not available
54 at the time such instrument is sought to be filed and a warrant
55 obtained, such accusatory instrument may be filed with the town court of
56 any adjoining town of the same county. If such instrument may be filed

1 pursuant to said section 100.55 with a particular village court and such
2 village court is not available at the time, it may be filed with the
3 town court of the town embracing such village, or if such town court is
4 not available either, with the town court of any adjoining town of the
5 same county.

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

9 § 120.55 Warrant of arrest; defendant under parole or probation super-
10 vision.

11 If the defendant named within a warrant of arrest issued by a local
12 criminal court or youth part of the superior court pursuant to the
13 provisions of this article, or by a superior court issued pursuant to
14 subdivision three of section 210.10 of this chapter, is under the super-
15 vision of the state department of corrections and community supervision
16 or a local or state probation department, then a warrant for his or her
17 arrest may be executed by a parole officer or probation officer, when
18 authorized by his or her probation director, within his or her geograph-
19 ical area of employment. The execution of the warrant by a parole offi-
20 cer or probation officer shall be upon the same conditions and conducted
21 in the same manner as provided for execution of a warrant by a police
22 officer.

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

25 1. A warrant of arrest issued by a district court, by the New York
26 City criminal court, the youth part of a superior court or by a superior
27 court judge sitting as a local criminal court may be executed anywhere
28 in the state.

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

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

46 5-a. Whenever a police officer is required, pursuant to this section,
47 to bring an arrested defendant before a youth part of a superior court
48 in which a warrant of arrest is returnable, and if such court is not
49 available at the time, such officer must bring such defendant before the
50 most accessible magistrate designated by the appellate division of the
51 supreme court in the applicable department to act as a youth part.

52 6. Before bringing a defendant arrested pursuant to a warrant before
53 the local criminal court or youth part of a superior court in which such
54 warrant is returnable, a police officer must without unnecessary delay
55 perform all fingerprinting and other preliminary police duties required
56 in the particular case. In any case in which the defendant is not

1 brought by a police officer before such court but, following his arrest
2 in another county for an offense specified in subdivision one of section
3 160.10, is released by a local criminal court of such other county on
4 his own recognizance or on bail for his appearance on a specified date
5 before the local criminal court before which the warrant is returnable,
6 the latter court must, upon arraignment of the defendant before it,
7 direct that he be fingerprinted by the appropriate officer or agency,
8 and that he appear at an appropriate designated time and place for such
9 purpose.

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

13 1. A summons is a process issued by a local criminal court directing a
14 defendant designated in an information, a prosecutor's information, a
15 felony complaint or a misdemeanor complaint filed with such court, or a
16 youth part of a superior court directing a defendant designated in a
17 felony complaint, or by a superior court directing a defendant desig-
18 nated in an indictment filed with such court, to appear before it at a
19 designated future time in connection with such accusatory instrument.
20 The sole function of a summons is to achieve a defendant's court appear-
21 ance in a criminal action for the purpose of arraignment upon the accu-
22 satory instrument by which such action was commenced.

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

25 § 130.30 Summons; when issuable.

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

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

41 (e) if the arrest is for a person under the age of seventeen or,
42 commencing January first, two thousand twenty, a person under the age of
43 eighteen, such person shall be brought before the youth part of the
44 superior court. If the youth part is not in session, such person shall
45 be brought before the most accessible magistrate designated by the
46 appellate division of the supreme court in the applicable department to
47 act as a youth part.

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

51 6. Upon arresting a juvenile offender without a warrant, the police
52 officer shall immediately notify the parent or other person legally
53 responsible for his or her care or the person with whom he or she is
54 domiciled, that the juvenile offender has been arrested, and the
55 location of the facility where he or she is being detained. If the offi-
56 cer determines that it is necessary to question a juvenile offender or a

1 child under eighteen years of age who fits within the definition of a
2 juvenile offender as defined in section 30.00 of the penal law, the
3 officer must take the juvenile to a facility designated by the chief
4 administrator of the courts as a suitable place for the questioning of
5 children or, upon the consent of a parent or other person legally
6 responsible for the care of the juvenile, to the juvenile's residence
7 and there question him or her for a reasonable period of time. A juve-
8 nile shall not be questioned pursuant to this section unless the juve-
9 nile and a person required to be notified pursuant to this subdivision,
10 if present, have been advised:

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

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

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

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

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

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

26 2. Upon arresting a person without a warrant, a peace officer, except
27 as otherwise provided in subdivision three or three-a, must without
28 unnecessary delay bring him or cause him to be brought before a local
29 criminal court, as provided in section 100.55 and subdivision one of
30 section 140.20, and must without unnecessary delay file or cause to be
31 filed therewith an appropriate accusatory instrument. If the offense
32 which is the subject of the arrest is one of those specified in subdivi-
33 sion one of section 160.10, the arrested person must be fingerprinted
34 and photographed as therein provided. In order to execute the required
35 post-arrest functions, such arresting peace officer may perform such
36 functions himself or he may enlist the aid of a police officer for the
37 performance thereof in the manner provided in subdivision one of section
38 140.20.

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

41 3-a. If the arrest is for a person under the age of seventeen or,
42 commencing January first, two thousand twenty, a person under the age of
43 eighteen, such person shall be brought before the youth part of the
44 superior court. If the youth part is not in session, such person shall
45 be brought before the most accessible magistrate designated by the
46 appellate division of the supreme court in the applicable department to
47 act as a youth part.

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

51 5. Upon arresting a juvenile offender without a warrant, the peace
52 officer shall immediately notify the parent or other person legally
53 responsible for his care or the person with whom he or she is domiciled,
54 that the juvenile offender has been arrested, and the location of the
55 facility where he or she is being detained. If the officer determines
56 that it is necessary to question a juvenile offender or a child under

1 eighteen years of age who fits within the definition of a juvenile
2 offender as defined in section 30.00 of the penal law the officer must
3 take the juvenile to a facility designated by the chief administrator of
4 the courts as a suitable place for the questioning of children or, upon
5 the consent of a parent or other person legally responsible for the care
6 of the juvenile, to the juvenile's residence and there question him or
7 her for a reasonable period of time. A juvenile shall not be questioned
8 pursuant to this section unless the juvenile and a person required to be
9 notified pursuant to this subdivision, if present, have been advised:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 § 27. The opening paragraph of section 180.80 of the criminal proce-
10 dure law, as amended by chapter 556 of the laws of 1982, is amended to
11 read as follows:

12 Upon application of a defendant against whom a felony complaint has
13 been filed with a local criminal court or the youth part of a superior
14 court, and who, since the time of his arrest or subsequent thereto, has
15 been held in custody pending disposition of such felony complaint, and
16 who has been confined in such custody for a period of more than one
17 hundred twenty hours or, in the event that a Saturday, Sunday or legal
18 holiday occurs during such custody, one hundred forty-four hours, with-
19 out either a disposition of the felony complaint or commencement of a
20 hearing thereon, the [~~local criminal~~] court must release him on his own
21 recognizance unless:

22 § 28. Subdivisions (a) and (b) of section 190.71 of the criminal
23 procedure law, subdivision (a) as amended by chapter 7 of the laws of
24 2007 and subdivision (b) as added by chapter 481 of the laws of 1978,
25 are amended to read as follows:

26 (a) Except as provided in subdivision six of section 200.20 of this
27 chapter, a grand jury may not indict (i) a person thirteen years of age
28 for any conduct or crime other than conduct constituting a crime defined
29 in subdivisions one and two of section 125.25 (murder in the second
30 degree) or such conduct as a sexually motivated felony, where authorized
31 pursuant to section 130.91 of the penal law; (ii) a person fourteen
32 [~~or~~], fifteen, sixteen or commencing January first, two thousand twenty,
33 seventeen years of age for any conduct or crime other than conduct
34 constituting a crime defined in subdivisions one and two of section
35 125.25 (murder in the second degree) and in subdivision three of such
36 section provided that the underlying crime for the murder charge is one
37 for which such person is criminally responsible; 135.25 (kidnapping in
38 the first degree); 150.20 (arson in the first degree); subdivisions one
39 and two of section 120.10 (assault in the first degree); 125.20
40 (manslaughter in the first degree); subdivisions one and two of section
41 130.35 (rape in the first degree); subdivisions one and two of section
42 130.50 (criminal sexual act in the first degree); 130.70 (aggravated
43 sexual abuse in the first degree); 140.30 (burglary in the first
44 degree); subdivision one of section 140.25 (burglary in the second
45 degree); 150.15 (arson in the second degree); 160.15 (robbery in the
46 first degree); subdivision two of section 160.10 (robbery in the second
47 degree) of the penal law; subdivision four of section 265.02 of the
48 penal law, where such firearm is possessed on school grounds, as that
49 phrase is defined in subdivision fourteen of section 220.00 of the penal
50 law; or section 265.03 of the penal law, where such machine gun or such
51 firearm is possessed on school grounds, as that phrase is defined in
52 subdivision fourteen of section 220.00 of the penal law; or defined in
53 the penal law as an attempt to commit murder in the second degree or
54 kidnapping in the first degree, or such conduct as a sexually motivated
55 felony, where authorized pursuant to section 130.91 of the penal law;
56 (iii) a person sixteen or commencing January first, two thousand twenty,

1 seventeen years of age for any conduct or crime other than conduct
2 constituting an offense set forth in the vehicle and traffic law; a
3 violent felony defined in section 70.02 of the penal law; a crime that
4 is classified as a class A felony excepting those class A felonies which
5 require, as an element of the offense, that the defendant be eighteen
6 years of age or older; a crime defined in the following sections of the
7 penal law: section 120.03 (vehicular assault in the second degree);
8 120.04 (vehicular assault in the first degree); 120.04-a (aggravated
9 vehicular assault); 125.10 (criminally negligent homicide); 125.11
10 (aggravated criminally negligent homicide); 125.12 (vehicular
11 manslaughter in the second degree); 125.13 (vehicular manslaughter in
12 the first degree); 125.14 (aggravated vehicular homicide); 125.15
13 (manslaughter in the second degree); 125.20 (manslaughter in the first
14 degree); 125.21 (aggravated manslaughter in the second degree); 125.22
15 (aggravated manslaughter in the first degree); 130.70 (aggravated sexual
16 abuse in the first degree); 130.75 (course of sexual conduct against a
17 child in the first degree); 215.11 (tampering with a witness in the
18 third degree) provided that the criminal proceeding in which the person
19 is tampering is one for which such person is criminally responsible;
20 215.12 (tampering with a witness in the second degree) provided that the
21 criminal proceeding in which the person is tampering is one for which
22 such person is criminally responsible; 215.13 (tampering with a witness
23 in the first degree) provided that the criminal proceeding in which the
24 person is tampering is one for which such person is criminally responsi-
25 ble; subdivision one of section 215.52 (aggravated criminal contempt);
26 130.95 (predatory sexual assault); 220.18 (criminal possession of a
27 controlled substance in the second degree); 220.21 (criminal possession
28 of a controlled substance in the first degree); 220.41 (criminal sale of
29 a controlled substance in the second degree); 220.43 (criminal sale of a
30 controlled substance in the first degree); 220.77 (operating as a major
31 trafficker); 460.22 (aggravated enterprise corruption); 490.45 (criminal
32 possession of a chemical weapon or a biological weapon in the first
33 degree); 490.50 (criminal use of a chemical weapon or a biological weap-
34 on in the second degree); 490.55 (criminal use of a chemical weapon or a
35 biological weapon in the first degree); acts constituting a specified
36 offense defined in subdivision two of section 130.91 of the penal law
37 when committed as a sexually motivated felony; acts constituting a spec-
38 ified offense defined in subdivision three of section 490.05 of the
39 penal law when committed as an act of terrorism; acts constituting a
40 felony defined in article four hundred ninety of the penal law; and acts
41 constituting a crime set forth in subdivision one of section 105.10 and
42 section 105.15 of the penal law provided that the underlying crime for
43 the conspiracy charge is one for which such person is criminally respon-
44 sible.

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

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

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

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

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

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

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

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

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

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

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

44 (iii) Where the indictment does not charge a crime specified in
45 subparagraph (i) of this paragraph, the district attorney may recommend
46 removal of the action to the family court. Upon making such recommenda-
47 tion the district attorney shall submit a subscribed memorandum setting
48 forth: (1) a recommendation that the interests of justice would best be
49 served by removal of the action to the family court; and (2) if the
50 indictment charges a thirteen year old with the crime of murder in the
51 second degree, or a fourteen [~~or~~] fifteen or sixteen year old, or
52 commencing January first two thousand twenty, seventeen year old with
53 the crimes of rape in the first degree as defined in subdivision one of
54 section 130.35 of the penal law, or criminal sexual act in the first
55 degree as defined in subdivision one of section 130.50 of the penal law,
56 or an armed felony as defined in paragraph (a) of subdivision forty-one

1 of section 1.20 of this chapter specific factors, one or more of which
2 reasonably supports the recommendation, showing, (i) mitigating circum-
3 stances that bear directly upon the manner in which the crime was
4 committed, or (ii) where the defendant was not the sole participant in
5 the crime, that the defendant's participation was relatively minor
6 although not so minor as to constitute a defense to the prosecution, or
7 (iii) possible deficiencies in proof of the crime, or (iv) where the
8 juvenile offender has no previous adjudications of having committed a
9 designated felony act, as defined in subdivision eight of section 301.2
10 of the family court act, regardless of the age of the offender at the
11 time of commission of the act, that the criminal act was not part of a
12 pattern of criminal behavior and, in view of the history of the offen-
13 der, is not likely to be repeated.

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

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

46 (b) If the court in which the warrant is returnable is a superior
47 court, and such court is not available, and the warrant is addressed to
48 a police officer or appropriate probation officer certified as a peace
49 officer, such executing officer shall, where a defendant is sixteen
50 years of age or younger who allegedly commits an offense or a violation
51 of his or her probation or conditional discharge imposed for an offense
52 on or after January first, two thousand nineteen, or where a defendant
53 is seventeen years of age or younger who allegedly commits an offense or
54 a violation of his or her probation or conditional discharge imposed for
55 an offense on or after January first, two thousand twenty, bring the
56 defendant to a juvenile detention facility, to be detained there until

1 not later than the commencement of the next session of such court occur-
2 ring on the next business day.

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

5 § 410.60 Appearance before court.

6 (a) A person who has been taken into custody pursuant to section
7 410.40 or [~~section~~] 410.50 of this article for violation of a condition
8 of a sentence of probation or a sentence of conditional discharge must
9 forthwith be brought before the court that imposed the sentence. Where a
10 violation of probation petition and report has been filed and the person
11 has not been taken into custody nor has a warrant been issued, an
12 initial court appearance shall occur within ten business days of the
13 court's issuance of a notice to appear. If the court has reasonable
14 cause to believe that such person has violated a condition of the
15 sentence, it may commit him or her to the custody of the sheriff or fix
16 bail or release such person on his or her own recognizance for future
17 appearance at a hearing to be held in accordance with section 410.70 of
18 this article. If the court does not have reasonable cause to believe
19 that such person has violated a condition of the sentence, it must
20 direct that he or she be released.

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

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

47 5. Revocation; modification; continuation. (a) At the conclusion of
48 the hearing the court may revoke, continue or modify the sentence of
49 probation or conditional discharge. Where the court revokes the
50 sentence, it must impose sentence as specified in subdivisions three and
51 four of section 60.01 of the penal law. Where the court continues or
52 modifies the sentence, it must vacate the declaration of delinquency and
53 direct that the defendant be released. If the alleged violation is
54 sustained and the court continues or modifies the sentence, it may
55 extend the sentence up to the period of interruption specified in subdi-
56 vision two of section 65.15 of the penal law, but any time spent in

1 custody in any correctional institution or juvenile detention facility
2 pursuant to section 410.40 or 410.60 of this article shall be credited
3 against the term of the sentence. Provided further, where the alleged
4 violation is sustained and the court continues or modifies the sentence,
5 the court may also extend the remaining period of probation up to the
6 maximum term authorized by section 65.00 of the penal law. Provided,
7 however, a defendant shall receive credit for the time during which he
8 or she was supervised under the original probation sentence prior to any
9 declaration of delinquency and for any time spent in custody pursuant to
10 this article for an alleged violation of probation.

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

20 § 35. The criminal procedure law is amended by adding a new section
21 410.90-a to read as follows:

22 § 410.90-a Superior court; youth part.

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

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

32 § 510.15 Commitment of principal under [~~sixteen~~] seventeen or eighteen.

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

55 2. Except upon consent of the defendant or for good cause shown, in
56 any case in which a new securing order is issued for a principal previ-

1 ously committed to the custody of the sheriff pursuant to this section,
2 such order shall further direct the sheriff to deliver the principal
3 from a juvenile detention facility to the person or place specified in
4 the order.

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

8 1. "Youth" means a person charged with a crime alleged to have been
9 committed when he or she was at least sixteen years old and less than
10 [~~nineteen~~] twenty-one years old or a person charged with being a juve-
11 nile offender as defined in subdivision forty-two of section 1.20 of
12 this chapter.

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

16 § 30.00 Infancy.

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

21 2. A person thirteen, fourteen [~~or~~], fifteen, or sixteen years of age
22 or, commencing January first, two thousand twenty, a person seventeen
23 years of age is criminally responsible for acts constituting murder in
24 the second degree as defined in subdivisions one and two of section
25 125.25 and in subdivision three of such section provided that the under-
26 lying crime for the murder charge is one for which such person is crimi-
27 nally responsible or for such conduct as a sexually motivated felony,
28 where authorized pursuant to section 130.91 of [~~the penal law~~] this
29 chapter; and a person fourteen [~~or~~], fifteen, or sixteen years of age
30 or, commencing January first, two thousand twenty, seventeen years of
31 age is criminally responsible for acts constituting the crimes defined
32 in section 135.25 (kidnapping in the first degree); 150.20 (arson in the
33 first degree); subdivisions one and two of section 120.10 (assault in
34 the first degree); 125.20 (manslaughter in the first degree); subdivi-
35 sions one and two of section 130.35 (rape in the first degree); subdivi-
36 sions one and two of section 130.50 (criminal sexual act in the first
37 degree); 130.70 (aggravated sexual abuse in the first degree); 140.30
38 (burglary in the first degree); subdivision one of section 140.25
39 (burglary in the second degree); 150.15 (arson in the second degree);
40 160.15 (robbery in the first degree); subdivision two of section 160.10
41 (robbery in the second degree) of this chapter; or section 265.03 of
42 this chapter, where such machine gun or such firearm is possessed on
43 school grounds, as that phrase is defined in subdivision fourteen of
44 section 220.00 of this chapter; or defined in this chapter as an attempt
45 to commit murder in the second degree or kidnapping in the first degree,
46 or for such conduct as a sexually motivated felony, where authorized
47 pursuant to section 130.91 of [~~the penal law~~] this chapter.

48 3. A person sixteen or, commencing January first, two thousand twenty,
49 seventeen years old is criminally responsible for acts constituting an
50 offense set forth in the vehicle and traffic law; acts constituting a
51 violent felony defined in section 70.02 of this chapter; acts constitut-
52 ing any crime in this chapter that is classified as a class A felony
53 excepting those class A felonies which require, as an element of the
54 offense, that the defendant be eighteen years of age or older; acts
55 constituting the crimes defined in section 120.03 (vehicular assault in
56 the second degree); 120.04 (vehicular assault in the first degree);

1 120.04-a (aggravated vehicular assault); 125.10 (criminally negligent
2 homicide); 125.11 (aggravated criminally negligent homicide); 125.12
3 (vehicular manslaughter in the second degree); 125.13 (vehicular
4 manslaughter in the first degree); 125.14 (aggravated vehicular
5 manslaughter); 125.15 (manslaughter in the second degree); 125.20
6 (manslaughter in the first degree); 125.21 (aggravated manslaughter in
7 the second degree); 125.22 (aggravated manslaughter in the first
8 degree); 130.70 (aggravated sexual abuse in the first degree); 130.75
9 (course of sexual conduct against a child in the first degree); 215.11
10 (tampering with a witness in the third degree) provided that the crimi-
11 nal proceeding in which the person is tampering is one for which such
12 person is criminally responsible; 215.12 (tampering with a witness in
13 the second degree) provided that the criminal proceeding in which the
14 person is tampering is one for which such person is criminally responsi-
15 ble; 215.13 (tampering with a witness in the first degree) provided that
16 the criminal proceeding in which the person is tampering is one for
17 which such person is criminally responsible; subdivision one of section
18 215.52 (aggravated criminal contempt); acts constituting a specified
19 offense defined in subdivision two of section 130.91 of this chapter
20 when committed as a sexually motivated felony; 130.95 (predatory sexual
21 assault); 220.18 (criminal possession of a controlled substance in the
22 second degree); 220.21 (criminal possession of a controlled substance in
23 the first degree); 220.41 (criminal sale of a controlled substance in
24 the second degree); 220.43 (criminal sale of a controlled substance in
25 the first degree); 220.77 (operating as a major trafficker); 460.22
26 (aggravated enterprise corruption); 490.45 (criminal possession of a
27 chemical weapon or a biological weapon in the first degree); 490.50
28 (criminal use of a chemical weapon or a biological weapon in the second
29 degree); 490.55 (criminal use of a chemical weapon or a biological weap-
30 on in the first degree); acts constituting a specified offense defined
31 in subdivision three of section 490.05 of this chapter when committed as
32 an act of terrorism; acts constituting a felony defined in article 490
33 of this chapter; and acts constituting a crime set forth in subdivision
34 one of section 105.10 and section 105.15 provided that the underlying
35 crime for the conspiracy charge is one for which such person is crimi-
36 nally responsible.

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

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

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

1 shall not be in excess of six months, or in the case of an intermittent
2 term, not in excess of four months in accordance with paragraph (d) of
3 subdivision two of section 60.01 of this article. If the sentence is to
4 be imposed upon a youthful offender finding which has been substituted
5 for a conviction of any felony, and the person is nineteen or twenty
6 years of age, the court must sentence such person pursuant to the
7 provisions of this article applicable to a person whose conviction was
8 not substituted by a youthful offender finding of the same offense.

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

11 § 60.10 Authorized disposition; juvenile offender.

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

23 2. Subdivision one of this section shall apply when sentencing a juve-
24 nile offender notwithstanding the provisions of any other law that deals
25 with the authorized sentence for persons who are not juvenile offenders.
26 Provided, however, that the limitation prescribed by this section shall
27 not be deemed or construed to bar use of a conviction of a juvenile
28 offender, other than a juvenile offender who has been adjudicated a
29 youthful offender pursuant to section 720.20 of the criminal procedure
30 law, as a previous or predicate felony offender under section 70.04,
31 70.06, 70.07, 70.08 [~~or~~], 70.10, 70.70, 70.71, 70.80, or 485.10 of this
32 chapter, when sentencing a person who commits a felony after [~~he~~] such
33 person has reached the age of [~~sixteen~~] seventeen as of January first,
34 two thousand nineteen, and eighteen as of January first, two thousand
35 twenty.

36 § 40-a. Subdivision 5 of section 70.00 of the penal law, as amended by
37 chapter 482 of the laws of 2009, is amended to read as follows:

38 5. Life imprisonment without parole. Notwithstanding any other
39 provision of law, a defendant sentenced to life imprisonment without
40 parole shall not be or become eligible for parole or conditional
41 release. For purposes of commitment and custody, other than parole and
42 conditional release, such sentence shall be deemed to be an indetermi-
43 nate sentence. A defendant may be sentenced to life imprisonment without
44 parole upon conviction for the crime of murder in the first degree as
45 defined in section 125.27 of this chapter and in accordance with the
46 procedures provided by law for imposing a sentence for such crime. A
47 defendant who was eighteen years of age or older at the time of the
48 commission of the crime must be sentenced to life imprisonment without
49 parole upon conviction for the crime of terrorism as defined in section
50 490.25 of this chapter, where the specified offense the defendant
51 committed is a class A-I felony; the crime of criminal possession of a
52 chemical weapon or biological weapon in the first degree as defined in
53 section 490.45 of this chapter; or the crime of criminal use of a chemi-
54 cal weapon or biological weapon in the first degree as defined in
55 section 490.55 of this chapter; provided, however, that nothing in this
56 subdivision shall preclude or prevent a sentence of death when the

1 defendant is also convicted of the crime of murder in the first degree
2 as defined in section 125.27 of this chapter. A defendant who was
3 seventeen years of age or younger at the time of the commission of the
4 crime may be sentenced to life imprisonment upon conviction for a crime
5 of terrorism as defined in section 490.25 of this chapter, where the
6 specified offense is a class A-I felony; the crime of criminal
7 possession of a chemical weapon or biological weapon in the first degree
8 as defined in section 490.45 of this chapter; or the crime of criminal
9 use of a chemical weapon or biological weapon in the first degree as
10 defined in section 490.55 of this chapter. A defendant must be sentenced
11 to life imprisonment without parole upon conviction for the crime of
12 murder in the second degree as defined in subdivision five of section
13 125.25 of this chapter or for the crime of aggravated murder as defined
14 in subdivision one of section 125.26 of this chapter. A defendant may be
15 sentenced to life imprisonment without parole upon conviction for the
16 crime of aggravated murder as defined in subdivision two of section
17 125.26 of this chapter.

18 § 41. Section 70.05 of the penal law, as added by chapter 481 of the
19 laws of 1978, subdivision 1 as amended by chapter 615 of the laws of
20 1984, paragraph (e) of subdivision 2 as added and paragraph (c) of
21 subdivision 3 as amended by chapter 435 of the laws of 1998, paragraph
22 (a) of subdivision 3 as amended by chapter 174 of the laws of 2003, is
23 amended to read as follows:

24 § 70.05 Sentence of imprisonment for juvenile offender.

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

50 2. [~~Maximum term of~~] Indeterminate sentence. [~~The maximum term of an~~
51 ~~indeterminate sentence for a juvenile offender shall be at least three~~
52 ~~years and the term shall be fixed as follows~~+

53 (a) For the class A felony of murder in the second degree, the maxi-
54 imum term shall be life imprisonment[+], and the minimum period of impri-
55 sonment shall be specified in the sentence as follows:

1 (a) where the defendant was thirteen years old at the time of such
2 offense, or was fourteen or fifteen at the time of such offense and the
3 sentence is for an offense specified in subdivision three of section
4 125.25 of this chapter, the minimum period of imprisonment shall be at
5 least five years but shall not exceed nine years;

6 (b) except as specified in paragraph (a) of this subdivision where the
7 defendant was at least fourteen years old but less than seventeen years
8 old, and, commencing January first, two thousand twenty, where the
9 defendant was at least fourteen years old but less than eighteen years
10 old at the time of such offense, the minimum period of imprisonment
11 shall be at least seven and one half years but shall not exceed fifteen
12 years.

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

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

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

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

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

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

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

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

50 ~~(a) For the class A felony of murder in the second degree, the minimum~~
51 ~~period of imprisonment shall be fixed by the court and shall be not less~~
52 ~~than five years but shall not exceed nine years provided, however, that~~
53 ~~where the sentence is for an offense specified in subdivision one or two~~
54 ~~of section 125.25 of this chapter and the defendant was fourteen or~~
55 ~~fifteen years old at the time of such offense, the minimum period of~~

~~1 imprisonment shall be not less than seven and one half years but shall
2 not exceed fifteen years;~~

~~3 (b) For the class A felony of arson in the first degree, or for the
4 class A felony of kidnapping in the first degree, the minimum period of
5 imprisonment shall be fixed by the court and shall be not less than four
6 years but shall not exceed six years; and~~

~~7 (c) For a class B, C or D felony, the minimum period of imprisonment
8 shall be fixed by the court at one-third of the maximum term imposed.]~~

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

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

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

~~24 [(b) The court in committing a defendant who is not yet eighteen years
25 of age to the department of corrections and community supervision shall
26 inquire as to whether the parents or legal guardian of the defendant, if
27 present, will grant to the minor the capacity to consent to routine
28 medical, dental and mental health services and treatment.~~

~~29 (c) Notwithstanding paragraph (b) of this subdivision, where the court
30 commits a defendant who is not yet eighteen years of age to the custody
31 of the department of corrections and community supervision in accordance
32 with this section and no medical consent has been obtained prior to said
33 commitment, the commitment order shall be deemed to grant the capacity
34 to consent to routine medical, dental and mental health services and
35 treatment to the person so committed.~~

~~36 (d) Nothing in this subdivision shall preclude a parent or legal guar-
37 dian of an inmate who is not yet eighteen years of age from making a
38 motion on notice to the department of corrections and community super-
39 vision pursuant to article twenty-two of the civil practice law and
40 rules and section one hundred forty of the correction law, objecting to
41 routine medical, dental or mental health services and treatment being
42 provided to such inmate under the provisions of paragraph (b) of this
43 subdivision.~~

~~44 (e) Nothing in this section shall require that consent be obtained
45 from the parent or legal guardian, where no consent is necessary or
46 where the defendant is authorized by law to consent on his or her own
47 behalf to any medical, dental, and mental health service or treatment.]~~

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

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

~~55 [(b) The court in committing a defendant who is not yet eighteen years
56 of age to the local correctional facility shall inquire as to whether~~

~~1 the parents or legal guardian of the defendant, if present, will grant
2 to the minor the capacity to consent to routine medical, dental and
3 mental health services and treatment.~~

~~4 (c) Nothing in this subdivision shall preclude a parent or legal guar-
5 dian of an inmate who is not yet eighteen years of age from making a
6 motion on notice to the local correction facility pursuant to article
7 twenty-two of the civil practice law and rules and section one hundred
8 forty of the correction law, objecting to routine medical, dental or
9 mental health services and treatment being provided to such inmate under
10 the provisions of paragraph (b) of this subdivision.]~~

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

15 (a) Notwithstanding any other provision of law to the contrary, a
16 juvenile offender[7] or a juvenile offender who is adjudicated a youth-
17 ful offender [and], who is given an indeterminate or a definite
18 sentence, and who is under the age of twenty-one at the time of sentenc-
19 ing, shall be committed to the custody of the commissioner of the office
20 of children and family services who shall arrange for the confinement of
21 such offender in [secure] facilities of the office. The release or
22 transfer of such offenders from the office of children and family
23 services shall be governed by section five hundred eight of the execu-
24 tive law. If the juvenile offender is convicted or, if the juvenile
25 offender who is adjudicated a youthful offender is convicted and is
26 twenty-one years of age or older at the time of sentencing, he or she
27 shall be delivered to the department of corrections and community super-
28 vision.

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

39 (a-2) Notwithstanding any other provision of law to the contrary,
40 commencing January first, two thousand twenty, a person who is in the
41 custody of, or is committed to, the department of corrections and commu-
42 nity supervision who is under the age of eighteen shall, within the
43 discretion of the department of corrections and community supervision
44 and the office of children and family services, subject to available
45 capacity, and when consistent with the person's circumstances, be trans-
46 ferred to the custody of the commissioner of the office of children and
47 family services who shall arrange for the confinement of such offender
48 in facilities of the office. The placement facility and release or
49 transfer of such offenders from the office of children and family
50 services shall be governed by section five hundred eight of the execu-
51 tive law.

52 § 44-a. Paragraph (f) of subdivision 1 of section 70.30 of the penal
53 law, as added by chapter 481 of the laws of 1978 and relettered by chap-
54 ter 3 of the laws of 1995, is amended to read as follows:

55 (f) ~~[The aggregate maximum term of consecutive sentences imposed upon
56 a juvenile offender for two or more crimes, not including a class A~~

~~felony, committed before he has reached the age of sixteen, shall, if it exceeds ten years, be deemed to be ten years. If consecutive indeterminate sentences imposed upon a juvenile offender include a sentence for the class A felony of arson in the first degree or for the class A felony of kidnapping in the first degree, then the aggregate maximum term of such sentences shall, if it exceeds fifteen years, be deemed to be fifteen years. Where the aggregate maximum term of two or more consecutive sentences is reduced by a calculation made pursuant to this paragraph, the aggregate minimum period of imprisonment, if it exceeds one-half of the aggregate maximum term as so reduced, shall be deemed to be one-half of the aggregate maximum term as so reduced.] (i) The aggregate term or maximum term of consecutive sentences imposed upon a juvenile offender for two or more crimes committed prior to the time the person was imprisoned under any of such sentences, other than two or more sentences that include a sentence for a class A felony, or a sentence for a class B violent felony, shall, if it exceeds ten years, be deemed to be ten years, provided:~~

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

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

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

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

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

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

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

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

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

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

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

11 § 44-b. Section 70.45 of the penal law is amended by adding a new
12 subdivision 2-b to read as follows:

13 2-b. Periods of post-release supervision for juvenile offenders and
14 youthful offenders. (a) The period of post-release supervision for a
15 determinate sentence imposed upon a youthful offender or a juvenile
16 offender adjudicated a youthful offender must be fixed by the court at
17 one year.

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

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

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

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

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

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

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

50 (2) a person fourteen [~~or~~], fifteen or sixteen years old or commencing
51 January first, two thousand twenty, seventeen years old who is criminal-
52 ly responsible for acts constituting the crimes defined in subdivisions
53 one and two of section 125.25 (murder in the second degree) and in
54 subdivision three of such section provided that the underlying crime for
55 the murder charge is one for which such person is criminally responsi-
56 ble; section 135.25 (kidnapping in the first degree); 150.20 (arson in

1 the first degree); subdivisions one and two of section 120.10 (assault
2 in the first degree); 125.20 (manslaughter in the first degree); subdivi-
3 sions one and two of section 130.35 (rape in the first degree); subdivi-
4 sions one and two of section 130.50 (criminal sexual act in the first
5 degree); 130.70 (aggravated sexual abuse in the first degree); 140.30
6 (burglary in the first degree); subdivision one of section 140.25
7 (burglary in the second degree); 150.15 (arson in the second degree);
8 160.15 (robbery in the first degree); subdivision two of section 160.10
9 (robbery in the second degree) of this chapter; or section 265.03 of
10 this chapter, where such machine gun or such firearm is possessed on
11 school grounds, as that phrase is defined in subdivision fourteen of
12 section 220.00 of this chapter; or defined in this chapter as an attempt
13 to commit murder in the second degree or kidnapping in the first degree,
14 or such conduct as a sexually motivated felony, where authorized pursu-
15 ant to section 130.91 of [~~the penal law~~] this chapter; and

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

1 underlying crime for the conspiracy charge is one for which such person
2 is criminally responsible.

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

5 42. "Juvenile offender" means (1) a person, thirteen years old who is
6 criminally responsible for acts constituting murder in the second degree
7 as defined in subdivisions one and two of section 125.25 of the penal
8 law, or such conduct as a sexually motivated felony, where authorized
9 pursuant to section 130.91 of the penal law; ~~[and]~~ (2) a person fourteen

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

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

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

22 (h) Notwithstanding any other provision of law commencing January
23 first, two thousand nineteen, no county jail shall be used for the
24 confinement of any person under the age of seventeen who is sentenced
25 for an offense committed on or after January first, two thousand nine-
26 teen, and, commencing January first, two thousand twenty, no county jail
27 shall be used for the confinement of any person under the age of eigh-
28 teen who is sentenced for an offense committed on or after January
29 first, two thousand twenty. Placement of any person who may not be
30 confined to a county jail pursuant to this subdivision shall be deter-
31 mined by the office of children and family services.

32 § 48. The criminal procedure law is amended by adding a new section
33 160.59 to read as follows:

34 § 160.59 Sealing of certain convictions.

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

37 (a) "Eligible offense" shall mean any crime defined in the laws of
38 this state other than a sex offense defined in article one hundred thir-
39 ty of the penal law, an offense defined in article two hundred sixty-
40 three of the penal law, a felony offense defined in article one hundred
41 twenty-five of the penal law, a violent felony offense defined in
42 section 70.02 of the penal law, a class A felony offense defined in the
43 penal law, a felony offense defined in article one hundred five of the
44 penal law where the underlying offense is not an eligible offense, an
45 attempt to commit an offense that is not an eligible offense if the
46 attempt is a felony, or an offense for which registration as a sex
47 offender is required pursuant to article six-C of the correction law.

48 (b) "Sentencing judge" shall mean the judge who pronounced sentence
49 upon the conviction under consideration, or if that judge is no longer
50 sitting in a court in the jurisdiction in which the conviction was
51 obtained, any other judge who is sitting in the criminal court where the
52 judgment of conviction was entered.

53 2. (a) A defendant who has been convicted of up to two eligible
54 offenses but not more than one felony offense may apply to the court in
55 which he or she was convicted of the most serious offense to have such
56 conviction sealed. If all offenses are offenses with the same classi-

1 fication, the application shall be made to the court in which the
2 defendant was last convicted.

3 (b) An application shall contain (i) a copy of a certificate of dispo-
4 sition or other similar documentation for any offense for which the
5 defendant has been convicted, or an explanation of why such certificate
6 or other documentation is not available; (ii) a sworn statement of the
7 defendant as to whether he or she has filed, or then intends to file,
8 any application for sealing of any other eligible offense; (iii) a copy
9 of any other such application that has been filed; (iv) a sworn state-
10 ment as to the conviction or convictions for which relief is being
11 sought; and (v) a sworn statement of the reason or reasons why the court
12 should, in its discretion, grant such sealing, along with any supporting
13 documentation.

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

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

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

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

37 (b) the defendant has previously obtained sealing of the maximum
38 number of convictions allowable under section 160.58 of the criminal
39 procedure law; or

40 (c) the defendant has previously obtained sealing of the maximum
41 number of convictions allowable under subdivision four of this section;
42 or

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

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

46 (f) the defendant was convicted of any crime after the date of the
47 entry of judgement of the last conviction for which sealing is sought;
48 or

49 (g) the defendant has failed to provide the court with the required
50 sworn statement of the reasons why the court should grant the relief
51 requested; or

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

54 4. Provided that the application is not summarily denied for the
55 reasons set forth in subdivision three of this section, a defendant who

1 stands convicted of up to two eligible offenses, may obtain sealing of
2 no more than two eligible offenses but not more than one felony offense.

3 5. Any eligible offense may be sealed only after at least ten years
4 have passed since the imposition of the sentence on the defendant's
5 latest conviction or, if the defendant was sentenced to a period of
6 incarceration, including a period of incarceration imposed in conjunc-
7 tion with a sentence of probation, the defendant's latest release from
8 incarceration. In calculating the ten year period under this subdivi-
9 sion, any period of time the defendant spent incarcerated after the
10 conviction for which the application for sealing is sought, shall be
11 excluded and such ten year period shall be extended by a period or peri-
12 ods equal to the time served under such incarceration.

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

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

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

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

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

32 (d) the character of the defendant, including any measures that the
33 defendant has taken toward rehabilitation, such as participating in
34 treatment programs, work, or schooling, and participating in community
35 service or other volunteer programs;

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

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

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

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

1 9. Records sealed pursuant to this section shall be made available to:
2 (a) the defendant or the defendant's designated agent;

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

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

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

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

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

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

31 § 48-a. Subdivision 16 of section 296 of the executive law, as sepa-
32 rately amended by section 3 of part N and section 14 of part AAA of
33 chapter 56 of the laws of 2009, is amended to read as follows:

34 16. It shall be an unlawful discriminatory practice, unless specif-
35 ically required or permitted by statute, for any person, agency, bureau,
36 corporation or association, including the state and any political subdi-
37 vision thereof, to make any inquiry about, whether in any form of appli-
38 cation or otherwise, or to act upon adversely to the individual
39 involved, any arrest or criminal accusation of such individual not then
40 pending against that individual which was followed by a termination of
41 that criminal action or proceeding in favor of such individual, as
42 defined in subdivision two of section 160.50 of the criminal procedure
43 law, or by a youthful offender adjudication, as defined in subdivision
44 one of section 720.35 of the criminal procedure law, or by a conviction
45 for a violation sealed pursuant to section 160.55 of the criminal proce-
46 dure law or by a conviction which is sealed pursuant to section 160.59
47 or 160.58 of the criminal procedure law, in connection with the licens-
48 ing, employment or providing of credit or insurance to such individual;
49 provided, further, that no person shall be required to divulge informa-
50 tion pertaining to any arrest or criminal accusation of such individual
51 not then pending against that individual which was followed by a termi-
52 nation of that criminal action or proceeding in favor of such individ-
53 ual, as defined in subdivision two of section 160.50 of the criminal
54 procedure law, or by a youthful offender adjudication, as defined in
55 subdivision one of section 720.35 of the criminal procedure law, or by a
56 conviction for a violation sealed pursuant to section 160.55 of the

1 criminal procedure law, or by a conviction which is sealed pursuant to
2 section 160.58 or 160.59 of the criminal procedure law. The provisions
3 of this subdivision shall not apply to the licensing activities of
4 governmental bodies in relation to the regulation of guns, firearms and
5 other deadly weapons or in relation to an application for employment as
6 a police officer or peace officer as those terms are defined in subdivi-
7 sions thirty-three and thirty-four of section 1.20 of the criminal
8 procedure law; provided further that the provisions of this subdivision
9 shall not apply to an application for employment or membership in any
10 law enforcement agency with respect to any arrest or criminal accusation
11 which was followed by a youthful offender adjudication, as defined in
12 subdivision one of section 720.35 of the criminal procedure law, or by a
13 conviction for a violation sealed pursuant to section 160.55 of the
14 criminal procedure law, or by a conviction which is sealed pursuant to
15 section 160.58 or 160.59 of the criminal procedure law.

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

19 3. The provisions of subdivisions one and two of this section requir-
20 ing or authorizing the accusatory instrument filed against a youth to be
21 sealed, and the arraignment and all proceedings in the action to be
22 conducted in private shall not apply in connection with a pending charge
23 of committing any [~~felony~~] offense [~~as~~] defined in article one hundred
24 thirty or two hundred sixty-three of the penal law. [~~The provisions of~~
25 ~~subdivision one requiring the accusatory instrument filed against a~~
26 ~~youth to be sealed shall not apply where such youth has previously been~~
27 ~~adjudicated a youthful offender or convicted of a crime.~~]

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

31 1. Upon conviction of an eligible youth, the court must order a pre-
32 sentence investigation of the defendant. After receipt of a written
33 report of the investigation and at the time of pronouncing sentence the
34 court must determine whether or not the eligible youth is a youthful
35 offender. Such determination shall be in accordance with the following
36 criteria:

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

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

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

52 § 51. Intentionally omitted.

53 § 52. Intentionally omitted.

54 § 53. Intentionally omitted.

55 § 54. Paragraph (vi) of subdivision (a) and subdivision (e) of section
56 115 of the family court act, paragraph (vi) of subdivision (a) as

1 amended and subdivision (e) as added by chapter 222 of the laws of 1994,
2 are amended to read as follows:

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

5 (e) The family court has concurrent jurisdiction with the criminal
6 court over all family offenses as defined in article eight of this act
7 and has concurrent jurisdiction with the youth part of a superior court
8 over any juvenile delinquency proceeding resulting from the removal of
9 the case to the family court pursuant to article seven hundred twenty-
10 five of the criminal procedure law.

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

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

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

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

33 (a) who is:

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

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

41 (iii) sixteen years of age or commencing January first, two thousand
42 twenty, sixteen or seventeen years of age who committed an act that
43 would constitute a crime, or disorderly conduct as defined in section
44 240.20 of the penal law, or harassment in the second degree as defined
45 in section 240.26 of the penal law if committed by an adult; and

46 (b) who is either:

47 (i) not criminally responsible for such conduct by reason of infancy;
48 or

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

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

1 8. "Designated felony act" means an act which, if done by an adult,
2 would be a crime: (i) defined in sections 125.27 (murder in the first
3 degree); 125.25 (murder in the second degree); 135.25 (kidnapping in the
4 first degree); or 150.20 (arson in the first degree) of the penal law
5 committed by a person thirteen, fourteen [~~or~~], fifteen, or sixteen, or
6 commencing January first, two thousand twenty, seventeen years of age;
7 or such conduct committed as a sexually motivated felony, where author-
8 ized pursuant to section 130.91 of the penal law; (ii) defined in
9 sections 120.10 (assault in the first degree); 125.20 (manslaughter in
10 the first degree); 130.35 (rape in the first degree); 130.50 (criminal
11 sexual act in the first degree); 130.70 (aggravated sexual abuse in the
12 first degree); 135.20 (kidnapping in the second degree) but only where
13 the abduction involved the use or threat of use of deadly physical
14 force; 150.15 (arson in the second degree) or 160.15 (robbery in the
15 first degree) of the penal law committed by a person thirteen, fourteen
16 [~~or~~], fifteen, or sixteen, or, commencing January first, two thousand
17 twenty, seventeen years of age; or such conduct committed as a sexually
18 motivated felony, where authorized pursuant to section 130.91 of the
19 penal law; (iii) defined in the penal law as an attempt to commit murder
20 in the first or second degree or kidnapping in the first degree commit-
21 ted by a person thirteen, fourteen [~~or~~], fifteen, or sixteen, or
22 commencing January first, two thousand twenty, seventeen years of age;
23 or such conduct committed as a sexually motivated felony, where author-
24 ized pursuant to section 130.91 of the penal law; (iv) defined in
25 section 140.30 (burglary in the first degree); subdivision one of
26 section 140.25 (burglary in the second degree); subdivision two of
27 section 160.10 (robbery in the second degree) of the penal law; or
28 section 265.03 of the penal law, where such machine gun or such firearm
29 is possessed on school grounds, as that phrase is defined in subdivision
30 fourteen of section 220.00 of the penal law committed by a person four-
31 teen or fifteen years of age; or such conduct committed as a sexually
32 motivated felony, where authorized pursuant to section 130.91 of the
33 penal law; (v) defined in section 120.05 (assault in the second degree)
34 or 160.10 (robbery in the second degree) of the penal law committed by a
35 person fourteen [~~or~~], fifteen, or sixteen or, commencing January first,
36 two thousand twenty, seventeen years of age but only where there has
37 been a prior finding by a court that such person has previously commit-
38 ted an act which, if committed by an adult, would be the crime of
39 assault in the second degree, robbery in the second degree or any desig-
40 nated felony act specified in paragraph (i), (ii), or (iii) of this
41 subdivision regardless of the age of such person at the time of the
42 commission of the prior act; [~~or~~] (vi) other than a misdemeanor commit-
43 ted by a person at least [~~seven~~] twelve but less than [~~sixteen~~] seven-
44 teen years of age, or commencing January first, two thousand twenty a
45 person at least twelve but less than eighteen years of age, but only
46 where there has been two prior findings by the court that such person
47 has committed a prior felony; or (vii) defined in section 125.10 (crimi-
48 nal negligent homicide) of the penal law; 125.11 (aggravated criminally
49 negligent homicide) of the penal law; 125.15 (manslaughter in the second
50 degree) of the penal law; 125.21 (aggravated manslaughter in the second
51 degree) of the penal law; 125.22 (aggravated manslaughter in the first
52 degree) of the penal law; 130.75 (course of sexual conduct against a
53 child) of the penal law; 130.95 (predatory sexual assault) of the penal
54 law; 220.77 (operating as a major trafficker) of the penal law; 490.45
55 (criminal possession of a chemical weapon or a biological weapon in the
56 first degree) of the penal law; 490.55 (criminal use of a chemical weap-

1 on or a biological weapon in the first degree) of the penal law; acts
2 constituting a specified offense defined in 130.91 of the penal law when
3 committed as a sexually motivated felony; acts constituting a specified
4 offense defined in subdivision three of section 490.05 of the penal law
5 when committed as an act of terrorism; or acts constituting a felony
6 defined in article four hundred ninety of the penal law, committed by a
7 person at least sixteen but less than seventeen years of age, or
8 commencing January first, two thousand twenty, at least sixteen but less
9 than eighteen years of age.

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

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

15 1. The family court has exclusive original jurisdiction over any
16 proceeding to determine whether a person is a juvenile delinquent
17 commenced in family court and concurrent jurisdiction with the youth
18 part of a superior court over any such proceeding removed to the family
19 court pursuant to article seven hundred twenty-five of the criminal
20 procedure law.

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

24 § 304.1. Detention. 1. A facility certified by the [~~state division for~~
25 ~~youth~~] office of children and family services as a juvenile detention
26 facility must be operated in conformity with the regulations of the
27 [~~state division for youth and shall be subject to the visitation and~~
28 ~~inspection of the state board of social welfare~~] office of children and
29 family services.

30 2. No child to whom the provisions of this article may apply shall be
31 detained in any prison, jail, lockup, or other place used for adults
32 convicted of crime or under arrest and charged with crime without the
33 approval of the [~~state division for youth~~] office of children and family
34 services in the case of each child and the statement of its reasons
35 therefor. The [~~state division for youth~~] office of children and family
36 services shall promulgate and publish the rules which it shall apply in
37 determining whether approval should be granted pursuant to this subdivi-
38 sion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 2. When practicable such agency may release a child before the filing
52 of a petition to the custody of his or her parents or other person
53 legally responsible for his or her care, or if such legally responsible
54 person is unavailable, to a person with whom he or she resides, when the
55 events occasioning the taking into custody appear to involve allegations

1 that the child committed a delinquent act; provided, however, that such
2 agency must release the child if:

3 (a) such events appear to involve only allegations that the child
4 committed acts that would constitute no more than a violation if commit-
5 ted by an adult; or

6 (b) such events appear to involve only allegations that the child
7 committed acts that would constitute more than a violation but no more
8 than a misdemeanor if committed by an adult if:

9 (i) the alleged acts did not result in any physical injury to another
10 person;

11 (ii) the child does not have any prior adjudications for an act that
12 would constitute a felony if committed by an adult;

13 (iii) the child has no more than one prior adjudication for an act
14 that would constitute a misdemeanor if committed by an adult and that
15 act also did not result in any physical injury as defined in subdivision
16 nine of section 10.00 of the penal law to another person; and

17 (iv) the child was assessed at a low risk on the applicable detention
18 risk assessment instrument approved by the office of children and family
19 services unless the agency determines that detention is necessary
20 because the respondent otherwise poses an imminent risk to public safety
21 and states the reasons for such determination in the child's record.

22 4. If the agency for any reason does not release a child under this
23 section, such child shall be brought before the appropriate family
24 court, or when such family court is not in session, to the most accessi-
25 ble magistrate, if any, designated by the appellate division of the
26 supreme court in the applicable department; provided, however, that if
27 such family court is not in session and if a magistrate is not avail-
28 able, such youth shall be brought before such family court within seven-
29 ty-two hours or the next day the court is in session, whichever is soon-
30 er. Such agency shall thereupon file an application for an order
31 pursuant to section 307.4 of this part and shall forthwith serve a copy
32 of the application upon the appropriate presentment agency. Nothing in
33 this subdivision shall preclude the adjustment of suitable cases pursu-
34 ant to section 308.1.

35 § 66. The section heading and subdivisions 1, 2, 3, 9, 12 and 13 of
36 section 308.1 of the family court act, the section heading and subdivi-
37 sions 1, 3, 9, 12 and 13 as added by chapter 920 of the laws of 1982 and
38 subdivision 2 as amended by section 3 of part V of chapter 55 of the
39 laws of 2012, are amended to read as follows:

40 [~~Rules of court for preliminary~~] Preliminary procedure; adjustment of
41 cases. 1. [~~Rules of court shall authorize and determine the circum-~~
42 ~~stances under which the~~] The probation service may confer with any
43 person seeking to have a juvenile delinquency petition filed, the poten-
44 tial respondent and other interested persons concerning the advisability
45 of requesting that a petition be filed in accordance with this section.

46 2. (a) Except as provided in subdivisions three [~~and~~], four, and thir-
47 teen of this section, the probation service may[~~, in accordance with~~
48 ~~rules of court,~~] attempt to adjust [~~suitable cases~~] a case before a
49 petition is filed if the probation service determines that the case is
50 suitable for adjustment based on the assessed level of risk that the
51 child will commit another act that would constitute a crime as deter-
52 mined by a validated risk assessment instrument and the extent of any
53 physical injury to the victim.

54 (b) If a child is assessed at a low level of risk and the events in
55 the case appear to involve only allegations that the child committed
56 acts that would constitute a violation or a misdemeanor if committed by

1 an adult, the probation service must diligently attempt to adjust the
2 case. Such attempts may include the use of a juvenile review board
3 comprised of appropriate community members to work with the child and
4 his or her family on developing recommended adjustment activities. The
5 probation service may stop attempting to adjust such a case if it deter-
6 mines that there is no substantial likelihood that the child will bene-
7 fit from attempts at adjustment in the time remaining for adjustment or
8 the time for adjustment has expired.

9 (c) The inability of the respondent or his or her family to make
10 restitution shall not be a factor in a decision to adjust a case or in a
11 recommendation to the presentment agency pursuant to subdivision six of
12 this section.

13 (d) The probation service may make an application to the court for a
14 temporary order of protection as part of the adjustment of a case in
15 accordance with section 304.2 of this part.

16 (e) Nothing in this section shall prohibit the probation service or
17 the court from directing a respondent to obtain employment and to make
18 restitution from the earnings from such employment. Nothing in this
19 section shall prohibit the probation service or the court from directing
20 an eligible person to complete an education reform program in accordance
21 with section four hundred fifty-eight-1 of the social services law.

22 3. The probation service shall not attempt to adjust a case that
23 commenced in family court in which the child has allegedly committed a
24 designated felony act that involves allegations that the child caused
25 physical injury to a person unless ~~[it]~~ the probation service has
26 received the written approval of the court.

27 9. Efforts at adjustment ~~[pursuant to rules of court]~~ under this
28 section may not extend for a period of more than two months ~~[without],~~
29 or, for a period of more than four months if the probation service
30 determines that adjustment beyond the first two months is warranted
31 because documented barriers to adjustment exist or changes need to be
32 made to the child's services plan, except upon leave of the court, which
33 may extend the adjustment period for an additional two months.

34 12. The probation service shall certify to the division of criminal
35 justice services and to the appropriate police department or law
36 enforcement agency whenever it adjusts a case in which the potential
37 respondent's fingerprints were taken pursuant to section 306.1 of this
38 part in any manner other than the filing of a petition for juvenile
39 delinquency for an act which, if committed by an adult, would constitute
40 a felony, provided, however, in the case of a child ~~[eleven or]~~ twelve
41 years of age, such certification shall be made only if the act would
42 constitute a class A or B felony, or, in the case of a child eleven
43 years of age, such certification shall be made only if the act would
44 constitute a class A-1 felony.

45 13. The ~~[provisions of this section]~~ probation service shall not
46 ~~[apply]~~ attempt to adjust a case where the petition is an order of
47 removal to the family court pursuant to article seven hundred twenty-
48 five of the criminal procedure law unless it has received the written
49 approval of the court.

50 § 67. Paragraph (c) of subdivision 3 of section 311.1 of the family
51 court act, as added by chapter 920 of the laws of 1982, is amended to
52 read as follows:

53 (c) the fact that the respondent is a person ~~[under sixteen years of]~~
54 of the necessary age to be a juvenile delinquent at the time of the
55 alleged act or acts;

1 § 68. Subdivision 3 of section 320.5 of the family court act is
2 amended by adding a new paragraph (a-1) to read as follows:

3 (a-1) Notwithstanding paragraph (a) of this subdivision, the court
4 shall not direct detention if:

5 (i) the events underlying the initial appearance appear to involve
6 only allegations that the child committed acts that would constitute no
7 more than a violation if committed by an adult; or

8 (ii) such events appear to involve only allegations that the child
9 committed acts that would constitute more than a violation but no more
10 than a misdemeanor if committed by an adult if:

11 (1) the alleged acts did not result in any physical injury as defined
12 in subdivision nine of section 10.00 of the penal law to another person;

13 (2) the respondent does not have any prior adjudications for an act
14 that would constitute a felony if committed by an adult;

15 (3) the respondent has no more than one prior adjudication for an act
16 that would constitute a misdemeanor if committed by an adult and that
17 act did not result in any physical harm to another person; and

18 (4) the respondent was assessed at a low risk on the applicable
19 detention risk assessment instrument approved by the office of children
20 and family services unless the court determines that detention is neces-
21 sary because the respondent otherwise poses an imminent risk to public
22 safety and states the reasons for such determination in the court order.

23 § 69. Paragraphs (a) and (b) of subdivision 5 of section 322.2 of the
24 family court act, paragraph (a) as amended by chapter 37 of the laws of
25 2016 and paragraph (b) as added by chapter 920 of the laws of 1982, are
26 amended to read as follows:

27 (a) If the court finds that there is probable cause to believe that
28 the respondent committed a felony, it shall order the respondent commit-
29 ted to the custody of the commissioner of mental health or the commis-
30 sioner of the office for persons with developmental disabilities for an
31 initial period not to exceed one year from the date of such order. Such
32 period may be extended annually upon further application to the court by
33 the commissioner having custody or his or her designee. Such application
34 must be made not more than sixty days prior to the expiration of such
35 period on forms that have been prescribed by the chief administrator of
36 the courts. At that time, the commissioner must give written notice of
37 the application to the respondent, the counsel representing the respond-
38 ent and the mental hygiene legal service if the respondent is at a resi-
39 dential facility. Upon receipt of such application, the court must
40 conduct a hearing to determine the issue of capacity. If, at the conclu-
41 sion of a hearing conducted pursuant to this subdivision, the court
42 finds that the respondent is no longer incapacitated, he or she shall be
43 returned to the family court for further proceedings pursuant to this
44 article. If the court is satisfied that the respondent continues to be
45 incapacitated, the court shall authorize continued custody of the
46 respondent by the commissioner for a period not to exceed one year. Such
47 extensions shall not continue beyond a reasonable period of time neces-
48 sary to determine whether the respondent will attain the capacity to
49 proceed to a fact finding hearing in the foreseeable future but in no
50 event shall continue beyond the respondent's eighteenth birthday or, if
51 the respondent was at least sixteen years of age when the act was
52 committed, beyond the respondent's twenty-first birthday.

53 (b) If a respondent is in the custody of the commissioner upon the
54 respondent's eighteenth birthday, or if the respondent was at least
55 sixteen years of age when the act resulting in the respondent's place-
56 ment was committed, beyond the respondent's twenty-first birthday, the

1 commissioner shall notify the clerk of the court that the respondent was
2 in his custody on such date and the court shall dismiss the petition.

3 § 70. Subdivisions 1 and 5 of section 325.1 of the family court act,
4 subdivision 1 as amended by chapter 398 of the laws of 1983, subdivision
5 5 as added by chapter 920 of the laws of 1982, are amended to read as
6 follows:

7 1. At the initial appearance, if the respondent denies a charge
8 contained in the petition and the court determines in accordance with
9 the requirements of section 320.5 of this part that ~~he~~ the respondent
10 shall be detained for more than three days pending a fact-finding hear-
11 ing, the court shall schedule a probable-cause hearing to determine the
12 issues specified in section 325.3 of this part.

13 5. Where the petition consists of an order of removal pursuant to
14 article seven hundred twenty-five of the criminal procedure law, unless
15 the removal was pursuant to subdivision three of section 725.05 of such
16 law and the respondent was not afforded a probable cause hearing pursu-
17 ant to subdivision three of section ~~[180.75]~~ 722.20 of such law ~~[for a~~
18 ~~reason other than his waiver thereof pursuant to subdivision two of~~
19 ~~section 180.75 of such law]~~, the petition shall be deemed to be based
20 upon a determination that probable cause exists to believe the respon-
21 dent is a juvenile delinquent and the respondent shall not be entitled to
22 any further inquiry on the subject of whether probable cause exists.
23 After the filing of any such petition the court must, however, exercise
24 independent, de novo discretion with respect to release or detention as
25 set forth in section 320.5 of this part.

26 § 71. Paragraph (a) of subdivision 2 of section 352.2 of the family
27 court act, as amended by chapter 880 of the laws of 1985, is amended to
28 read as follows:

29 (a) In determining an appropriate order the court shall consider the
30 needs and best interests of the respondent as well as the need for
31 protection of the community. If the respondent has committed a desig-
32 nated felony act the court shall determine the appropriate disposition
33 in ~~[accord]~~ accordance with section 353.5 of this part. In all other
34 cases the court shall order the least restrictive available alternative
35 enumerated in subdivision one of this section which is consistent with
36 the needs and best interests of the respondent and the need for
37 protection of the community; provided, however, that the court shall not
38 direct the placement of a respondent with a commissioner of social
39 services or the office of children and family services if:

40 (i) the respondent only committed acts that would constitute no more
41 than a violation if committed by an adult; or

42 (ii) the respondent only committed acts that would constitute more
43 than a violation but no more than a misdemeanor if committed by an adult
44 if:

45 (1) the acts did not result in any physical injury as defined in
46 subdivision nine of section 10.00 of the penal law to another person;

47 (2) the respondent does not have any prior adjudications for an act
48 that would constitute a felony if committed by an adult;

49 (3) the respondent has no more than one prior adjudication for an act
50 that would constitute a misdemeanor if committed by an adult and that
51 act did not result in any physical harm to another person; and

52 (4) the respondent was assessed at a low risk on the applicable pre-
53 dispositional risk assessment instrument approved by the office of chil-
54 dren and family services unless the court determines that such a place-
55 ment is necessary because the respondent otherwise poses an imminent

1 risk to public safety and states the reasons for such determination in
2 the court order.

3 § 72. The opening paragraph of subparagraph (iii) of paragraph (a) and
4 paragraph (d) of subdivision 4 of section 353.5 of the family court act,
5 as amended by section 6 of subpart A of part G of chapter 57 of the laws
6 of 2012, are amended to read as follows:

7 after the period set under subparagraph (ii) of this paragraph, the
8 respondent shall be placed in a residential facility for a period of
9 twelve months; provided, however, that if the respondent has been placed
10 from a family court in a social services district operating an approved
11 juvenile justice services close to home initiative pursuant to section
12 four hundred four of the social services law for an act committed when
13 the respondent was under sixteen years of age, once the time frames in
14 subparagraph (ii) of this paragraph are met:

15 (d) Upon the expiration of the initial period of placement, or any
16 extension thereof, the placement may be extended in accordance with
17 section 355.3 on a petition of any party or the office of children and
18 family services, or, if applicable, a social services district operating
19 an approved juvenile justice services close to home initiative pursuant
20 to section four hundred four of the social services law, after a dispo-
21 sitional hearing, for an additional period not to exceed twelve months,
22 but no initial placement or extension of placement under this section
23 may continue beyond the respondent's twenty-first birthday, or, for an
24 act that was committed when the respondent was sixteen years of age or
25 older, the respondent's twenty-third birthday.

26 § 73. Paragraph (d) of subdivision 4 of section 353.5 of the family
27 court act, as amended by chapter 398 of the laws of 1983, is amended to
28 read as follows:

29 (d) Upon the expiration of the initial period of placement, or any
30 extension thereof, the placement may be extended in accordance with
31 section 355.3 on a petition of any party or the [~~division for youth~~]
32 office of children and family services after a dispositional hearing,
33 for an additional period not to exceed twelve months, but no initial
34 placement or extension of placement under this section may continue
35 beyond the respondent's twenty-first birthday, or, for an act that was
36 committed when the respondent was sixteen years of age or older, the
37 respondent's twenty-third birthday.

38 § 74. Subdivisions 1, 2, 6 and 7 of section 354.1 of the family court
39 act, subdivision 1 as added by chapter 920 of the laws of 1982, subdivi-
40 sions 2, 6 and 7 as amended by chapter 645 of the laws of 1996, are
41 amended to read as follows:

42 1. If a person whose fingerprints, palmprints or photographs were
43 taken pursuant to section 306.1 or was initially fingerprinted as a
44 juvenile offender and the action is subsequently removed to a family
45 court pursuant to article seven hundred twenty-five of the criminal
46 procedure law is adjudicated to be a juvenile delinquent for a felony,
47 the family court shall forward or cause to be forwarded to the division
48 of criminal justice services notification of such adjudication and such
49 related information as may be required by such division, provided,
50 however, in the case of a person eleven [~~or twelve~~] years of age such
51 notification shall be provided only if the act upon which the adjudi-
52 cation is based would constitute a class [~~A or B~~] A-1 felony or, in the
53 case of a person twelve years of age, such notification shall be
54 provided only if the act upon which the adjudication is based would
55 constitute a class A or B felony.

1 2. If a person whose fingerprints, palmprints or photographs were
2 taken pursuant to section 306.1 or was initially fingerprinted as a
3 juvenile offender and the action is subsequently removed to family court
4 pursuant to article seven hundred twenty-five of the criminal procedure
5 law has had all petitions disposed of by the family court in any manner
6 other than an adjudication of juvenile delinquency for a felony, but in
7 the case of acts committed when such person was eleven [~~or twelve~~] years
8 of age which would constitute a class [~~A or B~~] A-1 felony only, or, in
9 the case of acts committed when such person was twelve years of age
10 which would constitute a class A or B felony only, all such finger-
11 prints, palmprints, photographs, and copies thereof, and all information
12 relating to such allegations obtained by the division of criminal
13 justice services pursuant to section 306.1 shall be destroyed forthwith.
14 The clerk of the court shall notify the commissioner of the division of
15 criminal justice services and the heads of all police departments and
16 law enforcement agencies having copies of such records, who shall
17 destroy such records without unnecessary delay.

18 6. If a person fingerprinted pursuant to section 306.1 and subsequent-
19 ly adjudicated a juvenile delinquent for a felony, but in the case of
20 acts committed when such a person was eleven [~~or twelve~~] years of age
21 which would constitute a class [~~A or B~~] A-1 felony only, or, in the case
22 of acts committed when such a person was twelve years of age which would
23 constitute a class A or B felony only, is subsequently convicted of a
24 crime, all fingerprints and related information obtained by the division
25 of criminal justice services pursuant to such section and not destroyed
26 pursuant to subdivisions two, five and seven or subdivision twelve of
27 section 308.1 shall become part of such division's permanent adult crim-
28 inal record for that person, notwithstanding section 381.2 or 381.3.

29 7. When a person fingerprinted pursuant to section 306.1 and subse-
30 quently adjudicated a juvenile delinquent for a felony, but in the case
31 of acts committed when such person was eleven [~~or twelve~~] years of age
32 which would constitute a class [~~A or B~~] A-1 felony only, or, in the case
33 of acts committed when such a person was twelve years of age which would
34 constitute a class A or B felony only, reaches the age of twenty-one, or
35 has been discharged from placement under this act for at least three
36 years, whichever occurs later, and has no criminal convictions or pend-
37 ing criminal actions which ultimately terminate in a criminal
38 conviction, all fingerprints, palmprints, photographs, and related
39 information and copies thereof obtained pursuant to section 306.1 in the
40 possession of the division of criminal justice services, any police
41 department, law enforcement agency or any other agency shall be
42 destroyed forthwith. The division of criminal justice services shall
43 notify the agency or agencies which forwarded fingerprints to such divi-
44 sion pursuant to section 306.1 of their obligation to destroy those
45 records in their possession. In the case of a pending criminal action
46 which does not terminate in a criminal conviction, such records shall be
47 destroyed forthwith upon such determination.

48 § 75. Subdivision 6 of section 355.3 of the family court act, as
49 amended by chapter 663 of the laws of 1985, is amended to read as
50 follows:

51 6. Successive extensions of placement under this section may be grant-
52 ed, but no placement may be made or continued beyond the respondent's
53 eighteenth birthday without the child's consent for acts committed
54 before the respondent's sixteenth birthday and in no event past the
55 child's twenty-first birthday except as provided for in subdivision four
56 of section 353.5 of this part.

1 § 76. Paragraph (b) of subdivision 3 of section 355.5 of the family
2 court act, as amended by chapter 145 of the laws of 2000, is amended to
3 read as follows:

4 (b) subsequent permanency hearings shall be held no later than every
5 twelve months following the respondent's initial twelve months in place-
6 ment but in no event past the respondent's twenty-first birthday;
7 provided, however, that they shall be held in conjunction with an exten-
8 sion of placement hearing held pursuant to section 355.3 of this [~~arti-~~
9 ~~cle~~] part.

10 § 77. Section 360.3 of the family court act is amended by adding a new
11 subdivision 7 to read as follows:

12 7. Nothing herein shall authorize a respondent to be detained under
13 subdivision two of this section or placed under subdivision six of this
14 section for a violation of a condition that would not constitute a crime
15 if committed by an adult unless the court determines (a) that the
16 respondent poses a specific imminent threat to public safety and states
17 the reasons for the finding on the record or (b) the respondent is on
18 probation for an act that would constitute a violent felony as defined
19 in section 70.02 of the penal law if committed by an adult and the use
20 of graduated sanctions has been exhausted without success.

21 § 78. Subdivisions 5 and 6 of section 371 of the social services law,
22 subdivision 5 as added by chapter 690 of the laws of 1962, and subdivi-
23 sion 6 as amended by chapter 596 of the laws of 2000, are amended to
24 read as follows:

25 5. "Juvenile delinquent" means a person [~~over seven and less than~~
26 ~~sixteen years of age who does any act which, if done by an adult, would~~
27 ~~constitute a crime~~] as defined in section 301.2 of the family court act.

28 6. "Person in need of supervision" means a person [~~less than eighteen~~
29 ~~years of age who is habitually truant or who is incorrigible, ungovernable~~
30 ~~or habitually disobedient and beyond the lawful control of a parent~~
31 ~~or other person legally responsible for such child's care, or other~~
32 ~~lawful authority~~] as defined in section seven hundred twelve of the
33 family court act.

34 § 79. Subdivisions 3 and 4 of section 502 of the executive law, subdivi-
35 sion 3 as amended by section 1 of subpart B of part Q of chapter 58 of
36 the laws of 2011 and subdivision 4 as added by chapter 465 of the laws
37 of 1992, are amended to read as follows:

38 3. "Detention" means the temporary care and maintenance of youth held
39 away from their homes pursuant to article three [~~or seven~~] of the family
40 court act, or held pending a hearing for alleged violation of the condi-
41 tions of release from an office of children and family services facility
42 or authorized agency, or held pending a hearing for alleged violation of
43 the condition of parole as a juvenile offender, or held pending return
44 to a jurisdiction other than the one in which the youth is held, or held
45 pursuant to a securing order of a criminal court if the youth named
46 therein as principal is charged as a juvenile offender or held pending a
47 hearing on an extension of placement or held pending transfer to a
48 facility upon commitment or placement by a court or pursuant to article
49 seven of the family court act if the petition pursuant to such article
50 was filed prior to January first, two thousand twenty. Only alleged or
51 convicted juvenile offenders who have not attained their eighteenth or,
52 commencing January first, two thousand nineteen, their twenty-first
53 birthday shall be subject to detention in a detention facility.

54 4. For purposes of this article, the term "youth" shall [~~be synonymous~~
55 ~~with the term "child" and means~~] mean a person not less than seven years

1 of age and not more than twenty or commencing January first, two thou-
2 sand nineteen, not more than twenty-two years of age.

3 § 80. Paragraph (a) of subdivision 2 and subdivision 5 of section
4 507-a of the executive law, as amended by chapter 465 of the laws of
5 1992, are amended to read as follows:

6 (a) Consistent with other provisions of law, only those youth who have
7 reached the age of [~~seven~~] ten but who have not reached the age of twen-
8 ty-one may be placed in[~~-, committed to or remain in~~] the [~~division's~~]
9 custody of the office of children and family services. Except as
10 provided for in paragraph (a-1) of this subdivision, no youth who has
11 reached the age of twenty-one may remain in custody of the office of
12 children and family services.

13 (a-1) (i) A youth who is committed to the office of children and fami-
14 ly services as a juvenile offender or youthful offender may remain in
15 the custody of the office during the period of his or her sentence
16 beyond the age of twenty-one in accordance with the provisions of subdi-
17 vision five of section five hundred eight of this title but in no event
18 may such a youth remain in the custody of the office beyond his or her
19 twenty-third birthday; and (ii) a youth found to have committed a desig-
20 nated class A felony act who is restrictively placed with the office
21 under subdivision four of section 353.5 of the family court act for
22 committing an act on or after the youth's sixteenth birthday may remain
23 in the custody of the office of children and family services up to the
24 age of twenty-three in accordance with his or her placement order.

25 (a-2) Whenever it shall appear to the satisfaction of the [~~division~~]
26 office of children and family services that any youth placed therewith
27 is not of proper age to be so placed or is not properly placed, or is
28 mentally or physically incapable of being materially benefited by the
29 program of the [~~division~~] office, the [~~division~~] office shall cause the
30 return of such youth to the county from which placement was made.

31 5. Consistent with other provisions of law, in the discretion of the
32 [~~director, youth~~] commissioner of the office of children and family
33 services, youth placed within the office under the family court act who
34 attain the age of eighteen while in [~~division~~] custody of the office and
35 who are not required to remain in the placement with the office as a
36 result of a dispositional order of the family court may reside in a
37 non-secure facility until the age of twenty-one, provided that such
38 youth attend a full-time vocational or educational program and are like-
39 ly to benefit from such program.

40 § 81. Paragraphs (a), (b), (c), (d) and (e) of subdivision 2 and
41 subdivision 4 of section 508 of the executive law are REPEALED.

42 § 82. Subdivisions 1, 2, 3, 5, 6, 7, 8 and 9 of section 508 of the
43 executive law, subdivision 1 as amended by chapter 738 of the laws of
44 2004, subdivision 2 as amended by chapter 572 of the laws of 1985,
45 subdivision 3 as added by chapter 481 of the laws of 1978 and renumbered
46 by chapter 465 of the laws of 1992, subdivisions 5, 6 and 7 as amended
47 by section 97 of subpart B of part C of chapter 62 of the laws of 2011,
48 subdivision 8 as added by chapter 560 of the laws of 1984 and subdivi-
49 sion 9 as amended by chapter 37 of the laws of 2016, are amended and a
50 new subdivision 1-a is added to read as follows:

51 1. The office of children and family services shall maintain [~~secure~~]
52 facilities for the care and confinement of juvenile offenders committed
53 [~~for an indeterminate, determinate or definite sentence~~] to the office
54 pursuant to the sentencing provisions of the penal law. Such facilities
55 shall provide appropriate services to juvenile offenders including but

1 not limited to residential care, educational and vocational training,
2 physical and mental health services, and employment counseling.

3 1-a. (a) (i) The state shall establish one or more facilities with
4 enhanced security features and specially trained staff to serve those
5 youth sentenced for committing offenses on or after their sixteenth
6 birthday who are determined, based on the placement classification
7 protocol established pursuant to paragraph (c) of this subdivision, to
8 need an enhanced level of secure care which shall be administered by the
9 office of children and family services.

10 (ii) A council comprised of the commissioner of the office of children
11 and family services, the commissioner of the department of corrections
12 and community supervision, the commissioner of the state commission of
13 correction, and the commissioner of the division of criminal justice
14 services shall be established to oversee the operation of the facility.
15 The governor shall designate the chair of the council. The council shall
16 have the power to perform all acts necessary to carry out its duties
17 including making unannounced visits and inspections of the facility at
18 any time. Notwithstanding any other provision of state law to the
19 contrary, the council may request and the office shall submit to the
20 council, to the extent permitted by federal law, all information in the
21 form and manner and at such times as the council may require that is
22 appropriate to the purposes and operation of the council. The council
23 shall be subject to the same laws as apply to the office regarding the
24 protection and confidentiality of the information made available to the
25 council and shall prevent access thereto by, or the distribution thereof
26 to, persons not authorized by law.

27 (iii) Youth division aides and other appropriate staff working in the
28 facility shall receive specialized training to address working with the
29 types of youth placed in the facility, which shall include but not be
30 limited to, training on tactical responses and de-escalation techniques.
31 Any applicant for employment in the facility as a youth division aide
32 shall be subject to the same requirements and processes for psycholog-
33 ical screening as applicants for employment as correctional officers
34 with the department of corrections and community supervision pursuant to
35 section eight of the correction law including the right to review by the
36 independent advisory board established pursuant to such section,
37 provided, however, that when referred to in such section "department"
38 shall mean the office of children and family services and "commissioner"
39 shall mean the commissioner of the office of children and family
40 services. All staff of the facility shall be subject to random drug
41 tests.

42 (b) The department of corrections and community supervision or the
43 state commission of correction shall assign an assistant commissioner to
44 assist the office of children and family services, on a permanent basis,
45 with the security issues relating to operating facilities serving the
46 additional youth sentenced to the office.

47 (c) The department of corrections and community supervision or the
48 state commission of correction and the office of children and family
49 services shall jointly establish a placement classification protocol to
50 be used by the assistant commissioner assigned to the office pursuant to
51 paragraph (b) of this subdivision and an office of children and family
52 services official designated by the commissioner of the office to deter-
53 mine the appropriate level of care for each youth sentenced to the
54 office. The protocol shall include, but not necessarily be limited to,
55 consideration of the nature of the youth's offense and the youth's
56 history and service needs.

1 (d) Any new facilities developed by the office of children and family
2 services to serve the additional youth placed with the office as a
3 result of raising the age of juvenile jurisdiction shall, to the extent
4 practicable, consist of smaller, more home-like facilities located near
5 the youths' homes and families that provide gender-responsive program-
6 ming, services and treatment in small, closely supervised groups that
7 offer extensive and on-going individual attention and encourage support-
8 ive peer relationships.

9 2. Juvenile offenders committed to the office for committing crimes
10 prior to the age of sixteen shall be confined in such facilities until
11 the age of twenty-one in accordance with their sentences, and shall not
12 be released, discharged or permitted home visits except pursuant to the
13 provisions of this section.

14 3. The [~~division~~] office of children and family services shall report
15 in writing to the sentencing court and district attorney, not less than
16 once every six months during the period of confinement, on the status,
17 adjustment, programs and progress of the offender.

18 [~~5-~~] 4. The office of children and family services may transfer an
19 offender not less than eighteen [~~nor more than twenty-one~~] years of age
20 to the department of corrections and community supervision if the
21 commissioner of the office certifies to the commissioner of corrections
22 and community supervision that there is no substantial likelihood that
23 the youth will benefit from the programs offered by office facilities.

24 [~~6- At age twenty-one, all~~] 5. (a) All juvenile offenders committed to
25 the office for committing a crime prior to the youth's sixteenth birth-
26 day who still have time left on their sentences of imprisonment shall be
27 transferred at age twenty-one to the custody of the department of
28 corrections and community supervision for confinement pursuant to the
29 correction law.

30 [~~7-~~] (b) All offenders committed or transferred to the office for
31 committing a crime on or after their sixteenth birthday who still have
32 time left on their sentences of imprisonment shall be transferred to the
33 custody of the department of corrections and community supervision for
34 confinement pursuant to the correction law after completing two years of
35 care in office of children and family services facilities unless they
36 are within four months of completing the imprisonment portion of their
37 sentence and the office determines, in its discretion, on a case-by-case
38 basis that the youth should be permitted to remain with the office for
39 the additional short period of time necessary to enable them to complete
40 their sentence. In making such a determination, the factors the office
41 may consider include, but are not limited to, the age of the youth, the
42 amount of time remaining on the youth's sentence of imprisonment, the
43 level of the youth's participation in the program, the youth's educa-
44 tional and vocational progress, the opportunities available to the youth
45 through the office and through the department, and the length of the
46 youth's post-release supervision sentence. Nothing in this paragraph
47 shall authorize a youth to remain in an office facility beyond his or
48 her twenty-third birthday.

49 (c) Commencing January first, two thousand nineteen, all juvenile
50 offenders who are eligible to be released from an office of children and
51 family services facility before they are required to be transferred to
52 the department of corrections and community supervision and who are able
53 to complete the full-term of their post-release supervision sentences
54 before they turn twenty-three years of age shall remain with the office
55 of children and family services for post-release supervision.

1 (d) Commencing January first, two thousand nineteen, all juvenile
2 offenders released from an office of children and family services facil-
3 ity before they are transferred to the department of corrections and
4 community supervision who are unable to complete the full-term of their
5 post-release supervision sentences before they turn twenty-three years
6 of age shall be under the supervision of the department of corrections
7 and community supervision until expiration of the maximum term or period
8 of sentence, or expiration of supervision, including any post-release
9 supervision as the case may be provided, however, that the office shall
10 assist such department in planning for the youth's post-release super-
11 vision.

12 6. While in the custody of the office of children and family services,
13 an offender shall be subject to the rules and regulations of the office,
14 except that his or her parole, post-release supervision, temporary
15 release and discharge shall be governed by the laws applicable to
16 inmates of state correctional facilities and his or her transfer to
17 state hospitals in the office of mental health shall be governed by
18 section five hundred nine of this chapter; provided, however, that an
19 otherwise eligible juvenile offender may receive the six-month limited
20 credit time allowance for successful participation in one or more
21 programs developed by the office of children and family services that
22 are comparable to the programs set forth in section eight hundred
23 three-b of the correction law, taking into consideration the age of
24 juvenile offenders. The commissioner of the office of children and
25 family services shall, however, establish and operate temporary release
26 programs at office of children and family services facilities and
27 provide post-release supervision for eligible juvenile offenders and
28 ~~[contract with the department of corrections and community supervision~~
29 ~~for the provision of parole]~~ provide supervision ~~[services]~~ for tempo-
30 rary releasees and juveniles on post-release supervision. The rules and
31 regulations for these programs shall not be inconsistent with the laws
32 for temporary release and post-release supervision applicable to inmates
33 of state correctional facilities. For the purposes of temporary release
34 programs for juvenile offenders only, when referred to or defined in
35 article twenty-six of the correction law, "institution" shall mean any
36 facility designated by the commissioner of the office of children and
37 family services, "department" shall mean the office of children and
38 family services, "inmate" shall mean a juvenile offender residing in an
39 office of children and family services facility, and "commissioner"
40 shall mean the ~~[director]~~ commissioner of the office of children and
41 family services. For the purposes of such post-release supervision for
42 juvenile offenders under paragraph (c) of subdivision five of this
43 section only, when referred to in section 70.45 of the penal law or
44 article twelve-B of the executive law, the term "department of
45 corrections and community supervision", "department", "division of
46 parole", "division", "board of parole" and "board" shall mean the office
47 of children and family services, and the term "commissioner" shall mean
48 the office of children and family services. Time spent in office of
49 children and family services facilities and in juvenile detention facil-
50 ities shall be credited towards the sentence imposed in the same manner
51 and to the same extent applicable to inmates of state correctional
52 facilities.

53 [~~8~~] 7. Whenever a juvenile offender or a juvenile offender adjudi-
54 cated a youthful offender shall be delivered to the director of ~~[a divi-~~
55 ~~sion for youth]~~ an office of children and family services facility
56 pursuant to a commitment to the ~~[director of the division for youth]~~

1 office of children and family services, the officer so delivering such
2 person shall deliver to such facility director a certified copy of the
3 sentence received by such officer from the clerk of the court by which
4 such person shall have been sentenced, a copy of the report of the
5 probation officer's investigation and report, any other pre-sentence
6 memoranda filed with the court, a copy of the person's fingerprint
7 records, a detailed summary of available medical records, psychiatric
8 records and reports relating to assaults, or other violent acts,
9 attempts at suicide or escape by the person while in the custody of a
10 local detention facility.

11 ~~[9-]~~ 8. Notwithstanding any provision of law, including section five
12 hundred one-c of this article, the office of children and family
13 services shall make records pertaining to a person convicted of a sex
14 offense as defined in subdivision (p) of section 10.03 of the mental
15 hygiene law available upon request to the commissioner of mental health
16 or the commissioner of the office for persons with developmental disa-
17 bilities, as appropriate; a case review panel; and the attorney general;
18 in accordance with the provisions of article ten of the mental hygiene
19 law.

20 § 83. Section 712 of the family court act, as amended by chapter 920
21 of the laws of 1982, subdivision (a) as amended by section 7 of part G
22 of chapter 58 of the laws of 2010, subdivision (b) as amended by chapter
23 465 of the laws of 1992, subdivision (g) as amended by section 2 of part
24 B of chapter 3 of the laws of 2005, subdivision (h) as added by chapter
25 7 of the laws of 1999, subdivision (i) as amended and subdivisions (j),
26 (k), (l) and (m) as added by chapter 38 of the laws of 2014, is amended
27 to read as follows:

28 § 712. Definitions. As used in this article, the following terms shall
29 have the following meanings:

30 (a) "Person in need of supervision". A person less than eighteen years
31 of age who does not attend school in accordance with the provisions of
32 part one of article sixty-five of the education law or who is incorrigi-
33 ble, ungovernable or habitually disobedient and beyond the lawful
34 control of a parent or other person legally responsible for such child's
35 care, or other lawful authority, or who violates the provisions of
36 section 221.05 or 230.00 of the penal law, or who appears to be a sexu-
37 ally exploited child as defined in paragraph (a), (c) or (d) of subdivi-
38 sion one of section four hundred forty-seven-a of the social services
39 law, but only if the child consents to the filing of a petition under
40 this article.

41 (b) [~~"Detention". The temporary care and maintenance of children away~~
42 ~~from their own homes as defined in section five hundred two of the exec-~~
43 ~~utive law.~~

44 [~~(c) "Secure detention facility". A facility characterized by phys-~~
45 ~~ically restricting construction, hardware and procedures.~~

46 [~~(d) "Non-secure detention facility". A facility characterized by the~~
47 ~~absence of physically restricting construction, hardware and procedures.~~

48 (e)] "Fact-finding hearing". A hearing to determine whether the
49 respondent did the acts alleged to show that he or she violated a law or
50 is incorrigible, ungovernable or habitually disobedient and beyond the
51 control of his or her parents, guardian or legal custodian.

52 [~~(f)]~~ (c) "Dispositional hearing". A hearing to determine whether the
53 respondent requires supervision or treatment.

54 [~~(g)]~~ (d) "Aggravated circumstances". Aggravated circumstances shall
55 have the same meaning as the definition of such term in subdivision (j)
56 of section one thousand twelve of this act.

1 on, jail, lockup, or other place used for adults convicted of crime or
2 under arrest and charged with a crime.

3 ~~[2. The detention of a child in a secure detention facility shall not
4 be directed under any of the provisions of this article.]~~

5 ~~3. Detention of a person alleged to be or adjudicated as a person in
6 need of supervision shall, except as provided in subdivision four of
7 this section, be authorized only in a foster care program certified by
8 the office of children and family services, or a certified or approved
9 family boarding home, or a non-secure detention facility certified by
10 the office and in accordance with section seven hundred thirty nine of
11 this article. The setting of the detention shall take into account (a)
12 the proximity to the community in which the person alleged to be or
13 adjudicated as a person in need of supervision lives with such person's
14 parents or to which such person will be discharged, and (b) the existing
15 educational setting of such person and the proximity of such setting to
16 the location of the detention setting.]~~

17 ~~4. Whenever detention is authorized and ordered pursuant to this arti-
18 cle, for a person alleged to be or adjudicated as a person in need of
19 supervision, a family court in a city having a population of one million
20 or more shall, notwithstanding any other provision of law, direct
21 detention in a foster care facility established and maintained pursuant
22 to the social services law. In all other respects, the detention of such
23 a person in a foster care facility shall be subject to the identical
24 terms and conditions for detention as are set forth in this article and
25 in section two hundred thirty five of this act.]~~

26 ~~5. (a) The court shall not order or direct detention under this arti-
27 cle, unless the court determines that there is no substantial likelihood
28 that the youth and his or her family will continue to benefit from
29 diversion services and that all available alternatives to detention have
30 been exhausted; and~~

31 ~~(b) Where the youth is sixteen years of age or older, the court shall
32 not order or direct detention under this article, unless the court
33 determines and states in its order that special circumstances exist to
34 warrant such detention.]~~

35 ~~(c) If the respondent may be a sexually exploited child as defined in
36 subdivision one of section four hundred forty seven a of the social
37 services law, the court may direct the respondent to an available short-
38 term safe house as defined in subdivision two of section four hundred
39 forty-seven-a of the social services law as an alternative to
40 detention.]~~

41 § 86. Section 727 of the family court act is REPEALED.

42 § 87. The section heading and subdivisions (c) and (d) of section 728
43 of the family court act, subdivision (d) as added by chapter 145 of the
44 laws of 2000, paragraph (i) as added and paragraph (ii) of subdivision
45 (d) as renumbered by section 5 of part E of chapter 57 of the laws of
46 2005, and paragraph (iii) as amended and paragraph (iv) of subdivision
47 (d) as added by section 10 of subpart B of part Q of chapter 58 of the
48 laws of 2011, are amended to read as follows:

49 Discharge[7] or release [~~or detention~~] by judge after hearing and
50 before filing of petition in custody cases.

51 (c) An order of release under this section may, but need not, be
52 conditioned upon the giving of a recognizance in accord with [~~sections~~]
53 section seven hundred twenty-four (b) (i).

54 [~~(d) Upon a finding of facts and reasons which support a detention
55 order pursuant to this section, the court shall also determine and state
56 in any order directing detention.]~~

1 ~~(i) that there is no substantial likelihood that the youth and his or~~
2 ~~her family will continue to benefit from diversion services and that all~~
3 ~~available alternatives to detention have been exhausted; and~~

4 ~~(ii) whether continuation of the child in the child's home would be~~
5 ~~contrary to the best interests of the child based upon, and limited to,~~
6 ~~the facts and circumstances available to the court at the time of the~~
7 ~~hearing held in accordance with this section; and~~

8 ~~(iii) where appropriate, whether reasonable efforts were made prior to~~
9 ~~the date of the court hearing that resulted in the detention order, to~~
10 ~~prevent or eliminate the need for removal of the child from his or her~~
11 ~~home or, if the child had been removed from his or her home prior to the~~
12 ~~court appearance pursuant to this section, where appropriate, whether~~
13 ~~reasonable efforts were made to make it possible for the child to safely~~
14 ~~return home; and~~

15 ~~(iv) whether the setting of the detention takes into account the prox-~~
16 ~~imity to the community in which the person alleged to be or adjudicated~~
17 ~~as a person in need of supervision lives with such person's parents or~~
18 ~~to which such person will be discharged, and the existing educational~~
19 ~~setting of such person and the proximity of such setting to the location~~
20 ~~of the detention setting.]~~

21 § 88. Section 729 of the family court act is REPEALED.

22 § 89. Subdivisions (b) and (f) and paragraph (i) of subdivision (d) of
23 section 735 of the family court act, subdivision (b) as amended by chap-
24 ter 38 of the laws of 2014, paragraph (i) of subdivision (d) as amended
25 by chapter 535 of the laws of 2011 and subdivision (f) as added by
26 section 7 of part E of chapter 57 of the laws of 2005, are amended to
27 read as follows:

28 (b) The designated lead agency shall:

29 (i) confer with any person seeking to file a petition, the youth who
30 may be a potential respondent, his or her family, and other interested
31 persons, concerning the provision of diversion services before any peti-
32 tion may be filed; and

33 (ii) diligently attempt to prevent the filing of a petition under this
34 article or, after the petition is filed, to prevent the placement of the
35 youth into foster care; and

36 (iii) assess whether the youth would benefit from residential respite
37 services; and

38 (iv) assess whether the youth is a sexually exploited child as defined
39 in section four hundred forty-seven-a of the social services law and, if
40 so, whether such youth should be referred to a safe house; and

41 (v) determine whether alternatives to detention are appropriate to
42 avoid remand of the youth to detention including whether the youth and
43 his or her family should be referred to an available family support
44 center; and

45 [~~(v)~~] (vi) determine whether an assessment of the youth for substance
46 use disorder by an office of alcoholism and substance abuse services
47 certified provider is necessary when a person seeking to file a petition
48 alleges in such petition that the youth is suffering from a substance
49 use disorder which could make the youth a danger to himself or herself
50 or others. Provided, however, that notwithstanding any other provision
51 of law to the contrary, the designated lead agency shall not be required
52 to pay for all or any portion of the costs of such assessment or for any
53 substance use disorder or detoxification services, except in cases where
54 medical assistance for needy persons may be used to pay for all or any
55 portion of the costs of such assessment or services. The office of alco-

1 holism and substance abuse services shall make a list of its certified
2 providers available to the designated lead agency.

3 (i) providing, at the first contact, information on the availability
4 of or a referral to services in the geographic area where the youth and
5 his or her family are located that may be of benefit in avoiding the
6 need to file a petition under this article; including the availability,
7 for up to twenty-one days, of a residential respite program, if the
8 youth and his or her parent or other person legally responsible for his
9 or her care agree, and the availability of other non-residential crisis
10 intervention programs such as a family support center, family crisis
11 counseling or alternative dispute resolution programs or an educational
12 program as defined in section four hundred fifty-eight-1 of the social
13 services law.

14 (f) Efforts to prevent the filing of a petition pursuant to this
15 section may extend until the designated lead agency determines that
16 there is no substantial likelihood that the youth and his or her family
17 will benefit from further attempts. Efforts at diversion pursuant to
18 this section may continue after the filing of a petition where the
19 designated lead agency determines that the youth and his or her family
20 will benefit from further attempts to prevent placement of the youth
21 ~~[from entering foster care]~~ in accordance with section seven hundred
22 fifty-six of this article.

23 § 90. Section 739 of the family court act, as amended by chapter 920
24 of the laws of 1982, subdivision (a) as amended by section 10 of part G
25 of chapter 58 of the laws of 2010, subdivision (c) as added by chapter
26 145 of the laws of 2000, is amended to read as follows:

27 § 739. Release or [detention] referral after filing of petition and
28 prior to order of disposition. ~~[(a)]~~ After the filing of a petition
29 under section seven hundred thirty-two of this part, the court in its
30 discretion may release the respondent ~~[or direct his or her detention]~~.
31 If the respondent may be a sexually exploited child as defined in subdivi-
32 sion one of section four hundred forty-seven-a of the social services
33 law, the court may direct the respondent to an available short-term safe
34 house ~~[as an alternative to detention. However, the court shall not~~
35 ~~direct detention unless it finds and states the facts and reasons for so~~
36 ~~finding that unless the respondent is detained there is a substantial~~
37 ~~probability that the respondent will not appear in court on the return~~
38 ~~date and all available alternatives to detention have been exhausted.~~

39 ~~(b) Unless the respondent waives a determination that probable cause~~
40 ~~exists to believe that he is a person in need of supervision, no~~
41 ~~detention under this section may last more than three days (i) unless~~
42 ~~the court finds, pursuant to the evidentiary standards applicable to a~~
43 ~~hearing on a felony complaint in a criminal court, that such probable~~
44 ~~cause exists, or (ii) unless special circumstances exist, in which cases~~
45 ~~such detention may be extended not more than an additional three days~~
46 ~~exclusive of Saturdays, Sundays and public holidays.~~

47 ~~(c) Upon a finding of facts and reasons which support a detention~~
48 ~~order pursuant to subdivision (a) of this section, the court shall also~~
49 ~~determine and state in any order directing detention:~~

50 ~~(i) whether continuation of the respondent in the respondent's home~~
51 ~~would be contrary to the best interests of the respondent based upon,~~
52 ~~and limited to, the facts and circumstance available to the court at the~~
53 ~~time of the court's determination in accordance with this section; and~~

54 ~~(ii) where appropriate, whether reasonable efforts were made prior to~~
55 ~~the date of the court order directing detention in accordance with this~~
56 ~~section, to prevent or eliminate the need for removal of the respondent~~

1 ~~from his or her home or, if the respondent had been removed from his or~~
2 ~~her home prior to the court appearance pursuant to this section, where~~
3 ~~appropriate, whether reasonable efforts were made to make it possible~~
4 ~~for the respondent to safely return home].~~

5 § 91. Section 741-a of the family court act, as amended by section 3
6 of part B of chapter 327 of the laws of 2007, is amended to read as
7 follows:

8 § 741-a. Notice and right to be heard. The foster parent caring for
9 [~~the child~~] a sexually exploited child placed in accordance with section
10 seven hundred fifty-six of this article or any pre-adoptive parent or
11 relative providing care for the respondent shall be provided with notice
12 of any permanency hearing held pursuant to this article by the social
13 services official. Such foster parent, pre-adoptive parent or relative
14 shall have the right to be heard at any such hearing; provided, however,
15 no such foster parent, pre-adoptive parent or relative shall be
16 construed to be a party to the hearing solely on the basis of such
17 notice and right to be heard. The failure of the foster parent, pre-a-
18 doptive parent, or relative caring for the child to appear at a perman-
19 ency hearing shall constitute a waiver of the right to be heard and such
20 failure to appear shall not cause a delay of the permanency hearing nor
21 shall such failure to appear be a ground for the invalidation of any
22 order issued by the court pursuant to this section.

23 § 92. Section 747 of the family court act is REPEALED.

24 § 93. Section 748 of the family court act is REPEALED.

25 § 94. Subdivision (b) of section 749 of the family court act, as
26 amended by chapter 806 of the laws of 1973, is amended to read as
27 follows:

28 (b) On its own motion, the court may adjourn the proceedings on
29 conclusion of a fact-finding hearing or during a dispositional hearing
30 to enable it to make inquiry into the surroundings, conditions and
31 capacities of the respondent. An [~~adjournment on the court's motion may~~
32 ~~not be for a period of more than ten days if the respondent is detained,~~
33 ~~in which case not more than a total of two such adjournments may be~~
34 ~~granted in the absence of special circumstances. If the respondent is~~
35 ~~not detained, an~~] adjournment may be for a reasonable time, but the
36 total number of adjourned days may not exceed two months.

37 § 95. Paragraph (a) of subdivision 2 of section 754 of the family
38 court act, as amended by chapter 7 of the laws of 1999, subparagraph
39 (ii) of paragraph (a) as amended by section 20 of part L of chapter 56
40 of the laws of 2015, is amended to read as follows:

41 (a) The order shall state the court's reasons for the particular
42 disposition. If the court places the child in accordance with section
43 seven hundred fifty-six of this part, the court in its order shall
44 determine: (i) whether continuation in the child's home would be contra-
45 ry to the best interest of the child and where appropriate, that reason-
46 able efforts were made prior to the date of the dispositional hearing
47 held pursuant to this article to prevent or eliminate the need for
48 removal of the child from his or her home and, if the child was removed
49 from his or her home prior to the date of such hearing, that such
50 removal was in the child's best interest and, where appropriate, reason-
51 able efforts were made to make it possible for the child to return safe-
52 ly home. If the court determines that reasonable efforts to prevent or
53 eliminate the need for removal of the child from the home were not made
54 but that the lack of such efforts was appropriate under the circum-
55 stances, the court order shall include such a finding; and (ii) in the
56 case of a child who has attained the age of fourteen, the services need-

1 ed, if any, to assist the child to make the transition from foster care
2 to independent living. [~~Nothing in this subdivision shall be construed~~
3 ~~to modify the standards for directing detention set forth in section~~
4 ~~seven hundred thirty-nine of this article.~~]

5 § 96. Section 756 of the family court act, as amended by chapter 920
6 of the laws of 1982, paragraph (i) of subdivision (a) as amended by
7 chapter 309 of the laws of 1996, the opening paragraph of paragraph (ii)
8 of subdivision (a) as amended by section 11 of part G of chapter 58 of
9 the laws of 2010, subdivision (b) as amended by chapter 7 of the laws of
10 1999, and subdivision (c) as amended by section 10 of part E of chapter
11 57 of the laws of 2005, is amended to read as follows:

12 § 756. Placement. (a) (i) For purposes of section seven hundred
13 fifty-four, the court may place the child in its own home or in the
14 custody of a suitable relative or other suitable private person [~~or a~~
15 ~~commissioner of social services~~], subject to the orders of the court.

16 (ii) [~~Where the child is placed~~] If the court finds that the respond-
17 ent is a sexually exploited child as defined in subdivision one of
18 section four hundred forty-seven-a of the social services law, the court
19 may place the child with the commissioner of the local social services
20 district[~~, the court~~] and may direct the commissioner to place the child
21 with an authorized agency or class of authorized agencies, including[~~7~~
22 ~~if the court finds that the respondent is a sexually exploited child as~~
23 ~~defined in subdivision one of section four hundred forty-seven-a of the~~
24 ~~social services law,~~] an available long-term safe house. Unless the
25 dispositional order provides otherwise, the court so directing shall
26 include one of the following alternatives to apply in the event that the
27 commissioner is unable to so place the child:

28 (1) the commissioner shall apply to the court for an order to stay,
29 modify, set aside, or vacate such directive pursuant to the provisions
30 of section seven hundred sixty-two or seven hundred sixty-three; or

31 (2) the commissioner shall return the child to the family court for a
32 new dispositional hearing and order.

33 (b) Placements under this section may be for an initial period of
34 twelve months. The court may extend a placement pursuant to section
35 seven hundred fifty-six-a. In its discretion, the court may recommend
36 restitution or require services for public good pursuant to section
37 seven hundred fifty-eight-a in conjunction with an order of placement.
38 For the purposes of calculating the initial period of placement, such
39 placement shall be deemed to have commenced sixty days after the date
40 the child was removed from his or her home in accordance with the
41 provisions of this article. [~~If the respondent has been in detention~~
42 ~~pending disposition, the initial period of placement ordered under this~~
43 ~~section shall be credited with and diminished by the amount of time~~
44 ~~spent by the respondent in detention prior to the commencement of the~~
45 ~~placement unless the court finds that all or part of such credit would~~
46 ~~not serve the best interests of the respondent.~~]

47 [~~(c) A placement pursuant to this section with the commissioner of~~
48 ~~social services shall not be directed in any detention facility, but the~~
49 ~~court may direct detention pending transfer to a placement authorized~~
50 ~~and ordered under this section for no more than than fifteen days after~~
51 ~~such order of placement is made. Such direction shall be subject to~~
52 ~~extension pursuant to subdivision three of section three hundred nine-~~
53 ~~ty-eight of the social services law, upon written documentation to the~~
54 ~~office of children and family services that the youth is in need of~~
55 ~~specialized treatment or placement and the diligent efforts by the~~
56 ~~commissioner of social services to locate an appropriate placement.~~]

1 § 97. Section 758-a of the family court act, as amended by chapter 73
2 of the laws of 1979, subdivision 1 as amended by chapter 4 of the laws
3 of 1987, paragraph (b) of subdivision 1 as amended by chapter 575 of the
4 laws of 2007, subdivision 2 as amended by chapter 309 of the laws of
5 1996, and subdivision 3 as separately amended by chapter 568 of the laws
6 of 1979, is amended to read as follows:

7 § 758-a. Restitution. 1. In cases involving acts of [~~infants~~] children
8 over [~~ten~~] twelve and less than [~~sixteen~~] eighteen years of age, the
9 court may

10 (a) recommend as a condition of placement, or order as a condition of
11 probation or suspended judgment, restitution in an amount representing a
12 fair and reasonable cost to replace the property or repair the damage
13 caused by the [~~infant~~] child, not, however, to exceed one thousand
14 dollars. [~~In the case of a placement, the court may recommend that the~~
15 ~~infant pay out of his or her own funds or earnings the amount of~~
16 ~~replacement or damage, either in a lump sum or in periodic payments in~~
17 ~~amounts set by the agency with which he is placed, and in the case of~~
18 ~~probation or suspended judgment, the~~] The court may require that the
19 [~~infant~~] child pay out of his or her own funds or earnings the amount of
20 replacement or damage, either in a lump sum or in periodic payments in
21 amounts set by the court; and/or

22 (b) order as a condition of placement, probation, or suspended judg-
23 ment, services for the public good including in the case of a crime
24 involving willful, malicious, or unlawful damage or destruction to real
25 or personal property maintained as a cemetery plot, grave, burial place,
26 or other place of interment of human remains, services for the mainte-
27 nance and repair thereof, taking into consideration the age and physical
28 condition of the [~~infant~~] child.

29 2. [~~If the court recommends restitution or requires services for the~~
30 ~~public good in conjunction with an order of placement pursuant to~~
31 ~~section seven hundred fifty six, the placement shall be made only to an~~
32 ~~authorized agency which has adopted rules and regulations for the super-~~
33 ~~vision of such a program, which rules and regulations shall be subject~~
34 ~~to the approval of the state department of social services. Such rules~~
35 ~~and regulations shall include, but not be limited to provisions (i)~~
36 ~~assuring that the conditions of work, including wages, meet the stand-~~
37 ~~ards therefor prescribed pursuant to the labor law; (ii) affording~~
38 ~~coverage to the child under the workers' compensation law as an employee~~
39 ~~of such agency, department or institution; (iii) assuring that the enti-~~
40 ~~ty receiving such services shall not utilize the same to replace its~~
41 ~~regular employees; and (iv) providing for reports to the court not less~~
42 ~~frequently than every six months, unless the order provides otherwise.~~

43 ~~3.]~~ If the court requires restitution or services for the public good
44 [~~as a condition of probation or suspended judgment~~], it shall provide
45 that an agency or person supervise the restitution or services and that
46 such agency or person report to the court not less frequently than every
47 six months, unless the order provides otherwise. Upon the written notice
48 sent by a school district to the court and the appropriate probation
49 department or agency which submits probation recommendations or reports
50 to the court, the court may provide that such school district shall
51 supervise the performance of services for the public good.

52 [~~4.]~~ 3. The court, upon receipt of the reports provided for in subdi-
53 vision two [~~or three~~] of this section may, on its own motion or the
54 motion of any party or the agency, hold a hearing to determine whether
55 the [~~placement~~] condition should be altered or modified.

1 § 98. Section 774 of the family court act is amended to read as
2 follows:

3 § 774. Action on petition for transfer. On receiving a petition under
4 section seven hundred seventy-three, the court may proceed under
5 sections seven hundred thirty-seven, seven hundred thirty-eight or seven
6 hundred thirty-nine with respect to the issuance of a summons or warrant
7 [~~and sections seven hundred twenty-seven and seven hundred twenty-nine~~
8 ~~govern questions of detention and failure to comply with a promise to~~
9 ~~appear~~]. Due notice of the petition and a copy of the petition shall
10 also be served personally or by mail upon the office of the locality
11 chargeable for the support of the person involved and upon the person
12 involved and his or her parents and other persons.

13 § 98-a. Article 6 of the social services law is amended by adding a
14 new title 12 to read as follows:

15 TITLE 12

16 FAMILY SUPPORT CENTERS

17 Section 458-m. Family support centers.

18 458-n. Funding for family support centers.

19 § 458-m. Family support centers. 1. As used in this title, the term
20 "family support center" shall mean a program established pursuant to
21 this title to provide community-based supportive services to children
22 and families with the goal of preventing a child from being adjudicated
23 a person in need of supervision and help prevent the out of home place-
24 ments of such youth under article seven of the family court act.

25 2. Family support centers shall provide comprehensive services to such
26 children and their families, either directly or through referrals with
27 partner agencies, including, but not limited to:

28 (a) rapid family assessments and screenings;

29 (b) crisis intervention;

30 (c) family mediation and skills building;

31 (d) mental and behavioral health services including cognitive inter-
32 ventions;

33 (e) case management;

34 (f) respite services;

35 (g) education advocacy; and

36 (h) other family support services.

37 3. The services that are provided shall be trauma responsive, family
38 focused, gender-responsive, and evidence based or informed and strengths
39 based and shall be tailored to the individualized needs of the child and
40 family based on the assessments and screenings conducted by such family
41 support center.

42 4. Family support centers shall have the capacity to serve families
43 outside of regular business hours including evenings and weekends.

44 § 458-n. Funding for family support centers. 1. Notwithstanding any
45 other provision of law to the contrary, to the extent that funds are
46 available for such purpose, the office of children and family services
47 shall distribute funding to the highest need social services districts
48 to contract with not-for-profit corporations to operate family support
49 centers in accordance with the provisions of this title and the specific
50 program model requirements issued by the office.

51 2. Notwithstanding any other provision of law to the contrary, when
52 determining the highest need social services districts pursuant to this
53 subdivision, the office may consider factors that may include, but are
54 not necessarily limited to:

1 (a) the total amount of available funding and the amount of funding
 2 required for family support centers to meet the objectives outlined in
 3 section four hundred fifty-eight-m of this title;

4 (b) relevant, available statistics regarding each district, which may
 5 include, but not necessarily be limited to:

6 (i) the availability of services within such district to prevent or
 7 reduce detention or residential placement of youth pursuant to article
 8 seven of the family court act; and

9 (ii) relative to the youth population of such social services
 10 district:

11 (1) the number of petitions filed pursuant to article seven of the
 12 family court act; or

13 (2) the number of placements of youth into residential care or
 14 detention pursuant to article seven of the family court act;

15 (c) any reported performance outcomes reported to the office pursuant
 16 to subdivision three of this section for programs that previously
 17 received funding pursuant to this title; or

18 (d) other appropriate factors as determined by the office.

19 3. Social services districts receiving funding under this title shall
 20 report to the office of children and family services, in the form and
 21 manner and at such times as determined by the office, on the performance
 22 outcomes of any family support center located within such district that
 23 receives funding under this title.

24 § 98-b. Subdivisions 3, 3-a, 11 and 12 of section 398 of the social
 25 services law, subdivision 3 as amended by chapter 419 of the laws of
 26 1987, paragraph (c) of subdivision 3 as amended by section 19 of part E
 27 of chapter 57 of the laws of 2005, subdivision 3-a as added by section 1
 28 of subpart B of part G of chapter 57 of the laws of 2012, subdivision 11
 29 as added by chapter 514 of the laws of 1976 and subdivision 12 as
 30 amended by section 12 of subpart B of part Q of chapter 58 of the laws
 31 of 2011, are amended to read as follows:

32 3. As to delinquent children [~~and persons in need of supervision~~]:

33 (a) Investigate complaints as to alleged delinquency of a child.

34 (b) Bring such case of alleged delinquency when necessary before the
 35 family court.

36 (c) Receive within fifteen days from the order of placement as a
 37 public charge any delinquent child committed or placed [~~or person in~~
 38 ~~need of supervision placed~~] in his or her care by the family court
 39 provided, however, that the commissioner of the social services district
 40 with whom the child is placed may apply to the state commissioner or his
 41 or her designee for approval of an additional fifteen days, upon written
 42 documentation to the office of children and family services that the
 43 youth is in need of specialized treatment or placement and the diligent
 44 efforts by the commissioner of social services to locate an appropriate
 45 placement.

46 [~~3-a. As to delinquent children:~~

47 ~~(a)~~ (d) (1) Conditionally release any juvenile delinquent placed with
 48 the district to aftercare whenever the district determines conditional
 49 release to be consistent with the needs and best interests of such juve-
 50 nile delinquent, that suitable care and supervision can be provided, and
 51 that there is a reasonable probability that such juvenile delinquent can
 52 be conditionally released without endangering public safety; provided,
 53 however, that such conditional release shall be made in accordance with
 54 the regulations of the office of children and family services, and
 55 provided further that no juvenile delinquent while absent from a facili-
 56 ty or program without the consent of the director of such facility or

1 program shall be conditionally released by the district solely by reason
2 of the absence.

3 (2) It shall be a condition of such release that a juvenile delinquent
4 so released shall continue to be the responsibility of the social
5 services district for the period provided in the order of placement.

6 (3) The social services district may provide clothing, services and
7 other necessities for any conditionally released juvenile delinquent, as
8 may be required, including medical care and services not provided to
9 such juvenile delinquent as medical assistance for needy persons pursu-
10 ant to title eleven of article five of this chapter.

11 (4) The social services district, pursuant to the regulations of the
12 office of children and family services, may cause a juvenile delinquent
13 to be returned to a facility operated and maintained by the district, or
14 an authorized agency under contract with the district, at any time with-
15 in the period of placement, where there is a violation of the conditions
16 of release or a change of circumstances.

17 (5) Juvenile delinquents conditionally released by a social services
18 district may be provided for as follows:

19 (i) If, in the opinion of the social services district, there is no
20 suitable parent, relative or guardian to whom a juvenile delinquent can
21 be conditionally released, and suitable care cannot otherwise be
22 secured, the district may conditionally release such juvenile delinquent
23 to the care of any other suitable person; provided that where such suit-
24 able person has no legal relationship with the juvenile, the district
25 shall advise such person of the procedures for obtaining custody or
26 guardianship of the juvenile.

27 (ii) If a conditionally released juvenile delinquent is subject to
28 article sixty-five of the education law or elects to participate in an
29 educational program leading to a high school diploma, he or she shall be
30 enrolled in a school or educational program leading to a high school
31 diploma following release, or, if such release occurs during the summer
32 recess, upon the commencement of the next school term. If a condi-
33 tionally released juvenile delinquent is not subject to article sixty-
34 five of the education law, and does not elect to participate in an
35 educational program leading to a high school diploma, steps shall be
36 taken, to the extent possible, to facilitate his or her gainful employ-
37 ment or enrollment in a vocational program following release.

38 ~~(b)~~ (e) When a juvenile delinquent placed with the social services
39 district is absent from placement without consent, such absence shall
40 interrupt the calculation of time for his or her placement. Such inter-
41 ruption shall continue until such juvenile delinquent returns to the
42 facility or authorized agency in which he or she was placed. Provided,
43 however, that any time spent by a juvenile delinquent in custody from
44 the date of absence to the date placement resumes shall be credited
45 against the time of such placement provided that such custody:

46 (1) was due to an arrest or surrender based upon the absence; or

47 (2) arose from an arrest or surrender on another charge which did not
48 culminate in a conviction, adjudication or adjustment.

49 ~~(e)~~ (f) In addition to the other requirements of this section, no
50 juvenile delinquent placed with a social services district operating an
51 approved juvenile justice services close to home initiative pursuant to
52 section four hundred four of this chapter pursuant to a restrictive
53 placement under the family court act shall be released except pursuant
54 to section 353.5 of the family court act.

55 11. In the case of a child who is adjudicated ~~[a person in need of~~
56 ~~supervision or]~~ a juvenile delinquent and is placed by the family court

1 with the [~~division for youth~~] office of children and family services and
2 who is placed by [~~the division for youth~~] such office with an authorized
3 agency pursuant to court order, the social services official shall make
4 expenditures in accordance with the regulations of the department for
5 the care and maintenance of such child during the term of such placement
6 subject to state reimbursement pursuant to section one hundred fifty-
7 three-k of this [~~title, or article nineteen-C of the executive law in~~
8 ~~applicable cases~~] article.

9 12. A social services official shall be permitted to place persons
10 adjudicated [~~in need of supervision or~~] delinquent[, ~~and alleged persons~~
11 ~~to be in need of supervision~~] in detention pending transfer to a place-
12 ment, in the same foster care facilities as are providing care to desti-
13 tute, neglected, abused or abandoned children. Such foster care facili-
14 ties shall not provide care to a youth in the care of a social services
15 official as a convicted juvenile offender.

16 § 98-c. Paragraph (a) of subdivision 1 of section 409-a of the social
17 services law, as amended by chapter 87 of the laws of 1993, subparagraph
18 (i) as amended by chapter 342 of the laws of 2010, and subparagraph (ii)
19 as amended by section 22 of part C of chapter 83 of the laws of 2002, is
20 amended to read as follows:

21 (a) A social services official shall provide preventive services to a
22 child and his or her family, in accordance with the family's service
23 plan as required by section four hundred nine-e of this [~~chapter~~] arti-
24 cle and the social services district's child welfare services plan
25 submitted and approved pursuant to section four hundred nine-d of this
26 [~~chapter~~] article, upon a finding by such official that [~~(i)~~] the child
27 will be placed, returned to or continued in foster care unless such
28 services are provided and that it is reasonable to believe that by
29 providing such services the child will be able to remain with or be
30 returned to his or her family, and for a former foster care youth under
31 the age of twenty-one who was previously placed in the care and custody
32 or custody and guardianship of the local commissioner of social services
33 or other officer, board or department authorized to receive children as
34 public charges where it is reasonable to believe that by providing such
35 services the former foster care youth will avoid a return to foster care
36 [~~or (ii) the child is the subject of a petition under article seven of~~
37 ~~the family court act, or has been determined by the assessment service~~
38 ~~established pursuant to section two hundred forty three-a of the execu-~~
39 ~~tive law, or by the probation service where no such assessment service~~
40 ~~has been designated, to be at risk of being the subject of such a peti-~~
41 ~~tion, and the social services official determines that the child is at~~
42 ~~risk of placement into foster care~~]. Such finding shall be entered in
43 the child's uniform case record established and maintained pursuant to
44 section four hundred nine-f of this [~~chapter~~] article. The commissioner
45 shall promulgate regulations to assist social services officials in
46 making determinations of eligibility for mandated preventive services
47 pursuant to this [~~subparagraph~~] paragraph.

48 § 99. Subdivision 1, the opening paragraph of subdivision 2 and
49 subparagraphs (i) and (iii) of paragraph (a) of subdivision 3 of section
50 529-b of the executive law, as added by section 3 of subpart B of part Q
51 of chapter 58 of the laws of 2011, are amended to read as follows:

52 1. (a) Notwithstanding any provision of law to the contrary, eligible
53 expenditures by an eligible municipality for services to divert youth at
54 risk of, alleged to be, or adjudicated as juvenile delinquents [~~or~~
55 ~~persons alleged or adjudicated to be in need of supervision~~], or youth
56 alleged to be or convicted as juvenile offenders from placement in

1 detention or in residential care shall be subject to state reimbursement
2 under the supervision and treatment services for juveniles program for
3 up to sixty-two percent of the municipality's expenditures, subject to
4 available appropriations and exclusive of any federal funds made avail-
5 able for such purposes, not to exceed the municipality's distribution
6 under the supervision and treatment services for juveniles program.

7 (b) The state funds appropriated for the supervision and treatment
8 services for juveniles program shall be distributed to eligible munici-
9 palities by the office of children and family services based on a plan
10 developed by the office which may consider historical information
11 regarding the number of youth seen at probation intake for an alleged
12 act of delinquency, the number of alleged persons in need of supervision
13 receiving diversion services under section seven hundred thirty-five of
14 the family court act, the number of youth remanded to detention, the
15 number of juvenile delinquents placed with the office, the number of
16 juvenile delinquents [~~and persons in need of supervision~~] placed in
17 residential care with the municipality, the municipality's reduction in
18 the use of detention and residential placements, and other factors as
19 determined by the office. Such plan developed by the office shall be
20 subject to the approval of the director of the budget. The office is
21 authorized, in its discretion, to make advance distributions to a muni-
22 cipality in anticipation of state reimbursement.

23 As used in this section, the term "municipality" shall mean a county,
24 or a city having a population of one million or more, and "supervision
25 and treatment services for juveniles" shall mean community-based
26 services or programs designed to safely maintain youth in the community
27 pending a family court disposition or conviction in criminal court and
28 services or programs provided to youth adjudicated as juvenile delin-
29 quents [~~or persons in need of supervision,~~] or youth alleged to be juve-
30 nile offenders to prevent residential placement of such youth or a
31 return to placement where such youth have been released to the community
32 from residential placement or programs provided to youth adjudicated
33 persons in need of supervision to maintain such youth in their homes.
34 Supervision and treatment services for juveniles may include but are not
35 limited to services or programs that:

36 (i) an analysis that identifies the neighborhoods or communities from
37 which the greatest number of juvenile delinquents [~~and persons in need~~
38 ~~of supervision~~] are remanded to detention or residentially placed and
39 from which the greatest number of alleged persons in need of supervision
40 are offered diversion services;

41 (iii) a description of how the services and programs proposed for
42 funding will reduce the number of youth from the municipality who are
43 detained and residentially or otherwise placed; how such services and
44 programs are family-focused; and whether such services and programs are
45 capable of being replicated across multiple sites;

46 § 100. The opening paragraph and paragraph (a) of subdivision 2 and
47 subdivisions 4, 5, 6 and 7 of section 530 of the executive law, the
48 opening paragraph of subdivision 2 and subdivision 4 as amended by
49 section 4 of subpart B of part Q of chapter 58 of the laws of 2011,
50 paragraph (a) of subdivision 2 as amended by section 1 of part M of
51 chapter 57 of the laws of 2012, subdivision 5 as amended by chapter 920
52 of the laws of 1982, subparagraphs 1, 2 and 4 of paragraph (a) and para-
53 graph (b) of subdivision 5 as amended by section 5 of subpart B of part
54 Q of chapter 58 of the laws of 2011, subdivision 6 as amended by chapter
55 880 of the laws of 1976, and subdivision 7 as amended by section 6 of

1 subpart B of part Q of chapter 58 of the laws of 2011, are amended to
2 read as follows:

3 [~~Expenditures~~] Except as provided for in subdivision eight of this
4 section, expenditures made by municipalities in providing care, mainte-
5 nance and supervision to youth in detention facilities designated pursu-
6 ant to [~~sections seven hundred twenty and~~] section 305.2 of the family
7 court act and certified by [~~the division for youth~~] office of children
8 and family services, shall be subject to reimbursement by the state, as
9 follows:

10 (a) Notwithstanding any provision of law to the contrary, eligible
11 expenditures by a municipality during a particular program year for the
12 care, maintenance and supervision [~~in foster care programs certified by~~
13 ~~the office of children and family services, certified or approved family~~
14 ~~boarding homes, and non-secure detention facilities certified by the~~
15 ~~office for those youth alleged to be persons in need of supervision or~~
16 ~~adjudicated persons in need of supervision held pending transfer to a~~
17 ~~facility upon placement, and~~] in secure and non-secure detention facili-
18 ties certified by the office in accordance with section five hundred
19 three of this article for those youth alleged to be juvenile delin-
20 quents; adjudicated juvenile delinquents held pending transfer to a
21 facility upon placement, and juvenile delinquents held at the request of
22 the office of children and family services pending extension of place-
23 ment hearings or release revocation hearings or while awaiting disposi-
24 tion of such hearings; and youth alleged to be or convicted as juvenile
25 offenders and, prior to January first, two thousand twenty, youth
26 alleged to be persons in need of supervision or adjudicated persons in
27 need of supervision held pending transfer to a facility upon placement
28 in foster care programs certified by the office of children and family
29 services, certified or approved family boarding homes, and non-secure
30 detention facilities certified by the office, shall be subject to state
31 reimbursement for up to fifty percent of the municipality's expendi-
32 tures, exclusive of any federal funds made available for such purposes,
33 not to exceed the municipality's distribution from funds that have been
34 appropriated specifically therefor for that program year. Municipalities
35 shall implement the use of detention risk assessment instruments in a
36 manner prescribed by the office so as to inform detention decisions.
37 Notwithstanding any other provision of state law to the contrary, data
38 necessary for completion of a detention risk assessment instrument may
39 be shared among law enforcement, probation, courts, detention adminis-
40 trators, detention providers, and the attorney for the child upon
41 retention or appointment; solely for the purpose of accurate completion
42 of such risk assessment instrument, and a copy of the completed
43 detention risk assessment instrument shall be made available to the
44 applicable detention provider, the attorney for the child and the court.

45 4. (a) The municipality must notify the office of children and family
46 services of state aid received under other state aid formulas by each
47 detention facility for which the municipality is seeking reimbursement
48 pursuant to this section, including but not limited to, aid for educa-
49 tion, probation and mental health services.

50 (b) Except as provided in subdivision eight of this section: (i) In
51 computing reimbursement to the municipality pursuant to this section,
52 the office shall insure that the aggregate of state aid under all state
53 aid formulas shall not exceed fifty percent of the cost of care, mainte-
54 nance and supervision provided to detainees eligible for state
55 reimbursement under subdivision two of this section, exclusive of feder-

1 al aid for such purposes not to exceed the amount of the municipality's
2 distribution under the juvenile detention services program.

3 [~~(a)~~] (ii) Reimbursement for administrative related expenditures as
4 defined by the office of children and family services, for secure and
5 nonsecure detention services shall not exceed seventeen percent of the
6 total approved expenditures for facilities of twenty-five beds or more
7 and shall not exceed twenty-one percent of the total approved expendi-
8 tures for facilities with less than twenty-five beds.

9 5. (a) Except as provided in paragraph (b) of this subdivision, care,
10 maintenance and supervision for the purpose of this section shall mean
11 and include only:

12 (1) temporary care, maintenance and supervision provided to alleged
13 juvenile delinquents and persons in need of supervision in detention
14 facilities certified pursuant to sections seven hundred twenty and 305.2
15 of the family court act by the office of children and family services,
16 pending adjudication of alleged delinquency or alleged need of super-
17 vision by the family court, or pending transfer to institutions to which
18 committed or placed by such court or while awaiting disposition by such
19 court after adjudication or held pursuant to a securing order of a crim-
20 inal court if the person named therein as principal is under [~~sixteen~~]
21 seventeen years of age; or[~~7~~]

22 (1-a) commencing on January first, two thousand twenty, temporary
23 care, maintenance, and supervision provided to alleged juvenile delin-
24 quents in detention facilities certified by the office of children and
25 family services, pending adjudication of alleged delinquency by the
26 family court, or pending transfer to institutions to which committed or
27 placed by such court or while awaiting disposition by such court after
28 adjudication or held pursuant to a securing order of a criminal court if
29 the person named therein as principal is under twenty-one; or

30 (2) temporary care, maintenance and supervision provided juvenile
31 delinquents in approved detention facilities at the request of the
32 office of children and family services pending release revocation hear-
33 ings or while awaiting disposition after such hearings; or

34 (3) temporary care, maintenance and supervision in approved detention
35 facilities for youth held pursuant to the family court act or the inter-
36 state compact on juveniles, pending return to their place of residence
37 or domicile[~~7~~]; or

38 (4) prior to January first, two thousand twenty, temporary care, main-
39 tenance and supervision provided youth detained in foster care facili-
40 ties or certified or approved family boarding homes pursuant to article
41 seven of the family court act.

42 (b) Payments made for reserved accommodations, whether or not in full
43 time use, approved and certified by the office of children and family
44 services [~~and certified pursuant to sections seven hundred twenty and~~
45 ~~305.2 of the family court act~~], in order to assure that adequate accom-
46 modations will be available for the immediate reception and proper care
47 therein of youth for which detention costs are reimbursable pursuant to
48 paragraph (a) of this subdivision, shall be reimbursed as expenditures
49 for care, maintenance and supervision under the provisions of this
50 section, provided the office shall have given its prior approval for
51 reserving such accommodations.

52 6. The [~~director of the division for youth~~] office of children and
53 family services may adopt, amend, or rescind all rules and regulations,
54 subject to the approval of the director of the budget and certification
55 to the chairmen of the senate finance and assembly ways and means
56 committees, necessary to carry out the provisions of this section.

1 7. The agency administering detention for each county and the city of
2 New York shall submit to the office of children and family services, at
3 such times and in such form and manner and containing such information
4 as required by the office of children and family services, an annual
5 report on youth remanded pursuant to article three or seven of the fami-
6 ly court act who are detained during each calendar year including,
7 commencing January first, two thousand twelve, the risk level of each
8 detained youth as assessed by a detention risk assessment instrument
9 approved by the office of children and family services provided, howev-
10 er, that the report due January first, two thousand twenty-one and ther-
11 eafter shall not be required to contain any information on youth who are
12 subject to article seven of the family court act. The office may
13 require that such data on detention use be submitted to the office elec-
14 tronically. Such report shall include, but not be limited to, the reason
15 for the court's determination in accordance with section 320.5 or seven
16 hundred thirty-nine of the family court act, if applicable, to detain
17 the youth; the offense or offenses with which the youth is charged; and
18 all other reasons why the youth remains detained. The office shall
19 submit a compilation of all the separate reports to the governor and the
20 legislature.

21 § 100-a. Subparagraph 1 of paragraph d of subdivision 3 of section
22 3214 of the education law, as amended by chapter 425 of the laws of
23 2002, is amended to read as follows:

24 (1) Consistent with the federal gun-free schools act, any public
25 school pupil who is determined under this subdivision to have brought a
26 firearm to or possessed a firearm at a public school shall be suspended
27 for a period of not less than one calendar year and any nonpublic school
28 pupil participating in a program operated by a public school district
29 using funds from the elementary and secondary education act of nineteen
30 hundred sixty-five who is determined under this subdivision to have
31 brought a firearm to or possessed a firearm at a public school or other
32 premises used by the school district to provide such programs shall be
33 suspended for a period of not less than one calendar year from partic-
34 ipation in such program. The procedures of this subdivision shall apply
35 to such a suspension of a nonpublic school pupil. A superintendent of
36 schools, district superintendent of schools or community superintendent
37 shall have the authority to modify this suspension requirement for each
38 student on a case-by-case basis. The determination of a superintendent
39 shall be subject to review by the board of education pursuant to para-
40 graph c of this subdivision and the commissioner pursuant to section
41 three hundred ten of this chapter. Nothing in this subdivision shall be
42 deemed to authorize the suspension of a student with a disability in
43 violation of the individuals with disabilities education act or article
44 eighty-nine of this chapter. A superintendent shall refer the pupil
45 under the age of sixteen who has been determined to have brought a weap-
46 on or firearm to school in violation of this subdivision to a present-
47 ment agency for a juvenile delinquency proceeding consistent with arti-
48 cle three of the family court act except a student fourteen or fifteen
49 years of age who qualifies for juvenile offender status under subdivi-
50 sion forty-two of section 1.20 of the criminal procedure law; provided
51 however, that commencing on January first, two thousand nineteen, a
52 superintendent shall refer the pupil under the age of seventeen who has
53 been determined to have brought a weapon or firearm to school in
54 violation of this subdivision to a presentment agency for a juvenile
55 delinquency proceeding consistent with article three of the family court
56 act except a student who qualifies for juvenile offender status under

1 subdivision forty-two of section 1.20 of the criminal procedure law; and
2 provided further that commencing on January first, two thousand twenty,
3 a superintendent shall refer the pupil under the age of eighteen who has
4 been determined to have brought a weapon or firearm to school in
5 violation of this subdivision to a presentment agency for a juvenile
6 delinquency proceeding consistent with article three of the family court
7 act except a student who qualifies for juvenile offender status under
8 subdivision forty-two of section 1.20 of the criminal procedure law. A
9 superintendent shall refer any pupil sixteen years of age or older or a
10 student fourteen or fifteen years of age who qualifies for juvenile
11 offender status under subdivision forty-two of section 1.20 of the crim-
12 inal procedure law, who has been determined to have brought a weapon or
13 firearm to school in violation of this subdivision to the appropriate
14 law enforcement officials.

15 § 100-b. Paragraph b of subdivision 4 of section 3214 of the education
16 law, as amended by chapter 181 of the laws of 2000, is amended to read
17 as follows:

18 b. The school authorities may institute proceedings before a court
19 having jurisdiction to determine the liability of a person in parental
20 relation to contribute towards the maintenance of a school delinquent
21 under [~~sixteen~~] seventeen years of age or commencing January first, two
22 thousand twenty, under eighteen years of age ordered to attend upon
23 instruction under confinement. If the court shall find the person in
24 parental relation able to contribute towards the maintenance of such a
25 minor, it may issue an order fixing the amount to be paid weekly.

26 § 101. The executive law is amended by adding a new section 259-p to
27 read as follows:

28 § 259-p. Interstate detention. (1) Notwithstanding any other provision
29 of law, a defendant subject to section two hundred fifty-nine-mm of this
30 article, may be detained as authorized by the interstate compact for
31 adult offender supervision.

32 (2) A defendant shall be detained at a local correctional facility,
33 except as otherwise provided in subdivision three of this section.

34 (3) (a) A defendant sixteen years of age or younger, who allegedly
35 commits a criminal act or violation of his or her supervision on or
36 after January first, two thousand nineteen or (b) a defendant seventeen
37 years of age or younger who allegedly commits a criminal act or
38 violation of his or her supervision on or after January first, two thou-
39 sand twenty, shall be detained in a juvenile detention facility.

40 § 102. Subdivision 4 of section 246 of the executive law, as amended
41 by section 10 of part D of chapter 56 of the laws of 2010, is amended to
42 read as follows:

43 4. An approved plan and compliance with standards relating to the
44 administration of probation services promulgated by the commissioner of
45 the division of criminal justice services shall be a prerequisite to
46 eligibility for state aid.

47 The commissioner of the division of criminal justice services may take
48 into consideration granting additional state aid from an appropriation
49 made for state aid for county probation services for counties or the
50 city of New York when a county or the city of New York demonstrates that
51 additional probation services were dedicated to intensive supervision
52 programs[7] and intensive programs for sex offenders [~~or programs~~
53 ~~defined as juvenile risk intervention services~~]. The commissioner shall
54 grant additional state aid from an appropriation dedicated to juvenile
55 risk intervention services coordination by probation departments which
56 shall include, but not be limited to, probation services performed under

1 article three of the family court act. The administration of such addi-
2 tional grants shall be made according to rules and regulations promul-
3 gated by the commissioner of the division of criminal justice services.
4 Each county and the city of New York shall certify the total amount
5 collected pursuant to section two hundred fifty-seven-c of this chapter.
6 The commissioner of the division of criminal justice services shall
7 thereupon certify to the comptroller for payment by the state out of
8 funds appropriated for that purpose, the amount to which the county or
9 the city of New York shall be entitled under this section. The commis-
10 sioner shall, subject to an appropriation made available for such
11 purpose, establish and provide funding to probation departments for a
12 continuum of evidence-based intervention services for youth alleged or
13 adjudicated juvenile delinquents pursuant to article three of the family
14 court act or for eligible youth before or sentenced under the youth part
15 in accordance with the criminal procedure law. Such additional state
16 aid shall be made in an amount necessary to pay one hundred percent of
17 the expenditures for evidence-based practices and juvenile risk and
18 evidence-based intervention services provided to youth sixteen years of
19 age or older when such services would not otherwise have been provided
20 absent the provisions of a chapter of the laws of two thousand seventeen
21 that increased the age of juvenile jurisdiction.

22 § 103. The second undesignated paragraph of subdivision 4 of section
23 246 of the executive law, as added by chapter 479 of the laws of 1970,
24 is amended to read as follows:

25 ~~[The director shall thereupon certify to the comptroller for payment~~
26 ~~by the state out of funds appropriated for that purpose, the amount to~~
27 ~~which the county or the city of New York shall be entitled under this~~
28 ~~section.]~~

29 The commissioner of the division of criminal justice services may take
30 into consideration granting additional state aid from an appropriation
31 made for state aid for county probation services for counties or the
32 city of New York when a county or the city of New York demonstrates that
33 additional probation services were dedicated to intensive supervision
34 programs and intensive programs for sex offenders. The commissioner
35 shall grant additional state aid from an appropriation dedicated to
36 juvenile risk intervention services coordination by probation depart-
37 ments which shall include, but not be limited to, probation services
38 performed under article three of the family court act. The adminis-
39 tration of such additional grants shall be made according to rules and
40 regulations promulgated by the commissioner of the division of criminal
41 justice services. Each county and the city of New York shall certify the
42 total amount collected pursuant to section two hundred fifty-seven-c of
43 this chapter. The commissioner of the division of criminal justice
44 services shall thereupon certify to the comptroller for payment by the
45 state out of funds appropriated for that purpose, the amount to which
46 the county or the city of New York shall be entitled under this section.
47 The commissioner shall, subject to an appropriation made available for
48 such purpose, establish and provide funding to probation departments for
49 a continuum of evidence-based intervention services for youth alleged or
50 adjudicated juvenile delinquents pursuant to article three of the family
51 court act or for eligible youth before or sentenced under the youth part
52 in accordance with the criminal procedure law.

53 § 104. The state finance law is amended by adding a new section 54-m
54 to read as follows:

55 § 54-m. Waiver of local share requirements associated with increasing
56 the age of juvenile jurisdiction above fifteen years. 1. Notwithstand-

1 ing any other provision of law to the contrary, a county that is subject
2 to section three-c of the general municipal law may apply to the New
3 York state division of budget to request a waiver of the local share
4 requirement of any expense that it would not have otherwise incurred
5 absent the provisions of a chapter of the laws of two thousand seventeen
6 that increased the age of juvenile jurisdiction above fifteen years of
7 age.

8 2. Request for a waiver pursuant to this section shall be made in the
9 time and manner as required by the division of budget, and must contain,
10 at minimum:

11 (a) a demonstration of fiscal hardship;

12 (b) a certification from the chief executive officer or budget officer
13 of such county to the state budget director that the county's most
14 recently adopted budget does not exceed the tax levy limit prescribed in
15 section three-c of the general municipal law and, if the governing body
16 of the county did enact a local law to override the tax levy limit, that
17 such local law was subsequently repealed; such certification shall be
18 made in a form and manner prescribed by the state budget director;

19 (c) a plan developed by the county that shows how the county will
20 appropriately implement the requirements of the chapter of the laws of
21 two thousand seventeen that increased the age of juvenile jurisdiction
22 above fifteen years of age;

23 (d) the specific expenses and associated local share of such expenses
24 that the county is seeking a waiver for; and

25 (e) any other information that may be required by the division of
26 budget.

27 3. In deciding whether to grant approval of a waiver request made
28 pursuant to this section, the division of budget shall consult with the
29 applicable state agency or agencies that oversee the services for which
30 the county is seeking a waiver of its local share.

31 4. Notwithstanding any other provision of law to the contrary, any
32 state assistance granted in association with a waiver issued pursuant to
33 this section shall be subject to an appropriation and shall only be made
34 to the extent that funds are available specifically therefor.

35 § 105. Severability. If any clause, sentence, paragraph, subdivision,
36 section or part contained in any part of this act shall be adjudged by
37 any court of competent jurisdiction to be invalid, such judgment shall
38 not affect, impair, or invalidate the remainder thereof, but shall be
39 confined in its operation to the clause, sentence, paragraph, subdivi-
40 sion, section or part contained in any part thereof directly involved in
41 the controversy in which such judgment shall have been rendered. It is
42 hereby declared to be the intent of the legislature that this act would
43 have been enacted even if such invalid provisions had not been included
44 herein.

45 § 106. This act shall take effect immediately; provided that:

46 a. sections forty-eight and forty-eight-a of this act shall take
47 effect on the one hundred and eightieth day after this act shall have
48 become a law and shall be deemed to apply to offenses committed prior
49 to, on, or after such effective date;

50 b. sections one through forty-one, forty-four through forty-seven,
51 forty-nine, fifty-four through seventy-two, seventy-four through eighty,
52 one hundred-a, one hundred-b and one hundred one of this act shall take
53 effect January 1, 2019; provided, however, that when the applicability
54 of such provision is dependent on the age of the youth that is alleged
55 or adjudicated to have been committed or is convicted of a crime or an
56 act that would constitute a crime if committed by an adult:

- 1 (i) effective January 1, 2019, such provisions shall be deemed to
2 apply to youth who have been alleged to have committed, adjudicated for,
3 or convicted of, an offense that occurred on or after such effective
4 date and who were 16 years of age at the time the offense occurred, and
5 (ii) effective January 1, 2020, such provisions shall be deemed to
6 apply to youth who have been alleged to have committed, adjudicated for,
7 or convicted of, an offense that occurred on or after such effective
8 date and who were seventeen years of age at the time such offense
9 occurred;
- 10 c. sections ninety-eight-a and one hundred two and one hundred four
11 shall take effect April 1, 2018;
- 12 d. sections eighty-three through ninety-eight and sections ninety-
13 eight-b through one hundred of this act shall take effect January 1,
14 2020 and shall be deemed to be applicable to the detention or placement
15 of youth pursuant to petitions filed pursuant to article seven of the
16 family court act on or after such effective date;
- 17 e. sections forty-two and forty-three of this act shall take effect
18 January 1, 2021;
- 19 f. the amendments to subdivision 1 of section 70.20 of the penal law
20 made by section forty-two of this act shall not affect the expiration of
21 such subdivision and shall be deemed to expire therewith;
- 22 g. the amendments to paragraph d of subdivision 3 of section 3214 of
23 the education law made by section one hundred-a of this act shall not
24 affect the expiration of such paragraph and shall be deemed to expire
25 therewith;
- 26 h. the amendments to subdivision 4 of section 353.5 of the family
27 court act made by section seventy-two of this act shall be subject to
28 the expiration and reversion of such subdivision pursuant to section 11
29 of subpart A of part G of chapter 57 of the laws of 2012, as amended,
30 when upon such date the provisions of section seventy-three of this act
31 shall take effect; provided, however if such date of reversion is prior
32 to January 1, 2019, section seventy-three of this act shall take effect
33 on January 1, 2019;
- 34 i. the amendments to subdivision 3-a of section 398 of the social
35 services law made by section ninety-eight-b of this act shall not affect
36 the expiration of such subdivision and shall be deemed repealed there-
37 with;
- 38 j. the amendments to subparagraph (ii) of paragraph (a) of subdivision
39 1 of section 409-a of the social services law made by section ninety-
40 eight-c of this act shall not affect the expiration of such subparagraph
41 and shall be deemed to expire therewith;
- 42 k. the amendments to the second undesignated paragraph of subdivision
43 4 of section 246 of the executive law made by section one hundred two of
44 this act shall be subject to the expiration and reversion of such undes-
45 ignated paragraph as provided in subdivision (aa) of section 427 of
46 chapter 55 of the laws of 1992, as amended, when upon such date section
47 one hundred three of this act shall take effect; provided, however if
48 such date of reversion is prior to April 1, 2018, section one hundred
49 three of this act shall take effect on April 1, 2018;
- 50 l. the amendments to paragraph (f) of subdivision 1 of section 70.30
51 of the penal law made by section forty-four-a of this act shall not
52 affect the expiration and reversion of such paragraph and shall expire
53 and be deemed repealed therewith; and
- 54 m. if chapter 492 of the laws of 2016 shall not have taken effect on
55 or before such date then section sixteen of this act shall take effect

1 on the same date and in the same manner as such chapter of the laws of
2 2016, takes effect.

3 PART K

4 Section 1. This part enacts into law major components of legislation
5 which are necessary for the financing of various child welfare services.
6 Each component is wholly contained within a subpart identified as
7 subparts A through B. The effective date for each particular provision
8 contained within a subpart is set forth in the last section of such
9 subpart. Any provision in any section contained within a subpart,
10 including the effective date of the subpart, which makes reference to a
11 section "of this act", when used in connection with that particular
12 component, shall be deemed to mean and refer to the corresponding
13 section of the subpart in which it is found. Section three of this part
14 sets forth the general effective date of this part.

15 SUBPART A

16 Section 1. Section 28 of part C of chapter 83 of the laws of 2002,
17 amending the executive law and other laws relating to funding for chil-
18 dren and family services, as amended by section 1 of part F of chapter
19 57 of the laws of 2012, is amended to read as follows:

20 § 28. This act shall take effect immediately; provided that sections
21 nine through eighteen and twenty through twenty-seven of this act shall
22 be deemed to have been in full force and effect on and after April 1,
23 2002; provided, however, that section fifteen of this act shall apply to
24 claims that are otherwise reimbursable by the state on or after April 1,
25 2002 except as provided in subdivision 9 of section 153-k of the social
26 services law as added by section fifteen of this act; provided further
27 however, that nothing in this act shall authorize the office of children
28 and family services to deny state reimbursement to a social services
29 district for violations of the provisions of section 153-d of the social
30 services law for services provided from January 1, 1994 through March
31 31, 2002; provided that section nineteen of this act shall take effect
32 September 13, 2002 and shall expire and be deemed repealed June 30,
33 2012; and, provided further, however, that notwithstanding any law to
34 the contrary, the office of children and family services shall have the
35 authority to promulgate, on an emergency basis, any rules and regu-
36 lations necessary to implement the requirements established pursuant to
37 this act; provided further, however, that the regulations to be devel-
38 oped pursuant to section one of this act shall not be adopted by emer-
39 gency rule; and provided further that the provisions of sections nine
40 through eighteen and twenty through twenty-seven of this act shall
41 expire and be deemed repealed on June 30, [~~2017~~] 2022.

42 § 2. This act shall take effect immediately.

43 SUBPART B

44 Section 1. Subdivision 10 of section 153 of the social services law,
45 as amended by section 2 of part 0 of chapter 58 of the laws of 2011, is
46 amended to read as follows:

47 10. Expenditures made by a social services district for the mainte-
48 nance of children with disabilities, placed by school districts, pursu-
49 ant to section forty-four hundred five of the education law shall, if
50 approved by the office of children and family services, be subject to

1 eight and four hundred twenty-four thousandths percent reimbursement
2 by the state and thirty-eight and four hundred twenty-four thousandths
3 percent reimbursement by school districts, except for social services
4 districts located within a city with a population of one million or
5 more, where such expenditures shall be subject to fifty-six and eight
6 hundred forty-eight thousandths percent reimbursement by the school
7 district, in accordance with paragraph c of subdivision one of section
8 forty-four hundred five of the education law, after first deducting
9 therefrom any federal funds received or to be received on account of
10 such expenditures, except that in the case of a student attending a
11 state-operated school for the deaf or blind pursuant to article eighty-
12 seven or eighty-eight of the education law who was not placed in such
13 school by a school district such expenditures shall be subject to fifty
14 percent reimbursement by the state after first deducting therefrom any
15 federal funds received or to be received on account of such expenditures
16 and there shall be no reimbursement by school districts. Such expendi-
17 tures shall not be subject to the limitations on state reimbursement
18 contained in subdivision two of section one hundred fifty-three-k of
19 this title. In the event of the failure of the school district to make
20 the maintenance payment pursuant to the provisions of this subdivision,
21 the state comptroller shall withhold state reimbursement to any such
22 school district in an amount equal to the unpaid obligation for mainte-
23 nance and pay over such sum to the social services district upon certif-
24 ication of the commissioner of the office of children and family
25 services and the commissioner of education that such funds are overdue
26 and owed by such school district. The commissioner of the office of
27 children and family services, in consultation with the commissioner of
28 education, shall promulgate regulations to implement the provisions of
29 this subdivision.

30 § 2. Paragraph (a) of subdivision 2 of section 153-k of the social
31 services law, as added by section 15 of part C of chapter 83 of the laws
32 of 2002, is amended to read as follows:

33 (a) Notwithstanding the provisions of this chapter or of any other law
34 to the contrary, eligible expenditures by a social services district for
35 foster care services shall be subject to reimbursement with state funds
36 only to the extent of annual appropriations to the state foster care
37 block grant. Such foster care services shall include expenditures for
38 the provision and administration of: care, maintenance, supervision and
39 tuition; supervision of foster children placed in federally funded job
40 corps programs; and care, maintenance, supervision and tuition for adju-
41 dicated juvenile delinquents and persons in need of supervision placed
42 in residential programs operated by authorized agencies and in out-of-
43 state residential programs; except that, notwithstanding any other
44 provision of law to the contrary, reimbursement with state funds pursu-
45 ant to the state foster care block grant shall not be available for
46 tuition expenditures for foster children, including persons in need of
47 supervision and adjudicated juvenile delinquents, made by a social
48 services district located within a city having a population of one
49 million or more. Social services districts must develop and implement
50 children and family services delivery systems that are designed to
51 reduce the need for and the length of foster care placements and must
52 document their efforts in the multi-year consolidated services plan and
53 the annual implementation reports submitted pursuant to section thirty-
54 four-a of this chapter.

1 § 3. Paragraph c of subdivision 1 of section 4405 of the education
2 law, as amended by section 1 of part O of chapter 58 of the laws of
3 2011, is amended to read as follows:

4 c. Expenditures made by a social services district for the maintenance
5 of a child with a disability placed in a residential school under the
6 provisions of this article, including a child with a disability placed
7 by a school district committee on special education pursuant to this
8 article in a special act school district, or a state school subject to
9 the provisions of articles eighty-seven and eighty-eight of this chap-
10 ter, shall be subject to [~~thirty eight and four hundred twenty four~~
11 ~~thousandths percent~~] reimbursement by the child's school district of
12 residence pursuant to the provisions of subdivision ten of section one
13 hundred fifty-three of the social services law. The amount of such
14 reimbursement shall be a charge upon such school district of residence.

15 § 4. This act shall take effect immediately; provided, however, that
16 the amendments to subdivision 10 of section 153 of the social services
17 law made by section one of this act shall not affect the expiration of
18 such subdivision and shall expire therewith; and the amendments made to
19 paragraph (a) of subdivision 2 of section 153-k of the social services
20 law made by section two of this act shall not affect the repeal of such
21 section and shall be deemed repealed therewith.

22 § 2. Severability. If any clause, sentence, paragraph, subdivision or
23 section of this part shall be adjudged by any court of competent juris-
24 diction to be invalid, such judgment shall not affect, impair, or inval-
25 idate the remainder thereof, but shall be confined in its operation to
26 the clause, sentence, paragraph, subdivision or section thereof directly
27 involved in the controversy in which such judgment shall have been
28 rendered. It is hereby declared to be the intent of the legislature that
29 this part would have been enacted even if such invalid provisions had
30 not been included herein.

31 § 3. This act shall take effect immediately; provided, however, that
32 the applicable effective date of subparts A and B of this part shall be
33 as specifically set forth in the last section of such subparts.

34

PART L

35 Section 1. Paragraph (iii) of subdivision (e) of section 1012 of the
36 family court act, as amended by chapter 320 of the laws of 2006, is
37 amended to read as follows:

38 (iii) (A) commits, or allows to be committed an offense against such
39 child defined in article one hundred thirty of the penal law; (B)
40 allows, permits or encourages such child to engage in any act described
41 in sections 230.25, 230.30 and 230.32 of the penal law; (C) commits any
42 of the acts described in sections 255.25, 255.26 and 255.27 of the penal
43 law; [~~e~~] (D) allows such child to engage in acts or conduct described
44 in article two hundred sixty-three of the penal law; or (E) permits or
45 encourages such child to engage in any act or commits or allows to be
46 committed against such child any offense that would render such child
47 either a victim of sex trafficking or a victim of severe forms of traf-
48 ficking in persons pursuant to 22 U.S.C. 7102 as enacted by public law
49 106-386 or any successor federal statute; (F) provided, however, that
50 [~~(a)~~] (1) the corroboration requirements contained in the penal law and
51 [~~(b)~~] (2) the age requirement for the application of article two hundred
52 sixty-three of such law shall not apply to proceedings under this arti-
53 cle.

54 § 2. This act shall take effect immediately.

1

PART M

2 Section 1. Paragraph a of subdivision 2 of section 420 of the execu-
3 tive law, as amended by section 3 of part G of chapter 57 of the laws of
4 2013, is amended to read as follows:

5 a. (1) A municipality may submit to the office of children and family
6 services a plan for the providing of services for runaway and homeless
7 youth, as defined in article nineteen-H of this chapter. Where such
8 municipality is receiving state aid pursuant to paragraph a of subdivi-
9 sion one of this section, such runaway and homeless youth plan shall be
10 submitted as part of the comprehensive plan and shall be consistent with
11 the goals and objectives therein.

12 (2) A runaway and homeless youth plan shall be developed in consulta-
13 tion with the municipal youth bureau and the county or city department
14 of social services, shall be in accordance with the regulations of the
15 office of children and family services, shall provide for a coordinated
16 range of services for runaway and homeless youth and their families
17 including preventive, temporary shelter, transportation, counseling, and
18 other necessary assistance, and shall provide for the coordination of
19 all available county resources for runaway and homeless youth and their
20 families including services available through the municipal youth
21 bureau, the county or city department of social services, local boards
22 of education, local drug and alcohol programs and organizations or
23 programs which have past experience dealing with runaway and homeless
24 youth. [~~Such~~]

25 (3) In its plan a municipality may:

26 (i) include provisions for transitional independent living support
27 programs [~~for homeless youth between the ages of sixteen and twenty-one~~]
28 and runaway and homeless youth crisis services programs as provided in
29 article nineteen-H of this chapter;

30 (ii) authorize services under article nineteen-H of this chapter to be
31 provided to homeless young adults, as such term is defined in section
32 five hundred thirty-two-a of this chapter;

33 (iii) authorize runaway and homeless youth to be served for additional
34 periods of time in accordance with any of the following provisions of
35 this chapter:

36 (A) paragraph (a) of subdivision two of section five hundred thirty-
37 two-b;

38 (B) paragraph (b) of subdivision two of section five hundred thirty-
39 two-b; or

40 (C) paragraph (b) of subdivision one of section five hundred thirty-
41 two-d; and

42 (iv) require that another designated person or entity, in addition to
43 the applicable runaway and homeless youth service coordinator, approve
44 any exigent circumstance request as such term is defined in section five
45 hundred thirty-two-a of this chapter, made to the office of children and
46 family services.

47 (4) Such plan shall also provide for the designation and duties of the
48 runaway and homeless youth service coordinator defined in section five
49 hundred thirty-two-a of this chapter who is available on a twenty-four
50 hour basis and maintains information concerning available shelter space,
51 transportation and services.

52 (5) Such plan may include provision for the per diem reimbursement for
53 residential care of runaway and homeless youth in [~~approved~~] certified
54 residential runaway and homeless youth programs which are authorized

1 agencies[, ~~provided that such per diem reimbursement shall not exceed a~~
2 ~~total of thirty days for any one youth~~].

3 § 2. Subdivisions 1, 2, 4 and 6 of section 532-a of the executive law,
4 subdivisions 1 and 2 as amended by chapter 800 of the laws of 1985,
5 subdivisions 4 and 6 as amended by section 6 of part G of chapter 57 of
6 the laws of 2013, are amended, and two new subdivisions 9 and 10 are
7 added, to read as follows:

8 1. "Runaway youth" shall mean a person under the age of eighteen years
9 who is absent from his or her legal residence without the consent of his
10 or her parent, legal guardian or custodian.

11 2. "Homeless youth" shall mean:

12 (a) a person under the age of [~~twenty-one~~] eighteen who is in need of
13 services and is without a place of shelter where supervision and care
14 are available; or

15 (b) a person who is under the age of twenty-one but is at least age
16 eighteen and who is in need of services and is without a place of shel-
17 ter.

18 (c) Provided however, when a municipality's approved comprehensive
19 plan authorizes that services pursuant to this article be provided to
20 "homeless young adults" as such term is defined in this section, then
21 for purposes related to the provisions of that municipality's approved
22 comprehensive plan that include "homeless young adults", the term "home-
23 less youth" as used in this article shall be deemed to include "homeless
24 young adults".

25 4. "~~Approved runaway~~ Runaway and homeless youth crisis services
26 program" shall mean:

27 (a) any non-residential program approved by the office of children and
28 family services, after submission by the municipality[,] as part of its
29 comprehensive plan, that provides services to runaway youth and homeless
30 youth that are in crisis, in accordance with the regulations of the
31 office of children and family services; or

32 (b) any residential [~~facility~~] program which is operated by an author-
33 ized agency as defined in subdivision ten of section three hundred
34 seventy-one of the social services law, and [~~approved~~] certified by the
35 office of children and family services [~~after submission by the munici-~~
36 ~~pality as part of its comprehensive plan, established and operated~~] to
37 provide short-term residential services to runaway youth and homeless
38 youth that are in crisis, in accordance with the applicable regulations
39 of the office of temporary and disability assistance and the office of
40 children and family services. [~~Such~~]

41 (c) Runaway and homeless youth crisis services programs may also
42 provide non-residential crisis intervention and, if certified, residen-
43 tial respite services to youth in need of crisis intervention or respite
44 services, as such term is defined in this section. Residential respite
45 services in [~~an approved~~] a certified runaway and homeless youth crisis
46 services program may be provided to such youth for no more than twenty-
47 one days, in accordance with the regulations of the office of children
48 and family services and section seven hundred thirty-five of the family
49 court act.

50 6. "Transitional independent living support program" shall mean:

51 (a) any non-residential program approved by the office of children and
52 family services, after submission by the municipality as part of its
53 comprehensive plan, [~~ex~~] that provides supportive services to enable
54 homeless youth to progress from crisis care and transitional care to
55 independent living, in accordance with the applicable regulations of the
56 office of children and family services; or

1 ~~(b) any residential [facility approved by the office of children and~~
2 ~~family services after submission by the municipality as part of its~~
3 ~~comprehensive plan to offer youth development programs,] program~~ estab-
4 lished and operated to provide supportive services, ~~[for a period of up~~
5 ~~to eighteen months]~~ in accordance with the regulations of the office of
6 children and family services, to enable homeless youth ~~[between the ages~~
7 ~~of sixteen and twenty-one]~~ to progress from crisis care and transitional
8 care to independent living.

9 [~~Such~~] (c) A transitional independent living support program may also
10 provide services to youth in need of crisis intervention or respite
11 services. Notwithstanding the time limitation in paragraph (i) of subdivi-
12 sion (d) of section seven hundred thirty-five of the family court act,
13 residential respite services may be provided in a transitional independ-
14 ent living support program for a period of more than twenty-one days.

15 9. "Homeless young adult" shall mean a person who is age twenty-four
16 or younger but is at least age twenty-one and who is in need of services
17 and is without a place of shelter.

18 10. "Exigent circumstance request" shall mean a request made by a
19 municipality to the office of children and family services to approve:

20 (a) an additional length of stay in:

21 (i) a runaway and homeless youth crisis program pursuant to paragraph
22 (c) of subdivision two of section five hundred thirty-two-b of this
23 article; or

24 (ii) a transitional independent living program pursuant to paragraph
25 (c) of subdivision one of section five hundred thirty-two-d of this
26 article; or

27 (b) to allow a youth under the age of sixteen to be served in a tran-
28 sitional independent living program pursuant to subparagraph (ii) of
29 paragraph (a) of subdivision one of section five hundred thirty-two-d of
30 this article.

31 § 3. Section 532-b of the executive law, as added by chapter 722 of
32 the laws of 1978, the opening paragraph of subdivision 1 as amended by
33 chapter 182 of the laws of 2002, paragraph (a) of subdivision 1 as
34 amended by section 15 of part E of chapter 57 of the laws of 2005, para-
35 graph (e) of subdivision 1 as amended by chapter 569 of the laws of
36 1994, and subdivision 2 as amended by section 7 of part G of chapter 57
37 of the laws of 2013, is amended to read as follows:

38 § 532-b. Powers and duties of ~~[approved]~~ runaway ~~[program]~~ and home-
39 less youth crisis services programs. 1. Notwithstanding any other
40 provision of law, pursuant to regulations of the office of children and
41 family services ~~[an approved]~~ a runaway and homeless youth crisis
42 services program is authorized to and shall:

43 (a) provide assistance to any runaway or homeless youth or youth in
44 need of crisis intervention or respite services as defined in this arti-
45 cle;

46 (b) attempt to determine the cause for the youth's runaway or homeless
47 status;

48 (c) explain to the runaway ~~[and]~~ or homeless youth his or her legal
49 rights and options of service or other assistance available to the
50 youth;

51 (d) work towards reuniting such youth with his or her parent or guard-
52 ian as soon as practicable in accordance with section five hundred thir-
53 ty-two-c of this article;

54 (e) assist in arranging for necessary services for runaway or homeless
55 youth, and where appropriate, their families, including but not limited
56 to food, shelter, clothing, medical care, education and individual and

1 family counseling. Where the [~~approved~~] runaway and homeless youth
2 crisis services program concludes that such runaway or homeless youth
3 would be eligible for assistance, care or services from a local social
4 services district, it shall assist the youth in securing such assist-
5 ance, care or services as the youth is entitled to; [~~and~~]

6 (f) immediately report to the [~~local child protective service~~] state-
7 wide central register of child abuse and maltreatment or vulnerable
8 persons' central register, as appropriate, where it has reasonable cause
9 to suspect that the runaway or homeless youth has been abused or
10 neglected or when such youth maintains such to be the case[~~r~~];

11 (g) contact the appropriate local social services district if it is
12 believed that the youth may be a destitute child, as such term is
13 defined in section one thousand ninety-two of the family court act; and

14 (h) provide information to eligible youth about their ability to
15 re-enter foster care in accordance with article ten-B of the family
16 court act, and in appropriate cases, refer any such youth who may be
17 interested in re-entering foster care to the applicable local social
18 services district.

19 2. [~~The~~] (a) A runaway youth may remain in [~~the~~] a certified residen-
20 tial runaway and homeless youth crisis services program on a voluntary
21 basis for a period not to exceed thirty days, or for a youth age four-
22 teen or older for a period up to sixty days when authorized in the
23 applicable municipality's approved comprehensive plan, from the date of
24 admission where the filing of a petition pursuant to article ten of the
25 family court act is not contemplated, in order that arrangements can be
26 made for the runaway youth's return home, alternative residential place-
27 ment pursuant to section three hundred ninety-eight of the social
28 services law, or any other suitable plan.

29 (b) If the runaway youth and the parent, guardian or custodian
30 agree[~~r~~] in writing, the runaway youth may remain in [~~the runaway~~] such
31 program up to sixty days, or up to one hundred twenty days when author-
32 ized in the applicable municipality's approved county comprehensive
33 plan, without the filing of a petition pursuant to article ten of the
34 family court act, provided that in any such case the facility shall
35 first have obtained the approval of the applicable municipal runaway and
36 homeless youth services coordinator, who shall notify the municipality's
37 youth bureau of his or her approval together with a statement as to the
38 reason why such additional residential stay is necessary and a
39 description of the efforts being made to find suitable alternative
40 living arrangements for such youth.

41 (c) A runaway youth may remain in a certified residential runaway and
42 homeless youth crisis services program beyond the applicable period
43 authorized by paragraph (a) or (b) of this subdivision upon the approval
44 of the commissioner of the office of children and family services or his
45 or her designee upon written documentation of: the exigent circumstances
46 that make the additional length of stay necessary; the diligent efforts
47 that have been made by the program to find suitable alternative living
48 arrangements for such youth; and the approval for the additional length
49 of stay from the applicable municipal runaway and homeless youth
50 services coordinator and any other individual or entity designated in
51 the municipality's approved comprehensive plan.

52 § 4. Section 532-c of the executive law, as added by chapter 722 of
53 the laws of 1978, is amended to read as follows:

54 § 532-c. Notice to parent; return of runaway youth to parent; alterna-
55 tive living arrangements. 1. The staff of [~~the~~] a residential runaway
56 and homeless youth crisis services program shall, to the maximum extent

1 possible, preferably within twenty-four hours but within no more than
2 seventy-two hours following the youth's admission into the program,
3 notify such runaway youth's parent, guardian or custodian of his or her
4 physical and emotional condition, and the circumstances surrounding the
5 runaway youth's presence at the program, unless there are compelling
6 circumstances why the parent, guardian or custodian should not be so
7 notified. Where such circumstances exist, the [~~runaway~~] program director
8 or his or her designee shall either file an appropriate petition in the
9 family court, refer the youth to the local social services district, or
10 in instances where abuse or neglect is suspected, report such case
11 pursuant to title six of article six of the social services law.

12 2. Where custody of the youth upon leaving the [~~approved~~] program is
13 assumed by a relative or other person, other than the parent or guardi-
14 an, the staff of the program shall so notify the parent or guardian as
15 soon as practicable after the release of the youth. The officers, direc-
16 tors or employees of [~~an approved runaway~~] the program shall be immune
17 from any civil or criminal liability for or arising out of the release
18 of a runaway or homeless youth to a relative or other responsible person
19 other than a parent or guardian.

20 § 5. Section 532-d of the executive law, as amended by chapter 182 of
21 the laws of 2002, subdivisions (e) and (g) as amended and subdivision
22 (f) as added by section 16 of part E of chapter 57 of the laws of 2005,
23 is amended to read as follows:

24 § 532-d. Residential [~~facilities operated as~~] transitional independent
25 living support programs. Notwithstanding any inconsistent provision of
26 law, pursuant to regulations of the office of children and family
27 services, residential facilities operating as transitional independent
28 living support programs are authorized to and shall:

29 [~~(a)~~] 1. (a) (i) provide shelter to homeless youth [~~between the ages~~
30 ~~of sixteen and twenty-one as defined in this article~~] who are at least
31 age sixteen.

32 (ii) Provided, however, that shelter may be provided to a homeless
33 youth under the age of sixteen upon the approval of the commissioner of
34 the office of children and family services or his or her designee upon
35 written documentation of: the exigent circumstances that warrant shelter
36 being provided to the youth based on consideration of the youth's age;
37 the diligent efforts that have been made by the program to find suitable
38 alternative living arrangements for such youth; and approval for the
39 youth to be sheltered in the program from the applicable municipal runa-
40 way and homeless youth coordinator and any other individual or entity
41 designated in the municipality's approved comprehensive plan.

42 (b) Shelter may be provided to a homeless youth in a transitional
43 independent living program for a period of up to eighteen months, or up
44 to twenty-four months when authorized in the applicable municipality's
45 approved comprehensive plan;

46 (c) A homeless youth who entered a transitional independent living
47 program under the age of twenty-one may continue to receive shelter
48 services in such program beyond the applicable period authorized by
49 paragraph (b) of this subdivision, upon approval of the commissioner of
50 the office of children and family services or his or her designee upon
51 written documentation of: the exigent circumstances that make the addi-
52 tional length of stay necessary; the diligent efforts that have been
53 made by the program to find suitable alternative living arrangements for
54 such youth; and approval from the applicable municipal runaway and home-
55 less youth services coordinator, and any other individual or entity
56 designated in the municipality's approved comprehensive plan;

1 [~~(b)~~] 2. work toward reuniting such homeless youth with his or her
2 parent, guardian or custodian, where possible;

3 [~~(c)~~] 3. provide or assist in securing necessary services for such
4 homeless youth, and where appropriate, his or her family, including but
5 not limited to housing, educational, medical care, legal, mental health,
6 and substance and alcohol abuse services. Where such program concludes
7 that such homeless youth would be eligible for assistance, care or
8 services from a local social services district, it shall assist such
9 youth in securing such assistance, care or services;

10 [~~(d)~~] 4. for a homeless youth whose service plan involves independent
11 living, provide practical assistance in achieving independence, either
12 through direct provision of services or through written agreements with
13 other community and public agencies for the provision of services in the
14 following areas; high school education or high school equivalency educa-
15 tion; higher education assessment; job training and job placement; coun-
16 seling; assistance in the development of socialization skills; guidance
17 and assistance in securing housing appropriate to needs and income; and
18 training in the development of skills necessary for responsible inde-
19 pendent living, including but not limited to money and home management,
20 personal care, and health maintenance; and

21 [~~(e)~~] 5. provide residential services to a youth in need of crisis
22 intervention or respite services, as defined in this article; [~~and~~]

23 [~~(f)~~] 6. continue to provide services to a homeless youth who is not
24 yet eighteen years of age but who has reached the [~~eighteen-month~~] maxi-
25 mum time period provided by paragraph (b) of subdivision [~~six~~] one
26 this section [~~five hundred thirty-two-a of this article~~], until he or
27 she is eighteen years of age or for an additional six months if he or
28 she is still under the age of eighteen; and

29 [~~(g)~~] 7. contact the appropriate local social services district if it
30 is believed that the youth may be a destitute child, as such term is
31 defined in section one thousand ninety-two of the family court act;

32 8. provide information to eligible youth about their ability to re-en-
33 ter foster care in accordance with article ten-B of the family court
34 act, and in appropriate cases, refer any such youth who may be inter-
35 ested in re-entering foster care to the applicable local social services
36 district; and

37 9. provide such reports and data as specified by the office of chil-
38 dren and family services.

39 § 6. The executive law is amended by adding a new section 532-f to
40 read as follows:

41 § 532-f. Required certification for residential programs. Notwith-
42 standing any other provision of law to the contrary, any residential
43 program established for the purpose of serving runaway and homeless
44 youth that serves any youth under the age of eighteen or that is
45 contained in a municipality's approved comprehensive plan, must be
46 certified by the office of children and family services and must be
47 operated by an authorized agency as such term is defined in subdivision
48 ten of section three hundred seventy-one of the social services law.

49 § 7. Paragraph (iii) of subdivision (b) of section 724 of the family
50 court act, as amended by section 4 of part E of chapter 57 of the laws
51 of 2005, is amended to read as follows:

52 (iii) take a youth in need of crisis intervention or respite services
53 to [~~an approved~~] a runaway and homeless youth crisis services program or
54 other approved respite or crisis program; or

55 § 8. Subdivision 2 of section 447-a of the social services law, as
56 added by chapter 569 of the laws of 2008, is amended to read as follows:

1 2. The term "short-term safe house" means a residential facility oper-
2 ated by an authorized agency as defined in subdivision ten of section
3 three hundred seventy-one of this article including a residential facil-
4 ity operating as part of [~~an approved~~] a runaway and homeless youth
5 crisis services program as defined in subdivision four of section five
6 hundred thirty-two-a of the executive law or a not-for-profit agency
7 with experience in providing services to sexually exploited youth and
8 approved in accordance with the regulations of the office of children
9 and family services that provides emergency shelter, services and care
10 to sexually exploited children including food, shelter, clothing,
11 medical care, counseling and appropriate crisis intervention services at
12 the time they are taken into custody by law enforcement and for the
13 duration of any legal proceeding or proceedings in which they are either
14 the complaining witness or the subject child. The short-term safe house
15 shall also be available at the point in time that a child under the age
16 of eighteen has first come into the custody of juvenile detention offi-
17 cials, law enforcement, local jails or the local commissioner of social
18 services or is residing with the local runaway and homeless youth
19 authority.

20 § 9. This act shall take effect January 1, 2018; provided however,
21 that:

22 (a) the office of children and family services is authorized to
23 promulgate regulations regarding any of the provisions of this act on or
24 before the effective date of such act;

25 (b) the amendments to article 19-H of the executive law made by
26 section six of this act that require that certain residential runaway
27 and homeless youth programs be operated by authorized agencies shall be
28 deemed to apply to such programs that are certified by the office of
29 children and family services on or after the effective date of this act;

30 (c) the amendments to:

31 (i) paragraph a of subdivision 2 of section 420 of the executive law,
32 made by section one of this act, shall not affect the expiration and
33 reversion of such subdivision pursuant to section 9 of part G of chapter
34 57 of the laws of 2013 and shall expire and be deemed repealed there-
35 with; and

36 (ii) subdivisions 4 and 6 of section 532-a of the executive law, made
37 by section two of this act, shall not affect the expiration and rever-
38 sion of such subdivisions pursuant to section 9 of part G of chapter 57
39 of the laws of 2013 and shall expire and be deemed repealed therewith;

40 (iii) subdivision 2 of section 532-b of the executive law made by
41 section three of this act, shall not affect the expiration and reversion
42 of such subdivision pursuant to section 9 of part G of chapter 57 of the
43 laws of 2013 and shall expire and be deemed repealed therewith.

44

PART N

45 Section 1. The public health law is amended by adding a new article
46 29-I to read as follows:

47

ARTICLE 29-I

48

MEDICAL SERVICES FOR FOSTER CHILDREN

49

Section 2999-gg. Voluntary foster care agency health facilities.

50

§ 2999-gg. Voluntary foster care agency health facilities. 1. In
51 order for an authorized agency that is approved by the office of chil-
52 dren and family services to care for or board out children to provide
53 limited health-related services as defined in regulations of the depart-

1 ment either directly or through a contract arrangement, such agency must
2 obtain, in accordance with a schedule developed by the department in
3 conjunction with the office of children and family services, a license
4 issued by the commissioner in conjunction with the office of children
5 and family services to provide such services. Such schedule shall
6 require that all such authorized agencies operating on January first,
7 two thousand nineteen obtain the license required by this section no
8 later than January first, two thousand nineteen. Such licenses shall be
9 issued in accordance with the standards set forth in this article and
10 the regulations of the department. Provided however, that a license
11 pursuant to this section shall not be required if such authorized agency
12 is otherwise authorized to provide limited-health-related services under
13 a license issued pursuant to article twenty-eight of this chapter or
14 article thirty-one of the mental hygiene law. For the purposes of this
15 section, the term authorized agency shall be an authorized agency as
16 defined in paragraph (a) of subdivision ten of section three hundred
17 seventy-one of the social services law.

18 2. Such license shall not be issued unless it is determined that the
19 equipment, personnel, rules, standards of care and services are fit and
20 adequate, and that the health-related services will be provided in the
21 manner required by this article and the rules and regulations there-
22 under.

23 3. The commissioner and the commissioner of the office of children and
24 family services shall enter into a memorandum of agreement for the
25 purposes of administering the requirements of this section.

26 4. Proceedings involving the issuance of licenses for health-related
27 services to authorized agencies:

28 (a) A license for health-related services under this article may be
29 revoked, suspended, limited, annulled or denied by the commissioner, in
30 consultation with the office of children and family services, if an
31 authorized agency is determined to have failed to comply with the
32 provisions of this article or the rules and regulations promulgated
33 thereunder.

34 (b) No such license shall be revoked, suspended, limited, annulled or
35 denied without a hearing. However, a license may be temporarily
36 suspended or limited without a hearing for a period not in excess of
37 thirty days upon written notice that the continuation of health-related
38 services places the public health or safety of the recipients in immi-
39 nent danger.

40 (c) The commissioner shall fix a time and place for the hearing. A
41 copy of the charges, together with the notice of the time and place of
42 the hearing, shall be served in person or mailed by registered or certi-
43 fied mail to the authorized agency at least twenty-one days before the
44 date fixed for the hearing. The authorized agency shall file with the
45 department not less than eight days prior to the hearing, a written
46 answer to the charges.

47 (d) All orders or determinations hereunder shall be subject to review
48 as provided in article seventy-eight of the civil practice law and
49 rules. Application for such review must be made within sixty days after
50 service in person or by registered or certified mail of a copy of the
51 order or determination upon the applicant or agency.

52 § 2. This act shall take effect immediately, provided, however, that
53 the department of health, in consultation with the office of children
54 and family services, shall issue any regulations necessary for the
55 implementation of this act.

1

PART O

2 Section 1. Subdivision 1 of section 131-r of the social services law,
3 as added by chapter 81 of the laws of 1995 and as designated by chapter
4 340 of the laws of 2003, is amended to read as follows:

5 1. Any person who is receiving or has received, within the previous
6 ten years, public assistance pursuant to the provisions of this article,
7 and who wins a lottery prize of six hundred dollars or more shall reim-
8 burse the department from the winnings, for all such public assistance
9 benefits paid to such person during the previous ten years[~~, provided,~~
10 ~~however, that such crediting to the department shall in no event exceed~~
11 ~~fifty percent of the amount of the lottery prize~~]. The commissioner
12 shall enter into an agreement with the director of the lottery, pursuant
13 to section sixteen hundred thirteen-b of the tax law, for the crediting
14 of lottery prizes against public assistance benefits. Nothing herein
15 shall limit the ability of a social services district to make recoveries
16 pursuant to section [~~104~~] one hundred four or section [~~106-b~~] one
17 hundred six-b of this chapter.

18 § 2. Subdivisions 1 and 3 of section 1613-b of the tax law, as amended
19 by chapter 601 of the laws of 2007, are amended to read as follows:

20 (1) Notwithstanding any limitations in section one hundred four of the
21 social services law, the director of the lottery, on behalf of the divi-
22 sion of the lottery, shall enter into a written agreement with the
23 commissioner of the office of temporary and disability assistance, on
24 behalf of the office of temporary and disability assistance, which shall
25 set forth the procedures for crediting any lottery prize of six hundred
26 dollars or more awarded to an individual against any and all public
27 assistance benefits which were given to or on behalf of such individual
28 within a period of up to ten years prior to the issuance of such prize
29 of which the director of the lottery has been notified by the commis-
30 sioner of the office of temporary and disability assistance pursuant to
31 the provisions of such agreement[~~, provided, however, that in no event~~
32 ~~shall such credit to the office of temporary and disability assistance~~
33 ~~exceed fifty percent of any such lottery prize and provided further~~]
34 that, unless otherwise determined cost effective by the commissioner of
35 the office of temporary and disability assistance and the director of
36 the lottery such procedure shall be required only to the extent that and
37 with respect to periods for which it can be effected through automated
38 type match.

39 (3) Prior to awarding any lottery prize of six hundred dollars or
40 more, the division of the lottery shall review the notice of liability
41 of public assistance benefits paid provided by the office of temporary
42 and disability assistance. For each lottery prize winner identified on
43 such notice as an individual, who is receiving or has received, within
44 the last ten years, public assistance benefits, the lottery division
45 shall credit to the office of temporary and disability assistance such
46 amount of the prize to satisfy the amount of public assistance benefits
47 indicated as received within the previous ten years, and any remainder
48 shall be awarded to the prize winner[~~, provided, however, that in no~~
49 ~~event shall such credit to the office of temporary and disability~~
50 ~~assistance exceed fifty percent of any such lottery prize~~].

51 § 3. This act shall take effect July 1, 2017.

52

PART P

1 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
2 section 131-o of the social services law, as amended by section 1 of
3 part O of chapter 54 of the laws of 2016, are amended to read as
4 follows:

5 (a) in the case of each individual receiving family care, an amount
6 equal to at least \$141.00 for each month beginning on or after January
7 first, two thousand [~~sixteen~~] seventeen.

8 (b) in the case of each individual receiving residential care, an
9 amount equal to at least \$163.00 for each month beginning on or after
10 January first, two thousand [~~sixteen~~] seventeen.

11 (c) in the case of each individual receiving enhanced residential
12 care, an amount equal to at least [~~\$193.00~~] \$194.00 for each month
13 beginning on or after January first, two thousand [~~sixteen~~] seventeen.

14 (d) for the period commencing January first, two thousand [~~seventeen~~]
15 eighteen, the monthly personal needs allowance shall be an amount equal
16 to the sum of the amounts set forth in subparagraphs one and two of this
17 paragraph:

18 (1) the amounts specified in paragraphs (a), (b) and (c) of this
19 subdivision; and

20 (2) the amount in subparagraph one of this paragraph, multiplied by
21 the percentage of any federal supplemental security income cost of
22 living adjustment which becomes effective on or after January first, two
23 thousand [~~seventeen~~] eighteen, but prior to June thirtieth, two thousand
24 [~~seventeen~~] eighteen, rounded to the nearest whole dollar.

25 § 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of
26 section 209 of the social services law, as amended by section 2 of part
27 O of chapter 54 of the laws of 2016, are amended to read as follows:

28 (a) On and after January first, two thousand [~~sixteen~~] seventeen, for
29 an eligible individual living alone, [~~\$820.00~~] \$822.00; and for an
30 eligible couple living alone, [~~\$1204.00~~] \$1,207.00.

31 (b) On and after January first, two thousand [~~sixteen~~] seventeen, for
32 an eligible individual living with others with or without in-kind
33 income, [~~\$756.00~~] \$758.00; and for an eligible couple living with others
34 with or without in-kind income, [~~\$1146.00~~] \$1,149.00.

35 (c) On and after January first, two thousand [~~sixteen~~] seventeen, (i)
36 for an eligible individual receiving family care, [~~\$999.48~~] \$1,001.48 if
37 he or she is receiving such care in the city of New York or the county
38 of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible
39 couple receiving family care in the city of New York or the county of
40 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
41 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-
42 ual receiving such care in any other county in the state, [~~\$961.48~~]
43 \$963.48; and (iv) for an eligible couple receiving such care in any
44 other county in the state, two times the amount set forth in subpara-
45 graph (iii) of this paragraph.

46 (d) On and after January first, two thousand [~~sixteen~~] seventeen, (i)
47 for an eligible individual receiving residential care, [~~\$1168.00~~]
48 \$1,170.00 if he or she is receiving such care in the city of New York or
49 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
50 eligible couple receiving residential care in the city of New York or
51 the county of Nassau, Suffolk, Westchester or Rockland, two times the
52 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
53 eligible individual receiving such care in any other county in the
54 state, [~~\$1138.00~~] \$1,140.00; and (iv) for an eligible couple receiving
55 such care in any other county in the state, two times the amount set
56 forth in subparagraph (iii) of this paragraph.

1 (e) (i) On and after January first, two thousand [~~sixteen~~] **seventeen**,
2 for an eligible individual receiving enhanced residential care,
3 [~~\$1427.00~~] **\$1,429.00**; and (ii) for an eligible couple receiving enhanced
4 residential care, two times the amount set forth in subparagraph (i) of
5 this paragraph.

6 (f) The amounts set forth in paragraphs (a) through (e) of this subdivi-
7 sion shall be increased to reflect any increases in federal supple-
8 mental security income benefits for individuals or couples which become
9 effective on or after January first, two thousand [~~seventeen~~] **eighteen**
10 but prior to June thirtieth, two thousand [~~seventeen~~] **eighteen**.

11 § 3. This act shall take effect December 31, 2017.

12 PART Q

13 Section 1. Section 412 of the social services law is amended by adding
14 a new subdivision 9 to read as follows:

15 **9. A "publicly-funded emergency shelter for families with children"**
16 **means any facility with overnight sleeping accommodations and that is**
17 **used to house recipients of temporary housing assistance and which hous-**
18 **es or may house children and families with children.**

19 § 2. Paragraph (a) of subdivision 1 of section 413 of the social
20 services law, as separately amended by chapters 126 and 205 of the laws
21 of 2014, is amended to read as follows:

22 (a) The following persons and officials are required to report or
23 cause a report to be made in accordance with this title when they have
24 reasonable cause to suspect that a child coming before them in their
25 professional or official capacity is an abused or maltreated child, or
26 when they have reasonable cause to suspect that a child is an abused or
27 maltreated child where the parent, guardian, custodian or other person
28 legally responsible for such child comes before them in their profes-
29 sional or official capacity and states from personal knowledge facts,
30 conditions or circumstances which, if correct, would render the child an
31 abused or maltreated child: any physician; registered physician assist-
32 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
33 osteopath; optometrist; chiropractor; podiatrist; resident; intern;
34 psychologist; registered nurse; social worker; emergency medical techni-
35 cian; licensed creative arts therapist; licensed marriage and family
36 therapist; licensed mental health counselor; licensed psychoanalyst;
37 licensed behavior analyst; certified behavior analyst assistant; hospi-
38 tal personnel engaged in the admission, examination, care or treatment
39 of persons; a Christian Science practitioner; school official, which
40 includes but is not limited to school teacher, school guidance counse-
41 lor, school psychologist, school social worker, school nurse, school
42 administrator or other school personnel required to hold a teaching or
43 administrative license or certificate; full or part-time compensated
44 school employee required to hold a temporary coaching license or profes-
45 sional coaching certificate; social services worker; **employee of a publ-**
46 **icly-funded emergency shelter for families with children**; director of a
47 children's overnight camp, summer day camp or traveling summer day camp,
48 as such camps are defined in section thirteen hundred ninety-two of the
49 public health law; day care center worker; school-age child care worker;
50 provider of family or group family day care; employee or volunteer in a
51 residential care facility for children that is licensed, certified or
52 operated by the office of children and family services; or any other
53 child care or foster care worker; mental health professional; substance
54 abuse counselor; alcoholism counselor; all persons credentialed by the

1 office of alcoholism and substance abuse services; peace officer; police
2 officer; district attorney or assistant district attorney; investigator
3 employed in the office of a district attorney; or other law enforcement
4 official.

5 § 3. Subdivision 3 of section 424-a of the social services law, as
6 amended by section 8 of part D of chapter 501 of the laws of 2012, is
7 amended to read as follows:

8 3. For purposes of this section, the term "provider" or "provider
9 agency" shall mean: an authorized agency[7]; the office of children and
10 family services[7]; juvenile detention facilities subject to the certifi-
11 cation of [~~such~~] the office[7] of children and family services;
12 programs established pursuant to article nineteen-H of the executive
13 law[7]; non-residential or residential programs or facilities licensed
14 or operated by the office of mental health or the office for people with
15 developmental disabilities except family care homes[7]; licensed child
16 day care centers, including head start programs which are funded pursu-
17 ant to title V of the federal economic opportunity act of nineteen
18 hundred sixty-four, as amended[7]; early intervention service estab-
19 lished pursuant to section twenty-five hundred forty of the public
20 health law[7]; preschool services established pursuant to section
21 forty-four hundred ten of the education law[7]; school-age child care
22 programs[7]; special act school districts as enumerated in chapter five
23 hundred sixty-six of the laws of nineteen hundred sixty-seven, as
24 amended[7]; programs and facilities licensed by the office of alcoholism
25 and substance abuse services[7]; residential schools which are operated,
26 supervised or approved by the education department[7]; publicly-funded
27 emergency shelters for families with children, provided, however, for
28 purposes of this section, when the provider or provider agency is a
29 publicly-funded emergency shelter for families with children, then all
30 references in this section to the "potential for regular and substantial
31 contact with individuals who are cared for by the agency" shall mean the
32 potential for regular and substantial contact with children who are
33 served by such shelter; and any other facility or provider agency, as
34 defined in subdivision four of section four hundred eighty-eight of this
35 chapter, in regard to the employment of staff, or use of providers of
36 goods and services and staff of such providers, consultants, interns and
37 volunteers.

38 § 4. The social services law is amended by adding a new section 460-h
39 to read as follows:

40 § 460-h. Review of criminal history information concerning prospective
41 employees, consultants, assistants and volunteers of publicly-funded
42 emergency shelters for families with children. 1. Every provider of
43 services to publicly-funded emergency shelters for families with chil-
44 dren, as such phrase is defined in subdivision nine of section four
45 hundred twelve of this chapter, shall request from the division of crim-
46 inal justice services criminal history information, as such phrase is
47 defined in paragraph (c) of subdivision one of section eight hundred
48 forty-five-b of the executive law, concerning each prospective employee,
49 consultant, assistant or volunteer of such provider who will have the
50 potential for regular and substantial contact with children who are
51 served by the publicly-funded emergency shelter for families with chil-
52 dren.

53 (a) Prior to requesting criminal history information concerning any
54 prospective employee, consultant, assistant or volunteer, a provider
55 shall:

1 (1) inform the prospective employee, consultant, assistant or volun-
2 teer in writing that the provider is required to request his or her
3 criminal history information from the division of criminal justice
4 services and review such information pursuant to this section; and

5 (2) obtain the signed informed consent of the prospective employee,
6 consultant, assistant or volunteer on a form supplied by the division of
7 criminal justice services which indicates that such person has:

8 (i) been informed of the right and procedures necessary to obtain,
9 review and seek correction of his or her criminal history information;

10 (ii) been informed of the reason for the request for his or her crimi-
11 nal history information;

12 (iii) consented to such request; and

13 (iv) supplied on the form a current mailing or home address.

14 (b) Upon receiving such written consent, the provider shall obtain a
15 set of fingerprints of such prospective employee, consultant, assistant,
16 or volunteer and provide such fingerprints to the division of criminal
17 justice services pursuant to regulations established by the division of
18 criminal justice services.

19 2. A provider shall designate one or two persons in its employ who
20 shall be authorized to request, receive and review the criminal history
21 information, and only such persons and the prospective employee,
22 consultant, assistant or volunteer to which the criminal history infor-
23 mation relates shall have access to such information; provided, however,
24 the criminal history information may be disclosed to other personnel
25 authorized by the provider who are empowered to make decisions concern-
26 ing prospective employees, consultants, assistants or volunteers and
27 provided further that such other personnel shall also be subject to the
28 confidentiality requirements and all other provisions of this section. A
29 provider shall notify each person authorized to have access to criminal
30 history information pursuant to this section.

31 3. A provider requesting criminal history information pursuant to this
32 section shall also complete a form developed for such purpose by the
33 division of criminal justice services. Such form shall include a sworn
34 statement of the person designated by such provider to request, receive
35 and review criminal history information pursuant to subdivision two of
36 this section certifying that:

37 (a) such criminal history information will be used by the provider
38 solely for purposes authorized by this section;

39 (b) the provider and its staff are aware of and will abide by the
40 confidentiality requirements and all other provisions of this section;
41 and

42 (c) the persons designated by the provider to receive criminal history
43 information pursuant to subdivision two of this section shall upon
44 receipt immediately mark such criminal history information "confiden-
45 tial," and shall at all times maintain such criminal history information
46 in a secure place.

47 4. Upon receipt of the fingerprints and sworn statement required by
48 this section, the provider shall promptly submit the fingerprints to the
49 division of criminal justice services.

50 5. The division of criminal justice services shall promptly provide
51 the requested criminal history information, if any, to the provider that
52 transmitted the fingerprints to it. Such information shall at all times
53 be maintained by the provider in a secure place.

54 6. Upon receipt of criminal history information from the division of
55 criminal justice services, the provider may request, and is entitled to
56 receive, information pertaining to any crime identified on such criminal

1 history information from any state or local law enforcement agency,
2 district attorney, parole officer, probation officer or court for the
3 purposes of determining whether any grounds relating to such crime exist
4 for denying any application, renewal, or employment.

5 7. After receiving criminal history information pursuant to subdivi-
6 sions five and six of this section and before making a determination,
7 the provider shall provide the prospective employee, consultant, assist-
8 ant or volunteer with a summary of such criminal history information and
9 a copy of article twenty-three-A of the correction law and inform such
10 prospective employee, consultant, assistant and volunteer of his or her
11 right to seek correction of any incorrect information contained in such
12 criminal history information provided by the division of criminal
13 justice services pursuant to the regulations and procedures established
14 by the division of criminal justice services and the right of the
15 prospective employee, consultant, assistant or volunteer to provide
16 information relevant to such analysis.

17 8. Criminal history information obtained pursuant to subdivisions five
18 and six of this section shall be considered by the provider in accord-
19 ance with the provisions of article twenty-three-A of the correction law
20 and subdivisions fifteen and sixteen of section two hundred ninety-six
21 of the executive law.

22 9. A prospective employee, consultant, assistant or volunteer may
23 withdraw from the application process, without prejudice, at any time
24 regardless of whether he or she, or the provider, has reviewed his or
25 her criminal history information. Where a prospective employee, consult-
26 ant, assistant or volunteer withdraws from the application process, any
27 fingerprints and criminal history information concerning such prospec-
28 tive employee, consultant, assistant or volunteer received by the
29 provider shall, within ninety days, be returned to such prospective
30 employee, consultant, assistant or volunteer by the person designated
31 for receipt of criminal history information pursuant to subdivision two
32 of this section.

33 10. Any person who willfully permits the release of any confidential
34 criminal history information contained in the report to persons not
35 permitted by this section to receive such information shall be guilty of
36 a misdemeanor.

37 11. The commissioner of the division of criminal justice services, in
38 consultation with the office of temporary and disability assistance,
39 shall promulgate all rules and regulations necessary to implement the
40 provisions of this section, which shall include convenient procedures
41 for the provider to promptly verify the accuracy of the reviewed crimi-
42 nal history information and, to the extent authorized by law, to have
43 access to relevant documents related thereto.

44 § 5. Severability. If any clause, sentence, paragraph, subdivision, or
45 section contained in this act shall be adjudged by any court of compe-
46 tent jurisdiction to be invalid, such judgement shall not affect,
47 impair, or invalidate the remainder thereof, but shall be confined in
48 its operation to the clause, sentence, paragraph, subdivision, or
49 section directly involved in the controversy in which such judgment
50 shall have been rendered. It is hereby declared to be the intent of the
51 legislature that this act would have been enacted even if such invalid
52 provision had not been included herein.

53 § 6. This act shall take effect on the ninetieth day after it shall
54 have become a law; provided however that: the commissioner of the office
55 of children and family services, in consultation with the office of
56 temporary and disability assistance, shall promulgate all rules and

1 regulations necessary to implement the provisions of section two of this
2 act; the commissioner of the office of temporary and disability assist-
3 ance, in consultation with the office of children and family services,
4 shall promulgate all rules and regulations necessary to implement the
5 provisions of sections one and three of this act; and the commissioner
6 of the division of criminal justice services, in consultation with the
7 office of temporary and disability assistance, shall promulgate all
8 rules and regulations necessary to implement the provisions of section
9 four of this act; and provided further, the aforementioned rules or
10 regulations may be promulgated on an emergency basis.

11

PART R

12 Section 1. Notwithstanding any other provision of law, the housing
13 trust fund corporation may provide, for purposes of the rural rental
14 assistance program, a sum not to exceed twenty-two million nine hundred
15 sixty thousand dollars for the fiscal year ending March 31, 2018.
16 Notwithstanding any other provision of law, and subject to the approval
17 of the New York state director of the budget, the board of directors of
18 the state of New York mortgage agency shall authorize the transfer to
19 the housing trust fund corporation, for the purposes of reimbursing any
20 costs associated with rural rental assistance program contracts author-
21 ized by this section, a total sum not to exceed twenty-two million nine
22 hundred sixty thousand dollars, such transfer to be made from (i) the
23 special account of the mortgage insurance fund created pursuant to
24 section 2429-b of the public authorities law, in an amount not to exceed
25 the actual excess balance in the special account of the mortgage insur-
26 ance fund, as determined and certified by the state of New York mortgage
27 agency for the fiscal year 2016-2017 in accordance with section 2429-b
28 of the public authorities law, if any, and/or (ii) provided that the
29 reserves in the project pool insurance account of the mortgage insurance
30 fund created pursuant to section 2429-b of the public authorities law
31 are sufficient to attain and maintain the credit rating (as determined
32 by the state of New York mortgage agency) required to accomplish the
33 purposes of such account, the project pool insurance account of the
34 mortgage insurance fund, such transfer to be made as soon as practicable
35 but no later than June 30, 2017.

36 § 2. Notwithstanding any other provision of law, the housing finance
37 agency may provide, for costs associated with the rehabilitation of
38 Mitchell Lama housing projects, a sum not to exceed forty-one million
39 dollars for the fiscal year ending March 31, 2018. Notwithstanding any
40 other provision of law, and subject to the approval of the New York
41 state director of the budget, the board of directors of the state of New
42 York mortgage agency shall authorize the transfer to the housing finance
43 agency, for the purposes of reimbursing any costs associated with Mitc-
44 hell Lama housing projects authorized by this section, a total sum not
45 to exceed forty-one million dollars, such transfer to be made from (i)
46 the special account of the mortgage insurance fund created pursuant to
47 section 2429-b of the public authorities law, in an amount not to exceed
48 the actual excess balance in the special account of the mortgage insur-
49 ance fund, as determined and certified by the state of New York mortgage
50 agency for the fiscal year 2016-2017 in accordance with section 2429-b
51 of the public authorities law, if any, and/or (ii) provided that the
52 reserves in the project pool insurance account of the mortgage insurance
53 fund created pursuant to section 2429-b of the public authorities law
54 are sufficient to attain and maintain the credit rating (as determined

1 by the state of New York mortgage agency) required to accomplish the
2 purposes of such account, the project pool insurance account of the
3 mortgage insurance fund, such transfer to be made as soon as practicable
4 but no later than March 31, 2018.

5 § 3. Notwithstanding any other provision of law, the housing trust
6 fund corporation may provide, for purposes of the neighborhood preserva-
7 tion program, a sum not to exceed eight million four hundred seventy-
8 nine thousand dollars for the fiscal year ending March 31, 2018.

9 Notwithstanding any other provision of law, and subject to the approval
10 of the New York state director of the budget, the board of directors of
11 the state of New York mortgage agency shall authorize the transfer to
12 the housing trust fund corporation, for the purposes of reimbursing any
13 costs associated with neighborhood preservation program contracts
14 authorized by this section, a total sum not to exceed eight million four
15 hundred seventy-nine thousand dollars, such transfer to be made from (i)
16 the special account of the mortgage insurance fund created pursuant to
17 section 2429-b of the public authorities law, in an amount not to exceed
18 the actual excess balance in the special account of the mortgage insur-
19 ance fund, as determined and certified by the state of New York mortgage
20 agency for the fiscal year 2016-2017 in accordance with section 2429-b
21 of the public authorities law, if any, and/or (ii) provided that the
22 reserves in the project pool insurance account of the mortgage insurance
23 fund created pursuant to section 2429-b of the public authorities law
24 are sufficient to attain and maintain the credit rating (as determined
25 by the state of New York mortgage agency) required to accomplish the
26 purposes of such account, the project pool insurance account of the
27 mortgage insurance fund, such transfer to be made as soon as practicable
28 but no later than June 30, 2017.

29 § 4. Notwithstanding any other provision of law, the housing trust
30 fund corporation may provide, for purposes of the rural preservation
31 program, a sum not to exceed three million five hundred thirty-nine
32 thousand dollars for the fiscal year ending March 31, 2018. Notwith-
33 standing any other provision of law, and subject to the approval of the
34 New York state director of the budget, the board of directors of the
35 state of New York mortgage agency shall authorize the transfer to the
36 housing trust fund corporation, for the purposes of reimbursing any
37 costs associated with rural preservation program contracts authorized by
38 this section, a total sum not to exceed three million five hundred thir-
39 ty-nine thousand dollars, such transfer to be made from (i) the special
40 account of the mortgage insurance fund created pursuant to section
41 2429-b of the public authorities law, in an amount not to exceed the
42 actual excess balance in the special account of the mortgage insurance
43 fund, as determined and certified by the state of New York mortgage
44 agency for the fiscal year 2016-2017 in accordance with section 2429-b
45 of the public authorities law, if any, and/or (ii) provided that the
46 reserves in the project pool insurance account of the mortgage insurance
47 fund created pursuant to section 2429-b of the public authorities law
48 are sufficient to attain and maintain the credit rating (as determined
49 by the state of New York mortgage agency) required to accomplish the
50 purposes of such account, the project pool insurance account of the
51 mortgage insurance fund, such transfer to be made as soon as practicable
52 but no later than June 30, 2017.

53 § 5. Notwithstanding any other provision of law, the housing trust
54 fund corporation may provide, for purposes of the rural and urban commu-
55 nity investment fund program created pursuant to article XXVII of the
56 private housing finance law, a sum not to exceed thirty-six million

1 dollars for the fiscal year ending March 31, 2018. Notwithstanding any
2 other provision of law, and subject to the approval of the New York
3 state director of the budget, the board of directors of the state of New
4 York mortgage agency shall authorize the transfer to the housing trust
5 fund corporation, for the purposes of reimbursing any costs associated
6 with rural and urban community investment fund program contracts author-
7 ized by this section, a total sum not to exceed thirty-six million
8 dollars, such transfer to be made from (i) the special account of the
9 mortgage insurance fund created pursuant to section 2429-b of the public
10 authorities law, in an amount not to exceed the actual excess balance in
11 the special account of the mortgage insurance fund, as determined and
12 certified by the state of New York mortgage agency for the fiscal year
13 2016-2017 in accordance with section 2429-b of the public authorities
14 law, if any, and/or (ii) provided that the reserves in the project pool
15 insurance account of the mortgage insurance fund created pursuant to
16 section 2429-b of the public authorities law are sufficient to attain
17 and maintain the credit rating (as determined by the state of New York
18 mortgage agency) required to accomplish the purposes of such account,
19 the project pool insurance account of the mortgage insurance fund, such
20 transfer to be made as soon as practicable but no later than March 31,
21 2018.

22 § 6. Notwithstanding any other provision of law, the housing trust
23 fund corporation may provide, for the purposes of carrying out the
24 provisions of the low income housing trust fund program created pursuant
25 to article XVIII of the private housing finance law, a sum not to exceed
26 twenty-one million dollars for the fiscal year ending March 31, 2018.
27 Notwithstanding any other provision of law, and subject to the approval
28 of the New York state director of the budget, the board of directors of
29 the state of New York mortgage agency shall authorize the transfer to
30 the housing trust fund corporation, for the purposes of carrying out the
31 provisions of the low income housing trust fund program created pursuant
32 to article XVIII of the private housing finance law authorized by this
33 section, a total sum not to exceed twenty-one million dollars, such
34 transfer to be made from (i) the special account of the mortgage insur-
35 ance fund created pursuant to section 2429-b of the public authorities
36 law, in an amount not to exceed the actual excess balance in the special
37 account of the mortgage insurance fund, as determined and certified by
38 the state of New York mortgage agency for the fiscal year 2016-2017 in
39 accordance with section 2429-b of the public authorities law, if any,
40 and/or (ii) provided that the reserves in the project pool insurance
41 account of the mortgage insurance fund created pursuant to section
42 2429-b of the public authorities law are sufficient to attain and main-
43 tain the credit rating (as determined by the state of New York mortgage
44 agency) required to accomplish the purposes of such account, the project
45 pool insurance account of the mortgage insurance fund, such transfer to
46 be made as soon as practicable but no later than March 31, 2018.

47 § 7. Notwithstanding any other provision of law, the housing trust
48 fund corporation may provide, for purposes of the homes for working
49 families program for deposit in the housing trust fund created pursuant
50 to section 59-a of the private housing finance law and subject to the
51 provisions of article XVIII of the private housing finance law, a sum
52 not to exceed two million dollars for the fiscal year ending March 31,
53 2018. Notwithstanding any other provision of law, and subject to the
54 approval of the New York state director of the budget, the board of
55 directors of the state of New York mortgage agency shall authorize the
56 transfer to the housing trust fund corporation, for the purposes of

1 reimbursing any costs associated with homes for working families program
2 contracts authorized by this section, a total sum not to exceed two
3 million dollars, such transfer to be made from (i) the special account
4 of the mortgage insurance fund created pursuant to section 2429-b of the
5 public authorities law, in an amount not to exceed the actual excess
6 balance in the special account of the mortgage insurance fund, as deter-
7 mined and certified by the state of New York mortgage agency for the
8 fiscal year 2016-2017 in accordance with section 2429-b of the public
9 authorities law, if any, and/or (ii) provided that the reserves in the
10 project pool insurance account of the mortgage insurance fund created
11 pursuant to section 2429-b of the public authorities law are sufficient
12 to attain and maintain the credit rating (as determined by the state of
13 New York mortgage agency) required to accomplish the purposes of such
14 account, the project pool insurance account of the mortgage insurance
15 fund, such transfer to be made as soon as practicable but no later than
16 March 31, 2018.

17 § 8. Notwithstanding any other provision of law, the homeless housing
18 and assistance corporation may provide, for purposes of the New York
19 state supportive housing program, the solutions to end homelessness
20 program or the operational support for AIDS housing program, or to qual-
21 ified grantees under those programs, in accordance with the requirements
22 of those programs, a sum not to exceed six million five hundred twenty-
23 two thousand dollars for the fiscal year ending March 31, 2018. The
24 homeless housing and assistance corporation may enter into an agreement
25 with the office of temporary and disability assistance to administer
26 such sum in accordance with the requirements of the programs. Notwith-
27 standing any other provision of law, and subject to the approval of the
28 New York state director of the budget, the board of directors of the
29 state of New York mortgage agency shall authorize the transfer to the
30 homeless housing and assistance corporation, a total sum not to exceed
31 six million five hundred twenty-two thousand dollars, such transfer to
32 be made from (i) the special account of the mortgage insurance fund
33 created pursuant to section 2429-b of the public authorities law, in an
34 amount not to exceed the actual excess balance in the special account of
35 the mortgage insurance fund, as determined and certified by the state of
36 New York mortgage agency for the fiscal year 2016-2017 in accordance
37 with section 2429-b of the public authorities law, if any, and/or (ii)
38 provided that the reserves in the project pool insurance account of the
39 mortgage insurance fund created pursuant to section 2429-b of the public
40 authorities law are sufficient to attain and maintain the credit rating
41 (as determined by the state of New York mortgage agency) required to
42 accomplish the purposes of such account, the project pool insurance
43 account of the mortgage insurance fund, such transfer to be made as soon
44 as practicable but no later than March 31, 2018.

45 § 9. This act shall take effect immediately.

46

PART S

47 Section 1. The section heading of section 421-a of the real property
48 tax law, as amended by chapter 857 of the laws of 1975 and such section
49 as renumbered by chapter 110 of the laws of 1977, is amended to read as
50 follows:

51 [~~Exemption of new multiple dwellings from local taxation.~~] Affordable
52 New York Housing Program.

1 § 2. Subparagraphs (i) and (iii) of paragraph (a) of subdivision 10 of
2 section 421-a of the real property tax law, as amended by chapter 15 of
3 the laws of 2008, are amended to read as follows:

4 (i) all rent stabilization registrations required to be filed on or
5 after January first, two thousand eight shall contain a designation
6 which identifies all units that are subject to the provisions of this
7 section as "~~[421-a]~~ Affordable New York Housing Program units" and
8 specifically identifies affordable units created pursuant to this
9 section and units which are required to be occupied by persons or fami-
10 lies who meet specified income limits pursuant to the provisions of a
11 local law enacted pursuant to this section as "~~[421-a]~~ Affordable New
12 York Housing Program affordable units" and shall contain an explanation
13 of the requirements that apply to all such units. The owner of a unit
14 that is subject to the provisions of this section shall, in addition to
15 complying with the requirements of section 26-517 of the rent stabiliza-
16 tion law, file a copy of the rent registration for each such unit with
17 the local housing agency;

18 (iii) the local housing agency shall create a report which, at a mini-
19 mum, contains the following information for every building which
20 receives benefits pursuant to this section: address, commencement and
21 termination date of the benefits, total number of residential units,
22 number of "~~[421-a]~~ Affordable New York Housing Program units" and number
23 of "~~[421-a]~~ Affordable New York Housing Program affordable units",
24 apartment number or other designation of such units and the rent for
25 each of such units. The local housing agency with the cooperation of the
26 division of housing and community renewal shall maintain, and update
27 such report no less than annually, with information secured from annual
28 registrations. Such reports shall be available for public inspection in
29 a form that assigns a unique designation to each unit other than its
30 actual apartment number to maintain the privacy of such information; and

31 § 3. Subdivision 16 of section 421-a of the real property tax law, as
32 added by section 63-c of part A of chapter 20 of the laws of 2015, is
33 amended to read as follows:

34 16. (a) Definitions. For the purposes of this subdivision:

35 (i) "~~[421-a]~~ Affordable New York Housing Program benefits" shall mean
36 exemption from real property taxation pursuant to this subdivision.

37 (ii) "Affordability option A" shall mean that, within any eligible
38 site: (A) not less than ten percent of the dwelling units are afforda-
39 ble housing forty percent units; (B) not less than an additional ten
40 percent of the dwelling units are affordable housing sixty percent
41 units; (C) not less than an additional five percent of the dwelling
42 units are affordable housing one hundred thirty percent units; and (D)
43 such eligible site is developed without the substantial assistance of
44 grants, loans or subsidies provided by a federal, state or local govern-
45 mental agency or instrumentality pursuant to a program for the develop-
46 ment of affordable housing, except that such eligible site may receive
47 tax exempt bond proceeds and four percent tax credits.

48 (iii) "Affordability option B" shall mean that, within any eligible
49 site, (A) not less than ten percent of the dwelling units are affordable
50 housing seventy percent units, and (B) not less than an additional twen-
51 ty percent of the dwelling units are affordable housing one hundred
52 thirty percent units.

53 (iv) "Affordability option C" shall mean that, within any eligible
54 site excluding the geographic area south of ninety-sixth street in the
55 borough of Manhattan, and all other geographic areas in the city of New
56 York excluded pursuant to local law, (A) not less than thirty percent of

1 the dwelling units are affordable housing one hundred thirty percent
2 units, and (B) such eligible site is developed without the substantial
3 assistance of grants, loans or subsidies provided by a federal, state or
4 local governmental agency or instrumentality pursuant to a program for
5 the development of affordable housing.

6 (v) "Affordability option D" shall only apply to a homeownership
7 project, of which one hundred percent of the units shall have an average
8 assessed value not to exceed sixty-five thousand dollars upon the first
9 assessment following the completion date and where each owner of any
10 such unit shall agree, in writing, to maintain such unit as their prima-
11 ry residence for no less than five years from the acquisition of such
12 unit.

13 (vi) "Affordability option E" shall mean that, within any eligible
14 site within the enhanced affordability area, such site must consist of
15 no less than three hundred rental dwelling units of which (A) not less
16 than ten percent of the rental dwelling units are affordable housing
17 forty percent units; (B) not less than an additional ten percent of the
18 rental dwelling units are affordable housing sixty percent units; (C)
19 not less than an additional five percent of the rental dwelling units
20 are affordable housing one hundred twenty percent units; and (D) such
21 eligible site is developed without the substantial assistance of grants,
22 loans or subsidies provided by a federal, state or local governmental
23 agency or instrumentality pursuant to a program for the development of
24 affordable housing, except that such eligible site may receive tax
25 exempt bond proceeds and four percent tax credits.

26 (vii) "Affordability option F" shall mean that, within any eligible
27 site within the enhanced affordability area, such site must consist of
28 no less than three hundred rental dwelling units of which (A) not less
29 than ten percent of the rental dwelling units are affordable housing
30 seventy percent units; and (B) not less than an additional twenty
31 percent of the rental dwelling units are affordable housing one hundred
32 thirty percent units.

33 (viii) "Affordability option G" shall mean that, within any eligible
34 site located within the Brooklyn enhanced affordability area or the
35 Queens enhanced affordability area, such site must consist of no less
36 than three hundred rental dwelling units of which (A) not less than
37 thirty percent of the rental dwelling units are affordable housing one-
38 hundred thirty percent units; and (B) such eligible site is developed
39 without the substantial assistance of grants, loans or subsidies
40 provided by a federal, state or local governmental agency or instrumen-
41 talidity pursuant to a program for the development of affordable housing.

42 [~~(vi)~~] (ix) "Affordability percentage" shall mean a fraction, the
43 numerator of which is the number of affordable housing units in an
44 eligible site and the denominator of which is the total number of dwell-
45 ing units in such eligible site.

46 [~~(vii)~~] (x) "Affordable housing forty percent unit" shall mean a
47 dwelling unit that: (A) is situated within the eligible site for which
48 [421-a] Affordable New York Housing Program benefits are granted; and
49 (B) upon initial rental and upon each subsequent rental following a
50 vacancy during the restriction period, is affordable to and restricted
51 to occupancy by individuals or families whose household income does not
52 exceed forty percent of the area median income, adjusted for family
53 size, at the time that such household initially occupies such dwelling
54 unit.

55 [~~(viii)~~] (xi) "Affordable housing sixty percent unit" shall mean a
56 dwelling unit that: (A) is situated within the eligible site for which

1 [~~421-a~~] Affordable New York Housing Program benefits are granted; and
2 (B) upon initial rental and upon each subsequent rental following a
3 vacancy during the restriction period, is affordable to and restricted
4 to occupancy by individuals or families whose household income does not
5 exceed sixty percent of the area median income, adjusted for family
6 size, at the time that such household initially occupies such dwelling
7 unit.

8 [~~(ix)~~] (xii) "Affordable housing seventy percent unit" shall mean a
9 dwelling unit that: (A) is situated within the eligible site for which
10 [~~421-a~~] Affordable New York Housing Program benefits are granted; and
11 (B) upon initial rental and upon each subsequent rental following a
12 vacancy during the restriction period, is affordable to and restricted
13 to occupancy by individuals or families whose household income does not
14 exceed seventy percent of the area median income, adjusted for family
15 size, at the time that such household initially occupies such dwelling
16 unit.

17 (xiii) "Affordable housing one hundred twenty percent unit" shall mean
18 a dwelling unit that: (A) is situated within the eligible site for which
19 Affordable New York Housing Program benefits are granted; and (B) upon
20 initial rental and upon each subsequent rental following a vacancy
21 during the restriction period, is affordable to and restricted to occu-
22 pancy by individuals or families whose household income does not exceed
23 one hundred twenty percent of the area median income, adjusted for fami-
24 ly size, at the time that such household initially occupies such dwell-
25 ing unit.

26 [~~(x)~~] (xiv) "Affordable housing one hundred thirty percent unit" shall
27 mean a dwelling unit that: (A) is situated within the eligible site for
28 which [~~421-a~~] Affordable New York Housing Program benefits are granted;
29 and (B) upon initial rental and upon each subsequent rental following a
30 vacancy during the restriction period, is affordable to and restricted
31 to occupancy by individuals or families whose household income does not
32 exceed one hundred thirty percent of the area median income, adjusted
33 for family size, at the time that such household initially occupies such
34 dwelling unit.

35 [~~(xi)~~] (xv) "Affordable housing unit" shall mean, collectively and
36 individually, affordable housing forty percent units, affordable housing
37 sixty percent units, affordable housing seventy percent units, afforda-
38 ble housing one hundred twenty percent units and affordable housing one
39 hundred thirty percent units.

40 [~~(xii)~~] (xvi) "Agency" shall mean the department of housing preserva-
41 tion and development.

42 [~~(xiii)~~] (xvii) "Application" shall mean an application for [~~421-a~~]
43 Affordable New York Housing Program benefits.

44 [~~(xiv)~~] (xviii) "Average hourly wage" shall mean the amount equal to
45 the aggregate amount of all wages and all employee benefits paid to, or
46 on behalf of, construction workers for construction work divided by the
47 aggregate number of hours of construction work.

48 (xix) "Brooklyn enhanced affordability area" shall mean any tax lots
49 now existing or hereafter created which are located entirely within
50 community boards one and two of the borough of Brooklyn bounded and
51 described as follows: All that piece or parcel of land situate and being
52 in the boroughs of Queens and Brooklyn, New York. Beginning at the point
53 of intersection of the centerline of Newtown Creek and the westerly
54 bounds of the East River; Thence southeasterly along the centerline of
55 Newtown Creek, said centerline also being the boundary between Queens
56 County to the northeast and Kings County to the southwest, to the point

1 of intersection with Greenpoint Avenue; Thence southwesterly along
2 Greenpoint Avenue, to the intersection with Kings Land Avenue; Thence
3 southerly along Kingsland Avenue to the intersection with Meeker Avenue;
4 Thence southwesterly along Meeker Avenue to the intersection with
5 Leonard Street; Thence southerly along Leonard Street to the inter-
6 section with Metropolitan Avenue; Thence westerly along Metropolitan
7 Avenue to the intersection with Lorimer Street; Thence southerly along
8 Lorimer Street to the intersection with Montrose Avenue; Thence westerly
9 along Montrose Avenue to the intersection with Union Avenue; Thence
10 southerly along Union Avenue to the intersection with Johnson Avenue;
11 Thence westerly along Johnson Avenue to the intersection with Broadway;
12 Thence northwesterly along Broadway to the intersection with Rutledge
13 Street; Thence southwesterly along Rutledge Street to the intersection
14 with Kent Avenue and Classon Avenue; Thence southwesterly and southerly
15 along Classon Avenue to the intersection with Dekalb Avenue; Thence
16 westerly along Dekalb Avenue to the intersection with Bond Street;
17 Thence southwesterly along Bond Street to the intersection with Wyckoff
18 Street; Thence northwesterly along Wyckoff Street to the intersection
19 with Hoyt Street; Thence southwesterly along Hoyt Street to the inter-
20 section with Warren Street; Thence northwesterly along Warren Street to
21 the intersection with Court Street; Thence northeasterly along Court
22 Street to the intersection with Atlantic Avenue; Thence northwesterly
23 along Atlantic Avenue, crossing under The Brooklyn Queens Expressway
24 (aka Interstate 278), to the terminus of Atlantic Avenue at the Brooklyn
25 Bridge Park/Pier 6; Thence northwesterly passing through the Brooklyn
26 Bridge Park to the bulkhead of the East River at Pier 6; Thence in a
27 general northeasterly direction along the easterly bulkhead or shoreline
28 of the East River to the intersection with the centerline of Newtown
29 Creek, and the point or place of Beginning.

30 (xx) "Building service employee" shall mean any person who is regular-
31 ly employed at, and performs work in connection with the care or mainte-
32 nance of, an eligible site, including, but not limited to, a watchman,
33 guard, doorman, building cleaner, porter, handyman, janitor, gardener,
34 groundskeeper, elevator operator and starter, and window cleaner, but
35 not including persons regularly scheduled to work fewer than eight hours
36 per week at the eligible site.

37 [~~(xv)~~] (xxi) "Commencement date" shall mean, with respect to any
38 eligible multiple dwelling, the date upon which excavation and
39 construction of initial footings and foundations lawfully begins in good
40 faith or, for an eligible conversion, the date upon which the actual
41 construction of the conversion, alteration or improvement of the pre-ex-
42 isting building or structure lawfully begins in good faith.

43 [~~(xvi)~~] (xxii) "Completion date" shall mean, with respect to any
44 eligible multiple dwelling, the date upon which the local department of
45 buildings issues the first temporary or permanent certificate of occu-
46 pancy covering all residential areas of an eligible multiple dwelling.

47 [~~(xvii)~~] (xxiii) "Construction period" shall mean, with respect to any
48 eligible multiple dwelling, a period: (A) beginning on the later of the
49 commencement date of such eligible multiple dwelling or three years
50 before the completion date of such eligible multiple dwelling; and (B)
51 ending on the day preceding the completion date of such eligible multi-
52 ple dwelling.

53 (xxiv) "Construction work" shall mean the provision of labor performed
54 on an eligible site between the commencement date and the completion
55 date, whereby materials and constituent parts are combined to initially
56 form, make or build an eligible multiple dwelling, including without

1 limitation, painting, or providing of material, articles, supplies or
2 equipment in the eligible multiple dwelling, but excluding security
3 personnel and work related to the fit-out of commercial spaces.

4 (xxv) "Construction workers" shall mean all persons performing
5 construction work who (A) are paid on an hourly basis and (B) are not in
6 a management or executive role or position.

7 (xxvi) "Contractor certified payroll report" shall mean an original
8 payroll report submitted by a contractor or sub-contractor to the inde-
9 pendent monitor setting forth to the best of the contractor's or sub-
10 contractor's knowledge, the total number of hours of construction work
11 performed by construction workers, the amount of wages and employee
12 benefits paid to construction workers for construction work.

13 ~~(xxviii)~~ (xxvii) "Eligible conversion" shall mean the conversion,
14 alteration or improvement of a pre-existing building or structure
15 resulting in a multiple dwelling in which no more than forty-nine
16 percent of the floor area consists of such pre-existing building or
17 structure.

18 ~~(xxix)~~ (xxviii) "Eligible multiple dwelling" shall mean a multiple
19 dwelling, including a portion of a multiple dwelling, or homeownership
20 project containing six or more dwelling units created through new
21 construction or eligible conversion for which the commencement date is
22 after December thirty-first, two thousand fifteen and on or before June
23 fifteenth, two thousand ~~nineteen~~ twenty-two, and for which the
24 completion date is on or before June fifteenth, two thousand ~~twenty-~~
25 ~~three~~ twenty-six.

26 ~~(xxx)~~ (xxix) "Eligible site" shall mean either: (A) a tax lot
27 containing an eligible multiple dwelling; or (B) a zoning lot containing
28 two or more eligible multiple dwellings that are part of a single appli-
29 cation.

30 (xxx) "Employee benefits" shall mean all supplemental compensation
31 paid by the employer, on behalf of construction workers, other than
32 wages, including, without limitation, any premiums or contributions made
33 into plans or funds that provide health, welfare, non-occupational disa-
34 bility coverage, retirement, vacation benefits, holiday pay, life insur-
35 ance and apprenticeship training. The value of any employee benefits
36 received shall be determined based on the prorated hourly cost to the
37 employer of the employee benefits received by construction workers.

38 (xxxii) "Enhanced affordability area" shall mean the Manhattan enhanced
39 affordability area, the Brooklyn enhanced affordability area and the
40 Queens enhanced affordability area.

41 (xxxiii) "Enhanced thirty-five year benefit" shall mean: (A) for the
42 construction period, a one hundred percent exemption from real property
43 taxation, other than assessments for local improvements; and (B) for the
44 next thirty-five years of the extended restriction period, a one hundred
45 percent exemption from real property taxation, other than assessments
46 for local improvements.

47 (xxxiiii) "Extended restriction period" shall mean a period commencing
48 on the completion date and expiring on the fortieth anniversary of the
49 completion date, notwithstanding any earlier termination or revocation
50 of Affordable New York Housing Program benefits.

51 ~~(xxxv)~~ (xxxiv) "Fiscal officer" shall mean the comptroller or other
52 analogous officer in a city having a population of one million or more.

53 ~~(xxxvi)~~ (xxxv) "Floor area" shall mean the horizontal areas of the
54 several floors, or any portion thereof, of a dwelling or dwellings, and
55 accessory structures on a lot measured from the exterior faces of exte-
56 rior walls, or from the center line of party walls.

1 [~~(xxxiii)~~] (xxxvi) "Four percent tax credits" shall mean federal low
2 income housing tax credits computed in accordance with clause (ii) of
3 subparagraph (B) of paragraph (1) of subsection (b) of section forty-two
4 of the internal revenue code of nineteen hundred eighty-six, as amended.

5 [~~(xxxiv)~~] (xxxvii) "Homeownership project" shall mean a multiple dwell-
6 ing or portion thereof operated as condominium or cooperative housing,
7 however, it shall not include a multiple dwelling or portion thereof
8 operated as cooperative or condominium housing located within the
9 borough of Manhattan, and shall not include a multiple dwelling that
10 contains more than thirty-five units.

11 [~~(xxxv)~~] (xxxviii) "Independent monitor" shall mean an accountant
12 licensed and in good standing pursuant to article one hundred forty-nine
13 of the education law.

14 (xxxix) "Job action" shall mean any delay, interruption or interfer-
15 ence with the construction work caused by the actions of any labor
16 organization or concerted action of any employees at the eligible site,
17 including without limitation, strikes, sympathy strikes, work stoppages,
18 walk outs, slowdowns, picketing, bannering, hand billing, demon-
19 strations, sickouts, refusals to cross a picket line, refusals to handle
20 struck business, and use of the rat or other inflatable balloons or
21 similar displays.

22 (xl) "Market unit" shall mean a dwelling unit in an eligible multiple
23 dwelling other than an affordable housing unit.

24 [~~(xxvi)~~] (xli) "Multiple dwelling" shall have the meaning set forth in
25 the multiple dwelling law.

26 [~~(xxvii)~~] (xlii) "Non-residential tax lot" shall mean a tax lot that
27 does not contain any dwelling units.

28 [~~(xxviii)~~] (xliii) "Manhattan enhanced affordability area" shall mean
29 any tax lots now existing or hereafter created located entirely south of
30 96th street in the borough of Manhattan.

31 (xliv) "Project labor agreement" shall mean a pre-hire collective
32 bargaining agreement setting forth the terms and conditions of employ-
33 ment for the construction workers on an eligible site.

34 (xlv) "Project-wide certified payroll report" shall mean a certified
35 payroll report submitted by the independent monitor to the agency based
36 on each contractor certified payroll report which sets forth the total
37 number of hours of construction work performed by construction workers,
38 the aggregate amount of wages and employee benefits paid to construction
39 workers for construction work and the average hourly wage.

40 (xlvi) "Queens enhanced affordability area" shall mean any tax lots
41 now existing or hereafter created which are located entirely within
42 community boards one and two of the borough of Queens bounded and
43 described as follows: All that piece or parcel of land situate and being
44 in the boroughs of Queens and Brooklyn, New York. Beginning at the point
45 being the intersection of the easterly shore of the East River with a
46 line of prolongation of 20th Avenue projected northwesterly; Thence
47 southeasterly on the line of prolongation of 20th Avenue and along 20th
48 Avenue to the intersection with 31st Street; Thence southwesterly along
49 31st Street to the intersection with Northern Boulevard; Thence south-
50 westerly along Northern Boulevard to the intersection with Queens Boule-
51 vard (aka Route 25); Thence southeasterly along Queens Boulevard to the
52 intersection with Van Dam Street; Thence southerly along Van Dam Street
53 to the intersection with Borden Avenue; Thence southwesterly along Van
54 Dam Street to the intersection with Greenpoint Avenue and Review Avenue;
55 Thence southwesterly along Greenpoint Avenue to the point of inter-
56 section with the centerline of Newtown Creek, said centerline of Newtown

1 Creek also being the boundary between Queens County to the north and
2 Kings County to the south; Thence northwesterly along the centerline of
3 Newtown Creek, also being the boundary between Queens County and Kings
4 County to its intersection with the easterly bounds of the East River;
5 Thence in a general northeasterly direction along the easterly bulkhead
6 or shoreline of the East River to the point or place of Beginning.

7 (xlvi) "Rent stabilization" shall mean, collectively, the rent
8 stabilization law of nineteen hundred sixty-nine, the rent stabilization
9 code, and the emergency tenant protection act of nineteen seventy-four,
10 all as in effect as of the effective date of the chapter of the laws of
11 two thousand fifteen that added this subdivision or as amended thereaft-
12 er, together with any successor statutes or regulations addressing
13 substantially the same subject matter.

14 [~~(xlvi)~~] (xlviii) "Rental project" shall mean an eligible site in
15 which all dwelling units included in any application are operated as
16 rental housing.

17 [~~(xlvii)~~] (xlix) "Residential tax lot" shall mean a tax lot that
18 contains dwelling units.

19 [~~(xlviii)~~] (l) "Restriction period" shall mean a period commencing on
20 the completion date and expiring on the thirty-fifth anniversary of the
21 completion date, notwithstanding any earlier termination or revocation
22 of [421-a] Affordable New York Housing Program benefits.

23 [~~(xlviii)~~] (li) "Tax exempt bond proceeds" shall mean the proceeds of
24 an exempt facility bond, as defined in paragraph (7) of subsection (a)
25 of section one hundred forty-two of the internal revenue code of nine-
26 teen hundred eighty-six, as amended, the interest upon which is exempt
27 from taxation under section one hundred three of the internal revenue
28 code of nineteen hundred eighty-six, as amended.

29 (lii) "Third party fund administrator" shall be a person or entity
30 that receives funds pursuant to paragraph (c) of this subdivision and
31 oversees and manages the disbursement of such funds to construction work-
32 ers. The third party fund administrator shall be a person or entity
33 approved by the agency, and recommended by one, or more, representative
34 or representatives of the largest trade association of residential real
35 estate developers, either for profit or not-for-profit, in New York city
36 and one, or more, representative or representatives of the largest trade
37 labor association representing building and construction workers, with
38 membership in New York city. The third party fund administrator shall
39 be appointed for a term of three years, provided, however, that the
40 administrator in place at the end of a three year term shall continue to
41 serve beyond the end of the term until a replacement administrator is
42 appointed. The agency, after providing notice and after meeting with the
43 third party fund administrator, may remove such administrator for cause
44 upon an agency determination that the administrator has been ineffective
45 at overseeing or managing the disbursement of funds to the construction
46 workers. The third party fund administrator shall, at the request of the
47 agency, submit reports to the agency.

48 [~~(xlviii)~~] (liii) "Thirty-five year benefit" shall mean: (A) for the
49 construction period, a one hundred percent exemption from real property
50 taxation, other than assessments for local improvements; (B) for the
51 first twenty-five years of the restriction period, a one hundred percent
52 exemption from real property taxation, other than assessments for local
53 improvements; and (C) for the final ten years of the restriction period,
54 an exemption from real property taxation, other than assessments for
55 local improvements, equal to the affordability percentage.

1 [~~(xxiv)~~] (liv) "Twenty year benefit" shall mean: (A) for the
2 construction period, a one hundred percent exemption from real property
3 taxation, other than assessments for local improvements; (B) for the
4 first fourteen years of the restriction period, a one hundred percent
5 exemption from real property taxation, other than assessments for local
6 improvements, provided, however, that no exemption shall be given for
7 any portion of a unit's assessed value that exceeds \$65,000; and (C) for
8 the final six years of the restriction period, a twenty-five percent
9 exemption from real property taxation, other than assessments for local
10 improvements, provided, however, that no exemption shall be given for
11 any portion of a unit's assessed value that exceeds \$65,000.

12 (lv) "Wages" shall mean all compensation, remuneration or payments of
13 any kind paid to, or on behalf of, construction workers, including,
14 without limitation, any hourly compensation paid directly to the
15 construction worker, together with employee benefits, such as health,
16 welfare, non-occupational disability coverage, retirement, vacation
17 benefits, holiday pay, life insurance and apprenticeship training, and
18 payroll taxes, including, to the extent permissible by law, all amounts
19 paid for New York state unemployment insurance, New York state disabili-
20 ty insurance, metropolitan commuter transportation mobility tax, federal
21 unemployment insurance and pursuant to the federal insurance contrib-
22 utions act or any other payroll tax that is paid by the employer.

23 (b) Benefit. In cities having a population of one million or more,
24 notwithstanding the provisions of any other subdivision of this section
25 or of any general, special or local law to the contrary, new eligible
26 sites, except hotels, that comply with the provisions of this subdivi-
27 sion shall be exempt from real property taxation, other than assessments
28 for local improvements, in the amounts and for the periods specified in
29 this paragraph. A rental project that meets all of the requirements of
30 this subdivision shall receive a thirty-five year benefit and a homeown-
31 ership project that meets all of the requirements of this subdivision
32 shall receive a twenty year benefit. A rental project that also meets
33 all of the requirements of paragraph (c) of this subdivision shall
34 receive an enhanced thirty-five year benefit.

35 (c) In addition to all other requirements set forth in this subdivi-
36 sion, rental projects containing three hundred or more rental dwelling
37 units located within the enhanced affordability area shall comply with
38 the requirements set forth in this paragraph. For purposes of this para-
39 graph, "contractor" shall mean any entity which by agreement with another
40 party (including subcontractors) undertakes to perform construction
41 work at an eligible site and "applicant" shall mean an applicant for
42 Affordable New York Housing Program benefits and any successor thereto.

43 (i) Such rental project shall comply with either affordability option
44 E, affordability option F or affordability option G.

45 (ii) The minimum average hourly wage paid to construction workers on
46 an eligible site within the Manhattan enhanced affordability area shall
47 be no less than sixty dollars per hour. Three years from the effective
48 date of the chapter of the laws of two thousand seventeen that added
49 this paragraph and every three years thereafter, the minimum average
50 hourly wage shall be increased by five percent; provided, however, that
51 any building with a commencement date prior to the date of such increase
52 shall be required to pay the minimum average hourly wage as required on
53 its commencement date.

54 (iii) The minimum average hourly wage paid to construction workers on
55 an eligible site within the Brooklyn enhanced affordability area or the
56 Queens enhanced affordability area shall be no less than forty-five

1 dollars per hour. Three years from the effective date of the chapter of
2 the laws of two thousand seventeen that added this paragraph and every
3 three years thereafter, the minimum average hourly wage shall be
4 increased by five percent; provided, however, that any building with a
5 commencement date prior to the date of such increase shall be required
6 to pay the minimum average hourly wage as required on its commencement
7 date.

8 (iv) The requirements of subparagraphs (ii) and (iii) of this para-
9 graph shall not be applicable to:

10 (A) an eligible multiple dwelling in which at least fifty percent of
11 the dwelling units upon initial rental and upon each subsequent rental
12 following a vacancy during the restriction period, are affordable to and
13 restricted to occupancy by individuals or families whose household
14 income does not exceed one hundred twenty-five percent of the area medi-
15 an income, adjusted for family size, at the time that such household
16 initially occupies such dwelling unit;

17 (B) any portion of an eligible multiple dwelling which is owned and
18 operated as a condominium or cooperative; or

19 (C) at the option of the applicant, to an eligible site subject to a
20 project labor agreement.

21 (v) The applicant shall contract with an independent monitor. Such
22 independent monitor shall submit to the agency within one year of the
23 completion date a project-wide certified payroll report. In the event
24 such project-wide certified payroll report is not submitted to the agen-
25 cy within the requisite time, the applicant shall be subject to a fine
26 of one thousand dollars per week, or any portion thereof; provided that
27 the maximum fine shall be seventy-five thousand dollars. In the event
28 that the average hourly wage is less than the minimum average hourly
29 wage set forth in subparagraph (ii) or (iii) of this paragraph as appli-
30 cable, the project-wide certified report shall also set forth the aggre-
31 gate amount of such deficiency.

32 (vi) The contractor certified payroll report shall be submitted by
33 each contractor and sub-contractor no later than ninety days after the
34 completion of construction work by such contractor or sub-contractor. In
35 the event that a contractor or sub-contractor fails or refuses to submit
36 the contractor certified payroll report within the time prescribed in
37 this subparagraph, the independent monitor shall notify the agency and
38 the agency shall be authorized to fine such contractor or sub-contractor
39 in the amount of one thousand dollars per week, or any portion thereof,
40 provided that the maximum fine shall be seventy-five thousand dollars.

41 (vii) In the event that the project-wide certified payroll report
42 shows that the average hourly wage as required by subparagraph (ii) or
43 (iii) of this paragraph, as applicable, was not paid, (A) if the average
44 hourly wage is within fifteen percent of the average hourly wage
45 required by subparagraph (i) or (ii) of this paragraph, as applicable,
46 then no later than one hundred twenty days from the date of submission
47 of such project-wide certified payroll report, the applicant shall pay
48 to the third party fund administrator an amount equal to the amount of
49 the deficiency set forth in the project-wide certified payroll report.
50 The third party fund administrator shall distribute such payment to the
51 construction workers who performed construction work on such eligible
52 site. Prior to making such repayment, the third party fund administrator
53 shall submit to the agency a plan subject to the agency's approval
54 setting forth the manner in which the third party fund administrator
55 will reach the required average wage within one hundred fifty days of
56 receiving the payment from the applicant and how any remaining funds

1 will be disbursed in the event that the third party fund administrator
2 cannot distribute the funds to the construction workers within one year
3 of receiving agency approval. In the event that the applicant fails to
4 make such payment within the time period prescribed in this subpara-
5 graph, the applicant shall be subject to a fine of one thousand dollars
6 per week provided that the maximum fine shall be seventy-five thousand
7 dollars; or (B) if the average hourly wage is more than fifteen percent
8 below the minimum average hourly wage required by subparagraph (i) or
9 (ii) of this paragraph, as applicable, then no later than one hundred
10 twenty days from the date of submission of such project-wide certified
11 payroll report, the applicant shall pay to the third party fund adminis-
12 trator an amount equal to the amount of the deficiency set forth in the
13 project-wide payroll report. The third party fund administrator shall
14 distribute such payment to the construction workers who performed
15 construction work on such eligible site. Prior to making such repayment,
16 the third party fund administrator shall submit to the agency a plan
17 subject to the agency's approval setting forth the manner in which the
18 third party fund administrator will reach the required average wage
19 within one hundred fifty days of receiving the payment from the appli-
20 cant and how any remaining funds will be disbursed in the event that the
21 third party fund administrator cannot distribute the funds to the
22 construction workers within one year of receiving agency approval. In
23 addition, the agency shall impose a penalty on the applicant in an
24 amount equal to twenty-five percent of the amount of the deficiency,
25 provided, however, that the agency shall not impose such penalty where
26 the eligible multiple dwelling has been the subject of a job action
27 which results in a work delay. Any payments received by the agency
28 pursuant to this subparagraph shall be used to provide affordable hous-
29 ing. In the event that the applicant fails to make such payment within
30 the time period prescribed in this subparagraph, the applicant shall be
31 subject to a fine of one thousand dollars per week, provided that the
32 maximum fine shall be seventy-five thousand dollars. Notwithstanding any
33 provision of this paragraph, the applicant shall not be liable in any
34 respect whatsoever for any payments, fines or penalties related to or
35 resulting from contractor fraud, mistake, or negligence or for fraudu-
36 lent or inaccurate contractor certified payroll reports or for fraudu-
37 lent or inaccurate project-wide certified payroll reports, provided,
38 however, that payment to the third party fund administrator in the
39 amount set forth in the project-wide certified payroll report as
40 described in this subparagraph shall still be made by the contractor or
41 sub-contractor in the event of underpayment resulting from or caused by
42 the contractor or sub-contractor, and that the applicant will be liable
43 for underpayment to the third party administrator unless the agency
44 determines, in its sole discretion, that the underpayment was the result
45 of, or caused by, contractor fraud, mistake or negligence and/or for
46 fraudulent or inaccurate contractor certified payroll reports and/or
47 project-wide certified payroll reports. The applicant shall otherwise
48 not be liable in any way whatsoever once the payment to the third party
49 fund administrator has been made in the amount set forth in the
50 project-wide certified payroll report.

51 (viii) Nothing in this paragraph shall be construed to confer a
52 private right of action to enforce the provisions of this paragraph,
53 provided, however, that this sentence shall not be construed as a waiver
54 of any existing rights of construction workers or their representatives
55 related to wage and benefit collection, wage theft or other labor
56 protections or rights and provided, further, that nothing in this para-

1 graph relieves any obligations pursuant to a collective bargaining
2 agreement.

3 (ix) A rental project containing three hundred or more residential
4 dwelling units not located within the enhanced affordability area may
5 elect to comply with the requirements of this paragraph. Such election
6 shall be made in the application and shall not thereafter be changed.
7 Such rental project shall comply with all of the requirements of this
8 paragraph and shall be deemed to be located within the Brooklyn enhanced
9 affordability area or the Queens enhanced affordability area for the
10 purposes of this paragraph.

11 ~~(e)~~ (d) Tax payments. In addition to any other amounts payable
12 pursuant to this subdivision, the owner of any eligible site receiving
13 ~~[421-a]~~ Affordable New York Housing Program benefits shall pay, in each
14 tax year in which such ~~[421-a]~~ Affordable New York Housing Program bene-
15 fits are in effect, real property taxes and assessments as follows:

16 (i) with respect to each eligible multiple dwelling constructed on
17 such eligible site, real property taxes on the assessed valuation of
18 such land and any improvements thereon in effect during the tax year
19 prior to the commencement date of such eligible multiple dwelling, with-
20 out regard to any exemption from or abatement of real property taxation
21 in effect during such tax year, which real property taxes shall be
22 calculated using the tax rate in effect at the time such taxes are due;
23 and

24 (ii) all assessments for local improvements.

25 ~~(d)~~ (e) Limitation on benefits for non-residential space. If the
26 aggregate floor area of commercial, community facility and accessory use
27 space in an eligible site, other than parking which is located not more
28 than twenty-three feet above the curb level, exceeds twelve percent of
29 the aggregate floor area in such eligible site, any ~~[421-a]~~ Affordable
30 New York Housing Program benefits shall be reduced by a percentage equal
31 to such excess. If an eligible site contains multiple tax lots, the tax
32 arising out of such reduction in ~~[421-a]~~ Affordable New York Housing
33 Program benefits shall first be apportioned pro rata among any non-resi-
34 dential tax lots. After any such non-residential tax lots are fully
35 taxable, the remainder of the tax arising out of such reduction in
36 ~~[421-a]~~ Affordable New York Housing Program benefits, if any, shall be
37 apportioned pro rata among the remaining residential tax lots.

38 ~~(e)~~ (f) Calculation of benefit. Based on the certification of the
39 agency certifying the applicant's eligibility for ~~[421-a]~~ Affordable New
40 York Housing Program benefits, the assessors shall certify to the
41 collecting officer the amount of taxes to be exempted.

42 ~~(f)~~ (g) Affordability requirements. During the restriction period, a
43 rental project shall comply with either affordability option A, affor-
44 dability option B, or affordability option C or for purposes of a homeown-
45 ership project, such project shall comply with affordability option D.
46 Such election shall be made in the application and shall not thereafter
47 be changed. The rental project shall also comply with all provisions of
48 this paragraph during the restriction period and with subparagraph (iii)
49 of this paragraph both during and after the restriction period to the
50 extent provided in such subparagraph. A rental project containing three
51 hundred or more rental dwelling units located in the enhanced affor-
52 dability area or a rental project containing three hundred or more rental
53 dwelling units not located within the enhanced affordability area which
54 elects to comply with the requirements of paragraph (c) of this subdivi-
55 sion shall comply with either affordability option E, affordability
56 option F, or affordability option G. Such election shall be made in the

1 application and shall not thereafter be changed. Such rental project
2 shall also comply with all provisions of this paragraph during the
3 extended restriction period and with subparagraph (iii) of this para-
4 graph both during and after the extended restriction period to the
5 extent provided in such paragraph.

6 (i) Affordable units located in a rental project shall share the same
7 common entrances and common areas as market rate units in such rental
8 project, and shall not be isolated to a specific floor or area of [~~a~~
9 ~~building~~] the rental project. Common entrances shall mean any area
10 regularly used by any resident of the rental project for ingress and
11 egress from [~~a multiple dwelling~~] the rental project; and

12 (ii) Unless preempted by the requirements of a federal, state or local
13 housing program, either (A) the affordable housing units in an eligible
14 site shall have a unit mix proportional to the market units, or (B) at
15 least fifty percent of the affordable housing units in an eligible site
16 shall have two or more bedrooms and no more than twenty-five percent of
17 the affordable housing units shall have less than one bedroom.

18 (iii) Notwithstanding any provision of rent stabilization to the
19 contrary, all affordable housing units shall be fully subject to rent
20 stabilization during the restriction period, provided that tenants hold-
21 ing a lease and in occupancy of such affordable housing units at the
22 expiration of the restriction period shall have the right to remain as
23 rent stabilized tenants for the duration of their occupancy.

24 (iv) All rent stabilization registrations required to be filed pursu-
25 ant to subparagraph (iii) of this paragraph shall contain a designation
26 that specifically identifies affordable housing units created pursuant
27 to this subdivision as "[~~421-a~~] Affordable New York Housing Program
28 affordable housing units" and shall contain an explanation of the
29 requirements that apply to all such affordable housing units.

30 (v) Failure to comply with the provisions of this paragraph that
31 require the creation, maintenance, rent stabilization compliance and
32 occupancy of affordable housing units or for purposes of a homeownership
33 project the failure to comply with affordability option D shall result
34 in revocation of any [~~421-a~~] Affordable New York Housing Program bene-
35 fits for the period of such non-compliance.

36 (vi) Nothing in this subdivision shall (A) prohibit the occupancy of
37 an affordable housing unit by individuals or families whose income at
38 any time is less than the maximum percentage of the area median income,
39 adjusted for family size, specified for such affordable housing unit
40 pursuant to this subdivision, or (B) prohibit the owner of an eligible
41 site from requiring, upon initial rental or upon any rental following a
42 vacancy, the occupancy of any affordable housing unit by such lower
43 income individuals or families.

44 (vii) Following issuance of a temporary certificate of occupancy and
45 upon each vacancy thereafter, an affordable housing unit shall promptly
46 be offered for rental by individuals or families whose income does not
47 exceed the maximum percentage of the area median income, adjusted for
48 family size, specified for such affordable housing unit pursuant to this
49 subdivision and who intend to occupy such affordable housing unit as
50 their primary residence. An affordable housing unit shall not be (A)
51 rented to a corporation, partnership or other entity, or (B) held off
52 the market for a period longer than is reasonably necessary to perform
53 repairs needed to make such affordable housing unit available for occu-
54 pancy.

55 (viii) An affordable housing unit shall not be rented on a temporary,
56 transient or short-term basis. Every lease and renewal thereof for an

1 affordable housing unit shall be for a term of one or two years, at the
2 option of the tenant.

3 (ix) An affordable housing unit shall not be converted to cooperative
4 or condominium ownership.

5 (x) The agency may establish by rule such requirements as the agency
6 deems necessary or appropriate for (A) the marketing of affordable hous-
7 ing units, both upon initial occupancy and upon any vacancy, (B) moni-
8 toring compliance with the provisions of this paragraph and (C) the
9 marketing and monitoring of any homeownership project that is granted an
10 exemption pursuant to this subdivision. Such requirements may include,
11 but need not be limited to, retaining a monitor approved by the agency
12 and paid for by the owner.

13 (xi) Notwithstanding any provision of this subdivision to the contra-
14 ry, a market unit shall be subject to rent stabilization unless, in the
15 absence of [~~421-a~~] Affordable New York Housing Program benefits, the
16 owner would be entitled to remove such market unit from rent stabiliza-
17 tion upon vacancy by reason of the monthly rent exceeding any limit
18 established thereunder.

19 [~~g~~] (h) Building service employees. (i) For the purposes of this
20 paragraph, "applicant" shall mean an applicant for [~~421-a~~] Affordable
21 New York Housing Program benefits, any successor to such applicant, or
22 any employer of building service employees for such applicant, includ-
23 ing, but not limited to, a property management company or contractor.

24 (ii) All building service employees employed by the applicant at the
25 eligible site shall receive the applicable prevailing wage for the
26 entire restriction period.

27 (iii) The fiscal officer shall have the power to enforce the
28 provisions of this paragraph. In enforcing such provisions, the fiscal
29 officer shall have the power:

30 (A) to investigate or cause an investigation to be made to determine
31 the prevailing wages for building service employees; in making such
32 investigation, the fiscal officer may utilize wage and fringe benefit
33 data from various sources, including, but not limited to, data and
34 determinations of federal, state or other governmental agencies;

35 (B) to institute and conduct inspections at the site of the work or
36 elsewhere;

37 (C) to examine the books, documents and records pertaining to the
38 wages paid to, and the hours of work performed by, building service
39 employees;

40 (D) to hold hearings and, in connection therewith, to issue subpoenas,
41 administer oaths and examine witnesses; the enforcement of a subpoena
42 issued under this paragraph shall be regulated by the civil practice law
43 and rules;

44 (E) to make a classification by craft, trade or other generally recog-
45 nized occupational category of the building service employees and to
46 determine whether such work has been performed by the building service
47 employees in such classification;

48 (F) to require the applicant to file with the fiscal officer a record
49 of the wages actually paid by such applicant to the building service
50 employees and of their hours of work;

51 (G) to delegate any of the foregoing powers to his or her deputy or
52 other authorized representative; and

53 (H) to promulgate rules as he or she shall consider necessary for the
54 proper execution of the duties, responsibilities and powers conferred
55 upon him or her by the provisions of this subparagraph.

1 (iv) If the fiscal officer finds that the applicant has failed to
2 comply with the provisions of this paragraph, he or she shall present
3 evidence of such noncompliance to the agency.

4 (v) Subparagraph (ii) of this paragraph shall not be applicable to:

5 (A) an eligible multiple dwelling containing less than thirty dwelling
6 units; or

7 (B) an eligible multiple dwelling in which all of the dwelling units
8 are affordable housing units and not less than fifty percent of such
9 affordable housing units, upon initial rental and upon each subsequent
10 rental following a vacancy during the restriction period, are affordable
11 to and restricted to occupancy by individuals or families whose house-
12 hold income does not exceed one hundred twenty-five percent of the area
13 median income, adjusted for family size, at the time that such household
14 initially occupies such dwelling unit.

15 ~~[(h)]~~ (i) Replacement ratio. If the land on which an eligible site is
16 located contained any dwelling units three years prior to the commence-
17 ment date of the first eligible multiple dwelling thereon, then such
18 eligible site shall contain at least one affordable housing unit for
19 each dwelling unit that existed on such date and was thereafter demol-
20 ished, removed or reconfigured.

21 ~~[(i)]~~ (j) Concurrent exemptions or abatements. An eligible [~~multiple~~
22 ~~dwelling~~] site receiving [~~421-a~~] Affordable New York Housing Program
23 benefits shall not receive any exemption from or abatement of real prop-
24 erty taxation under any other law.

25 ~~[(j)]~~ (k) Voluntary renunciation or termination. Notwithstanding the
26 provisions of any general, special or local law to the contrary, an
27 owner shall not be entitled to voluntarily renounce or terminate any
28 [~~421-a~~] Affordable New York Housing Program benefits unless the agency
29 authorizes such renunciation or termination in connection with the
30 commencement of a new tax exemption pursuant to either the private hous-
31 ing finance law or section four hundred twenty-c of this title.

32 ~~[(k)]~~ (l) Termination or revocation. The agency may terminate or
33 revoke [~~421-a~~] Affordable New York Housing Program benefits for noncom-
34 pliance with this subdivision, provided, however, that the agency shall
35 not terminate or revoke Affordable New York Housing Program benefits for
36 a failure to comply with paragraph (c) of this subdivision. If [~~421-a~~]
37 Affordable New York Housing Program benefits are terminated or revoked
38 for noncompliance with this subdivision, [~~all of the affordable housing~~
39 ~~units shall remain subject to rent stabilization or for a homeownership~~
40 ~~project such project shall continue to comply with affordability option~~
41 ~~D of this subdivision and all other requirements of this subdivision for~~
42 ~~the restriction period and any additional period expressly provided in~~
43 ~~this subdivision, as if the 421-a benefits had not been terminated or~~
44 ~~revoked~~] (i) all of the affordable housing units shall remain subject to
45 rent stabilization and all other requirements of this subdivision for
46 the restriction period and any additional period expressly provided in
47 this subdivision, as if the Affordable New York Housing Program benefits
48 had not been terminated or revoked; (ii) all of the market rate housing
49 units shall remain subject to rent stabilization and all other require-
50 ments of this subdivision for the restriction period and any additional
51 period expressly provided in this subdivision, as if the Affordable New
52 York Housing Program benefits had not been terminated or revoked,
53 provided, however, that the owner shall still be entitled to remove such
54 market unit from rent stabilization upon vacancy by reason of the month-
55 ly rent exceeding any limit established thereunder; (iii) or for a
56 homeownership project such project shall continue to comply with afford-

1 ability option D of this subdivision and all other requirements of this
2 subdivision for the restriction period and any additional period
3 expressly provided in this subdivision, as if the Affordable New York
4 Housing Program benefits had not been terminated or revoked.

5 [~~l~~] (m) Powers cumulative. The enforcement provisions of this subdivi-
6 sion shall not be exclusive, and are in addition to any other rights,
7 remedies, or enforcement powers set forth in any other law or available
8 at law or in equity.

9 [~~m~~] (n) Multiple tax lots. If an eligible site contains multiple tax
10 lots, an application may be submitted with respect to one or more of
11 such tax lots. The agency shall determine eligibility for [~~421-a~~]
12 Affordable New York Housing Program benefits based upon the tax lots
13 included in such application and benefits for each multiple dwelling
14 shall commence upon commencement of construction of such multiple dwell-
15 ing.

16 [~~n~~] (o) Applications. (i) The application with respect to any eligi-
17 ble multiple dwelling shall be filed with the agency not later than one
18 year after the completion date of such eligible multiple dwelling.

19 (ii) Notwithstanding the provisions of any general, special or local
20 law to the contrary, the agency may require by rule that applications be
21 filed electronically.

22 (iii) The agency may rely on certification by an architect or engineer
23 submitted by an applicant in connection with the filing of an applica-
24 tion. A false certification by such architect or engineer shall be
25 deemed to be professional misconduct pursuant to section sixty-five
26 hundred nine of the education law. Any licensee found guilty of such
27 misconduct under the procedures prescribed in section sixty-five hundred
28 ten of the education law shall be subject to the penalties prescribed in
29 section sixty-five hundred eleven of the education law, and shall there-
30 after be ineligible to submit a certification pursuant to this subdivi-
31 sion.

32 (iv) The agency shall not require that the applicant demonstrate
33 compliance with the requirements of paragraph (c) of this subdivision as
34 a condition to approval of the application.

35 [~~o~~] (p) Filing fee. The agency may require a filing fee of three
36 thousand dollars per dwelling unit in connection with any application.
37 However, the agency may promulgate rules imposing a lesser fee for
38 eligible sites containing eligible multiple dwellings constructed with
39 the substantial assistance of grants, loans or subsidies provided by a
40 federal, state or local governmental agency or instrumentality pursuant
41 to a program for the development of affordable housing.

42 [~~p~~] (q) Rules. The agency shall have the sole authority to enforce
43 the provisions of this subdivision. The agency [~~may~~] shall promulgate
44 rules to carry out the provisions of this subdivision, including, but
45 not limited to, provisions related to the calculation of the average
46 hourly wage.

47 [~~q~~] ~~Authority of city to enact local law. Except as otherwise speci-~~
48 ~~fied in this subdivision, a city to which this subdivision is applicable~~
49 ~~may enact a local law to restrict, limit or condition the eligibility~~
50 ~~for or the scope or amount of 421-a benefits in any manner, provided~~
51 ~~that such local law may not grant 421-a benefits beyond those provided~~
52 ~~in this subdivision and provided further that such local law shall not~~
53 ~~take effect sooner than one year after it is enacted. The provisions of~~
54 ~~sections 11-245 and 11-245.1 of the administrative code of the city of~~
55 ~~New York or of any other local law of the city of New York that were~~
56 ~~enacted on or before the effective date of the chapter of the laws of~~

~~two thousand fifteen which added this paragraph shall not restrict, limit or condition the eligibility for or the scope or amount of 421-a benefits pursuant to this subdivision.]~~

(r) Election. Notwithstanding anything in this subdivision to the contrary, ~~[if a memorandum of understanding pursuant to subdivision sixteen-a of this section has been executed and noticed,]~~ a rental project or homeownership project with a commencement date on or before December thirty-first, two thousand fifteen that has not received benefits pursuant to this section prior to the effective date of the chapter of the laws of two thousand fifteen that added this subdivision may elect to comply with this subdivision and receive ~~[421-a]~~ Affordable New York Housing Program benefits pursuant to this subdivision.

§ 4. Subdivision 16-a of section 421-a of the real property tax law is REPEALED.

§ 5. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 6. This act shall take effect immediately; and provided, however, that sections one, two, and three of this act shall be deemed to have been in full force and effect on and after January 1, 2016.

PART T

Section 1. Subdivision 4 of section 170.15 of the criminal procedure law, as amended by chapter 67 of the laws of 2000, is amended to read as follows:

4. Notwithstanding any provision of this section to the contrary, in any county outside a city having a population of one million or more, upon or after arraignment of a defendant on an information, a simplified information, a prosecutor's information or a misdemeanor complaint pending in a local criminal court, such court may, upon motion of the defendant and with the consent of the district attorney, order that the action be removed from the court in which the matter is pending to another local criminal court in the same county which has been designated a drug court by the chief administrator of the courts, or to another local criminal court in the same county or an adjoining county that has been designated a veterans treatment court by the chief administrator of the courts, and such drug court or veterans treatment court may then conduct such action to ~~[judgement]~~ judgment or other final disposition; provided, however, that an order of removal issued under this subdivision shall not take effect until five days after the date the order is issued unless, prior to such effective date, the drug court or veterans treatment court notifies the court that issued the order that:

(a) it will not accept the action, in which event the order shall not take effect, or

(b) it will accept the action on a date prior to such effective date, in which event the order shall take effect upon such prior date.

Upon providing notification pursuant to paragraph (a) or (b) of this subdivision, the drug court or veterans treatment court shall promptly

1 give notice to the defendant, his or her counsel and the district attorney.
2

3 § 2. Subdivision 3 of section 180.20 of the criminal procedure law, as
4 amended by chapter 67 of the laws of 2000, is amended to read as
5 follows:

6 3. Notwithstanding any provision of this section to the contrary, in
7 any county outside a city having a population of one million or more,
8 upon or after arraignment of a defendant on a felony complaint pending
9 in a local criminal court having preliminary jurisdiction thereof, such
10 court may, upon motion of the defendant and with the consent of the
11 district attorney, order that the action be removed from the court in
12 which the matter is pending to another local criminal court in the same
13 county which has been designated a drug court by the chief administrator
14 of the courts, or to another court in the same county or an adjoining
15 county that has been designated a veterans treatment court by the chief
16 administrator of the courts, and such drug court or veterans treatment
17 court may then dispose of such felony complaint pursuant to this article;
18 provided, however, that an order of removal issued under this
19 subdivision shall not take effect until five days after the date the
20 order is issued unless, prior to such effective date, the drug court or
21 veterans treatment court notifies the court that issued the order that:

22 (a) it will not accept the action, in which event the order shall not
23 take effect, or

24 (b) it will accept the action on a date prior to such effective date,
25 in which event the order shall take effect upon such prior date.

26 Upon providing notification pursuant to paragraph (a) or (b) of this
27 subdivision, the drug court or veterans treatment court shall promptly
28 give notice to the defendant, his or her counsel and the district attorney.
29

30 § 3. Subdivision 2 of section 212 of the judiciary law is amended by
31 adding a new paragraph (u) to read as follows:

32 (u) To the extent practicable, establish such number of veterans
33 treatment courts as may be necessary to fulfill the purposes of subdivision
34 four of section 170.15 and subdivision three of section 180.20 of
35 the criminal procedure law.

36 § 4. This act shall take effect immediately.

37 PART U

38 Section 1. The executive law is amended by adding a new article 51 to
39 read as follows:

40 ARTICLE 51

41 DIVISION OF CENTRAL ADMINISTRATIVE HEARINGS

42 Section 1010. Division of central administration hearings.

43 1011. Powers and duties.

44 § 1010. Division of central administrative hearings. There is hereby
45 created in the executive department a division of central administrative
46 hearings hereinafter in this article called the division. The head of
47 such division shall be a chief administrative law judge who shall be
48 appointed by the governor and shall hold office at the pleasure of the
49 governor.

50 § 1011. Powers and duties. Notwithstanding any law to the contrary,
51 the chief administrative law judge may establish, consolidate, reorgan-
52 ize or abolish any administrative hearing function within any civil
53 department as he or she determines to be necessary for the efficient
54 operation of the division, provided that any such actions must be

1 approved by the director of the budget pursuant to a plan submitted to
2 the director, and provided further that such authority shall not apply
3 to the department of law and the department of audit and control.

4 § 2. This act shall take effect on the one hundred eightieth day after
5 it shall have become a law; provided, however, that effective immediate-
6 ly, any actions necessary to be taken for the implementation of the
7 provisions of this act on its effective date are authorized and directed
8 to be completed on or before such effective date.

9 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
10 sion, section or part of this act shall be adjudged by any court of
11 competent jurisdiction to be invalid, such judgment shall not affect,
12 impair, or invalidate the remainder thereof, but shall be confined in
13 its operation to the clause, sentence, paragraph, subdivision, section
14 or part thereof directly involved in the controversy in which such judg-
15 ment shall have been rendered. It is hereby declared to be the intent of
16 the legislature that this act would have been enacted even if such
17 invalid provisions had not been included herein.

18 § 3. This act shall take effect immediately provided, however, that
19 the applicable effective date of Parts A through U of this act shall be
20 as specifically set forth in the last section of such Parts.