STATE OF NEW YORK

2005--B

IN SENATE

January 23, 2017

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to the effectiveness thereof; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to the effectiveness thereof; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to the effectiveness thereof; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to the effectiveness thereof; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to the effectiveness thereof; to amend chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 62 of the laws of 2011, amending the correction law and the executive law, relating to merging the department of correctional services and division of parole into the department of corrections and community supervision, in relation to the effectiveness thereof; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and

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

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jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law of such chapter; to amend chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the civil practice law and rules and general filing fee provision and inmate property claims exhaustion requirement of the court of claims act of such chapter; to amend chapter 222 of the laws of 1994 constituting the family protection and domestic violence intervention act of 1994, in relation to extending the expiration of certain provisions of the criminal procedure law requiring the arrest of certain persons engaged in family violence; to amend chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, in relation to extending the expiration thereof; to amend chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, in relation to the effectiveness thereof; to amend chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, in relation to the effectiveness of such chapter; to amend chapter 152 of the laws of 2001 amending the military law relating to military funds of the organized militia, in relation to the effectiveness thereof; and to amend chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to the effectiveness thereof (Part A); intentionally omitted (Part B); to amend the penal law and the criminal procedure law, in relation to cyber crimes; and to repeal certain provisions of the penal law relating to scheme to defraud (Subpart A); to amend the executive law, in relation to a cyber security report (Subpart B); to amend the executive law, in relation to a cyber security initiative (Subpart C); and to amend the executive law, in relation to a cyber security action plan (Subpart D) (Part C); to amend the criminal procedure law, the family court act and the executive law, in relation to statements of those accused of crimes and eyewitness identifications, to enhance

criminal investigations and prosecutions and to promote confidence in the criminal justice system of this state; to amend the county law and the executive law, in relation to the implementation of a plan regarding indigent legal services (Part D); intentionally omitted (Part E); to amend the executive law, in relation to the establishment of a hate crime task force; to amend the penal law, in relation to cemetery desecration; and to repeal certain provisions of the penal law relating thereto; to amend the penal law, in relation to criminal mischief and larceny offenses committed at a place of religious worship and to cemetery desecration; to amend the penal law, in relation to hate crimes; and to amend the penal law, in relation to bias-related graffiti, the disposition of graffiti offenses, graffiti for the purpose of promoting gang related activities and graffiti upon religious property (Part F); to amend the executive law, in relation to expanding eligibility for awards to victims of certain crimes not resulting in physical injury (Part G); to amend the executive law, in relation to the reimbursement for loss of savings of a vulnerable elderly person or an incompetent or physically disabled person (Part H); intentionally omitted (Part I); to amend the state finance law, the public authorities law and the administrative code of the city of New York, in relation to requiring the use of American made iron, steel and manufactured products in certain government contracts; and to repeal certain provisions of the state finance law relating thereto (Part J); Intentionally Omitted (Part K); to amend chapter 674 of the laws of 1993 amending the public buildings law relating to value limitations on contracts, in relation to extending the effectiveness thereof (Part L); intentionally omitted (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); intentionally omitted (Part U); intentionally omitted (Part V); intentionally omitted (Part W); to amend the economic development law, in relation to the timeframe for applications for businesses to locate within a campus, university or college sponsored tax-free NY area (Part X); to amend the labor law, in relation to certain employers unemployment insurance account contributions and preventing paid family leave from impacting an employers experience rating (Part Y); to provide for the administration of certain funds and accounts related to the 2017-18 budget and authorizing certain payments and transfers; to amend the state finance law, in relation to the school tax relief fund and payments, transfers and deposits; to amend the state finance law, in relation to the dedicated infrastructure investment fund; to amend chapter 62 of the laws of 2003 amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, in relation to the deposit provisions of the tobacco settlement financing corporation act; to amend the state finance law, in relation to establishing the retiree health benefit trust fund; to amend the New York state urban development corporation act, in relation to funding project costs undertaken by non-public schools; to amend the New York state urban development corporation act, in relation to funding project costs for certain capital projects; to amend chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the private housing finance law, in relation to housing program bonds and notes; to amend chapter 329 of the laws of 1991,

amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of bonds; to amend the public authorities law, in relation to the issuance of bonds by the dormitory authority; to amend chapter 61 of the laws of 2005 relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to issuance of bonds by the urban development corporation; to amend the New York state urban development corporation act, in relation to the issuance of bonds; to amend the public authorities law, in relation to the state environmental infrastructure projects; to amend the New York state urban development corporation act, in relation to authorizing the urban development corporation to issue bonds to fund project costs for the implementation of a NY-CUNY challenge grant program; to amend chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to increasing the aggregate amount of bonds to be issued by the New York state urban development corporation; to amend the public authorities law, in relation to financing of peace bridge and transportation capital projects; to amend the public authorities law, in relation to dormitories at certain educational institutions other than state operated institutions and statutory or contract colleges under the jurisdiction of the state university of New York; to amend the New York state medical care facilities finance agency act, in relation to bonds and mental health facilities improvement notes; to amend chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, in relation to increasing the amount of authorized matching capital grants; to amend the public authorities law, in relation to authorization for issuance of bonds for the capital restructuring bond finance program and the health care facility transformation program; to amend the state finance law and the public authorities law, in relation to funding certain capital projects and the issuance of bonds; and to amend the civil practice law and rules, in relation to stay of enforcement for tobacco product master settlement; to repeal sections 58, 59 and 60 of the state finance law relating thereto; and providing for the repeal of certain provisions upon expiration thereof (Part Z); intentionally omitted (Part AA); in relation to establishing a single town court to serve the towns of Erin and Chemung (Part BB); to amend the retirement and social security law, in relation to accidental disability retirement (Part CC); to amend the executive law, in relation to provisions for home care and hospice in comprehensive emergency plans (Part DD); to amend chapter 308 of the laws of 2012, amending the general municipal law relating to providing local governments greater contract flexibility and cost savings by permitting certain shared purchasing among political subdivisions, in relation to eliminating the expiration and repeal of the provisions thereof (Part EE); to amend the state administrative procedure act, in relation to improving evaluations of the potential impact of rules on jobs and employment opportunities (Part FF); in relation to establishing the state police communication interoperability demonstration project (Part GG); to amend the criminal procedure law, in relation to the judicial diversion program for certain felony offenders (Part HH); to amend the criminal procedure law, in relation to the judicial diversion program for alcohol and substance abuse offenders; and to amend the penal law, in relation to the crime of unauthorized departure from a rehabili-

tation facility (Part II); to amend the criminal procedure law, in relation to the use of electronic monitoring for certain participants in judicial diversion programs (Part JJ); to amend the penal law, in relation to authorizing the sale and possession of sparkling devices outside of cities with a population of one million or more (Part KK); to amend the civil practice law and rules, the penal law, the state finance law and the education law, in relation to defining offenses involving criminal street gangs, creating the criminal street gang prevention fund, and providing for gang prevention services in schools (Part LL); to amend the penal law, in relation to including certain computer offenses, criminal use of an access device, identity theft and unlawful possession of personal identification information or a skimmer device within the definition of "criminal act" for purposes of enterprise corruption (Part MM); to amend the criminal procedure law, in relation to a "problem solving court" (Part NN); in relation to enacting the "youth violence prevention task force act"; and providing for the repeal of such provisions upon expiration thereof (Part OO); to amend the family court act, the criminal procedure law and the domestic relations law, in relation to written translation of orders of protection (Part PP); to amend the general municipal law, in relation to a comprehensive study on the reutilization of nuclear facilities (Part QQ); to amend subpart H of part C of chapter 20 of the laws of 2015, appropriating money for certain municipal corporations and school districts, in relation to funding to local government entities from the urban development corporation (Part RR); to direct certain state agencies to maintain full time equivalent positions and to report on total number of workers, overtime hours and temporary and per diem workers (Part SS); and to amend the volunteer firefighters' benefit law, in relation to the expansion of coverage to include cancer of the lymphatic or hematological systems, the digestive, urinary, prostate, neurological, breast or reproductive systems or melanoma; and providing for the repeal of such provisions upon expiration thereof (Part TT)

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

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2017-2018 state fiscal year. Each component is wholly contained within a Part identified as Parts A through TT. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Section 2 of chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, as amended by section 1 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall remain in effect until September 1, [~~2017~~] 2019.

§ 2. Section 3 of chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, as amended by section 2 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

§ 3. This act shall take effect on the first day of November next succeeding the date on which it shall have become a law, and shall remain in effect until the first day of September, [~~2017~~] 2019, when it shall expire and be deemed repealed.

§ 3. Section 3 of chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, as amended by section 3 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

§ 3. This act shall take effect 60 days after it shall have become a law and shall remain in effect until September 1, [~~2017~~] 2019.

§ 4. Section 20 of chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, as amended by section 4 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

§ 20. This act shall take effect immediately except that section thirteen of this act shall expire and be of no further force or effect on and after September 1, [~~2017~~] 2019 and shall not apply to persons committed to the custody of the department after such date, and provided further that the commissioner of corrections and community supervision shall report each January first and July first during such time as the earned eligibility program is in effect, to the chairmen of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the standards in effect for earned eligibility during the prior six-month period, the number of inmates subject to the provisions of earned eligibility, the number who actually received certificates of earned eligibility during that period of time, the number of inmates with certificates who are granted parole upon their first consideration for parole, the number with certificates who are denied parole upon their first consideration, and the number of individuals granted and denied parole who did not have earned eligibility certificates.

§ 5. Subdivision (q) of section 427 of chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, as amended by section 5 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

(q) the provisions of section two hundred eighty-four of this act shall remain in effect until September 1, [~~2017~~] 2019 and be applicable to all persons entering the program on or before August 31, [~~2017~~] 2019.

§ 6. Section 10 of chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, as amended by section 6 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

§ 10. This act shall take effect 30 days after it shall have become a law and shall remain in effect until September 1, [~~2017~~] 2019, and provided further that the commissioner of correctional services shall report each January first, and July first, to the chairman of the senate

crime victims, crime and correction committee, the senate codes commit-tee, the assembly correction committee, and the assembly codes commit-tee, the number of eligible inmates in each facility under the custody and control of the commissioner who have applied for participation in any program offered under the provisions of work release, furlough, or leave, and the number of such inmates who have been approved for partic-ipation.

§ 7. Subdivision (c) of section 46 of chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, as amended by section 7 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

(c) sections forty-one and forty-two of this act shall expire Septem-ber 1, [~~2017~~] 2019; provided, that the provisions of section forty-two of this act shall apply to inmates entering the work release program on or after such effective date; and

§ 8. Subdivision h of section 74 of chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, as amended by section 8 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

h. Section fifty-two of this act shall be deemed to have been in full force and effect on and after April 1, 1995; provided, however, that the provisions of section 189 of the correction law, as amended by section fifty-five of this act, subdivision 5 of section 60.35 of the penal law, as amended by section fifty-six of this act, and section fifty-seven of this act shall expire September 1, [~~2017~~] 2019, when upon such date the amendments to the correction law and penal law made by sections fifty-five and fifty-six of this act shall revert to and be read as if the provisions of this act had not been enacted; provided, however, that sections sixty-two, sixty-three and sixty-four of this act shall be deemed to have been in full force and effect on and after March 1, 1995 and shall be deemed repealed April 1, 1996 and upon such date the provisions of subsection (e) of section 9110 of the insurance law and subdivision 2 of section 89-d of the state finance law shall revert to and be read as set out in law on the date immediately preceding the effective date of sections sixty-two and sixty-three of this act;

§ 9. Subdivision (c) of section 49 of subpart A of part C of chapter 62 of the laws of 2011 amending the correction law and the executive law, relating to merging the department of correctional services and division of parole into the department of corrections and community supervision, as amended by section 9 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

(c) that the amendments to subdivision 9 of section 201 of the correction law as added by section thirty-two of this act shall remain in effect until September 1, [~~2017~~] 2019, when it shall expire and be deemed repealed;

§ 10. Subdivision (aa) of section 427 of chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, as amended by section 10 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

(aa) the provisions of sections three hundred eighty-two, three hundred eighty-three and three hundred eighty-four of this act shall expire on September 1, [~~2017~~] 2019;

§ 11. Section 12 of chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention

and incarceration programs, as amended by section 11 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

§ 12. This act shall take effect immediately, except that the provisions of sections one through ten of this act shall remain in full force and effect until September 1, [~~2017~~] 2019 on which date those provisions shall be deemed to be repealed.

§ 12. Subdivision (p) of section 406 of chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, as amended by section 12 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

(p) The amendments to section 1809 of the vehicle and traffic law made by sections three hundred thirty-seven and three hundred thirty-eight of this act shall not apply to any offense committed prior to such effective date; provided, further, that section three hundred forty-one of this act shall take effect immediately and shall expire November 1, 1993 at which time it shall be deemed repealed; sections three hundred forty-five and three hundred forty-six of this act shall take effect July 1, 1991; sections three hundred fifty-five, three hundred fifty-six, three hundred fifty-seven and three hundred fifty-nine of this act shall take effect immediately and shall expire June 30, 1995 and shall revert to and be read as if this act had not been enacted; section three hundred fifty-eight of this act shall take effect immediately and shall expire June 30, 1998 and shall revert to and be read as if this act had not been enacted; section three hundred sixty-four through three hundred sixty-seven of this act shall apply to claims filed on or after such effective date; sections three hundred sixty-nine, three hundred seventy-two, three hundred seventy-three, three hundred seventy-four, three hundred seventy-five and three hundred seventy-six of this act shall remain in effect until September 1, [~~2017~~] 2019, at which time they shall be deemed repealed; provided, however, that the mandatory surcharge provided in section three hundred seventy-four of this act shall apply to parking violations occurring on or after said effective date; and provided further that the amendments made to section 235 of the vehicle and traffic law by section three hundred seventy-two of this act, the amendments made to section 1809 of the vehicle and traffic law by sections three hundred thirty-seven and three hundred thirty-eight of this act and the amendments made to section 215-a of the labor law by section three hundred seventy-five of this act shall expire on September 1, [~~2017~~] 2019 and upon such date the provisions of such subdivisions and sections shall revert to and be read as if the provisions of this act had not been enacted; the amendments to subdivisions 2 and 3 of section 400.05 of the penal law made by sections three hundred seventy-seven and three hundred seventy-eight of this act shall expire on July 1, 1992 and upon such date the provisions of such subdivisions shall revert and shall be read as if the provisions of this act had not been enacted; the state board of law examiners shall take such action as is necessary to assure that all applicants for examination for admission to practice as an attorney and counsellor at law shall pay the increased examination fee provided for by the amendment made to section 465 of the judiciary law by section three hundred eighty of this act for any examination given on or after the effective date of this act notwithstanding that an applicant for such examination may have prepaid a lesser fee for such examination as required by the provisions of such section 465 as of the date prior to the effective date of this act; the provisions of section 306-a of the civil practice law and rules as added by section three hundred eighty-one of this act shall apply to all actions pending

on or commenced on or after September 1, 1991, provided, however, that for the purposes of this section service of such summons made prior to such date shall be deemed to have been completed on September 1, 1991; the provisions of section three hundred eighty-three of this act shall apply to all money deposited in connection with a cash bail or a partially secured bail bond on or after such effective date; and the provisions of sections three hundred eighty-four and three hundred eighty-five of this act shall apply only to jury service commenced during a judicial term beginning on or after the effective date of this act; provided, however, that nothing contained herein shall be deemed to affect the application, qualification, expiration or repeal of any provision of law amended by any section of this act and such provisions shall be applied or qualified or shall expire or be deemed repealed in the same manner, to the same extent and on the same date as the case may be as otherwise provided by law;

§ 13. Subdivision 8 of section 1809 of the vehicle and traffic law, as amended by section 13 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

8. The provisions of this section shall only apply to offenses committed on or before September first, two thousand [~~seventeen~~] **nineteen**.

§ 14. Section 6 of chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, as amended by section 14 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

§ 6. This act shall take effect on the first day of April next succeeding the date on which it shall have become a law; provided, however, that effective immediately, the addition, amendment or repeal of any rule or regulation necessary for the implementation of the foregoing sections of this act on their effective date is authorized and directed to be made and completed on or before such effective date and shall remain in full force and effect until the first day of September, [~~2017~~] **2019** when upon such date the provisions of this act shall be deemed repealed.

§ 15. Paragraph a of subdivision 6 of section 76 of chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, as amended by section 15 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

a. sections forty-three through forty-five of this act shall expire and be deemed repealed on September 1, [~~2017~~] **2019**;

§ 16. Section 4 of part D of chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, as amended by section 16 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

§ 4. This act shall take effect 120 days after it shall have become a law and shall remain in full force and effect until September 1, [~~2017~~] **2019**, when upon such date it shall expire.

§ 17. Subdivision 2 of section 59 of chapter 222 of the laws of 1994, constituting the family protection and domestic violence intervention act of 1994, as amended by section 17 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

2. Subdivision 4 of section 140.10 of the criminal procedure law as added by section thirty-two of this act shall take effect January 1, 1996 and shall expire and be deemed repealed on September 1, [~~2017~~] **2019**.

§ 18. Section 5 of chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and

other protective measures for certain child witnesses, as amended by section 18 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

§ 5. This act shall take effect immediately and shall apply to all criminal actions and proceedings commenced prior to the effective date of this act but still pending on such date as well as all criminal actions and proceedings commenced on or after such effective date and its provisions shall expire on September 1, [~~2017~~] 2019, when upon such date the provisions of this act shall be deemed repealed.

§ 19. Subdivision d of section 74 of chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, as amended by section 19 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

d. Sections one-a through twenty, twenty-four through twenty-eight, thirty through thirty-nine, forty-two and forty-four of this act shall be deemed repealed on September 1, [~~2017~~] 2019;

§ 20. Section 2 of chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, as amended by section 20 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

§ 2. This act shall take effect immediately, except that the provisions of this act shall be deemed to have been in full force and effect since July 1, 1992 and the provisions of this act shall expire September 1, [~~2017~~] 2019 when upon such date the provisions of this act shall be deemed repealed.

§ 21. Section 3 of chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, as amended by section 21 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

§ 3. This act shall take effect immediately, except that section one of this act shall take effect on the first of January next succeeding the date on which it shall have become a law, and shall remain in effect until the first of September, [~~2017~~] 2019, upon which date this act shall be deemed repealed and have no further force and effect; provided that section one of this act shall only take effect with respect to any compacting state which has enacted an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act and provided further that with respect to any such compacting state, upon the effective date of section one of this act, section 259-m of the executive law is hereby deemed REPEALED and section 259-mm of the executive law, as added by section one of this act, shall take effect; and provided further that with respect to any state which has not enacted an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act, section 259-m of the executive law shall take effect and the provisions of section one of this act, with respect to any such state, shall have no force or effect until such time as such state shall adopt an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act in which case, with respect to such state, effective immediately, section 259-m of the executive law is deemed repealed and section 259-mm of the executive law, as added by section one of this act, shall take effect.

§ 22. Section 8 of part H of chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of

correctional services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, as amended by section 22 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

§ 8. This act shall take effect immediately; provided, however that sections five and six of this act shall expire and be deemed repealed September 1, [~~2017~~] 2019.

§ 23. Section 3 of part C of chapter 152 of the laws of 2001 amending the military law relating to military funds of the organized militia, as amended by section 23 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

§ 3. This act shall take effect on the same date as the reversion of subdivision 5 of section 183 and subdivision 1 of section 221 of the military law as provided by section 76 of chapter 435 of the laws of 1997, as amended by section 1 of chapter 19 of the laws of 1999 notwithstanding this act shall be deemed to have been in full force and effect on and after July 31, 2005 and shall remain in full force and effect until September 1, [~~2017~~] 2019 when upon such date this act shall expire.

§ 24. Section 5 of chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, as amended by section 24 of part B of chapter 55 of the laws of 2015, is amended to read as follows:

§ 5. This act shall take effect immediately and shall remain in full force and effect until September 1, [~~2017~~] 2019, and provided further that the commissioner of correctional services shall report each January first and July first during such time as this legislation is in effect, to the chairmen of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the number of individuals who are released to community treatment facilities during the previous six-month period, including the total number for each date at each facility who are not residing within the facility, but who are required to report to the facility on a daily or less frequent basis.

§ 25. Intentionally omitted.

§ 26. This act shall take effect immediately.

PART B

Intentionally Omitted

PART C

Section 1. This act enacts into law major components of legislation. Each component is wholly contained within a Subpart identified as Subparts A through D. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes references to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section three of this act sets forth the general effective date of this act.

SUBPART A

Section 1. Subdivisions 1, 2, 3 and 4 of section 155.00 of the penal law, subdivision 1 as amended by chapter 514 of the laws of 1986, are amended and two new subdivisions 10 and 11 are added to read as follows:

1. "Property" means any money, personal property, real property, computer data, computer program, **personal identifying information, secret scientific material,** thing in action, evidence of debt or contract, or any article, substance or thing of value, including any gas, steam, water or electricity, which is provided for a charge or compensation.

2. "Obtain" includes, but is not limited to, the bringing about of a transfer or purported transfer of property or of a legal interest therein, whether to the obtainer or another. **With regard to personal identifying information, computer data or computer program, obtain includes duplicating, recording, copying, downloading, uploading or printing out the information, data, or program, or obtaining a physical object containing such information. With regard to service, obtain includes, but is not limited to, using or accessing a service.**

3. "Deprive." To "deprive" another of property means (a) to withhold it or cause it to be withheld from him **or her** permanently or for so extended a period or under such circumstances that the major portion of its economic value or benefit is lost to him **or her**, or (b) to dispose of the property in such manner or under such circumstances as to render it unlikely that an owner will recover such property. **When the property is personal identifying information, computer data or computer program, to deprive another of its means to obtain it or cause a third person to obtain it under such circumstances that a substantial portion of the economic benefit or value of having control over it or authority over its use is lost to an owner. To deprive another of service is to use or access a service or cause a third person to use or access a service under such circumstances that some of the economic benefit or value of having control or authority over providing the service is lost to an owner.**

4. "Appropriate." To "appropriate" property of another to oneself or a third person means (a) to exercise control over it, or to aid a third person to exercise control over it, permanently or for so extended a period or under such circumstances as to acquire the major portion of its economic value or benefit, or (b) to dispose of the property for the benefit of oneself or a third person. **When the property is personal identifying information, computer data or computer program of another, to appropriate it to oneself or a third person means to obtain it under such circumstances as to acquire the ability to use it or dispose of it to the economic benefit of oneself or a third person or to the economic detriment or damage of an owner. To appropriate a service provided by another to oneself or a third person means to use or access the service under such circumstances as to acquire the ability to use it to the economic benefit of oneself or a third person or to the economic detriment or damage of an owner.**

10. "Computer program" means an ordered set of data representing coded instructions or statements that when executed by the computer, cause the computer to process data or direct the computer to perform one or more computer operations or both and may be in any form, including magnetic storage media, optical media, computing devices, punched cards, or stored internally in the memory of the computer.

11. "Computer data" means a representation of information, knowledge, facts, concept or instructions which are being processed, or have been processed in a computer and may be in any form including magnetic storage media, punched cards, or stored internally in the memory of the computer.

§ 2. Paragraph (c) of subdivision 2 of section 155.05 of the penal law is amended and a new paragraph (f) is added to read as follows:

(c) By committing the crime of issuing a bad check, as defined in section 190.05, or by obtaining property or service by using or presenting a form of payment or personal identifying information the actor knows he or she is not authorized to use or knows is expired or forged or otherwise not valid;

(f) By theft of service. Theft of service means either: (i) using or accessing a service in a manner that otherwise requires payment and intentionally failing to pay for such use or access by either tampering without authority with a delivery, payment, or measurement device or mechanism, or by entering or leaving premises where the service is provided by stealth or by evading a physical barrier, or (ii) using or accessing a service in a manner that otherwise requires payment or the presentation of personal identifying information and using or presenting a form of payment or personal identifying information the actor knows he or she is not authorized to use or knows is expired or forged or otherwise not valid.

§ 3. Subdivision 1 of section 155.20 of the penal law is amended to read as follows:

1. Except as otherwise specified in this section, value means the market value of the property at the time and place of the crime, or if such cannot be satisfactorily ascertained, the cost of replacement of the property within a reasonable time after the crime. With regard to service, value shall also mean the cost of providing the service at the time of the crime, and with regard to the value of computer data or computer program value shall mean the replacement cost or the market value at the time and place of the crime, or the cost to write or develop such data and/or program, whichever is greater.

§ 4. The penal law is amended by adding a new section 155.23 to read as follows:

§ 155.23 Petit theft of service.

A person is guilty of petit theft of service when he or she steals a service.

Petit theft of service is a class B misdemeanor.

§ 5. Section 155.25 of the penal law is amended to read as follows:

§ 155.25 Petit larceny.

A person is guilty of petit larceny when he or she steals property, or steals a service and the value of the service exceeds five hundred dollars.

Petit larceny is a class A misdemeanor.

§ 6. The opening paragraph and subdivisions 1, 4 and 6 of section 155.30 of the penal law, the opening paragraph and subdivisions 1 and 6 as amended by chapter 515 of the laws of 1986, subdivision 4 as amended by chapter 556 of the laws of 1987, are amended to read as follows:

A person is guilty of grand larceny in the fourth degree when he or she steals property or a service and when:

1. The value of the property or service exceeds one thousand dollars; or

4. The property consists of a credit card or debit card or personal identifying information; or

6. The property **or service**, regardless of its nature and value, is obtained by extortion; or

§ 7. Section 155.35 of the penal law, as amended by chapter 464 of the laws of 2010, is amended to read as follows:

§ 155.35 Grand larceny in the third degree.

A person is guilty of grand larceny in the third degree when he or she steals property **or a service** and:

1. when the value of the property exceeds three thousand dollars, or

2. the property is an automated teller machine or the contents of an automated teller machine**, or**

3. the property is personal identifying information of twenty-five or more persons.

Grand larceny in the third degree is a class D felony.

§ 8. Section 155.40 of the penal law, as amended by chapter 515 of the laws of 1986, is amended to read as follows:

§ 155.40 Grand larceny in the second degree.

A person is guilty of grand larceny in the second degree when he **or she** steals property **or a service** and when:

1. The value of the property **or service** exceeds fifty thousand dollars; or

2. The property **or service**, regardless of its nature and value, is obtained by extortion committed by instilling in the victim a fear that the actor or another person will (a) cause physical injury to some person in the future, or (b) cause damage to property, or (c) use or abuse his **or her** position as a public servant by engaging in conduct within or related to his **or her** official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely**, or**

3. The property is personal identifying information of one hundred or more persons.

Grand larceny in the second degree is a class C felony.

§ 9. Section 155.42 of the penal law, as added by chapter 515 of the laws of 1986, is amended to read as follows:

§ 155.42 Grand larceny in the first degree.

A person is guilty of grand larceny in the first degree when he **or she** steals property **or a service** and when the value of the property **or service** exceeds one million dollars**; or the property is personal identifying information of one thousand or more persons**.

Grand larceny in the first degree is a class B felony.

§ 10. Subdivisions 5 and 8 of section 156.00 of the penal law, subdivision 5 as amended and subdivision 8 as added by chapter 558 of the laws of 2006, are amended to read as follows:

5. "Computer material" is property and means any computer data or computer program which:

(a) contains records of the medical history or medical treatment of an identified or readily identifiable individual or individuals. This term shall not apply to the gaining access to or duplication solely of the medical history or medical treatment records of a person by that person or by another specifically authorized by the person whose records are gained access to or duplicated; or

(b) contains records maintained by the state or any political subdivision thereof or any governmental instrumentality within the state which contains any information concerning a person, as defined in subdivision seven of section 10.00 of this chapter, which because of name, number, symbol, mark or other identifier, can be used to identify the person and which is otherwise prohibited by law from being disclosed. This term

shall not apply to the gaining access to or duplication solely of records of a person by that person or by another specifically authorized by the person whose records are gained access to or duplicated; or

(c) is not and is not intended to be available to anyone other than the person or persons rightfully in possession thereof or selected persons having access thereto with his, her or their consent and which [~~accords or may accord such rightful possessors an advantage over competitors or other persons who do not have knowledge or the benefit thereof~~] **any person, other than a person rightfully in possession, knows or should know is not intended to be available to him or her**.

8. "Without authorization" means to use or to access a computer, computer service or computer network without the permission of the owner or lessor or someone licensed or privileged by the owner or lessor where such person knew that his or her use or access was without permission or after actual notice to such person that such use or access was without permission**, or that such use or access was for purposes other than those for which permission was granted by the owner, lessor, or someone licensed or privileged by such owner or lessor**. It shall also mean the access of a computer service by a person without permission where such person knew that such access was without permission or after actual notice to such person, that such access was without permission.

Proof that such person used or accessed a computer, computer service or computer network through the knowing use of a set of instructions, code or computer program that bypasses, defrauds or otherwise circumvents a security measure installed or used with the user's authorization on the computer, computer service or computer network shall be presumptive evidence that such person used or accessed such computer, computer service or computer network without authorization.

§ 11. Section 156.20 of the penal law, as amended by chapter 558 of the laws of 2006, is amended to read as follows:

§ 156.20 Computer tampering in the [~~fourth~~] **fifth** degree.

A person is guilty of computer tampering in the [~~fourth~~] **fifth** degree when he or she uses, causes to be used, or accesses a computer, computer service, or computer network without authorization and he or she intentionally alters in any manner or destroys computer data or a computer program of another person.

Computer tampering in the [~~fourth~~] **fifth** degree is a class A misdemeanor.

§ 12. Section 156.25 of the penal law, as amended by chapter 89 of the laws of 1993, subdivision 2 as amended by chapter 376 of the laws of 1997, is amended to read as follows:

§ 156.25 Computer tampering in the [~~third~~] **fourth** degree.

A person is guilty of computer tampering in the third degree when he **or she** commits the crime of computer tampering in the [~~fourth~~] **fifth** degree and:

1. he **or she** does so with an intent to commit or attempt to commit or further the commission of any felony; or

2. he **or she** has been previously convicted of any crime under this article or subdivision eleven of section 165.15 of this chapter; or

3. he **or she** intentionally alters in any manner or destroys computer material; or

4. he **or she** intentionally alters in any manner or destroys computer data or a computer program so as to cause damages in an aggregate amount exceeding one thousand dollars.

Computer tampering in the [~~third~~] **fourth** degree is a class E felony.

§ 13. Section 156.26 of the penal law, as amended by chapter 590 of the laws of 2008, is amended to read as follows:

§ 156.26 Computer tampering in the [~~second~~] third degree.

A person is guilty of computer tampering in the [~~second~~] third degree when he or she commits the crime of computer tampering in the fourth degree and he or she intentionally alters in any manner or destroys:

1. computer data or a computer program so as to cause damages in an aggregate amount exceeding three thousand dollars; or

2. computer material that contains records of the medical history or medical treatment of an identified or readily identifiable individual or individuals and as a result of such alteration or destruction, such individual or individuals suffer serious physical injury, and he or she is aware of and consciously disregards a substantial and unjustifiable risk that such serious physical injury may occur.

Computer tampering in the [~~second~~] third degree is a class D felony.

§ 14. Section 156.27 of the penal law, as added by chapter 89 of the laws of 1993, is amended to read as follows:

§ 156.27 Computer tampering in the [~~first~~] second degree.

A person is guilty of computer tampering in the [~~first~~] second degree when he or she commits the crime of computer tampering in the fourth degree and he or she intentionally alters in any manner or destroys computer data or a computer program so as to cause damages in an aggregate amount exceeding fifty thousand dollars.

Computer tampering in the [~~first~~] second degree is a class C felony.

§ 15. The penal law is amended by adding a new section 156.28 to read as follows:

§ 156.28 Computer tampering in the first degree.

A person is guilty of computer tampering in the first degree when he or she commits the crime of computer tampering in the fifth degree and he or she intentionally alters in any manner or destroys computer data or a computer program and thereby causes damages in an aggregate amount of one million dollars or more.

Computer tampering in the first degree is a class B felony.

§ 16. The penal law is amended by adding five new sections 156.60, 156.65, 156.70, 156.75 and 156.80 to read as follows:

§ 156.60 Denial of service attack on a computer, computer service, computer program, or computer network in the fifth degree.

A person is guilty of denial of service attack on a computer, computer service, computer program, or computer network in the fifth degree when he or she acting alone or with others knowingly causes the transmission of a program, information, code, or command, or other electronic communication, and as a result of such conduct, intentionally makes the computer, computer service, computer program, or computer network temporarily or indefinitely unavailable to its intended users.

Denial of service attack on a computer, computer service, computer program, or computer network in the fifth degree is a class A misdemeanor.

§ 156.65 Denial of service attack on a computer, computer service, computer program, or computer network in the fourth degree.

A person is guilty of denial of service attack on a computer, computer service, computer program, or computer network in the fourth degree when he or she commits the crime of denial of service attack on a computer, computer service, computer program, or computer network in the fifth degree and thereby causes damages or loss that exceeds one thousand dollars to another person or persons, and/or one or more financial institutions and/or other businesses.

Denial of service attack on a computer, computer service, computer program, or computer network in the fourth degree is a class E felony.

§ 156.70 Denial of service attack on a computer, computer service, computer program, or computer network in the third degree.

A person is guilty of denial of service attack on a computer in the third degree when he or she commits the crime of denial of service attack on a computer, computer service, computer program, or computer network in the fifth degree and thereby causes damages or loss that exceeds three thousand dollars to another person or persons, and/or to one or more financial institutions and/or other businesses, or commits or attempts to commit a class D felony or higher level crime or acts as an accessory to the commission of a class D or higher level felony.

Denial of service attack on a computer, computer service, computer program, or computer network in the third degree is a class D felony.

§ 156.75 Denial of service attack on a computer, computer service, computer program, or computer network in the second degree.

A person is guilty of denial of service attack on a computer, computer service, computer program, or computer network in the second degree when he or she commits the crime of denial of service attack on a computer, computer service, computer program, or computer network in the fifth degree and thereby causes damages or loss that exceeds fifty thousand dollars to another person or persons, and/or financial institutions and/or other businesses, or commits or attempts to commit a class C felony or higher level crime or acts as an accessory in the commission of a class C or higher level felony.

Denial of service attack on a computer, computer service, computer program, or computer network in the second degree is a class C felony.

§ 156.80 Denial of service attack on a computer, computer service, computer program, or computer network in the first degree.

A person is guilty of denial of service attack on a computer, computer service, computer program, or computer network in the first degree when he or she commits the crime of denial of service attack on a computer, computer service, computer program, or computer network in the fifth degree and thereby causes damages or loss that exceeds one million dollars to another person or persons, and/or one or more financial institutions and/or other businesses, or commits or attempts to commit a class B felony or higher level crime or acts as an accessory in the commission on a class B or higher level felony.

Denial of service attack on a computer, computer service, computer program, or computer network in the first degree is a class B felony.

§ 17. Subdivision 2 of section 165.45 of the penal law, as amended by chapter 81 of the laws of 1995, is amended to read as follows:

2. The property consists of a credit card, debit card or public benefit card, or personal identifying information as defined in section 190.77 of this chapter; or

§ 18. Section 165.50 of the penal law, as amended by chapter 515 of the laws of 1986, is amended to read as follows:

§ 165.50 Criminal possession of stolen property in the third degree.

A person is guilty of criminal possession of stolen property in the third degree when he or she knowingly possesses stolen property, with intent to benefit himself or herself or a person other than an owner thereof or to impede the recovery by an owner thereof, and when the value of the property exceeds three thousand dollars, or the property consisted of the personal identifying information of twenty-five or more persons.

Criminal possession of stolen property in the third degree is a class D felony.

§ 19. Section 165.52 of the penal law, as added by chapter 515 of the laws of 1986, is amended to read as follows:

§ 165.52 Criminal possession of stolen property in the second degree.

A person is guilty of criminal possession of stolen property in the second degree when he **or she** knowingly possesses stolen property, with intent to benefit himself **or herself** or a person other than an owner thereof or to impede the recovery by an owner thereof, and when the value of the property exceeds fifty thousand dollars**, or the property consists of the personal identifying information of one hundred or more persons**.

Criminal possession of stolen property in the second degree is a class C felony.

§ 20. Section 165.54 of the penal law, as added by chapter 515 of the laws of 1986, is amended to read as follows:

§ 165.54 Criminal possession of stolen property in the first degree.

A person is guilty of criminal possession of stolen property in the first degree when he **or she** knowingly possesses stolen property, with intent to benefit himself **or herself** or a person other than an owner thereof or to impede the recovery by an owner, and when the value of the property exceeds one million dollars**, or the property consists of the personal identifying information of one thousand or more persons**.

Criminal possession of stolen property in the first degree is a class B felony.

§ 21. Sections 190.60 and 190.65 of the penal law are REPEALED and six new sections 190.60, 190.61, 190.62, 190.63, 190.64 and 190.65 are added to read as follows:

§ 190.60 Scheme to defraud defined.

1. A person engages in a scheme to defraud when he or she engages in a scheme constituting a systematic ongoing course of conduct with intent to defraud at least one person or to obtain property or service from at least one person by false or fraudulent pretenses, representations or promises, and so obtains property or service from at least one person.

2. Property, service, computer data and computer program shall have the meanings set forth in section 155.00 of this chapter.

3. In any prosecution of a scheme to defraud, it shall be necessary to prove the identity of at least one person from whom the defendant so obtained property or service, but it shall not be necessary to prove the identity of any other intended victim, provided that in a prosecution of a scheme to defraud pursuant to subdivision three of section 190.62 of this article, it shall be necessary to prove the identity of at least one such vulnerable elderly person.

§ 190.61 Scheme to defraud in the fifth degree.

A person is guilty of a scheme to defraud in the fifth degree when he or she engages in a scheme to defraud.

Scheme to defraud in the fifth degree is a class A misdemeanor.

§ 190.62 Scheme to defraud in the fourth degree.

A person is guilty of a scheme to defraud in the fourth degree when he or she engages in a scheme to defraud, and

1. intends to obtain property or service from ten or more persons; or

2. the value of the property or service obtained exceeds one thousand dollars; or

3. intends to obtain and does obtain property or service from at least one vulnerable elderly person as defined in subdivision three of section 260.31 of this chapter.

Scheme to defraud in the fourth degree is a class E felony.

§ 190.63 Scheme to defraud in the third degree.

A person is guilty of a scheme to defraud in the third degree when he or she engages in a scheme to defraud, and

1. intends to obtain property or service from twenty-five or more persons; or

2. the value of the property or service obtained exceeds three thousand dollars.

Scheme to defraud in the third degree is a class D felony.

§ 190.64 Scheme to defraud in the second degree.

A person is guilty of a scheme to defraud in the second degree when he or she engages in a scheme to defraud, and

1. intends to obtain property or service from one hundred or more persons; or

2. the value of the property or service obtained exceeds fifty thousand dollars.

Scheme to defraud in the second degree is a class C felony.

§ 190.65 Scheme to defraud in the first degree.

A person is guilty of a scheme to defraud in the first degree when he or she engages in a scheme to defraud, and

1. intends to obtain property or service from one thousand or more persons; or

2. the value of the property or service obtained exceeds one million dollars.

Scheme to defraud in the first degree is a class B felony.

§ 22. Section 190.78 of the penal law, as added by chapter 619 of the laws of 2002, is amended to read as follows:

§ 190.78 Identity theft in the [~~third~~] fifth degree.

A person is guilty of identity theft in the [~~third~~] fifth degree when he or she knowingly and with intent to defraud assumes the identity of another person by presenting himself or herself as that other person, or by acting as that other person or by using personal identifying information of that other person, and thereby:

1. obtains goods, money, property or services or uses credit in the name of such other person or causes financial loss to such person or to another person or persons; or

2. commits a class A misdemeanor or higher level crime.

Identity theft in the [~~third~~] fifth degree is a class A misdemeanor.

§ 23. Section 190.79 of the penal law, as added by chapter 619 of the laws of 2002, subdivision 4 as amended by chapter 279 of the laws of 2008, is amended to read as follows:

§ 190.79 Identity theft in the [~~second~~] fourth degree.

A person is guilty of [~~identify~~] identity theft in the [~~second~~] fourth degree when he or she knowingly and with intent to defraud assumes the identity of another person by presenting himself or herself as that other person, or by acting as that other person or by using personal identifying information of that other person, and thereby:

1. obtains goods, money, property or services or uses credit in the name of such other person in an aggregate amount that exceeds five hundred dollars; or

2. causes financial loss to such person or to another person or persons in an aggregate amount that exceeds five hundred dollars; or

3. commits or attempts to commit a felony or acts as an accessory to the commission of a felony; or

4. commits the crime of identity theft in the [~~third~~] fifth degree as defined in section 190.78 of this article and has been previously

convicted within the last [~~five years of identity theft in the third degree as defined in section 190.78, identity theft in the second degree as defined in this section, identity theft in the first degree as defined in section 190.80, unlawful possession of personal identification information in the third degree as defined in section 190.81, unlawful possession of personal identification information in the second degree as defined in section 190.82, unlawful possession of personal identification information in the first degree as defined in section 190.83, unlawful possession of a skimmer device in the second degree as defined in section 190.85, unlawful possession of a skimmer device in the first degree as defined in section 190.86, grand larceny in the fourth degree as defined in section 155.30, grand larceny in the third degree as defined in section 155.35, grand larceny in the second degree as defined in section 155.40 or grand larceny in the first degree as defined in section 155.42 of this chapter~~] ten years, excluding any time period during which such person was incarcerated for any reason, of any crime in this article or article one hundred seventy of this chapter, or of any larceny crime as defined in article one hundred fifty-five of this chapter, or of any criminal possession of stolen property crime as defined in article one hundred sixty-five of this chapter; or he or she knowingly and with intent to defraud assumes the identity of three or more persons by presenting himself or herself as those persons or by acting as those persons or by using personal identifying information of any of those persons and thereby obtains goods, money, property or services or uses credit in the name of at least one such person, or causes financial loss to at least one such person or to another person or persons.

Identity theft in the [~~second~~] fourth degree is a class E felony.

§ 24. Section 190.80 of the penal law, as added by chapter 619 of the laws of 2002, subdivision 4 as amended by chapter 279 of the laws of 2008, is amended to read as follows:

§ 190.80 Identity theft in the [~~first~~] third degree.

A person is guilty of identity theft in the [~~first~~] third degree when he or she knowingly and with intent to defraud assumes the identity of another person by presenting himself or herself as that other person, or by acting as that other person or by using personal identifying information of that other person, and thereby:

1. obtains goods, money, property or services or uses credit in the name of such other person in an aggregate amount that exceeds two thousand dollars; or

2. causes financial loss to such person or to another person or persons in an aggregate amount that exceeds two thousand dollars; or

3. commits or attempts to commit a class D felony or higher level crime or acts as an accessory in the commission of a class D or higher level felony; or

4. commits the crime of identity theft in the [~~second~~] fourth degree as defined in section 190.79 of this article and has been previously convicted within the last [~~five years of identity theft in the third degree as defined in section 190.78, identity theft in the second degree as defined in section 190.79, identity theft in the first degree as defined in this section, unlawful possession of personal identification information in the third degree as defined in section 190.81, unlawful possession of personal identification information in the second degree as defined in section 190.82, unlawful possession of personal identification information in the first degree as defined in section 190.83, unlawful possession of a skimmer device in the second degree as defined~~

~~in section 190.85, unlawful possession of a skimmer device in the first degree as defined in section 190.86, grand larceny in the fourth degree as defined in section 155.30, grand larceny in the third degree as defined in section 155.35, grand larceny in the second degree as defined in section 155.40 or grand larceny in the first degree as defined in section 155.42 of this chapter~~] ten years, excluding any time period during which such person was incarcerated for any reason, of any crime in this article or article one hundred seventy of this chapter, or of any larceny crime as defined in article one hundred fifty-five of this chapter, or of any criminal possession of stolen property crime as defined in article one hundred sixty-five of this chapter; or assumes the identity of ten or more persons by presenting himself or herself as those other persons, or by acting as those other persons, or by using personal identifying information of those other persons, and thereby obtaining goods, money, property or services or uses credit in the name of at least one such person, or causes financial loss to at least one such person, to another person or persons.

Identity theft in the [~~first~~] third degree is a class D felony.

§ 25. Section 190.80-a of the penal law, as added by chapter 226 of the laws of 2008, is renumbered section 190.80-c and amended, and two new sections 190.80-a and 190.80-b are added to read as follows:

§ 190.80-a Identity theft in the second degree.

A person is guilty of identity theft in the second degree when:

1. he or she knowingly and with intent to defraud assumes the identity of another person by presenting himself or herself as that other person, or by acting as that other person or by using personal identifying information of that other person, and thereby:

a. obtains goods, money, property or services or uses credit in the name of such other person in an aggregate amount that exceeds twenty-five thousand dollars; or

b. causes financial loss to such person to another person or persons in an aggregate amount that exceeds twenty-five thousand dollars; or

c. commits or attempts to commit a class C felony or higher level crime or acts as an accessory in the commission of a class C or higher level felony; or

d. commits the crime of identity theft in the third degree as defined in section 190.80 of this article and has been previously convicted within the last ten years, excluding any time during which such person was incarcerated for any reason, of any crime in this article or article one hundred seventy of this chapter, or any larceny crime as defined in article one hundred fifty-five of this chapter, or of any criminal possession of stolen property crime as defined in article one hundred sixty-five of this chapter; or

2. assumes the identity of twenty-five or more person by presenting himself or herself as those other persons, or by acting as those other persons, or by using personal identifying information of those other persons, and thereby obtains goods, money, property or or services or uses credit in the name of at least one such person, or causes financial loss to at least one such person, or to another person or persons.

Identity theft in the second degree of a class C felony.

§ 190.80-b Identity theft in the first degree.

A person is guilty of identity theft in the first degree when:

1. he or she knowingly and with intent to defraud assumes the identity of another person by presenting himself or herself as that other person, or by acting as that other person or by using personal identifying information, and thereby:

a. obtains goods, money, property or services or uses credit in the name of such other person in an aggregate amount that exceeds five hundred thousand dollars; or

b. causes financial loss to such person or to another person or persons in an aggregate amount that exceeds five hundred thousand dollars; or

c. commits or attempts to commit a class B felony or higher level crime or act as an accessory in the commission of a class B or higher level felony; or

d. commits the crime of identity theft in the second degree as defined in section 190.80-a of this article and has been previously convicted within the last ten years, excluding any time during which such person was incarcerated for any reason, of any crime in this article or article one hundred seventy of this chapter, or of any larceny crime as defined in article one hundred fifty-five of this chapter, or of any criminal possession of stolen property crime as defined in article one hundred sixty-five of this chapter; or

2. assumes the identity of one hundred or more persons by presenting himself or herself as those other persons, or by acting as those other persons, or by using personal identifying information of those other persons, and thereby obtains goods, money, property or services or uses credit in the name of a least on such person, or causes financial loss to at least on such person, or to another person or persons.

Identity theft in the first degree is a class B felony.

§ 190.80-c Aggravated identity theft.

A person is guilty of aggravated identity theft when he or she knowingly and with intent to defraud assumes the identity of another person by presenting himself or herself as that other person, or by acting as that other person or by using personal identifying information of that other person, and knows that such person is a member of the armed forces, and knows that such member is presently deployed outside of the continental United States or knows that such person is a vulnerable elderly person or a physically disabled person as such terms are defined in section 260.31 of this chapter and:

1. thereby obtains goods, money, property or services or uses credit in the name of such [~~member of the armed forces~~] individual in an aggregate amount that exceeds five hundred dollars; or

2. thereby causes financial loss to such [~~member of the armed forces~~] individual in an aggregate amount that exceeds five hundred dollars.

Aggravated identity theft is a class D felony.

§ 26. Sections 190.85 and 190.86 of the penal law, as added by chapter 279 of the laws of 2008, are amended to read as follows:

§ 190.85 [~~Unlawful~~] Criminal possession of a skimmer device in the second degree.

1. A person is guilty of [~~unlawful~~] criminal possession of a skimmer device in the second degree when he or she possesses a skimmer device with the intent that such device be used in furtherance of the commission of the crime of identity theft [~~or unlawful possession of personal identification information~~] as defined in this article, larceny as defined in article one hundred fifty-five of this chapter; or criminal possession of stolen property as defined in article one hundred sixty-five of this chapter.

2. For purposes of this article, "skimmer device" means a device designed or adapted to obtain personal identifying information from a credit card, debit card, public benefit card, access card or device, or other card or device that contains personal identifying information.

[~~Unlawful~~] Criminal possession of a skimmer device in the second degree is a class [~~A misdemeanor~~] D felony.

§ 190.86 [~~Unlawful~~] Criminal possession of a skimmer device in the first degree.

A person is guilty of [~~unlawful~~] criminal possession of a skimmer device in the first degree when he or she commits the crime of [~~unlawful~~] criminal possession of a skimmer device in the second degree and he or she has been previously convicted within the last [~~five years of identity theft in the third degree as defined in section 190.78, identity theft in the second degree as defined in section 190.79, identity theft in the first degree as defined in section 190.80, unlawful possession of personal identification information in the third degree as defined in section 190.81, unlawful possession of personal identification information in the second degree as defined in section 190.82, unlawful possession of personal identification information in the first degree as defined in section 190.83, unlawful possession of a skimmer device in the second degree as defined in section 190.85, unlawful possession of a skimmer device in the first degree as defined in this section, grand larceny in the fourth degree as defined in section 155.30, grand larceny in the third degree as defined in section 155.35, grand larceny in the second degree as defined in section 155.40 or grand larceny in the first degree as defined in section 155.42 of this chapter~~] ten years, excluding any time during which such person was incarcerated for any reason, for any crime in this article or article one hundred seventy of this chapter, or of any larceny crime as defined in article one hundred fifty-five of this chapter, or of any criminal possession of stolen property crime as defined in article one hundred sixty-five of this chapter.

[~~Unlawful~~] Criminal possession of a skimmer device in the first degree is a class [~~E~~] C felony.

§ 27. Paragraph (l) of subdivision 4 of section 20.40 of the criminal procedure law, as amended by section 3 of subpart C of part C of chapter 97 of the laws of 2011, is amended to read as follows:

(l) An offense of identity theft, larceny, criminal possession of stolen property, or unlawful possession of personal identifying information, in which the property stolen or criminally possessed is personal identifying information or computer data or computer program, and all criminal acts committed as part of the same criminal transaction as defined in subdivision two of section 40.10 of this chapter may be prosecuted (i) in any county in which part of the offense took place regardless of whether the defendant was actually present in such county, or (ii) in the county in which the person who suffers financial loss resided at the time of the commission of the offense, or (iii) in the county where the person whose personal identifying information was used in the commission of the offense resided at the time of the commission of the offense. The law enforcement agency of any such county shall take a police report of the matter and provide the complainant with a copy of such report at no charge.

§ 28. Subdivision 2 of section 690.05 of the criminal procedure law, as amended by chapter 504 of the laws of 1991, the opening paragraph as amended by chapter 424 of the laws of 1998, is amended to read as follows:

2. A search warrant is a court order and process directing a police officer, district attorney or other public servant of the kind described in subdivision one of this section, to conduct:

(a) a search of designated premises, or of a designated vehicle, or of a designated person, **or of electronic records and data that have been directed under this article to be produced from an electronic communication service or remote computing service,** for the purpose of seizing designated property or kinds of property, and to deliver any property so obtained to the court which issued the warrant; or

(b) a search of a designated premises for the purpose of searching for and arresting a person who is the subject of: (i) a warrant of arrest issued pursuant to this chapter, a superior court warrant of arrest issued pursuant to this chapter, or a bench warrant for a felony issued pursuant to this chapter, where the designated premises is the dwelling of a third party who is not the subject of the arrest warrant; or

(ii) a warrant of arrest issued by any other state or federal court for an offense which would constitute a felony under the laws of this state, where the designated premises is the dwelling of a third party who is not the subject of the arrest warrant.

§ 29. Section 690.05 of the criminal procedure law is amended by adding two new subdivisions 3 and 4 to read as follows:

3. A court authorized to issue search warrants under this article shall be deemed a "court of competent jurisdiction" under 18 U.S.C. section 2711(3) of the Electronic Communications Privacy Act in Chapter 121 (commencing with Section 2701) of Part I of Title 18 of the United States Code Annotated and shall be authorized to issue orders as provided by federal law.

4. As used in this article, the term "electronic communications service" means any service which provides to users thereof the ability to send or receive wire or electronic communications. "Remote computing service" means any service which provides to users thereof computer storage or processing services by means of an electronic communications system. The terms "electronic communication service" and "remote computing service" shall be construed in accordance with the Electronic Communications Privacy Act in Chapter 121 (commencing with Section 2701) of Part I of Title 18 of the United State Code Annotated. This section shall not apply to corporations that do not provide those services to the general public.

§ 30. Subdivision 1 of section 690.15 of the criminal procedure law is amended to read as follows:

1. A search warrant must direct a search of one or more of the following:

(a) A designated or described place or premises;

(b) A designated or described vehicle, as that term is defined in section 10.00 of the penal law;

(c) A designated or described person[~~.~~]**;**

(d) A designated or described electronic communication service or remote computing service.

§ 31. Section 690.20 of the criminal procedure law is amended to read as follows:

§ 690.20 Search warrants; where executable.

1. A search warrant issued by a district court, the New York City criminal court or a superior court judge sitting as a local criminal court may be executed pursuant to its terms anywhere in the state.

(a) Notwithstanding any provision of this subdivision, a search warrant directing the production of electronic records and data from a designated or described electronic communication service or remote computing service, may be executed on:

(i) any company, corporation or entity which is headquartered or operates within the state of New York; or

(ii) any company, corporation or entity which is headquartered or operates outside of the state of New York, and which conducts regular business in New York; or

(iii) any company which offers services to residents of New York, or does business in New York under a contract or terms of service agreement with a resident of this state, if any part of that contract or agreement is to be performed in New York.

(b) Service on any electronic communication service or remote computing service pursuant to paragraph (a) of this subdivision, may be made by personal delivery within the state, by registered or certified mail. Service may also be made by facsimile or other electronic means if the service is accompanied with a certification from the sender that sender is a police officer, district attorney or other public servant of the kind specified in subdivision one of section 690.05 of this article.

(c) Personal service or substituted service to any electronic communication service or remote computing service may also be made by a police officer, district attorney or other public servant of the kind described in subdivision one of section 690.05 of this article, to any officer, director, managing or general agent, or any other employee of such company or entity actually present in New York state or at any office or place of doing business used by such entity located within New York state.

(d) A search warrant that is issued pursuant to subparagraph (ii) of paragraph (a) of this subdivision shall be limited in scope to the designated or described electronic records or data, either in paper or electronic form, that are made, kept, or maintained by the electronic communication service or remote computing service, and shall not include the seizure of any other physical or tangible items.

(e) Any electronic records or data responsive to a search warrant issued pursuant to this subdivision shall be admitted into evidence before the grand jury or at trial in accord with the rules and laws of New York state.

2. A search warrant issued by a city court, a town court or a village court may be executed pursuant to its terms only in the county of issuance or an adjoining county.

3. The provisions of subdivision one of this section to the contrary notwithstanding, a search warrant directing the search of a designated or described electronic communication service or remote computing service, may be executed on any company, corporation or entity which is headquartered or located outside of the state of New York, and which conducts its regular business in New York or that offers its services to residents of New York. Service on any such electronic communication service or remote computing service entity may be made by personal delivery within the state, by registered or certified mail. Service may also be made by facsimile or other electronic means if the service is accompanied with a certification from the sender that such sender is a police officer, district attorney or other public servant specified in subdivision one of section 690.05 of this article. If an entity shall refuse such service, then such police officer, district attorney or other public servant located within the jurisdiction in which the electronic communication service or remote computing service entity is located may serve the warrant upon such entity. A search warrant issued pursuant to this subdivision shall be limited in scope to the designated or described electronic records or data, either in paper or electronic

form, that are made, kept, or maintained by the electronic communication service or remote computing service, and shall not include any other physical or tangible items. Any electronic records or data responsive to a search warrant issued pursuant to this subdivision shall be admitted into evidence before the grand jury or at trial in accord with the rules and laws of New York state.

§ 32. Section 690.30 of the criminal procedure law is amended by adding three new subdivisions 3, 4 and 5 to read as follows:

3. Notwithstanding any provision of subdivision one of this section, a search warrant that is issued pursuant to paragraph (a) of subdivision one of section 690.20 of this article is deemed executed for purposes of this article at the time that service is made upon the electronic communication service or remote computing service entity pursuant to paragraph (b) or (c) of subdivision one of section 690.20 of this article.

4. A company or entity which has received a search warrant issued pursuant to subdivision one of section 690.20 of this article, shall produce as required by the search warrant any and all records in their possession which are responsive to such warrant, regardless where any such records may be physically stored, maintained or kept, if such records are in fact accessible electronically from such company or entity. Any records stored, maintained or kept by an electronic communication service or remote computing service may be presumed to be within the dominion and control and possession by such companies or entities regardless of where such records are physically located.

5. The provision of records by a company or entity in response to a search warrant that is issued pursuant to subdivision one of section 690.20 of this article shall produce all records responsive to such warrant to the police officer, district attorney or other public servant who served the entity with such warrant, within a period not to exceed thirty days.

(a) An electronic communication service or remote computing service responding to a warrant under this section may request an extension of the period for compliance with a warrant if extenuating circumstances reasonably exist to justify such extension. Any request for extension shall be made to the court which issued the warrant and on written notice to the police officer, district attorney or other public servant who served the entity with such warrant.

(b) The failure of a company or entity to timely deliver the records sought by a warrant issued pursuant to subdivision one of section 690.20 of this article shall not affect the admissibility of that evidence in a criminal proceeding.

(c) The failure of a company or entity to timely deliver the records sought by a warrant issued pursuant to subdivision one of section 690.20 of this article, in the absence of a request for an extension, shall constitute prima facie evidence of criminal contempt in violation of subdivision three of section 215.50 of the penal law.

§ 33. Section 496.06 of the penal law, as added by section 14 of subpart A of part H of chapter 55 of the laws of 2014, is amended to read as follows:

§ 496.06 Public corruption.

1. A person commits the crime of public corruption when: (a) (i) being a public servant he or she commits a specified offense through the use of his or her public office, or (ii) being a person acting in concert with such public servant he or she commits a specified offense, and (b) the state or any political subdivision thereof or any governmental instrumentality within the state is the owner of the property.

2. A "specified offense" is an offense defined by any of the following provisions of this chapter: section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second degree); section 155.42 (grand larceny in the first degree); section 190.60 (scheme to defraud in the [~~second~~] fifth degree); section 190.62 (scheme to defraud in the fourth degree); section 190.63 (scheme to defraud in the third degree); section 190.64 (scheme to defraud in the second degree); or section 190.65 (scheme to defraud in the first degree).

§ 34. Section 190.77 of the penal law, as amended by chapter 226 of the laws of 2008, subdivision 1 as separately amended by chapter 279 of the laws of 2008, is amended to read as follows:

§ 190.77 Offenses involving theft of identity; definitions.

1. For the purposes of sections 190.78, 190.79, 190.80 [~~and~~], 190.80-a, 190.80-b, 190.80-c and 190.85 of this article "personal identifying information" means a person's name, address, telephone number, date of birth, driver's license number, social security number, place of employment, mother's maiden name, financial services account number or code, savings account number or code, checking account number or code, brokerage account number or code, credit card account number or code, debit card number or code, automated teller machine number or code, taxpayer identification number, computer system password, signature or copy of a signature, electronic signature, unique biometric data that is a fingerprint, voice print, retinal image or iris image of another person, telephone calling card number, mobile identification number or code, electronic serial number or personal identification number, or any other name, number, code or information that may be used alone or in conjunction with other such information to assume the identity of another person.

2. For the purposes of sections 190.78, 190.79, 190.80, 190.80-a, 190.80-b, 190.80-c, 190.81, 190.82 and 190.83 of this article:

a. "electronic signature" shall have the same meaning as defined in subdivision three of section three hundred two of the state technology law.

b. "personal identification number" means any number or code which may be used alone or in conjunction with any other information to assume the identity of another person or access financial resources or credit of another person.

c. "member of the armed forces" shall mean a person in the military service of the United States or the military service of the state, including but not limited to, the armed forces of the United States, the army national guard, the air national guard, the New York naval militia, the New York guard, and such additional forces as may be created by the federal or state government as authorized by law.

§ 35. Subdivision 2 of section 190.83 of the penal law, as separately amended by chapters 226 and 279 of the laws of 2008, is amended to read as follows:

2. he or she has been previously convicted within the last five years of identity theft in the third degree as defined in section [~~190.78~~] 190.80, identity theft in the second degree as defined in section [~~190.79~~] 190.80-a, identity theft in the first degree as defined in section [~~190.80~~] 190.80-b, unlawful possession of personal identification information in the third degree as defined in section 190.81, unlawful possession of personal identification information in the second degree as defined in section 190.82, unlawful possession of personal

identification information in the first degree as defined in this section, [~~unlawful~~] **criminal** possession of a skimmer device in the second degree as defined in section 190.85, [~~unlawful~~] **criminal** possession of a skimmer device in the first degree as defined in section 190.86, grand larceny in the fourth degree as defined in section 155.30, grand larceny in the third degree as defined in section 155.35, grand larceny in the second degree as defined in section 155.40 or grand larceny in the first degree as defined in section 155.42 of this chapter; or

§ 36. Paragraph (s) of subdivision 8 of section 700.05 of the criminal procedure law, as added by chapter 619 of the laws of 2002, is amended to read as follows:

(s) Identity theft in the second degree, as defined in section [~~190.79~~] **190.80-a** of the penal law, identity theft in the first degree, as defined in section [~~190.80~~] **190.80-b** of the penal law, unlawful possession of personal identification information in the second degree, as defined in section 190.82 of the penal law, and unlawful possession of personal identification information in the first degree, as defined in section 190.83 of the penal law.

§ 37. Paragraph (a) of subdivision 3 of section 490.05 of the penal law, as amended by section 7 of part A of chapter 1 of the laws of 2004, is amended to read as follows:

(a) "Specified offense" for purposes of this article means a class A felony offense other than an offense as defined in article two hundred twenty, a violent felony offense as defined in section 70.02, manslaughter in the second degree as defined in section 125.15, criminal tampering in the first degree as defined in section 145.20, identity theft in the second degree as defined in section [~~190.79~~] **190.80-a**, identity theft in the first degree as defined in section [~~190.80~~] **190.80-b**, unlawful possession of personal identification information in the second degree as defined in section 190.82, unlawful possession of personal identification information in the first degree as defined in section 190.83, money laundering in support of terrorism in the fourth degree as defined in section 470.21, money laundering in support of terrorism in the third degree as defined in section 470.22, money laundering in support of terrorism in the second degree as defined in section 470.23, money laundering in support of terrorism in the first degree as defined in section 470.24 of this chapter, and includes an attempt or conspiracy to commit any such offense.

§ 38. Subdivision 1 and paragraph (b) of subdivision 4 of section 60.27 of the penal law, subdivision 1 as amended by chapter 279 of the laws of 2008, and paragraph (b) of subdivision 4 as amended by chapter 313 of the laws of 2011, are amended to read as follows:

1. In addition to any of the dispositions authorized by this article, the court shall consider restitution or reparation to the victim of the crime and may require restitution or reparation as part of the sentence imposed upon a person convicted of an offense, and after providing the district attorney with an opportunity to be heard in accordance with the provisions of this subdivision, require the defendant to make restitution of the fruits of his or her offense or reparation for the actual out-of-pocket loss caused thereby and, in the case of a violation of section 190.78, 190.79, 190.80, **190.80-a, 190.80-b,** 190.82 or 190.83 of this chapter, any costs or losses incurred due to any adverse action taken against the victim. The district attorney shall where appropriate, advise the court at or before the time of sentencing that the victim seeks restitution or reparation, the extent of injury or economic loss

or damage of the victim, and the amount of restitution or reparation sought by the victim in accordance with his or her responsibilities under subdivision two of section 390.50 of the criminal procedure law and article twenty-three of the executive law. The court shall hear and consider the information presented by the district attorney in this regard. In that event, or when the victim impact statement reports that the victim seeks restitution or reparation, the court shall require, unless the interests of justice dictate otherwise, in addition to any of the dispositions authorized by this article that the defendant make restitution of the fruits of the offense and reparation for the actual out-of-pocket loss and, in the case of a violation of section 190.78, 190.79, 190.80, 190.82 or 190.83 of this chapter, any costs or losses incurred due to any adverse action, caused thereby to the victim. In the event that restitution or reparation are not ordered, the court shall clearly state its reasons on the record. Adverse action as used in this subdivision shall mean and include actual loss incurred by the victim, including an amount equal to the value of the time reasonably spent by the victim attempting to remediate the harm incurred by the victim from the offense, and the consequential financial losses from such action.

(b) the term "victim" shall include the victim of the offense, the representative of a crime victim as defined in subdivision six of section six hundred twenty-one of the executive law, an individual whose identity was assumed or whose personal identifying information was used in violation of section 190.78, 190.79 [~~or~~], 190.80**, 190.80-a or 190.80-b** of this chapter, or any person who has suffered a financial loss as a direct result of the acts of a defendant in violation of section 190.78, 190.79, 190.80, **190.80-a, 190.80-b,** 190.82 or 190.83 of this chapter, a good samaritan as defined in section six hundred twenty-one of the executive law and the office of victim services or other governmental agency that has received an application for or has provided financial assistance or compensation to the victim. A victim shall also mean any owner or lawful producer of a master recording, or a trade association that represents such owner or lawful producer, that has suffered injury as a result of an offense as defined in article two hundred seventy-five of this chapter.

§ 39. Severability. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by a 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 of this act directly involved in the controversy in which such judgment shall have been rendered.

§ 40. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

SUBPART B

Section 1. The executive law is amended by adding a new section 719 to read as follows:

§ 719. Quinquennial cyber security report. 1. The commissioner, in consultation with the superintendent of the state police, the chief information officer, and the president of the center for internet security, shall prepare a report, to be delivered to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate standing committee on veterans, homeland security and military affairs, and the chair of the assembly standing committee

on governmental operations, on or before the first day of September, two thousand seventeen, and then every five years thereafter, which provides a comprehensive review of all cyber security services performed by, and on behalf of, the state of New York.

2. The report required pursuant to subdivision one of this section, shall include a detailed assessment of each and every cyber security need of the state of New York, including but not limited to, its state agencies and its public authorities, and for each and every such cyber security need so identified, shall further include a detailed description of:

(a) the type of cyber security service used to address such need;

(b) the scope of the need so addressed, as well as the scope of the service used to address such need;

(c) the cost of the service used to address such need;

(d) the effectiveness of the cyber security service used to address such need;

(e) the entity providing such cyber security service used to address such need;

(f) the government, industry and/or academically accepted best cyber security practice for addressing such need;

(g) how other states, and the federal government have addressed such need; and

(h) how private sector entities addressed such need.

3. During the preparation of the report required by subdivision one of this section, and after its delivery to the persons identified to receive such report, the commissioner, the superintendent of the state police, the chief information officer, and the president of the center for internet security, as well as the divisions, offices and corporations under their direction, shall provide to such persons entitled to receive such report, any and all additional information such persons may request, with respect to any cyber security issue concerning:

(a) the state of New York, including but not limited to, any agency, board, bureau, commission, department, division, institution, office, or public authority of the state;

(b) any local government entity, including but not limited to, any county, town, city, village, school district, special district, and any agency, board, bureau, commission, department, division, institution, office, or public authority of such local government entity;

(c) any regulated entity of the state of New York or local government entity;

(d) any not-for-profit corporation in the state of New York;

(e) any private sector business in the state of New York, including but not limited to, a sole proprietor, partnership, limited liability company or business corporation; and/or

(f) any citizen of the state of New York.

4. Where compliance with this section shall require the disclosure of confidential information, or the disclosure of sensitive information which in the judgment of the commissioner would jeopardize the cyber security of the state:

(a) such confidential or sensitive information shall be provided to the persons entitled to receive the report as provided by subdivision one of this section, as follows:

(i) In the case of the report required by subdivision one of this section, in the form of a supplemental appendix to the report; and

(ii) In the case of a response to a request for information made in accordance with subdivision three of this section, in a secure manner as determined by the commissioner;

(b) neither a supplemental appendix to the report, nor any confidential or sensitive information provided in accordance with subdivision three of this section, shall be posted on the division's website as required by subdivision five of this section;

(c) neither a supplemental appendix to the report, nor any confidential or sensitive information provided in accordance with subdivision three of this section, shall be subject to the provisions of the freedom of information law pursuant to article six of the public officers law; and

(d) the persons entitled to receive the report as provided by subdivision one of this section, may disclose the supplemental appendix to the report, and any confidential or sensitive information provided in accordance with subdivision three of this section, to their professional staff, but shall not otherwise publicly disclose such confidential or secure information.

5. Except with respect to any confidential or sensitive information as described in subdivision four of this section, the division shall post a copy of the report prepared in accordance with subdivision one of this section, on its website, not more than fifteen days after such report is delivered to the persons entitled to receive such report. The division may further post any and all further information it may deem appropriate, on its website, regarding cyber security, and the protection of public and private computer systems, networks, hardware and software.

§ 2. This act shall take effect immediately.

SUBPART C

Section 1. The executive law is amended by adding a new section 720 to read as follows:

§ 720. New York state cyber security initiative. 1. Legislative findings. The legislature finds and declares that repeated cyber intrusions into critical infrastructure, effecting government, private sector business, and citizens of the state of New York, have demonstrated the need for improved cyber security.

The legislature further finds and declares that this cyber threat continues to grow and represents one of the most serious public security challenges that New York must confront. Moreover, the security of the state of New York depends on the reliable functioning of New York state's critical infrastructure, and private sector business interests, as well as the protection of the finances and individual liberties of every citizen, in the face of such threats.

The legislature additionally finds and declares that to enhance the security, protection and resilience of New York state's critical infrastructure, and private sector business interests, as well as the protection of the finances and individual liberties of every citizen, the state of New York must promote a cyber environment that encourages efficiency, innovation, and economic prosperity, and that can operate with safety, security, business confidentiality, privacy, and civil liberty.

The legislature further finds and declares that to create such a safe and secure cyber environment for government, private sector business and individual citizens, New York must advance, in addition to its current efforts in this field, a New York state cyber security initiative, that

establishes a New York state cyber security advisory board; a New York state cyber security partnership program with the owners and operators of critical infrastructure, private sector business, academia, and individual citizens to improve, develop and implement risk-based standards for government, private sector businesses and individual citizens; and a New York state cyber security information sharing program.

2. Critical infrastructure and information systems. As used in this section, the term "critical infrastructure and information systems" shall mean all systems and assets, whether physical or virtual, so vital to the government, private sector businesses and individual citizens of the state of New York that the incapacity or destruction of such systems and assets would have a debilitating impact to the security, economy, or public health of the individual citizens, government, or private sector businesses of the state of New York.

3. New York state cyber security advisory board. (a) There shall be within the division of homeland security and emergency services, a New York state cyber security advisory board, which shall advise the governor and the legislature on developments in cyber security and make recommendations for protecting the state's critical infrastructure and information systems.

(b) The board members shall consist of eleven members appointed by the governor, with three members appointed upon recommendation of the temporary president of the senate, and three members appointed at the recommendation of the speaker of the assembly. All members so appointed shall have expertise in cyber security, telecommunications, internet service delivery, public protection, computer systems and/or computer networks.

(c) The board shall investigate, discuss and make recommendations concerning cyber security issues involving both the public and private sectors and what steps can be taken by New York state to protect critical cyber infrastructure, financial systems, telecommunications networks, electrical grids, security systems, first responder systems and infrastructure, physical infrastructure systems, transportation systems, and such other and further sectors of state government and the private sector as the advisory board shall deem prudent.

(d) The purpose of the advisory board shall be to promote the development of innovative, actionable policies to ensure that New York state is in the forefront of public cyber security defense.

(e) The members of the advisory board shall receive no compensation for their services, but may receive actual and necessary expenses, and shall not be disqualified for holding any other public office or employment by means of their service as a member of the advisory board.

(f) The advisory board shall be entitled to request and receive, and shall be provided with, such facilities, resources and data of any agency, department, division, board, bureau, commission, or public authority of the state, as they may reasonably request, to carry out properly their powers, duties and purpose.

4. New York state cyber security information sharing and analysis program. (a) The division of homeland security and emergency services, in consultation with the division of the state police, the state office of information technology services, and the center for internet security, shall establish, within sixty days of the effective date of this section, a voluntary New York state cyber security information sharing and analysis program.

(b) It shall be the purpose of the New York state cyber security information sharing and analysis program to increase the volume, timeliness, and quality of cyber threat information shared with New York state

public and private sector entities so that these entities may better protect and defend themselves against cyber threats and to promote the development of effective defenses and strategies to combat, and protect against, cyber threats and attacks.

(c) To facilitate the purposes of the New York state cyber security information sharing and analysis program, the division of homeland security and emergency services, shall promulgate regulations, in accordance with the provisions of this subdivision.

(d) The regulations shall provide for the timely production of unclassified reports of cyber threats to New York state and its public and private sector entities, including threats that identify a specific targeted entity.

(e) The regulations shall address the need to protect intelligence and law enforcement sources, methods, operations, and investigations, and shall further establish a process that rapidly disseminates the reports produced pursuant to paragraph (d) of this subdivision, to both any targeted entity as well as such other and further public and private entities as the division shall deem necessary to advance the purposes of this subdivision.

(f) The regulations shall provide for protections from liability for entities sharing and receiving information with the New York State cyber security information and analysis program, so long as the entity acted in good faith.

(g) The regulations shall further establish a system for tracking the production, dissemination, and disposition of the reports produced in accordance with the provisions of this subdivision.

(h) The regulations shall also establish an enhanced cyber security services program, within New York state, to provide for procedures, methods and directives, for a voluntary information sharing program, that will provide cyber threat and technical information collected from both public and private sector entities, to such private and public sector entities as the division deems prudent, to advise eligible critical infrastructure companies or commercial service providers that offer security services to critical infrastructure on cyber security threats and defense measures.

(i) The regulations shall also seek to develop strategies to maximize the utility of cyber threat information sharing between and across the private and public sectors, and shall further seek to promote the use of private and public sector subject matter experts to address cyber security needs in New York state, with these subject matter experts providing advice regarding the content, structure, and types of information most useful to critical infrastructure owners and operators in reducing and mitigating cyber risks.

(j) The regulations shall further seek to establish a consultative process to coordinate improvements to the cyber security of critical infrastructure, where as part of the consultative process, the public and private entities of the state of New York shall engage and consider the advice of the division of homeland security and emergency services, the division of the state police, the state office of information technology services, the center for internet security, the New York state cyber security advisory board, the programs established by this subdivision, and such other and further private and public sector entities, universities, and cyber security experts as the division of homeland security and emergency services may deem prudent.

(k) The regulations shall further seek to establish a baseline framework to reduce cyber risk to critical infrastructure, and shall seek to

have the division of homeland security and emergency services, in consultation with the division of state police, the state office of information technology services, and the center for internet security, lead the development of a voluntary framework to reduce cyber risks to critical infrastructure, to be known as the cyber security framework, which shall:

(i) include a set of standards, methodologies, procedures, and processes that align policy, business, and technological approaches to address cyber risks;

(ii) incorporate voluntary consensus standards and industry best practices to the fullest extent possible;

(iii) provide a prioritized, flexible, repeatable, performance-based, and cost-effective approach, including information security measures and controls, to help owners and operators of critical infrastructure identify, assess, and manage cyber risk;

(iv) focus on identifying cross-sector security standards and guidelines applicable to critical infrastructure;

(v) identify areas for improvement that should be addressed through future collaboration with particular sectors and standards-developing organizations;

(vi) enable technical innovation and account for organizational differences, to provide guidance that is technology neutral and that enables critical infrastructure sectors to benefit from a competitive market for products and services that meet the standards, methodologies, procedures, and processes developed to address cyber risks;

(vii) include guidance for measuring the performance of an entity in implementing the cyber security framework;

(viii) include methodologies to identify and mitigate impacts of the cyber security framework and associated information security measures or controls on business confidentiality, and to protect individual privacy and civil liberties; and

(ix) engage in the review of threat and vulnerability information and technical expertise.

(l) The regulations shall additionally establish a voluntary critical infrastructure cyber security program to support the adoption of the cyber security framework by owners and operators of critical infrastructure and any other interested entities, where under this program implementation guidance or supplemental materials would be developed to address sector-specific risks and operating environments, and recommend legislation for enactment to address cyber security issues.

(m) In developing the New York state cyber security information sharing and analysis program in accordance with the provisions of this subdivision, the division of homeland security and emergency services, in consultation with the division of state police, the state office of information technology services, and the center for internet security, shall produce and submit a report, to the governor, the temporary president of the senate, and the speaker of the assembly, making recommendations on the feasibility, security benefits, and relative merits of incorporating security standards into acquisition planning and contract administration. Such report shall further address what steps can be taken to harmonize and make consistent existing procurement requirements related to cyber security and the feasibility of including risk-based security standards into procurement and contract administration.

5. New York state cyber security critical infrastructure risk assessment report. (a) The division of homeland security and emergency services, in consultation with the division of state police, the state

office of information technology services, and the center for internet security, within one hundred twenty days of the effective date of this section, shall produce a New York state cyber security critical infrastructure risk assessment report.

(b) The production of the New York state cyber security critical infrastructure risk assessment report shall use a risk-based approach to identify critical infrastructure where a cyber security incident could reasonably result in catastrophic regional or state-wide effects on public health or safety, economic distress, and/or threaten public protection of the people and/or property of New York state.

(c) The production of the report shall further use the consultative process and draw upon the expertise of and advice of the division of homeland security and emergency services, the division of state police, the state office of information technology services, the center for internet security, the New York state cyber security advisory board, the programs established by this section, and such other and further private and public sector entities, universities, and cyber security experts as the division of homeland security and emergency services may deem prudent.

(d) The New York state cyber security critical infrastructure risk assessment report shall be delivered to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate standing committee on veterans, homeland security and military affairs, and the chair of the assembly standing committee on governmental operations.

(e) Where compliance with this section shall require the disclosure of confidential information, or the disclosure of sensitive information which in the judgment of the commissioner of the division of homeland security and emergency services would jeopardize the cyber security of the state:

(i) such confidential or sensitive information shall be provided to the persons entitled to receive the report, in the form of a supplemental appendix to the report; and

(ii) such supplemental appendix to the report shall not be subject to the provisions of the freedom of information law pursuant to article six of the public officers law; and

(iii) the persons entitled to receive the report may disclose the supplemental appendix to the report to their professional staff, but shall not otherwise publicly disclose such confidential or secure information.

§ 2. This act shall take effect immediately.

SUBPART D

Section 1. The executive law is amended by adding a new section 721 to read as follows:

§ 721. Cyber security. 1. Cyber security action plan. The commissioner, in consultation with the chief information officer of the office of information technology, the superintendent of state police, the commissioner of general services, the superintendent of financial services, the office of the state comptroller, and such other experts from the public, private and not-for-profit sectors who maintain experience and knowledge in the area of cyber security as the commissioner deems prudent, shall develop a cyber security action plan for New York state. The plan shall make recommendations to the governor and the legislature regarding the establishment of a new state office of cyber security,

under the command and control of the commissioner and within the division, including identifying such bureaus, responsibilities and duties that should be contained and performed within such office, the budget and personnel necessary to establish such office, and the site locations at which such office should be situated. The purpose of the plan shall be to develop a comprehensive and effective strategy to provide meaningful cyber security for the state of New York, its state agencies, its public authorities, its assets, its infrastructure, its local governments, and its private sector businesses, not-for-profit corporations and individuals.

2. Cyber security defense unit. The cyber security action plan established pursuant to subdivision one of this section shall further make recommendations to the governor and the legislature on the establishment, within the office of cyber security, of a cyber security defense unit. The cyber security action plan shall detail how the cyber security defense unit, would consist of such persons as the commissioner deems necessary to perform its mission. The cyber security action plan shall further detail the mission of the cyber security defense unit, with such mission being to help prevent, respond to, and recover from cyber attacks targeted against the state, its assets, and its infrastructure, together with such other and further duties and responsibilities as the cyber security action plan may additionally prescribe. The cyber security action plan shall further detail that the personnel of the cyber security defense unit must be expert in computer and programming technology so as to prevent and respond to unauthorized invasion, hacking and attacks against computer networks, systems, databases, and information storage. The cyber security action plan shall further detail how the personnel of the cyber security defense unit must have background and experience in computer, system and network operations and vulnerabilities, programming code, data recovery and cyber security. The cyber security action plan shall also provide that, in addition to any other tasks the commissioner may wish to assign the cyber security defense unit, that such cyber security defense unit shall also be assigned the mission of using and developing software, hardware, and protocols to prevent such unauthorized invasions, hacking and attacks, and to develop response activities, procedures, and protocols to address any such invasion, hacking or attack on any state computer network, system, database, and/or information storage. The cyber security action plan shall further detail how the cyber security defense unit should interact and deploy the use of other cyber experts, educators, law enforcement, intelligence experts, and other public and private sector entities to assist it in the performance of its mission.

3. Cyber incident response teams. The cyber security action plan established pursuant to subdivision one of this section shall further make recommendations to the governor and the legislature on the establishment, within the office of cyber security, of a group of cyber incident response teams. The cyber security action plan shall detail how the cyber incident response teams would consist of such persons as the commissioner deems necessary to perform its mission. The cyber security action plan shall further detail the mission of the cyber incident response teams, with such mission being to help prevent, respond to, and recover from, cyber attacks targeted against state entities, public authorities, local governments, and/or private sector businesses, not-for-profit corporations and individuals, together with such other and further duties and responsibilities as the cyber security action plan may additionally prescribe. The cyber security action plan shall

further detail that the personnel of the cyber incident response teams must be expert in computer and programming technology so as to prevent and respond to an unauthorized invasion, hacking and attacks against computer networks, systems, databases, and information storage. The cyber security action plan shall additionally detail how the personnel of the cyber incident response teams must have background and experience in computer, system and network operations and vulnerabilities, programming code, data recovery and cyber security. The cyber security action plan shall also provide, in addition to any other tasks the commissioner may wish to assign the cyber incident response teams, that such cyber incident response teams shall also be assigned the mission of using and developing software, hardware, and protocols to prevent such unauthorized invasions, hacking and attacks, and to develop response activities, procedures, and protocols to address any such invasion, hacking or attack on any state computer network, system, database, and/or information storage. The cyber security action plan shall also provide that it would further be the mission of each cyber incident response team to respond to, and help the targeted entity to recover from, cyber invasion, hacking and attacks. The cyber security action plan shall also provide that within resources available, the commissioner may deploy a cyber incident response team to a state entity, public authority, local government, private sector business, or not-for-profit corporation that has experienced a cyber attack, to promote and assist in such entity's response and recovery efforts. The cyber security action plan shall further detail how the cyber incident response team should interact and deploy the use of other cyber experts, educators, law enforcement, intelligence experts, and other public and private sector entities to assist them in the performance of their mission.

4. Cyber education and attack prevention. The cyber security action plan established pursuant to subdivision one of this section shall further make recommendations to the governor and the legislature on the establishment, within the office of cyber security, of a cyber education and attack prevention unit to assist state agencies, public authorities, local governments, and/or private sector businesses, not-for-profit corporations and individuals. The cyber security action plan shall detail how the cyber education and attack prevention unit would consist of such persons as the commissioner deems necessary to perform its mission. The cyber security action plan shall further detail the mission of the cyber education and attack prevention unit, with such mission being to help educate state agencies, public authorities, local governments, and/or private sector businesses, not-for-profit corporations and individuals on how to prevent and respond to a cyber attack, together with such other and further duties and responsibilities as the cyber security action plan may additionally prescribe. The cyber security action plan shall further detail that the commissioner may deploy within resources available the cyber education and attack prevention unit to state agencies, public authorities, local governments, private sector businesses, and/or not-for-profit corporations, to educate and/or instruct such entities, hold informational programs, and/or provide instructional or informational materials. The cyber security action plan shall further detail how the cyber education and attack prevention unit should interact and deploy the use of other cyber experts, educators, law enforcement, intelligence experts, and other public and private sector entities to assist it in the performance of its mission.

5. Reporting of cyber entities. The cyber security action plan established pursuant to subdivision one of this section shall further make

recommendations on the reporting of the new state office of cyber security. The cyber security action plan shall further require that such reporting should contain a requirement that on or before December first, two thousand eighteen, and then every year thereafter, that the commissioner shall submit a report to the governor, the speaker of the assembly, the temporary president of the senate, the chair of the senate standing committee on veterans, homeland security and military affairs, and the chair of the assembly standing committee on governmental operations, which provides a comprehensive review detailing all the activities and operations of the office of cyber security, the cyber security defense unit, the cyber incident response teams and the cyber education and attack prevention unit, during the past year. The cyber security action plan shall further provide that where compliance with such a report would require the disclosure of confidential information, or the disclosure of sensitive information which in the judgement of the commissioner would jeopardize the cyber security of the state, then such confidential or sensitive information shall be provided to the persons entitled to receive the report, in the form of a supplemental appendix to the report, and that such supplemental appendix to the report, shall not be subject to the provisions of the freedom of information law pursuant to article six of the public officers law, and although the persons entitled to receive the report may disclose the supplemental appendix to the report to their professional staff, they shall not otherwise publicly disclose such confidential or secure information. The cyber security action plan shall further provide that, except with the respect to any confidential or sensitive information contained in the supplemental appendix to the report, the commissioner shall direct that a copy of the report shall be posted on the division's website, not more than fifteen days after such report is delivered to the persons entitled to receive such report. The cyber security action plan should further provide that the division may further post any and all additional information it may deem appropriate, on its website, regarding cyber security, and the protection of public and private computer systems, networks, hardware and software.

6. Reimbursement for cost of service. The cyber security action plan established pursuant to subdivision one of this section shall further make recommendations with respect to the division charging non-governmental entities for the reasonable cost of the services provided by the cyber security incident response teams and the cyber education and attack prevention unit. The cyber security action plan shall further detail how the proceeds from the charging for such costs shall be deposited with the state comptroller into a cyber security support services account, of which the comptroller would have custody. The cyber security action plan shall additionally detail how the comptroller may disburse monies held in such cyber security account for the purposes of providing supplemental funds for the operation of the new state office of cyber security.

7. Timing of cyber security action plan. The commissioner, on or before December first, two thousand seventeen, shall deliver a copy of the cyber security action plan required to be produced by this section, to the the governor, the speaker of the assembly, the temporary president of the senate, the chair of the senate standing committee on veterans, homeland security and military affairs, and the chair of the assembly standing committee on governmental operations.

§ 2. This act shall take effect immediately.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or subpart 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 subpart 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.

§ 3. This act shall take effect immediately, provided, however, that the applicable effective date of Subparts A through D of this act shall be as specifically set forth in the last section of such Subparts.

PART D

Section 1. Section 60.45 of the criminal procedure law is amended by adding a new subdivision 3 to read as follows:

3. (a) Where a person is subject to custodial interrogation by a public servant at a detention facility, the entire custodial interrogation, including the giving of any required advice of the rights of the individual being questioned, and the waiver of any rights by the individual, shall be recorded by an appropriate video recording device if the interrogation involves a class A-1 felony, except one defined in article two hundred twenty of the penal law; felony offenses defined in section 130.95 and 130.96 of the penal law; or a felony offense defined in article one hundred twenty-five or one hundred thirty of such law that is defined as a class B violent felony offense in section 70.02 of the penal law. For purposes of this paragraph, the term "detention facility" shall mean a police station, correctional facility, holding facility for prisoners, prosecutor's office or other facility where persons are held in detention in connection with criminal charges that have been or may be filed against them.

(b) No confession, admission or other statement shall be subject to a motion to suppress pursuant to subdivision three of section 710.20 of this chapter based solely upon the failure to video record such interrogation in a detention facility as defined in paragraph (a) of this subdivision. However, where the people offer into evidence a confession, admission or other statement made by a person in custody with respect to his or her participation or lack of participation in an offense specified in paragraph (a) of this subdivision, that has not been video recorded, the court shall consider the failure to record as a factor, but not as the sole factor, in accordance with paragraph (c) of this subdivision in determining whether such confession, admission or other statement shall be admissible.

(c) Notwithstanding the requirement of paragraph (a) of this subdivision, upon a showing of good cause by the prosecutor, the custodial interrogation need not be recorded. Good cause shall include, but not be limited to:

(i) If electronic recording equipment malfunctions.

(ii) If electronic recording equipment is not available because it was otherwise being used.

(iii) If statements are made in response to questions that are routinely asked during arrest processing.

(iv) If the statement is spontaneously made by the suspect and not in response to police questioning.

(v) If the statement is made during an interrogation that is conducted when the interviewer is unaware that a qualifying offense has occurred.

(vi) If the statement is made at a location other than the "interview room" because the suspect cannot be brought to such room, e.g., the suspect is in a hospital or the suspect is out of state and that state is not governed by a law requiring the recordation of an interrogation.

(vii) If the statement is made after a suspect has refused to participate in the interrogation if it is recorded, and appropriate effort to document such refusal is made.

(viii) If such statement is not recorded as a result of an inadvertent error or oversight, not the result of any intentional conduct by law enforcement personnel.

(ix) If it is law enforcement's reasonable belief that such recording would jeopardize the safety of any person or reveal the identity of a confidential informant.

(x) If such statement is made at a location not equipped with a video recording device and the reason for using that location is not to subvert the intent of the law. For purposes of this section, the term "location" shall include those locations specified in paragraph (b) of subdivision four of section 305.2 of the family court act.

(d) In the event the court finds that the people have not shown good cause for the non-recording of the confession, admission, or other statement, but determines that a non-recorded confession, admission or other statement is nevertheless admissible because it was voluntarily made then, upon request of the defendant, the court must instruct the jury that the people's failure to record the defendant's confession, admission or other statement as required by this section may be weighed as a factor, but not as the sole factor, in determining whether such confession, admission or other statement was voluntarily made, or was made at all.

(e) Video recording as required by this section shall be conducted in accordance with standards established by rule of the division of criminal justice services.

§ 2. Subdivision 3 of section 344.2 of the family court act is renumbered subdivision 4 and a new subdivision 3 is added to read as follows:

3. Where a respondent is subject to custodial interrogation by a public servant at a facility specified in subdivision four of section 305.2 of this article, the entire custodial interrogation, including the giving of any required advice of the rights of the individual being questioned, and the waiver of any rights by the individual, shall be recorded and governed in accordance with the provisions of paragraphs (a), (b), (c), (d) and (e) of subdivision three of section 60.45 of the criminal procedure law.

§ 3. Section 60.25 of the criminal procedure law, subparagraph (ii) of paragraph (a) of subdivision 1 as amended by chapter 479 of the laws of 1977, is amended to read as follows:

§ 60.25 Rules of evidence; identification by means of previous recognition, in absence of present identification.

1. In any criminal proceeding in which the defendant's commission of an offense is in issue, testimony as provided in subdivision two may be given by a witness when:

(a) Such witness testifies that:

(i) He or she observed the person claimed by the people to be the defendant either at the time and place of the commission of the offense or upon some other occasion relevant to the case; and

(ii) On a subsequent occasion he **or she** observed, under circumstances consistent with such rights as an accused person may derive under the constitution of this state or of the United States, a person **or, where the observation is made pursuant to a blind or blinded procedure as defined in paragraph (c) of this subdivision, a pictorial, photographic, electronic, filmed or video recorded reproduction of a person** whom he **or she** recognized as the same person whom he **or she** had observed on the first or incriminating occasion; and

(iii) He **or she** is unable at the proceeding to state, on the basis of present recollection, whether or not the defendant is the person in question; and

(b) It is established that the defendant is in fact the person whom the witness observed and recognized **or whose pictorial, photographic, electronic, filmed or video recorded reproduction the witness observed and recognized** on the second occasion. Such fact may be established by testimony of another person or persons to whom the witness promptly declared his **or her** recognition on such occasion **and by such pictorial, photographic, electronic, filmed or video recorded reproduction**.

(c) For purposes of this section, a "blind or blinded procedure" is one in which the witness identifies a person in an array of pictorial, photographic, electronic, filmed or video recorded reproductions under circumstances where, at the time the identification is made, the public servant administering such procedure: (i) does not know which person in the array is the suspect, or (ii) does not know where the suspect is in the array viewed by the witness. The failure of a public servant to follow such a procedure shall be assessed solely for purposes of this article and shall result in the preclusion of testimony regarding the identification procedure as evidence in chief, but shall not constitute a legal basis to suppress evidence made pursuant to subdivision six of section 710.20 of this chapter. This article neither limits nor expands subdivision six of section 710.20 of this chapter.

2. Under circumstances prescribed in subdivision one **of this section**, such witness may testify at the criminal proceeding that the person whom he **or she** observed and recognized **or whose pictorial, photographic, electronic, filmed or video recorded reproduction he or she observed and recognized** on the second occasion is the same person whom he **or she** observed on the first or incriminating occasion. Such testimony, together with the evidence that the defendant is in fact the person whom the witness observed and recognized **or whose pictorial, photographic, electronic, filmed or video recorded reproduction he or she observed and recognized** on the second occasion, constitutes evidence in chief.

§ 4. Section 60.30 of the criminal procedure law, as amended by chapter 479 of the laws of 1977, is amended to read as follows:

§ 60.30 Rules of evidence; identification by means of previous recognition, in addition to present identification.

In any criminal proceeding in which the defendant's commission of an offense is in issue, a witness who testifies that (a) he **or she** observed the person claimed by the people to be the defendant either at the time and place of the commission of the offense or upon some other occasion relevant to the case, and (b) on the basis of present recollection, the defendant is the person in question and (c) on a subsequent occasion he **or she** observed the defendant, **or where the observation is made pursuant to a blind or blinded procedure, as defined in paragraph (c) of subdivision one of section 60.25 of this article, a pictorial, photographic, electronic, filmed or video recorded reproduction of the defendant,** under circumstances consistent with such rights as an accused person may

derive under the constitution of this state or of the United States, and then also recognized him **or her or the pictorial, photographic, electronic, filmed or video recorded reproduction of him or her** as the same person whom he **or she** had observed on the first or incriminating occasion, may, in addition to making an identification of the defendant at the criminal proceeding on the basis of present recollection as the person whom he **or she** observed on the first or incriminating occasion, also describe his **or her** previous recognition of the defendant and testify that the person whom he **or she** observed **or whose pictorial, photographic, electronic, filmed or video recorded reproduction he or she observed** on such second occasion is the same person whom he **or she** had observed on the first or incriminating occasion. Such testimony **and such pictorial, photographic, electronic, filmed or video recorded reproduction** constitutes evidence in chief.

§ 5. Subdivision 6 of section 710.20 of the criminal procedure law, as amended by chapter 8 of the laws of 1976 and as renumbered by chapter 481 of the laws of 1983, is amended to read as follows:

6. Consists of potential testimony regarding an observation of the defendant either at the time or place of the commission of the offense or upon some other occasion relevant to the case, which potential testimony would not be admissible upon the prospective trial of such charge owing to an improperly made previous identification of the defendant **or of a pictorial, photographic, electronic, filmed or video recorded reproduction of the defendant** by the prospective witness. **A claim that the previous identification of the defendant or of a pictorial, photographic, electronic, filmed or video recorded reproduction of the defendant by a prospective witness did not comply with paragraph (c) of subdivision one of section 60.25 of this chapter or with the protocol promulgated in accordance with subdivision twenty-one of section eight hundred thirty-seven of the executive law shall not constitute a legal basis to suppress evidence pursuant to this subdivision. A claim that a public servant failed to comply with paragraph (c) of subdivision one of section 60.25 of this chapter or of subdivision twenty-one of section eight hundred thirty-seven of the executive law shall neither expand nor limit the rights an accused person may derive under the constitution of this state or of the United States.**

§ 6. Subdivision 1 of section 710.30 of the criminal procedure law, as separately amended by chapters 8 and 194 of the laws of 1976, is amended to read as follows:

1. Whenever the people intend to offer at a trial (a) evidence of a statement made by a defendant to a public servant, which statement if involuntarily made would render the evidence thereof suppressible upon motion pursuant to subdivision three of section 710.20, or (b) testimony regarding an observation of the defendant either at the time or place of the commission of the offense or upon some other occasion relevant to the case, to be given by a witness who has previously identified him **or her or a pictorial, photographic, electronic, filmed or video recorded reproduction of him or her** as such, they must serve upon the defendant a notice of such intention, specifying the evidence intended to be offered.

§ 7. Section 343.3 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

§ 343.3. Rules of evidence; identification by means of previous recognition in absence of present identification. 1. In any juvenile delinquency proceeding in which the respondent's commission of a crime is in

issue, testimony as provided in subdivision two may be given by a witness when:

(a) such witness testifies that:

(i) he **or she** observed the person claimed by the presentment agency to be the respondent either at the time and place of the commission of the crime or upon some other occasion relevant to the case; and

(ii) on a subsequent occasion he **or she** observed, under circumstances consistent with such rights as an accused person may derive under the constitution of this state or of the United States, a person**, or, where the observation is made pursuant to a blind or blinded procedure as defined herein, a pictorial, photographic, electronic, filmed or video recorded reproduction of a person** whom he **or she** recognized as the same person whom he **or she** had observed on the first incriminating occasion; and

(iii) he **or she** is unable at the proceeding to state, on the basis of present recollection, whether or not the respondent is the person in question; and

(b) it is established that the respondent is in fact the person whom the witness observed and recognized **or whose pictorial, photographic, electronic, filmed or video recorded reproduction the witness observed and recognized** on the second occasion. Such fact may be established by testimony of another person or persons to whom the witness promptly declared his **or her** recognition on such occasion **and by such pictorial, photographic, electronic, filmed or video recorded reproduction**.

(c) For purposes of this section, a "blind or blinded procedure" is one in which the witness identifies a person in an array of pictorial, photographic, electronic, filmed or video recorded reproductions under circumstances where, at the time the identification is made, the public servant administering such procedure: (i) does not know which person in the array is the suspect, or (ii) does not know where the suspect is in the array viewed by the witness. The failure of a public servant to follow such a procedure shall be assessed solely for purposes of this article and shall result in the preclusion of testimony regarding the identification procedure as evidence in chief, but shall not constitute a legal basis to suppress evidence made pursuant to subdivision six of section 710.20 of the criminal procedure law. This article neither limits not expands subdivision six of section 710.20 of the criminal procedure law.

2. Under circumstances prescribed in subdivision one, such witness may testify at the proceeding that the person whom he **or she** observed and recognized **or whose pictorial, photographic, electronic, filmed or video recorded reproduction he or she observed and recognized** on the second occasion is the same person whom he **or she** observed on the first or incriminating occasion. Such testimony, together with the evidence that the respondent is in fact the person whom the witness observed and recognized **or whose pictorial, photographic, electronic, filmed or video recorded reproduction he or she observed and recognized** on the second occasion, constitutes evidence in chief.

§ 8. Section 343.4 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

§ 343.4. Rules of evidence; identification by means of previous recognition, in addition to present identification. In any juvenile delinquency proceeding in which the respondent's commission of a crime is in issue, a witness who testifies that: (a) he **or she** observed the person claimed by the presentment agency to be the respondent either at the time and place of the commission of the crime or upon some other occa-

sion relevant to the case, and (b) on the basis of present recollection, the respondent is the person in question, and (c) on a subsequent occasion he **or she** observed the respondent, **or, where the observation is made pursuant to a blind or blinded procedure, a pictorial, photographic, electronic, filmed or video recorded reproduction of the respondent** under circumstances consistent with such rights as an accused person may derive under the constitution of this state or of the United States, and then also recognized him **or her or the pictorial, photographic, electronic, filmed or video recorded reproduction of him or her** as the same person whom he **or she** had observed on the first or incriminating occasion, may, in addition to making an identification of the respondent at the delinquency proceeding on the basis of present recollection as the person whom he **or she** observed on the first or incriminating occasion, also describe his **or her** previous recognition of the respondent and testify that the person whom he **or she** observed **or whose pictorial, photographic, electronic, filmed or video recorded reproduction he or she observed** on such second occasion is the same person whom he **or she** had observed on the first or incriminating occasion. Such testimony **and such pictorial, photographic, electronic, filmed or video recorded reproduction** constitutes evidence in chief. **For purposes of this section, a "blind or blinded procedure" shall be as defined in paragraph (c) of subdivision one of section 343.3 of this part.**

§ 9. Section 837 of the executive law is amended by adding a new subdivision 21 to read as follows:

21. Promulgate a standardized and detailed written protocol that is grounded in evidence-based principles for the administration of photographic array and live lineup identification procedures for police agencies and standardized forms for use by such agencies in the reporting and recording of such identification procedure. The protocol shall address the following topics:

(a) the selection of photographic array and live lineup filler photographs or participants;

(b) instructions given to a witness before conducting a photographic array or live lineup identification procedure;

(c) the documentation and preservation of results of a photographic array or live lineup identification procedure;

(d) procedures for eliciting and documenting the witness's confidence in his or her identification following a photographic array or live lineup identification procedure, in the event that an identification is made; and

(e) procedures for administering a photographic array or live lineup identification procedure in a manner designed to prevent opportunities to influence the witness.

§ 10. Subdivision 4 of section 840 of the executive law is amended by adding a new paragraph (c) to read as follows:

(c) Disseminate the written policies and procedures promulgated in accordance with subdivision twenty-one of section eight hundred thirty-seven of this article to all police departments in this state and implement a training program for all current and new police officers regarding the policies and procedures established pursuant to such subdivision.

§ 11. Section 722-e of the county law, as added by chapter 878 of the laws of 1965, is amended to read as follows:

§ 722-e. Expenses. All expenses for providing counsel and services other than counsel hereunder shall be a county charge or in the case of a county wholly located within a city a city charge to be paid out of an

appropriation for such purposes. **Provided, however, that the state shall provide reimbursement to counties and such cities for additional expenses incurred from the implementation of the plan established pursuant to subdivision four of section eight hundred thirty-two of the executive law when the counsel and services provided pursuant thereto are provided to an individual whose federal adjusted gross income is at or below one hundred fifty percent of the federal poverty level.**

§ 12. Section 832 of the executive law is amended by adding a new subdivision 4 to read as follows:

4. Additional duties and responsibilities. The office shall, in consultation with the indigent legal services board established pursuant to section eight hundred thirty-three of this article, have the following duties and responsibilities:

(a) Counsel at arraignment. Develop and implement a written plan to ensure that each criminal defendant who is eligible for publicly funded legal representation is represented by counsel in person at his or her arraignment; provided, however, that a timely arraignment with counsel shall not be delayed pending a determination of a defendant's eligibility.

(i) For the purposes of the plan developed pursuant to this subdivision, the term "arraignment" shall mean the first appearance by a person charged with a crime before a judge or magistrate, with the exception of an appearance where no prosecutor appears and no action occurs other than the adjournment of the criminal process and the unconditional release of the person charged (in which event "arraignment" shall mean the person's next appearance before a judge or magistrate).

(ii) The written plan developed pursuant to this subdivision shall be completed by May first, two thousand eighteen and shall include interim steps for each county and the city of New York for achieving compliance with the plan.

(iii) Each county and the city of New York shall, in consultation with the office, undertake good faith efforts to implement the plan by April first, two thousand twenty-four. Pursuant to section seven hundred twenty-two-e of the county law, the state shall reimburse each county and the city of New York for any costs incurred as a result of implementing such plan.

(iv) The office shall, on an ongoing basis, monitor and periodically report on the implementation of, and compliance with, the plan in each county and the city of New York.

(b) Caseload relief. Develop and implement a written plan that establishes numerical caseload/workload standards for each provider of constitutionally mandated publicly funded representation in criminal cases for people who are unable to afford counsel.

(i) Such standards shall apply to all providers whether public defender, legal aid society, assigned counsel program or conflict defender in each county and the city of New York.

(ii) The written plan developed pursuant to this subdivision shall be completed by May first, two thousand eighteen and shall include interim steps for each county and the city of New York for achieving compliance with the plan. Such plan shall include the number of attorneys, investigators and other non-attorney staff and the amount of in-kind resources necessary for each provider of mandated representation to implement such plan.

(iii) Each county and the city of New York shall, in consultation with the office, undertake good faith efforts to implement the caseload/workload standards and such standards shall be fully imple-

mented and adhered to in each county and the city of New York by April first, two thousand twenty-four. Pursuant to section seven hundred twenty-two-e of the county law, the state shall reimburse each county and the city of New York for any costs incurred as a result of implementing such plan.

(iv) The office shall, on an ongoing basis, monitor and periodically report on the implementation of, and compliance with, the plan in each county and the city of New York.

(c) Initiatives to improve the quality of indigent defense. (i) Develop and implement a written plan to improve the quality of constitutionally mandated publicly funded representation in criminal cases for people who are unable to afford counsel and ensure that attorneys providing such representation: (A) receive effective supervision and training; (B) have access to and appropriately utilize investigators, interpreters and expert witnesses on behalf of clients; (C) communicate effectively with their clients; (D) have the necessary qualifications and experience; and (E) in the case of assigned counsel attorneys, are assigned to cases in accordance with article eighteen-b of the county law and in a manner that accounts for the attorney's level of experience and caseload/workload.

(ii) The office shall, on an ongoing basis, monitor and periodically report on the implementation of, and compliance with, the plan in each county and the city of New York.

(iii) The written plan developed pursuant to this subdivision shall be completed by May first, two thousand eighteen and shall include interim steps for each county and the city of New York for achieving compliance with the plan.

(iv) Each county and the city of New York shall, in consultation with the office, undertake good faith efforts to implement the initiatives to improve the quality of indigent defense and such initiatives shall be fully implemented and adhered to in each county and the city of New York by April first, two thousand twenty-four. Pursuant to section seven hundred twenty-two-e of the county law, the state shall reimburse each county and the city of New York for any costs incurred as a result of implementing such plan.

(d) Appropriation of funds. In no event shall a county and a city of New York be obligated to undertake any steps to implement the written plans under paragraphs (a), (b) and (c) of this subdivision until funds have been appropriated by the state for such purpose.

§ 13. Intentionally omitted.

§ 14. Intentionally omitted.

§ 15. Intentionally omitted.

§ 16. This act shall take effect immediately; provided, however, that sections one and two of this act shall take effect April 1, 2018 and shall apply to confessions, admissions or statements made on or after such effective date; provided, further sections three through ten of this act shall take effect July 1, 2017.

PART E

Intentionally Omitted

PART F

Section 1. Subdivision 2 of section 216 of the executive law is renumbered subdivision 3 and a new subdivision 2 is added to read as follows:

2. There shall be within the bureau of criminal investigation a hate crime task force. The superintendent shall assign to it such personnel as may be required for the purpose of preventing, investigating, and detecting hate crimes as defined in article four hundred eighty-five and sections 240.30 and 240.31 of the penal law. When at all possible, the task force members shall assist and support other law enforcement agencies in preventing, investigating, and detecting offenses committed due to a perception or belief regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person.

§ 2. Intentionally omitted.

§ 3. Section 145.23 of the penal law, as amended by chapter 353 of the laws of 2007, is amended to read as follows:

§ 145.23 Cemetery desecration in the [~~first~~] **second** degree.

A person is guilty of cemetery desecration in the [~~first~~] **second** degree when with intent to damage property of another person, and having no right to do so nor any reasonable ground to believe that he **or she** has such right, he **or she**:

(a) damages any real or personal property maintained as a [~~cemetery plot, grave, burial place or other~~] place of interment of human remains [~~in an amount exceeding two hundred fifty dollars~~]; or

(b) with intent to steal personal property, he **or she** steals personal property[~~, the value of which exceeds two hundred fifty dollars,~~] which is located at a [~~cemetery plot, grave, burial place or other~~] place of interment of human remains and which property is owned by the person or organization which maintains or owns such place or the estate, next-of-kin or representatives of the deceased person interred there[~~; or~~

~~(c) commits the crime of cemetery desecration in the second degree as defined in section 145.22 of this article and has been previously convicted of the crime of cemetery desecration in the second degree within the preceding five years~~].

For the purposes of this section, "place of internment" shall mean any cemetery, mausoleum, columbarium, lot, plot, grave, burial place, crypt, vault, or temporary storage of human remains or cremated human remains, or any monument, headstone, marker, plaque, vase, urn, decoration, flag holder, or other embellishment that is located on or adjacent to, or is otherwise associated with, any such cemetery, mausoleum, columbarium, lot, plot, grave, burial place, crypt, vault, or other place of interment or temporary storage.

Cemetery desecration in the [~~first~~] **second** degree is a class E felony.

§ 4. The penal law is amended by adding a new section 145.24 to read as follows:

§ 145.24 Cemetery desecration in the first degree.

A person is guilty of cemetery desecration in the first degree when he or she:

(a) damages any real or personal property used or maintained as a place of interment in an amount exceeding two thousand dollars; or

(b) with intent to steal personal property, he or she steals personal property, the value of which exceeds two thousand dollars, which is located at a place of interment and which property is owned by the person or organization which maintains or owns such place or the estate, next-of-kin or representatives of the deceased person interred there; or

(c) commits the crime of cemetery desecration in the second degree as defined in section 145.23 of this article and has been previously

convicted of the crime of cemetery desecration in the second degree or cemetery desecration in the first degree within the preceding five years.

For the purposes of this section, "place of internment" shall mean any cemetery, mausoleum, columbarium, lot, plot, grave, burial place, crypt, vault, or temporary storage of human remains or cremated human remains, or any monument, headstone, marker, plaque, vase, urn, decoration, flag holder, or other embellishment that is located on or adjacent to, or is otherwise associated with, any such cemetery, mausoleum, columbarium, lot, plot, grave, burial place, crypt, vault, or other place of internment or temporary storage.

Cemetery desecration in the first degree is a class D felony.

§ 5. Section 145.22 of the penal law is REPEALED.

§ 6. Subdivision 2 of section 145.05 of the penal law, as amended by chapter 276 of the laws of 2003, is amended and a new subdivision 3 is added to read as follows:

2. damages property of another person in an amount exceeding two hundred fifty dollars[~~.~~]; or

3. damages property which, regardless of its nature or value, is in any building, structure or upon the curtilage of such building or structure used as a place of religious worship by a religious corporation, as incorporated under the religious corporations law or the education law.

§ 7. Section 145.10 of the penal law, as amended by chapter 961 of the laws of 1971, is amended to read as follows:

§ 145.10 Criminal mischief in the second degree.

A person is guilty of criminal mischief in the second degree when with intent to damage property of another person, and having no right to do so nor any reasonable ground to believe that he or she has such right, he or she:

1. damages property of another person in an amount exceeding one thousand five hundred dollars[~~.~~]; or

2. damages property which consists of a scroll, a religious vestment, a vessel, an item comprising a display of religious symbols which forms a representative expression of faith or any other item kept or used in connection with religious worship in any building, structure or upon the curtilage of such building or structure used as a place of religious worship by a religious corporation, as incorporated under the religious corporations law or the education law.

Criminal mischief in the second degree is a class D felony.

§ 8. Section 60.29 of the penal law, as added by chapter 165 of the laws of 1997, is amended to read as follows:

§ 60.29 Authorized disposition; cemetery desecration.

When a person is convicted of an offense defined in section [~~145.22 or~~] 145.23, or 145.24 of this chapter or of an attempt to commit such an offense, and the sentence imposed by the court for such conviction includes a sentence of probation or conditional discharge, such sentence shall, where appropriate, be in accordance with paragraph (h) of subdivision two of section 65.10 of this [~~article~~] title as such section relates to cemetery crime.

§ 9. Paragraph (h) of subdivision 2 of section 65.10 of the penal law, as amended by chapter 508 of the laws of 2001, is amended to read as follows:

(h) Perform services for a public or not-for-profit corporation, association, institution, or agency, including but not limited to services for the [~~division~~] office of alcoholism and substance abuse services, [~~services in an appropriate community program for removal of graffiti~~

~~from public or private property, including any property damaged in the underlying offense,~~] or services for the maintenance and repair of real or personal property used or maintained as a cemetery, mausoleum, columbarium, lot, plot, grave, burial place, crypt, vault, or other place of interment or temporary storage of human remains or cremated human remains, or any monument, headstone, marker, plaque, statue, vase, urn, decoration, flag holder, or other embellishment that is located on or adjacent to, or is otherwise associated with, any such cemetery, mausoleum, columbarium, lot, plot, grave, burial place, crypt, vault, or other place of interment or temporary storage. Provided, however, that the performance of any such services shall not result in the displacement of employed workers or in the impairment of existing contracts for services, nor shall the performance of any such services be required or permitted in any establishment involved in any labor strike or lockout. The court may establish provisions for the early termination of a sentence of probation or conditional discharge pursuant to the provisions of subdivision three of section 410.90 of the criminal procedure law after such services have been completed. Such sentence may only be imposed upon conviction of a misdemeanor, violation, or class D or class E felony, or a youthful offender finding replacing any such conviction, where the defendant has consented to the amount and conditions of such service;

§ 10. Subdivision 9 of section 155.30 of the penal law, as amended by chapter 479 of the laws of 2010, is amended to read as follows:

9. The property [~~consists of a scroll, religious vestment, a vessel, an item comprising a display of religious symbols which forms a representative expression of faith, or other miscellaneous item of property which:~~

~~(a) has a value of at least one hundred dollars; and~~

~~(b) is kept for or used in connection with religious worship in~~], regardless of its nature or value, is taken from any building, structure or upon the curtilage of such building or structure used as a place of religious worship by a religious corporation, as incorporated under the religious corporations law or the education law.

§ 11. Section 155.35 of the penal law, as amended by chapter 464 of the laws of 2010, is amended to read as follows:

§ 155.35 Grand larceny in the third degree.

A person is guilty of grand larceny in the third degree when he or she steals property and:

1. when the value of the property exceeds three thousand dollars[~~,~~]; or

2. the property is an automated teller machine or the contents of an automated teller machine[~~,~~]; or

3. the property consists of a scroll, a religious vestment, a vessel, an item comprising a display of religious symbols which form a representative expression of faith or any other item kept or used in connection with religious worship in any building, structure or upon the curtilage of such building or structure used as a place of religious worship by a religious corporation, as incorporated under the religious corporations law or the education law.

Grand larceny in the third degree is a class D felony.

§ 12. Subdivision 2 of section 155.40 of the penal law, as amended by chapter 515 of the laws of 1986, is amended and a new subdivision 3 is added to read as follows:

2. The property, regardless of its nature and value, is obtained by extortion committed by instilling in the victim a fear that the actor or

another person will (a) cause physical injury to some person in the future, or (b) cause damage to property, or (c) use or abuse his position as a public servant by engaging in conduct within or related to his official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely[~~.~~]**; or**

3. The property consists of a scroll, a religious vestment, a vessel, an item comprising a display of religious symbols which forms a representative expression of faith, or other item of property which:

(a) has a value of at least two hundred fifty dollars; and

(b) is kept for or used in connection with religious worship in any building, structure or upon the curtilage of such building or structure used as a place of religious worship by a religious corporation, as incorporated under the religious corporations law or the education law.

§ 13. Subdivision 3 of section 485.05 of the penal law, as amended by chapter 405 of the laws of 2010, is amended to read as follows:

3. A "specified offense" is an offense defined by any of the following provisions of this chapter: section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); section 121.12 (strangulation in the second degree); section 121.13 (strangulation in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); subdivision one of section 130.35 (rape in the first degree); subdivision one of section 130.50 (criminal sexual act in the first degree); subdivision one of section 130.65 (sexual abuse in the first degree); paragraph (a) of subdivision one of section 130.67 (aggravated sexual abuse in the second degree); paragraph (a) of subdivision one of section 130.70 (aggravated sexual abuse in the first degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.10 (criminal trespass in the third degree); section 140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); **section 145.60 (making graffiti);** section 150.05 (arson in the fourth degree); section 150.10 (arson in the third degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second degree); section 155.42 (grand larceny in the first degree); section 160.05 (robbery in the third degree); section 160.10 (robbery in the second

degree); section 160.15 (robbery in the first degree); section 240.25 (harassment in the first degree); subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); or any attempt or conspiracy to commit any of the foregoing offenses.

§ 14. The penal law is amended by adding a new section 60.31 to read as follows:

§ 60.31 Authorized disposition; aggravated harassment in the first degree.

When a person is convicted of aggravated harassment in the first degree as defined in section 240.31 of this chapter, or of an attempt to commit such an offense, or of a lesser included offense, in addition to any other sentence imposed or as a condition of probation or conditional discharge the court may order such person to participate in, at his or her own expense, a diversity training program that is designed to overcome discrimination, prejudice and intolerance, and that promotes communication, understanding and respect among diverse racial, religious and ethnic groups.

§ 15. Section 65.10 of the penal law is amended by adding a new subdivision 6 to read as follows:

6. Graffiti removal. When imposing a sentence of probation or of conditional discharge in connection with a violation of section 145.60, 145.62 or 145.65 of this chapter, the court shall as a condition of the sentence, require that the defendant remove graffiti from public or private property, including any property damaged in the underlying offense, unless the court shall determine that an appropriate program to supervise such removal is not available or that such graffiti removal would be unreasonably dangerous; provided, however, that graffiti removal from private property pursuant to this subdivision shall be subject to consent of the owner of such property.

§ 16. Section 145.60 of the penal law, as added by chapter 458 of the laws of 1992, is amended to read as follows:

§ 145.60 Making graffiti **in the second degree**.

1. For purposes of this section **and section 145.62 of this article**, the term "graffiti" shall mean the etching, painting, covering, drawing upon or otherwise placing of a mark upon public or private property with intent to damage such property.

2. [~~No person shall make~~] **A person is guilty of making graffiti in the second degree when he or she makes** graffiti of any type on any building, public or private, or any other property real or personal owned by any person, firm or corporation or any public agency or instrumentality, without the express permission of the owner or operator of said property.

Making graffiti **in the second degree** is a class A misdemeanor.

§ 17. The penal law is amended by adding a new section 145.62 to read as follows:

§ 145.62 Making graffiti in the first degree.

A person is guilty of making graffiti in the first degree when he or she commits the offense of making graffiti in the second degree as defined in section 145.60 of this article:

1. in a manner to promote or encourage gang related activities; or

2. having knowledge that such property is used as a place of religious worship, he or she damages a building, structure or the curtilage of such building or structure used as a place of religious worship by a religious corporation, as incorporated under the religious corporations law; or

3. having knowledge that such property comprises a display of religious symbols which are for a representative expression of faith, he or she damages a scroll, religious vestment, vessel, item comprising a display of religious symbols which are a representative expression of faith or a miscellaneous item of property kept or used in or upon a building, structure or curtilage thereof described in subdivision two of this section.

Making graffiti in the first degree is a class E felony.

§ 18. Section 240.31 of the penal law is amended by adding a new subdivision 1-a to read as follows:

1-a. Etches, paints, covers, draws upon or otherwise places a mark upon any building or any other real property, public or private, without the express permission of the owner or operator of such building or real property; or

§ 19. This act shall take effect immediately; provided, however, that sections three through eighteen of this act shall take effect on the first of November next succeeding the date on which it shall have become a law.

PART G

Section 1. Subdivisions 11 and 12 of section 631 of the executive law, subdivision 11 as added by chapter 543 of the laws of 1995 and subdivision 12 as amended by chapter 188 of the laws of 2014, are amended to read as follows:

11. Notwithstanding the provisions of subdivisions one, two and three of this section, an individual who was a victim of either the crime of: menacing in the second degree as defined in subdivision one of section 120.14 of the penal law; menacing in the third degree as defined in section 120.15 of the penal law; unlawful imprisonment in the first degree as defined in section 135.10 of the penal law[~~,~~]; kidnapping in the second degree as defined in section 135.20 of the penal law [~~or~~]; kidnapping in the first degree as defined in section 135.25 of the penal law; criminal mischief in the fourth degree as defined in subdivision four of section 145.00 of the penal law; robbery in the third degree as defined in section 160.05 of the penal law; robbery in the second degree as defined in subdivision one, paragraph b of subdivision two or subdivision three of section 160.10 of the penal law; or robbery in the first degree as defined in subdivisions two, three and four of section 160.15 of the penal law who has not been physically injured as a direct result of such crime shall only be eligible for an award that includes loss of earnings [~~or support~~] and the unreimbursed costs of counseling provided to such victim on account of mental or emotional stress resulting from the incident in which the crime occurred.

12. Notwithstanding the provisions of subdivisions one, two and three of this section, an individual who was a victim of either the crime of menacing in the second degree as defined in subdivision two or three of section 120.14 of the penal law, menacing in the first degree as defined in section 120.13 of the penal law, criminal obstruction of breathing or blood circulation as defined in section 121.11 of the penal law, harassment in the second degree as defined in [~~subdivision two or three of~~] section 240.26 of the penal law, harassment in the first degree as defined in section 240.25 of the penal law, aggravated harassment in the second degree as defined in subdivision three or five of section 240.30 of the penal law, aggravated harassment in the first degree as defined in subdivision two of section 240.31 of the penal law, criminal contempt

in the first degree as defined in [~~paragraph (ii) or (iv) of~~] subdivision (b) or subdivision (c) of section 215.51 of the penal law, or stalking in the fourth, third, second or first degree as defined in sections 120.45, 120.50, 120.55 and 120.60 of the penal law, respectively, **or a hate crime as defined in section 485.05 of the penal law** who has not been physically injured as a direct result of such crime shall only be eligible for an award that includes loss of earning or support, the unreimbursed cost of repair or replacement of essential personal property that has been lost, damaged or destroyed as a direct result of such crime, the unreimbursed cost for security devices to enhance the personal protection of such victim, transportation expenses incurred for necessary court [~~expenses~~] **appearances** in connection with the prosecution of such crime, the unreimbursed costs of counseling provided to such victim on account of mental or emotional stress resulting from the incident in which the crime occurred, **the unreimbursed cost of securing a crime scene,** reasonable relocation expenses, and for occupational or job training.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become law, and apply to all claims filed on or after such effective date.

PART H

Section 1. Subdivision 5 of section 621 of the executive law, as amended by chapter 74 of the laws of 2007, is amended to read as follows:

5. "Victim" shall mean (a) a person who suffers personal physical injury as a direct result of a crime; (b) a person who is the victim of either the crime of (1) unlawful imprisonment in the first degree as defined in section 135.10 of the penal law, (2) kidnapping in the second degree as defined in section 135.20 of the penal law, (3) kidnapping in the first degree as defined in section 135.25 of the penal law, (4) **menacing in the first degree as defined in section 120.13 of the penal law, (5) criminal obstruction of breathing or blood circulation as defined in section 121.11 of the penal law, (6) harassment in the second degree as defined in section 240.26 of the penal law, (7) harassment in the first degree as defined in section 240.25 of the penal law, (8) aggravated harassment in the second degree as defined in subdivision three or five of section 240.30 of the penal law, (9) aggravated harassment in the first degree as defined in subdivision two of section 240.31 of the penal law, (10) criminal contempt in the first degree as defined in subdivision (b) or subdivision (c) of section 215.51 of the penal law, (11) stalking in the fourth, third, second or first degree as defined in sections 120.45, 120.50, 120.55 and 120.60 of the penal law, (12)** labor trafficking as defined in section 135.35 of the penal law, or [~~(5)~~] **(13)** sex trafficking as defined in section 230.34 of the penal law; **a vulnerable elderly person or an incompetent or physically disabled person as defined in section 260.31 of the penal law who incurs a loss of savings as defined in subdivision twenty-four of this section;** or a person who has had a frivolous lawsuit filed against them.

§ 2. Section 621 of the executive law is amended by adding a new subdivision 24 to read as follows:

24. "Loss of savings" shall mean the result of any act or series of acts of larceny as defined in article one hundred fifty-five of the penal law, indicated by a criminal justice agency as defined in subdivision one of section six hundred thirty-one of this article, in which

cash is stolen from a vulnerable elderly person or an incompetent or physically disabled person as defined in section 260.31 of the penal law.

§ 3. Subdivision 2 of section 631 of the executive law, as amended by chapter 162 of the laws of 2008, is amended to read as follows:

2. Any award made pursuant to this article shall be in an amount not exceeding out-of-pocket expenses, including indebtedness reasonably incurred for medical or other services necessary as a result of the injury upon which the claim is based; loss of earnings or support resulting from such injury not to exceed thirty thousand dollars; **loss of savings not to exceed thirty thousand dollars;** burial expenses not exceeding six thousand dollars of a victim who died as a direct result of a crime; the costs of crime scene cleanup and securing of a crime scene not exceeding twenty-five hundred dollars; reasonable relocation expenses not exceeding twenty-five hundred dollars; and the unreimbursed cost of repair or replacement of articles of essential personal property lost, damaged or destroyed as a direct result of the crime. An award for loss of earnings shall include earnings lost by a parent or guardian as a result of the hospitalization of a child victim under age eighteen for injuries sustained as a direct result of a crime. In addition to the medical or other services necessary as a result of the injury upon which the claim is based, an award may be made for rehabilitative occupational training for the purpose of job retraining or similar employment-oriented rehabilitative services based upon the claimant's medical and employment history. For the purpose of this subdivision, rehabilitative occupational training shall include but not be limited to educational training and expenses. An award for rehabilitative occupational training may be made to a victim, or to a family member of a victim where necessary as a direct result of a crime.

§ 4. Section 631 of the executive law is amended by adding a new subdivision 3-a to read as follows:

3-a. Any award made for loss of savings shall, unless reduced pursuant to other provisions of this article, be in an amount equal to the actual loss sustained.

§ 5. Subdivision 5 of section 631 of the executive law is amended by adding a new paragraph (f) to read as follows:

(f) Notwithstanding the provisions of paragraph (a) of this subdivision, the office shall disregard for this purpose the responsibility of the victim for his or her own loss of savings.

§ 6. Section 631 of the executive law is amended by adding a new subdivision 8-a to read as follows:

8-a. Notwithstanding the provisions of subdivision one of this section, a vulnerable elderly person or an incompetent or physically disabled person, as defined in section 260.31 of the penal law, who has not been physically injured as a direct result of a crime, shall be eligible for an award that includes loss of savings.

§ 7. This act shall take effect on the one hundred eightieth day after it shall have become a law, and shall apply to all claims filed on or after such effective date.

PART I

Intentionally Omitted

PART J

Section 1. Short title. This act shall be known as the "New York State Buy American Act".

§ 2. Section 146 of the state finance law is REPEALED and a new section 146 is added to read as follows:

§ 146. The New York State Buy American Act. 1. Use of American materials. (a) Notwithstanding any other provision of law, each contract for the construction, reconstruction, alteration or improvement of a public building or public works carried out by a governmental entity pursuant to section ninety-three-b of this chapter shall contain a provision that the iron, steel, and manufactured products used or supplied in the performance of the contract or any subcontract thereto and permanently incorporated into the public building or public works shall be manufactured in the United States.

(b) For the purposes of section one hundred sixty-three of this chapter, no bidder shall be deemed to be the lowest responsible and reliable bidder and no bid shall be deemed the best value unless the bid offered by such bidder will comply with the contract term required by paragraph (a) of this subdivision.

(c) The provisions of paragraph (a) of this subdivision shall not apply in any case or category of cases in which the executive head of a governmental entity finds:

(i) that the application of this section would be inconsistent with the public interest;

(ii) that such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(iii) that inclusion of domestic material will increase the cost of the overall project contract by more than twenty percent.

(d) If the executive head of a governmental entity receives a request for an exemption under paragraph (c) of this subdivision, such executive shall provide notice of and an opportunity for public comment on the request at least fifteen days before making a finding based on the request. The executive head of a governmental entity shall issue a decision on any exemption request within thirty days of receipt of such request.

(e) A notice provided under paragraph (d) of this subdivision shall:

(i) summarize the information available to the executive concerning the request, including whether the request is being made under subparagraph (i), (ii) or (iii) of paragraph (c) of this subdivision;

(ii) be posted prominently on the official public internet web site of the entity; and

(iii) be provided by electronic means to any person, firm or corporation that has made a written or electronic request to the governmental entity for notice of exemption requests and decisions by the executive.

(f) If the executive issues an exemption under paragraph (c) of this subdivision, the executive shall publish in the same manner as the original notice a detailed justification for approval or denial of the exemption that:

(i) addresses the public comments received under paragraph (d) of this subdivision; and

(ii) is published before the exemption takes effect if such exemption is approved.

(g) If all bidders to a contract request exemptions under paragraph (c) of this subdivision and all such exemptions are issued, the executive head shall not be required to rebid the contract solely to comply with the provisions of this section.

(h) Any person or contractor shall be ineligible to receive any contract or subcontract with the state pursuant to the suspension provisions under section one hundred thirty-nine-a of this article. Additionally, a contractor shall be ineligible to receive any contract or subcontract upon a final determination by a governmental entity or upon a determination by a court that such person or contractor intentionally:

(i) Affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any iron, steel, or manufactured product used in the construction, reconstruction, alteration, or improvement of a public building or public works carried out by a governmental entity pursuant to section ninety-three-b of this chapter to which this section applies, sold in or shipped to the United States that was not made in the United States; or

(ii) Represented that any iron, steel, or manufactured product used in the construction, reconstruction, alteration, or improvement of a public building or public works carried out by a governmental entity pursuant to section ninety-three-b of this chapter to which this section applies that was not produced in the United States, was produced in the United States; or

(iii) Colluded with any person for the purpose of circumventing the provisions of this section.

(i) This section shall be applied in a manner consistent with the state's obligations under any applicable international agreements pertaining to government procurement.

(j) This section shall be applied in a manner consistent with United States obligations under international agreements including but not limited to those signed with the government of Canada.

(k) Pursuant to any international trade obligation, where Canada has negotiated access to the United States procurement market for iron, steel, and manufactured products as defined by this section, and provides United States producers reciprocal access to Canadian procurement markets for such iron, steel, and manufactured products as defined by this section, this section shall be applied in a manner consistent with those obligations.

(l) This section shall not apply in any case or category of cases in which the executive finds that a reciprocal trade agreement or treaty has been negotiated by the state or by the United States government on behalf of or including this state with a foreign nation or government for nondiscriminatory governmental procurement practices or policies with such foreign nation or government.

2. Definitions. For the purposes of this section, the following words shall have the following meanings unless specified otherwise:

(a) "Executive" means the executive head of a governmental entity subject to this section;

(b) "Governmental entity" means a governmental entity as that term is defined in section one hundred thirty-nine-j of this article if such entity is executing a contract pursuant to section ninety-three-b of this chapter;

(c) "Manufactured in the United States" means: (i) in the case of an iron or steel product all manufacturing must take place in the United States, from the initial melting stage through the application of coatings, except metallurgical processes involving the refinement of steel additives; and

(ii) in the case of a manufactured product, such product will be considered manufactured in the United States if all of its manufacturing processes take place in the United States;

(d) "United States" means the United States of America and includes all territory, continental or insular, subject to the jurisdiction of the United States.

§ 3. The public authorities law is amended by adding a new section 1265-c to read as follows:

§ 1265-c. The New York State Buy American Act. 1. Use of American materials. (a) Notwithstanding any other provision of law, each contract for the construction, reconstruction, alteration or improvement of a public building or public works carried out by the metropolitan transportation authority shall contain a provision that the iron, steel, and manufactured products used or supplied in the performance of the contract or any subcontract thereto and permanently incorporated into the public building or public works shall be manufactured in the United States.

(b) For the purposes of section twelve hundred sixty-five-a of this title, no bidder shall be deemed to be the lowest responsible and reliable bidder and no bid shall be deemed the best value unless the bid offered by such bidder will comply with the contract term required by paragraph (a) of this subdivision.

(c) The provisions of paragraph (a) of this subdivision shall not apply in any case or category of cases in which the executive director of the metropolitan transportation authority finds:

(i) that the application of this section would be inconsistent with the public interest;

(ii) that such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(iii) that inclusion of domestic material will increase the cost of the overall project contract by more than twenty percent.

(d) If the executive director of the metropolitan transportation authority receives a request for an exemption under paragraph (c) of this subdivision, such executive shall provide notice of and an opportunity for public comment on the request at least fifteen days before making a finding based on the request. The executive director of the metropolitan transportation authority shall issue a decision on any exemption request within thirty days of receipt of such request.

(e) A notice provided under paragraph (d) of this subdivision shall:

(i) summarize the information available to the executive concerning the request, including whether the request is being made under subparagraph (i), (ii) or (iii) of paragraph (c) of this subdivision;

(ii) be posted prominently on the official public internet web site of the metropolitan transportation authority; and

(iii) be provided by electronic means to any person, firm or corporation that has made a written or electronic request to the metropolitan transportation authority for notice of exemption requests and decisions by the executive.

(f) If the executive issues an exemption under paragraph (c) of this subdivision, the executive shall publish in the same manner as the original notice a detailed justification for approval or denial of the exemption that:

(i) addresses the public comments received under paragraph (d) of this subdivision; and

(ii) is published before the exemption takes effect if such exemption is approved.

(g) If all bidders to a contract request exemptions under paragraph (c) of this subdivision and all such exemptions are issued, the executive director shall not be required to rebid the contract solely to comply with the provisions of this section.

(h) Any person or contractor shall be ineligible to receive any contract or subcontract with the state pursuant to the suspension provisions under section one hundred thirty-nine-a of the state finance law. Additionally, a contractor or subcontractor shall be ineligible to receive any contract or subcontract upon a final determination by the metropolitan transportation authority or upon determination by a court that such person or contractor intentionally:

(i) Affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any iron, steel, or manufactured product used in the construction, reconstruction, alteration, or improvement of a public building or public works carried out by the metropolitan transportation authority to which this section applies, sold in or shipped to the United States that was not made in the United States; or

(ii) Represented that any iron, steel, or manufactured product used in the construction, reconstruction, alteration, or improvement of a public building or public works carried out by the metropolitan transportation authority to which this section applies that was not produced in the United States, was produced in the United States; or

(iii) Colluded with any person for the purpose of circumventing the provisions of this section.

(i) This section shall be applied in a manner consistent with the state's obligations under any applicable international agreements pertaining to government procurement.

(j) This section shall be applied in a manner consistent with United States obligations under international agreements including but not limited to those signed with the government of Canada.

(k) Pursuant to any international trade obligation, where Canada has negotiated access to the United States procurement market for iron, steel, and manufactured products as defined by this section, and provides United States producers reciprocal access to Canadian procurement markets for such iron, steel, and manufactured products as defined by this section, this section shall be applied in a manner consistent with those obligations.

(l) This section shall not apply in any case or category of cases in which the executive finds that a reciprocal trade agreement or treaty has been negotiated by the state or by the United States government on behalf of or including this state with a foreign nation or government for nondiscriminatory governmental procurement practices or policies with such foreign nation or government.

2. Definitions. For the purposes of this section, the following words shall have the following meanings unless specified otherwise:

(a) "Executive" means the executive director of the metropolitan transportation authority;

(b) "Manufactured in the United States" means: (i) in the case of an iron or steel product all manufacturing must take place in the United States, from the initial melting stage through the application of coatings, except metallurgical processes involving the refinement of steel additives; and

(ii) in the case of a manufactured product, such product will be considered manufactured in the United States if all of its manufacturing processes take place in the United States;

(c) "United States" means the United States of America and includes all territory, continental or insular, subject to the jurisdiction of the United States.

§ 4. The administrative code of the city of New York is amended by adding a new section 6-116.3 to read as follows:

§ 6-116.3 The New York State Buy American Act. 1. Use of American materials. (a) Notwithstanding any other provision of law, each contract for the construction, reconstruction, alteration or improvement of a public building or public works carried out by the city of New York shall contain a provision that the iron, steel, and manufactured products used or supplied in the performance of the contract or any subcontract thereto and permanently incorporated into the public building or public works shall be manufactured in the United States.

(b) For the purposes of section one hundred three of the general municipal law, no bidder shall be deemed to be the lowest responsible and reliable bidder and no bid shall be deemed the best value unless the bid offered by such bidder will comply with the contract term required by paragraph (a) of this subdivision.

(c) The provisions of paragraph (a) of this subdivision shall not apply in any case or category of cases in which the executive head of a governmental entity finds:

(i) that the application of this section would be inconsistent with the public interest;

(ii) that such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(iii) that inclusion of domestic material will increase the cost of the overall project contract by more than twenty percent.

(d) If the executive head of a governmental entity receives a request for an exemption under paragraph (c) of this subdivision, such executive shall provide notice of and an opportunity for public comment on the request at least fifteen days before making a finding based on the request. The executive head of a governmental entity shall issue a decision on any exemption request within thirty days of receipt of such request.

(e) A notice provided under paragraph (d) of this subdivision shall:

(i) summarize the information available to the executive concerning the request, including whether the request is being made under subparagraph (i), (ii) or (iii) of paragraph (c) of this subdivision;

(ii) be posted prominently on the official public internet web site of the entity; and

(iii) be provided by electronic means to any person, firm or corporation that has made a written or electronic request to the governmental entity for notice of exemption requests and decisions by the executive.

(f) If the executive issues an exemption under paragraph (c) of this subdivision, the executive shall publish in the same manner as the original notice a detailed justification for approval or denial of the exemption that:

(i) addresses the public comments received under paragraph (d) of this subdivision; and

(ii) is published before the exemption takes effect if such exemption is approved.

(g) If all bidders to a contract request exemptions under paragraph (c) of this subdivision and all such exemptions are issued, the executive head shall not be required to rebid the contract solely to comply with the provisions of this section.

(h) Any person or contractor shall be ineligible to receive any contract or subcontract with the city of New York if a court determines or a state or city agency makes a final determination that such person or contractor intentionally:

(i) Affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any iron, steel, or manufactured product used in projects to which this section applies, sold in or shipped to the United States that was not made in the United States; or

(ii) Represented that any iron, steel, or manufactured product used in projects to which this section applies that was not produced in the United States, was produced in the United States; or

(iii) Colluded with any person for the purpose of circumventing the provisions of this section.

(i) This section shall be applied in a manner consistent with the state's obligations under any applicable international agreements pertaining to government procurement.

(j) This section shall be applied in a manner consistent with United States obligations under international agreements including but not limited to those signed with the government of Canada.

(k) Pursuant to any international trade obligation, where Canada has negotiated access to the United States procurement market for iron, steel, and manufactured products as defined by this section, and provides United States producers reciprocal access to Canadian procurement markets for such iron, steel, and manufactured products as defined by this section, this section shall be applied in a manner consistent with those obligations.

(l) This section shall not apply in any case or category of cases in which the executive finds that a reciprocal trade agreement or treaty has been negotiated by the state or by the United States government on behalf of or including this state with a foreign nation or government for nondiscriminatory governmental procurement practices or policies with such foreign nation or government.

2. Definitions. For the purposes of this section, the following words shall have the following meanings unless specified otherwise:

(a) "Executive" means the executive head of a governmental entity subject to this section;

(b) "Governmental entity" means any department, board, bureau, commission, division, office, council, committee or officer of the city of New York;

(c) "Manufactured in the United States" means: (i) in the case of an iron or steel product all manufacturing must take place in the United States, from the initial melting stage through the application of coatings, except metallurgical processes involving the refinement of steel additives; and

(ii) in the case of a manufactured product, such product will be considered manufactured in the United States if all of its manufacturing processes take place in the United States;

(d) "United States" means the United States of America and includes all territory, continental or insular, subject to the jurisdiction of the United States.

§ 5. This act shall take effect on the one hundred twentieth day after it shall have become a law.

PART K

Intentionally Omitted

PART L

Section 1. Section 3 of chapter 674 of the laws of 1993, amending the public buildings law relating to value limitations on contracts, as amended by section 1 of part M of chapter 55 of the laws of 2015, is amended to read as follows:

§ 3. This act shall take effect immediately and shall remain in full force and effect only until June 30, [~~2017~~] 2019.

§ 2. Intentionally omitted.

§ 3. Intentionally omitted.

§ 4. Intentionally omitted.

§ 5. This act shall take effect immediately.

PART M

Intentionally Omitted

PART N

Intentionally Omitted

PART O

Intentionally Omitted

PART P

Intentionally Omitted

PART Q

Intentionally Omitted

PART R

Intentionally Omitted

PART S

Intentionally Omitted

PART T

Intentionally Omitted

PART U

Intentionally Omitted

PART V

Intentionally Omitted

PART W

Intentionally Omitted

PART X

Section 1. Subdivision 1 of section 436 of the economic development law, as added by section 1 of part A of chapter 68 of the laws of 2013, is amended to read as follows:

1. A campus, university or college that has sponsored a tax-free NY area (including any strategic state asset affiliated with the campus, university or college) shall solicit and accept applications from businesses to locate in such area that are consistent with the plan of such campus, university or college or strategic state asset that has been approved pursuant to section four hundred thirty-five of this article. Any business that wants to locate in a tax-free NY area must submit an application to the campus, university or college which is sponsoring the tax-free NY area by [~~December thirty-first, two thousand twenty~~] **April first, two thousand eighteen**. Prior to such date, the commissioner shall prepare [~~an evaluation~~] **a final report** on the effectiveness of the START-UP NY program and deliver it to the governor and the legislature [~~to determine continued eligibility for application submissions~~].

§ 2. This act shall take effect immediately.

PART Y

Section 1. Paragraph (a) of subdivision 2 of section 581 of the labor law, as amended by section 7 of part D of chapter 57 of the laws of 2013, is amended and a new paragraph (e) is added to read as follows:

(a) Each qualified employer's rate of contribution shall be the percentage shown in the column headed by the size of the fund index as of the computation date and on the same line with his or her negative or positive employer's account percentage, except that if within the three payroll years preceding the computation date any part of a negative balance has been transferred from any employer's account as a charge to the general account pursuant to the provisions of paragraph (e) of subdivision one of this section such employer's rate of contribution shall be the maximum contribution rate as shown in the column headed by the size of fund index;

	Size of Fund Index										
Employer's Account Percentage	Less Than 0%	0.5% but	1.0% but	1.5% but	2.0% but	2.5% but	3.0% but	3.5% but	4.0% but	4.5% but	5.0% or

	0%	less than 0.5%	less than 1.0%	less than 1.5%	less than 2.0%	less than 2.5%	less than 3.0%	less than 3.5%	less than 4.0%	less than 4.5%	less than 5.0%	more
Negative												
21.0% or more	8.90	8.70	8.50	8.30	8.10	7.30	6.90	6.50	6.20	6.10	6.00	5.90
20.5% or more but less than 21.0%	8.80	8.60	8.40	8.20	8.00	7.20	6.80	6.40	6.10	6.00	5.90	5.80
20.0% or more but less than 20.5%	8.70	8.50	8.30	8.10	7.90	7.10	6.70	6.30	6.00	5.90	5.80	5.70
19.5% or more but less than 20.0%	8.60	8.40	8.20	8.00	7.80	7.00	6.60	6.20	5.90	5.80	5.70	5.60
19.0% or more but less than 19.5%	8.50	8.30	8.10	7.90	7.70	6.90	6.50	6.10	5.80	5.70	5.60	5.50
18.5% or more but less than 19.0%	8.40	8.20	8.00	7.80	7.60	6.80	6.40	6.00	5.70	5.60	5.50	5.40
18.0% or more but less than 18.5%	8.30	8.10	7.90	7.70	7.50	6.70	6.30	5.90	5.60	5.50	5.40	5.30
17.5% or more but less than 18.0%	8.20	8.00	7.80	7.60	7.40	6.60	6.20	5.80	5.50	5.40	5.30	5.20
17.0% or more but less than 17.5%	8.10	7.90	7.70	7.50	7.30	6.50	6.10	5.70	5.40	5.30	5.20	5.10
16.5% or more but less than 17.0%	8.00	7.80	7.60	7.40	7.20	6.40	6.00	5.60	5.30	5.20	5.10	5.00
16.0% or more but less than 16.5%	7.90	7.70	7.50	7.30	7.10	6.30	5.90	5.50	5.20	5.10	5.00	4.90
15.5% or more but less than 16.0%	7.80	7.60	7.40	7.20	7.00	6.20	5.80	5.40	5.10	5.00	4.90	4.80
15.0% or more but less												

than 15.5% but less than 14.5% or more	7.70	7.50	7.30	7.10	6.90	6.10	5.70	5.30	5.00	4.90	4.80	4.70
than 15.0% but less than 14.0% or more	7.60	7.40	7.20	7.00	6.80	6.00	5.60	5.20	4.90	4.80	4.70	4.60
than 14.5% but less than 13.5% or more	7.50	7.30	7.10	6.90	6.70	5.90	5.50	5.10	4.80	4.70	4.60	4.50
than 14.0% but less than 13.0% or more	7.40	7.20	7.00	6.80	6.60	5.80	5.40	5.00	4.70	4.60	4.50	4.40
than 13.5% but less than 12.5% or more	7.30	7.10	6.90	6.70	6.50	5.70	5.30	4.90	4.60	4.50	4.40	4.30
than 13.0% but less than 12.0% or more	7.20	7.00	6.80	6.60	6.40	5.60	5.20	4.80	4.50	4.40	4.30	4.20
than 12.5% but less than 11.5% or more	7.10	6.90	6.70	6.50	6.30	5.50	5.10	4.70	4.40	4.30	4.20	4.10
than 12.0% but less than 11.0% or more	7.00	6.80	6.60	6.40	6.20	5.40	5.00	4.60	4.30	4.20	4.10	4.00
than 11.5% but less than 10.5% or more	6.90	6.70	6.50	6.30	6.10	5.30	4.90	4.50	4.20	4.10	4.00	3.90
than 11.0% but less than 10.0% or more	6.80	6.60	6.40	6.20	6.00	5.20	4.80	4.40	4.10	4.00	3.90	3.80
than 10.5% but less than 9.5% or more	6.70	6.50	6.30	6.10	5.90	5.10	4.70	4.30	4.00	3.90	3.80	3.70
than 10.0% but less than 9.0% or more	6.60	6.40	6.20	6.00	5.80	5.00	4.60	4.20	3.90	3.80	3.70	3.60
than 9.5% but less than 8.5% or more	6.50	6.30	6.10	5.90	5.70	4.90	4.50	4.10	3.80	3.70	3.60	3.50
than 9.0% but less than 8.0% or more	6.40	6.20	6.00	5.80	5.60	4.80	4.40	4.00	3.70	3.60	3.50	3.40

than 8.5%	6.30	6.10	5.90	5.70	5.50	4.70	4.30	3.90	3.60	3.50	3.40	3.30
7.0% or more but less than 8.0%	6.20	6.00	5.80	5.60	5.40	4.60	4.20	3.80	3.50	3.40	3.30	3.20
6.0% or more but less than 7.0%	6.10	5.90	5.70	5.50	5.30	4.50	4.10	3.70	3.40	3.30	3.20	3.10
5.0% or more but less than 6.0%	6.00	5.80	5.60	5.40	5.20	4.40	4.00	3.60	3.30	3.20	3.10	3.00
4.0% or more but less than 5.0%	5.90	5.70	5.50	5.30	5.10	4.30	3.90	3.50	3.20	3.10	3.00	2.90
3.0% or more but less than 4.0%	5.60	5.40	5.20	5.00	4.80	4.20	3.80	3.40	3.10	3.00	2.90	2.80
2.0% or more but less than 3.0%	5.50	5.30	5.10	4.90	4.70	4.10	3.70	3.30	3.00	2.90	2.80	2.70
1.0% or more but less than 2.0%	5.40	5.20	5.00	4.80	4.60	4.00	3.60	3.20	2.90	2.80	2.70	2.60
Less than 1.0%	5.20	5.00	4.80	4.60	4.40	3.80	3.40	3.00	2.70	2.60	2.50	2.40
Positive												
Less than 1.0%	4.10	3.90	3.70	3.50	3.30	2.90	2.50	2.10	1.90	1.80	1.70	1.60
1.0% or more but less than 2.0%	4.00	3.80	3.60	3.40	3.20	2.80	2.40	2.00	1.80	1.70	1.60	1.50
2.0% or more but less than 3.0%	3.90	3.70	3.50	3.30	3.10	2.70	2.30	1.90	1.70	1.60	1.50	1.40
3.0% or more but less than 4.0%	3.80	3.60	3.40	3.20	3.00	2.60	2.20	1.80	1.60	1.50	1.40	1.30
4.0% or more but less than 5.0%	3.70	3.50	3.30	3.10	2.90	2.50	2.10	1.70	1.50	1.40	1.30	1.20
5.0% or more but less than 5.5%	3.60	3.40	3.20	3.00	2.80	2.40	2.00	1.60	1.40	1.30	1.20	1.10

5.5% or more but less than 5.75%	3.50	3.30	3.10	2.90	2.70	2.30	1.90	1.50	1.30	1.20	1.10	1.00
5.75% or more but less than 6.0%	3.40	3.20	3.00	2.80	2.60	2.20	1.80	1.40	1.20	1.10	1.00	0.90
6.0% or more but less than 6.25%	3.30	3.10	2.90	2.70	2.50	2.10	1.70	1.30	1.10	1.00	0.90	0.80
6.25% or more but less than 6.5%	3.20	3.00	2.80	2.60	2.40	2.00	1.60	1.20	1.00	0.90	0.80	0.70
6.5% or more but less than 6.75%	3.10	2.90	2.70	2.50	2.30	1.90	1.50	1.10	0.90	0.80	0.70	0.60
6.75% or more but less than 7.0%	3.00	2.80	2.60	2.40	2.20	1.80	1.40	1.00	0.80	0.70	0.60	0.50
7.0% or more but less than 7.25%	2.90	2.70	2.50	2.30	2.10	1.70	1.30	0.90	0.70	0.60	0.50	0.40
7.25% or more but less than 7.5%	2.80	2.60	2.40	2.20	2.00	1.60	1.20	0.80	0.60	0.50	0.40	0.30
7.5% or more but less than 7.75%	2.70	2.50	2.30	2.10	1.90	1.50	1.10	0.70	0.50	0.40	0.30	0.20
7.75% or more but less than 8.0%	2.60	2.40	2.20	2.00	1.80	1.40	1.00	0.60	0.40	0.30	0.20	0.10
8.0% or more but less than 8.25%	2.50	2.30	2.10	1.90	1.70	1.30	0.90	0.50	0.30	0.20	0.10	0.00
8.25% or more but less than 8.5%	2.40	2.20	2.00	1.80	1.60	1.20	0.80	0.40	0.20	0.10	0.00	0.00
8.5% or more but less than 8.75%	2.30	2.10	1.90	1.70	1.50	1.10	0.70	0.30	0.10	0.00	0.00	0.00
8.75% or more but less than 9.0%	2.20	2.00	1.80	1.60	1.40	1.00	0.60	0.20	0.00	0.00	0.00	0.00

9.0% or more but less than 9.25%	2.10	1.90	1.70	1.50	1.30	0.90	0.50	0.10	0.00	0.00	0.00	0.00
9.25% or more but less than 9.5%	2.00	1.80	1.60	1.40	1.20	0.80	0.40	0.00	0.00	0.00	0.00	0.00
9.5% or more but less than 9.75%	1.90	1.70	1.50	1.30	1.10	0.70	0.30	0.00	0.00	0.00	0.00	0.00
9.75% or more but less than 10.0%	1.80	1.60	1.40	1.20	1.00	0.60	0.20	0.00	0.00	0.00	0.00	0.00
10.0% or more but less than 10.25%	1.70	1.50	1.30	1.10	0.90	0.50	0.10	0.00	0.00	0.00	0.00	0.00
10.25% or more but less than 10.5%	1.60	1.40	1.20	1.00	0.80	0.40	0.00	0.00	0.00	0.00	0.00	0.00
10.5% or more **but less than 10.75%**	1.50	1.30	1.10	0.90	0.70	0.30	0.00	0.00	0.00	0.00	0.00	0.00
10.75% or more but less than 11.0%	**1.40**	**1.20**	**1.00**	**0.80**	**0.60**	**0.20**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**
11.0% or more but less than 11.25%	**1.30**	**1.10**	**0.90**	**0.70**	**0.50**	**0.10**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**
11.25% or more but less than 11.5%	**1.20**	**1.00**	**0.80**	**0.60**	**0.40**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**
11.5% or more but less than 11.75%	**1.10**	**0.90**	**0.70**	**0.50**	**0.30**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**
11.75% or more but less than 12.0%	**1.00**	**0.80**	**0.60**	**0.40**	**0.20**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**
12.0% or more	**0.90**	**0.70**	**0.50**	**0.30**	**0.10**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

(e) Should the size of the fund index fall below 0.5 percent, the amendments set forth in paragraph (a) of this subdivision shall revert back to the rate in effect on the date immediately prior to the date on which this paragraph shall have become a law, for the duration of the following year.

§ 2. Paragraph (e) of subdivision 1 of section 581 of the labor law is amended by adding a new subparagraph 7 to read as follows:

(7) An employer's account shall not be charged, and the charges shall instead be made to the general account, for benefits paid to a claimant whose employment was terminated as a result of the reinstatement of an employee pursuant to section two hundred three-b of the workers' compensation law.

§ 3. This act shall take effect immediately.

PART Z

Section 1. The state comptroller is hereby authorized and directed to loan money in accordance with the provisions set forth in subdivision 5 of section 4 of the state finance law to the following funds and/or accounts:

1. Proprietary vocational school supervision account (20452).
2. Local government records management account (20501).
3. Child health plus program account (20810).
4. EPIC premium account (20818).
5. Education - New (20901).
6. VLT - Sound basic education fund (20904).
7. Sewage treatment program management and administration fund (21000).
8. Hazardous bulk storage account (21061).
9. Federal grants indirect cost recovery account (21065).
10. Low level radioactive waste account (21066).
11. Recreation account (21067).
12. Public safety recovery account (21077).
13. Environmental regulatory account (21081).
14. Natural resource account (21082).
15. Mined land reclamation program account (21084).
16. Great lakes restoration initiative account (21087).
17. Environmental protection and oil spill compensation fund (21200).
18. Public transportation systems account (21401).
19. Metropolitan mass transportation (21402).
20. Operating permit program account (21451).
21. Mobile source account (21452).
22. Statewide planning and research cooperative system account (21902).
23. New York state thruway authority account (21905).
24. Mental hygiene program fund account (21907).
25. Mental hygiene patient income account (21909).
26. Financial control board account (21911).
27. Regulation of racing account (21912).
28. New York Metropolitan Transportation Council account (21913).
29. State university dormitory income reimbursable account (21937).
30. Criminal justice improvement account (21945).
31. Environmental laboratory reference fee account (21959).
32. Clinical laboratory reference system assessment account (21962).
33. Indirect cost recovery account (21978).
34. High school equivalency program account (21979).
35. Multi-agency training account (21989).
36. Interstate reciprocity for post-secondary distance education account (23800).
37. Bell jar collection account (22003).
38. Industry and utility service account (22004).

39. Real property disposition account (22006).
40. Parking account (22007).
41. Asbestos safety training program account (22009).
42. Batavia school for the blind account (22032).
43. Investment services account (22034).
44. Surplus property account (22036).
45. Financial oversight account (22039).
46. Regulation of Indian gaming account (22046).
47. Rome school for the deaf account (22053).
48. Seized assets account (22054).
49. Administrative adjudication account (22055).
50. Federal salary sharing account (22056).
51. New York City assessment account (22062).
52. Cultural education account (22063).
53. Local services account (22078).
54. DHCR mortgage servicing account (22085).
55. Department of motor vehicles compulsory insurance account (22087).
56. Housing indirect cost recovery account (22090).
57. DHCR-HCA application fee account (22100).
58. Low income housing monitoring account (22130).
59. Corporation administration account (22135).
60. Montrose veteran's home account (22144).
61. Deferred compensation administration account (22151).
62. Rent revenue other New York City account (22156).
63. Rent revenue account (22158).
64. Tax revenue arrearage account (22168).
65. State university general income offset account (22654).
66. Lake George park trust fund account (22751).
67. State police motor vehicle law enforcement account (22802).
68. Highway safety program account (23001).
69. DOH drinking water program account (23102).
70. NYCCC operating offset account (23151).
71. Commercial gaming revenue account (23701).
72. Commercial gaming regulation account (23702).
73. Highway use tax administration account (23801).
74. Highway and bridge capital account (30051).
75. Aviation purpose account (30053).
76. State university residence hall rehabilitation fund (30100).
77. State parks infrastructure account (30351).
78. Clean water/clean air implementation fund (30500).
79. Hazardous waste remedial cleanup account (31506).
80. Youth facilities improvement account (31701).
81. Housing assistance fund (31800).
82. Housing program fund (31850).
83. Highway facility purpose account (31951).
84. Information technology capital financing account (32215).
85. New York racing account (32213).
86. Capital miscellaneous gifts account (32214).
87. New York environmental protection and spill remediation account.
88. Mental hygiene facilities capital improvement fund (32300).
89. Correctional facilities capital improvement fund (32350).
90. New York State Storm Recovery Capital Fund (33000).
91. OGS convention center account (50318).
92. Empire Plaza Gift Shop (50327).
93. Centralized services fund (55000).
94. Archives records management account (55052).

95. Federal single audit account (55053).
96. Civil service EHS occupational health program account (55056).
97. Banking services account (55057).
98. Cultural resources survey account (55058).
99. Neighborhood work project account (55059).
100. Automation & printing chargeback account (55060).
101. OFT NYT account (55061).
102. Data center account (55062).
103. Intrusion detection account (55066).
104. Domestic violence grant account (55067).
105. Centralized technology services account (55069).
106. Labor contact center account (55071).
107. Human services contact center account (55072).
108. Tax contact center account (55073).
109. Executive direction internal audit account (55251).
110. CIO Information technology centralized services account (55252).
111. Health insurance internal service account (55300).
112. Civil service employee benefits division administrative account (55301).
113. Correctional industries revolving fund (55350).
114. Employees health insurance account (60201).
115. Medicaid management information system escrow fund (60900).

§ 1-a. The state comptroller is hereby authorized and directed to loan money in accordance with the provisions set forth in subdivision 5 of section 4 of the state finance law to any account within the following federal funds, provided the comptroller has made a determination that sufficient federal grant award authority is available to reimburse such loans:

1. Federal USDA-food and nutrition services fund (25000).
2. Federal health and human services fund (25100).
3. Federal education fund (25200).
4. Federal block grant fund (25250).
5. Federal miscellaneous operating grants fund (25300).
6. Federal unemployment insurance administration fund (25900).
7. Federal unemployment insurance occupational training fund (25950).
8. Federal emergency employment act fund (26000).
9. Federal capital projects fund (31350).

§ 2. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2018, up to the unencumbered balance or the following amounts:

Economic Development and Public Authorities:

1. $175,000 from the miscellaneous special revenue fund, underground facilities safety training account (22172), to the general fund.

2. An amount up to the unencumbered balance from the miscellaneous special revenue fund, business and licensing services account (21977), to the general fund.

3. $14,810,000 from the miscellaneous special revenue fund, code enforcement account (21904), to the general fund.

4. $3,000,000 from the general fund to the miscellaneous special revenue fund, tax revenue arrearage account (22168).

Education:

1. $2,394,714,000 from the general fund to the state lottery fund, education account (20901), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of

the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.

2. $966,634,000 from the general fund to the state lottery fund, VLT education account (20904), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.

3. Moneys from the state lottery fund (20900) up to an amount deposited in such fund pursuant to section 1612 of the tax law in excess of the current year appropriation for supplemental aid to education pursuant to section 92-c of the state finance law.

4. $300,000 from the New York state local government records management improvement fund, local government records management account (20501), to the New York state archives partnership trust fund, archives partnership trust maintenance account (20351).

5. $900,000 from the general fund to the miscellaneous special revenue fund, Batavia school for the blind account (22032).

6. $900,000 from the general fund to the miscellaneous special revenue fund, Rome school for the deaf account (22053).

7. $343,400,000 from the state university dormitory income fund (40350) to the miscellaneous special revenue fund, state university dormitory income reimbursable account (21937).

8. $20,000,000 from any of the state education department special revenue and internal service funds to the miscellaneous special revenue fund, indirect cost recovery account (21978).

9. $8,318,000 from the general fund to the state university income fund, state university income offset account (22654), for the state's share of repayment of the STIP loan.

10. $40,000,000 from the state university income fund, state university hospitals income reimbursable account (22656) to the general fund for hospital debt service for the period April 1, 2017 through March 31, 2018.

11. An amount up to $13,540,000 from the general fund to the state university income fund, state university general revenue account (22653).

12. $103,815,000 from the state lottery fund, state lottery account (20901) to the office of prekindergarten through grade twelve education program for general support to public schools, general fund, local assistance account (10000).

13. An amount up to the unencumbered balance of the capital projects, smart schools fund, to the general fund.

Environmental Affairs:

1. $16,000,000 from any of the department of environmental conservation's special revenue federal funds to the environmental conservation special revenue fund, federal indirect recovery account (21065).

2. $5,000,000 from any of the department of environmental conservation's special revenue federal funds to the conservation fund (21150) as necessary to avoid diversion of conservation funds.

3. $3,000,000 from any of the office of parks, recreation and historic preservation capital projects federal funds and special revenue federal funds to the miscellaneous special revenue fund, federal grant indirect cost recovery account (22188).

4. $1,000,000 from any of the office of parks, recreation and historic preservation special revenue federal funds to the miscellaneous special revenue fund, I love NY water account (21930).

5. $28,000,000 from the general fund to the environmental protection fund, environmental protection fund transfer account (30451).

6. $1,800,000 from the general fund to the hazardous waste remedial fund, hazardous waste oversight and assistance account (31505).

Family Assistance:

1. $7,000,000 from any of the office of children and family services, office of temporary and disability assistance, or department of health special revenue federal funds and the general fund, in accordance with agreements with social services districts, to the miscellaneous special revenue fund, office of human resources development state match account (21967).

2. $4,000,000 from any of the office of children and family services or office of temporary and disability assistance special revenue federal funds to the miscellaneous special revenue fund, family preservation and support services and family violence services account (22082).

3. $18,670,000 from any of the office of children and family services, office of temporary and disability assistance, or department of health special revenue federal funds and any other miscellaneous revenues generated from the operation of office of children and family services programs to the general fund.

4. $140,000,000 from any of the office of temporary and disability assistance or department of health special revenue funds to the general fund.

5. $2,500,000 from any of the office of temporary and disability assistance special revenue funds to the miscellaneous special revenue fund, office of temporary and disability assistance program account (21980).

6. $7,400,000 from any of the office of children and family services, office of temporary and disability assistance, department of labor, and department of health special revenue federal funds to the office of children and family services miscellaneous special revenue fund, multi-agency training contract account (21989).

7. $65,000,000 from the miscellaneous special revenue fund, youth facility per diem account (22186), to the general fund.

8. $621,850 from the general fund to the combined gifts, grants, and bequests fund, WB Hoyt Memorial account (20128).

9. $3,100,000 from the miscellaneous special revenue fund, state central registry (22028), to the general fund.

General Government:

1. $1,566,000 from the miscellaneous special revenue fund, examination and miscellaneous revenue account (22065) to the general fund.

2. $8,083,000 from the general fund to the health insurance revolving fund (55300).

3. $192,400,000 from the health insurance reserve receipts fund (60550) to the general fund.

4. $150,000 from the general fund to the not-for-profit revolving loan fund (20650).

5. $150,000 from the not-for-profit revolving loan fund (20650) to the general fund.

6. $3,000,000 from the miscellaneous special revenue fund, surplus property account (22036), to the general fund.

7. $19,000,000 from the miscellaneous special revenue fund, revenue arrearage account (22024), to the general fund.

8. $1,826,000 from the miscellaneous special revenue fund, revenue arrearage account (22024), to the miscellaneous special revenue fund, authority budget office account (22138).

9. $1,000,000 from the miscellaneous special revenue fund, parking services account (22007), to the general fund, for the purpose of reimbursing the costs of debt service related to state parking facilities.

10. $21,783,000 from the general fund to the centralized services fund, COPS account (55013).

11. $8,960,000 from the general fund to the agencies internal service fund, central technology services account (55069), for the purpose of enterprise technology projects.

12. $15,000,000 from the miscellaneous special revenue fund, workers' compensation account (21995), to the miscellaneous capital projects fund, workers' compensation board IT business process design fund, (32218).

Health:

1. A transfer from the general fund to the combined gifts, grants and bequests fund, breast cancer research and education account (20155), up to an amount equal to the monies collected and deposited into that account in the previous fiscal year.

2. A transfer from the general fund to the combined gifts, grants and bequests fund, prostate cancer research, detection, and education account (20183), up to an amount equal to the moneys collected and deposited into that account in the previous fiscal year.

3. A transfer from the general fund to the combined gifts, grants and bequests fund, Alzheimer's disease research and assistance account (20143), up to an amount equal to the moneys collected and deposited into that account in the previous fiscal year.

4. $30,555,000 from the HCRA resources fund (20800) to the miscellaneous special revenue fund, empire state stem cell trust fund account (22161).

5. $6,000,000 from the miscellaneous special revenue fund, certificate of need account (21920), to the miscellaneous capital projects fund, healthcare IT capital subfund (32216).

6. $2,000,000 from the miscellaneous special revenue fund, vital health records account (22103), to the miscellaneous capital projects fund, healthcare IT capital subfund (32216)

7. $2,000,000 from the miscellaneous special revenue fund, professional medical conduct account (22088), to the miscellaneous capital projects fund, healthcare IT capital subfund (32216).

8. $76,021,000 from the HCRA resources fund (20800) to the capital projects fund (30000).

9. $4,540,000 from the general fund to the medical marihuana trust fund, health operation and oversight account (23755).

10. $1,086,000 from the miscellaneous special revenue fund, certificate of need account (21920), to the general fund.

Labor:

1. $400,000 from the miscellaneous special revenue fund, DOL fee and penalty account (21923), to the child performer's protection fund, child performer protection account (20401).

2. $12,400,000 from the miscellaneous special revenue fund, DOL fee and penalty account (21923), to the general fund.

3. $13,300,000 from the unemployment insurance interest and penalty fund, unemployment insurance special interest and penalty account (23601), to the general fund.

4. $15,000,000 from the miscellaneous special revenue fund, public work enforcement account (21998), to the general fund.

Mental Hygiene:

1. $10,000,000 from the miscellaneous special revenue fund, mental hygiene patient income account (21909), to the miscellaneous special revenue fund, federal salary sharing account (22056).
2. $1,800,000,000 from the general fund to the miscellaneous special revenue fund, mental hygiene patient income account (21909).
3. $1,700,000,000 from the general fund to the miscellaneous special revenue fund, mental hygiene program fund account (21907).
4. $146,915,000 from the miscellaneous special revenue fund, mental hygiene program fund account (21907), to the general fund.
5. $123,954,000 from the miscellaneous special revenue fund, mental hygiene patient income account (21909), to the general fund.
6. $3,800,000 from the miscellaneous special revenue fund, mental hygiene patient income account (21909), to the agencies internal service fund, civil service EHS occupational health program account (55056).
7. $11,500,000 from the chemical dependence service fund, substance abuse services fund account (22700), to the capital projects fund (30000).
8. $3,500,000 from the chemical dependence service fund, substance abuse services fund account (22700), to the mental hygiene capital improvement fund (32305).

Public Protection:

1. $1,350,000 from the miscellaneous special revenue fund, emergency management account (21944), to the general fund.
2. $2,087,000 from the general fund to the miscellaneous special revenue fund, recruitment incentive account (22171).
3. $12,000,000 from the general fund to the correctional industries revolving fund, correctional industries internal service account (55350).
4. $3,000,000 from the federal miscellaneous operating grants fund, DMNA damage account (25324), to the general fund.
5. $8,600,000 from the miscellaneous special revenue fund, criminal justice improvement account (21945), to the general fund.
6. $112,420,000 from the state police motor vehicle law enforcement and motor vehicle theft and insurance fraud prevention fund, state police motor vehicle enforcement account (22802), to the general fund for state operation expenses of the division of state police.
7. Intentionally omitted.
8. $117,500,000 from the general fund to the correctional facilities capital improvement fund (32350).
9. $5,000,000 from the general fund to the dedicated highway and bridge trust fund (30050) for the purpose of work zone safety activities provided by the division of state police for the department of transportation.
10. $5,238,000 from the miscellaneous special revenue fund, statewide public safety communications account (22123), to the capital projects fund (30000).
11. $9,545,000 from the miscellaneous special revenue fund, legal services assistance account (22096), to the general fund.
12. $1,000,000 from the general fund to the agencies internal service fund, neighborhood work project account (55059).
13. $5,940,556 from the miscellaneous special revenue fund, fingerprint identification & technology account (21950), to the general fund.
14. $4,300,000 from the state police motor vehicle law enforcement and motor vehicle theft and insurance fraud prevention fund, motor vehicle theft and insurance fraud account (22801), to the general fund.

15. $50,000,000 from the miscellaneous special revenue fund, public safety communications account (22123), to the general fund.

16. $2,000,000 from the general fund to the miscellaneous special revenue fund, crimes against revenue program account (22015).

Transportation:

1. $17,672,000 from the federal miscellaneous operating grants fund to the miscellaneous special revenue fund, New York Metropolitan Transportation Council account (21913).

2. $20,147,000 from the federal capital projects fund to the miscellaneous special revenue fund, New York Metropolitan Transportation Council account (21913).

3. $15,058,017 from the general fund to the mass transportation operating assistance fund, public transportation systems operating assistance account (21401), of which $12,000,000 constitutes the base need for operations.

4. $733,500,000 from the general fund to the dedicated highway and bridge trust fund (30050).

5. $3,662,000 from the miscellaneous special revenue fund, accident prevention course program account (22094), to the dedicated highway and bridge trust fund (30050).

6. $3,065,000 from the miscellaneous special revenue fund, motorcycle safety account (21976), to the dedicated highway and bridge trust fund (30050).

7. $244,250,000 from the general fund to the MTA financial assistance fund, mobility tax trust account (23651).

8. $5,000,000 from the miscellaneous special revenue fund, transportation regulation account (22067) to the dedicated highway and bridge trust fund (30050), for disbursements made from such fund for motor carrier safety that are in excess of the amounts deposited in the dedicated highway and bridge trust fund (30050) for such purpose pursuant to section 94 of the transportation law.

9. $114,000 from the miscellaneous special revenue fund, seized assets account (21906), to the dedicated highway and bridge trust fund (30050).

10. $500,000 from the clean air fund, mobile source account (21452), to the general fund.

11. $3,000,000 from the miscellaneous special revenue fund, traffic adjudication account (22055), to the general fund.

12. $121,548,000 from the mass transportation operating assistance fund, metropolitan mass transportation operating assistance account (21402), to the capital projects fund (30000).

13. An amount up to $6,800,000 from the general fund, to the impaired driving safety fund.

Miscellaneous:

1. $250,000,000 from the general fund to any funds or accounts for the purpose of reimbursing certain outstanding accounts receivable balances.

2. $500,000,000 from the general fund to the debt reduction reserve fund (40000).

3. $450,000,000 from the New York state storm recovery capital fund (33000) to the revenue bond tax fund (40152).

4. $15,500,000 from the general fund, community projects account GG (10256), to the general fund, state purposes account (10050).

5. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to sweep $150,000,000 from the rainy day fund to the general fund on or before March 31, 2018.

6. Notwithstanding any law to the contrary, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2018, up to $20,000,000 from the abandoned property-31 account (70059) to the state general fund.

§ 3. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, on or before March 31, 2018:

1. Upon request of the commissioner of environmental conservation, up to $12,234,600 from revenues credited to any of the department of environmental conservation special revenue funds, including $4,000,000 from the environmental protection and oil spill compensation fund (21200), and $1,793,600 from the conservation fund (21150), to the environmental conservation special revenue fund, indirect charges account (21060).

2. Upon request of the commissioner of agriculture and markets, up to $3,000,000 from any special revenue fund or enterprise fund within the department of agriculture and markets to the general fund, to pay appropriate administrative expenses.

3. Upon request of the commissioner of agriculture and markets, up to $2,000,000 from the state exposition special fund, state fair receipts account (50051) to the miscellaneous capital projects fund, state fair capital improvement account (32208).

4. Upon request of the commissioner of the division of housing and community renewal, up to $6,221,000 from revenues credited to any division of housing and community renewal federal or miscellaneous special revenue fund to the miscellaneous special revenue fund, housing indirect cost recovery account (22090).

5. Upon request of the commissioner of the division of housing and community renewal, up to $5,500,000 may be transferred from any miscellaneous special revenue fund account, to any miscellaneous special revenue fund.

6. Upon request of the commissioner of health up to $8,500,000 from revenues credited to any of the department of health's special revenue funds, to the miscellaneous special revenue fund, administration account (21982).

§ 4. On or before March 31, 2018, the comptroller is hereby authorized and directed to deposit earnings that would otherwise accrue to the general fund that are attributable to the operation of section 98-a of the state finance law, to the agencies internal service fund, banking services account (55057), for the purpose of meeting direct payments from such account.

§ 5. Notwithstanding any law to the contrary, upon the direction of the director of the budget and upon requisition by the state university of New York, the dormitory authority of the state of New York is directed to transfer, up to $22,000,000 in revenues generated from the sale of notes or bonds, the state university income fund general revenue account (22653) for reimbursement of bondable equipment for further transfer to the state's general fund.

§ 6. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget and upon consultation with the state university chancellor or his or her designee, on or before March 31, 2018, up to $16,000,000 from the state university income fund general revenue account (22653) to the state general fund for debt service costs related to campus supported capital project costs for the NY-SUNY 2020 challenge grant program at the University at Buffalo.

§ 7. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget and upon consultation with the state university chancellor or his or her designee, on or before March 31, 2018, up to $6,500,000 from the state university income fund general revenue account (22653) to the state general fund for debt service costs related to campus supported capital project costs for the NY-SUNY 2020 challenge grant program at the University at Albany.

§ 8. Notwithstanding any law to the contrary, the state university chancellor or his or her designee is authorized and directed to transfer estimated tuition revenue balances from the state university collection fund (61000) to the state university income fund, state university general revenue offset account (22655) on or before March 31, 2018.

§ 9. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $87,764,000 from the general fund to the state university income fund, state university hospitals income reimbursable account (22656) during the period July 1, 2017 through June 30, 2018 to reflect ongoing state subsidy of SUNY hospitals and to pay costs attributable to the SUNY hospitals' state agency status.

§ 10. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $1,000,138,300 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2017 through June 30, 2018 to support operations at the state university.

§ 11. Notwithstanding any law to the contrary, and in accordance with section 4 of the state financial law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $100,000 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of April 1, 2017 through June 30, 2017 to support operations at the state university.

§ 12. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the state university chancellor or his or her designee, up to $55,000,000 from the state university income fund, state university hospitals income reimbursable account (22656), for services and expenses of hospital operations and capital expenditures at the state university hospitals; and the state university income fund, Long Island veterans' home account (22652) to the state university capital projects fund (32400) on or before June 30, 2018.

§ 13. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller, after consultation with the state university chancellor or his or her designee, is hereby authorized and directed to transfer moneys, in the first instance, from the state university collection fund, Stony Brook hospital collection account (61006), Brooklyn hospital collection account (61007), and Syracuse hospital collection account (61008) to the state university income fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to permit the full transfer of moneys authorized for transfer,

to the general fund for payment of debt service related to the SUNY hospitals. Notwithstanding any law to the contrary, the comptroller is also hereby authorized and directed, after consultation with the state university chancellor or his or her designee, to transfer moneys from the state university income fund to the state university income fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to pay hospital operating costs or to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals on or before March 31, 2018.

§ 14. Notwithstanding any law to the contrary, upon the direction of the director of the budget and the chancellor of the state university of New York or his or her designee, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer monies from the state university dormitory income fund (40350) to the state university residence hall rehabilitation fund (30100), and from the state university residence hall rehabilitation fund (30100) to the state university dormitory income fund (40350), in an amount not to exceed $80 million from each fund.

§ 15. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer monies, upon request of the director of the budget, on or before March 31, 2018, from and to any of the following accounts: the miscellaneous special revenue fund, patient income account (21909), the miscellaneous special revenue fund, mental hygiene program fund account (21907), the miscellaneous special revenue fund, federal salary sharing account (22056), or the general fund in any combination, the aggregate of which shall not exceed $350 million.

§ 16. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $250 million from the unencumbered balance of any special revenue fund or account, agency fund or account, internal service fund or account, enterprise fund or account, or any combination of such funds and accounts, to the general fund. The amounts transferred pursuant to this authorization shall be in addition to any other transfers expressly authorized in the 2017-18 budget. Transfers from federal funds, debt service funds, capital projects funds, the community projects fund, or funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

§ 17. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $100 million from any non-general fund or account, or combination of funds and accounts, to the miscellaneous special revenue fund, technology financing account (22207), the miscellaneous capital projects fund, information technology capital financing account (32215), or the centralized technology services account (55069), for the purpose of consolidating technology procurement and services. The amounts transferred to the miscellaneous special revenue fund, technology financing account (22207) pursuant to this authorization shall be equal to or less than the amount of such monies intended to support information technology costs which are attributable, according to a plan, to such account

made in pursuance to an appropriation by law. Transfers to the technology financing account shall be completed from amounts collected by non-general funds or accounts pursuant to a fund deposit schedule or permanent statute, and shall be transferred to the technology financing account pursuant to a schedule agreed upon by the affected agency commissioner. Transfers from funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

§ 17-a. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to twenty million dollars ($20,000,000) from the unencumbered balance of any special revenue fund or account, or combination of funds and accounts, to the community projects fund. The amounts transferred pursuant to this authorization shall be in addition to any other transfers expressly authorized in the 2016-17 budget. Transfers from federal funds, debt services funds, capital projects funds, or funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization. The director of the budget shall (a) have received a request in writing from one or both houses of the legislature, and (b) notify both houses of the legislature in writing prior to initiating transfers pursuant to this authorization. The comptroller shall provide the director of the budget, the chair of the senate finance committee, and the chair of the assembly ways and means committee with an accurate accounting and report of any transfers that occur pursuant to this section on or before the fifteenth day of the following month in which such transfers occur.

§ 18. Intentionally omitted.

§ 19. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $400 million from any non-general fund or account, or combination of funds and accounts, to the general fund for the purpose of consolidating technology procurement and services. The amounts transferred pursuant to this authorization shall be equal to or less than the amount of such monies intended to support information technology costs which are attributable, according to a plan, to such account made in pursuance to an appropriation by law. Transfers to the general fund shall be completed from amounts collected by non-general funds or accounts pursuant to a fund deposit schedule. Transfers from funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

§ 20. Notwithstanding any provision of law, rule or regulation to the contrary, the New York state energy research and development authority is authorized and directed to make the following contributions to the state treasury to the credit of the general fund on or before March 31, 2018: (a) $913,000; and (b) $78,000,000 from proceeds collected by the authority from the auction or sale of carbon dioxide emission allowances allocated by the department of environmental conservation.

§ 21. Subdivision 5 of section 97-rrr of the state finance law, as amended by section 21 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

5. Notwithstanding the provisions of section one hundred seventy-one-a of the tax law, as separately amended by chapters four hundred eighty-one and four hundred eighty-four of the laws of nineteen hundred eighty-one, and notwithstanding the provisions of chapter ninety-four of the laws of two thousand eleven, or any other provisions of law to the contrary, during the fiscal year beginning April first, two thousand [~~sixteen~~] **seventeen**, the state comptroller is hereby authorized and directed to deposit to the fund created pursuant to this section from amounts collected pursuant to article twenty-two of the tax law and pursuant to a schedule submitted by the director of the budget, up to [~~$3,283,844,000~~] **$2,655,997,000**, as may be certified in such schedule as necessary to meet the purposes of such fund for the fiscal year beginning April first, two thousand [~~sixteen~~] **seventeen**.

§ 22. Notwithstanding any law to the contrary, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2018, the following amounts from the following special revenue accounts to the capital projects fund (30000), for the purposes of reimbursement to such fund for expenses related to the maintenance and preservation of state assets:

1. $43,000 from the miscellaneous special revenue fund, administrative program account (21982).

2. $1,478,000 from the miscellaneous special revenue fund, helen hayes hospital account (22140).

3. $366,000 from the miscellaneous special revenue fund, New York city veterans' home account (22141).

4. $513,000 from the miscellaneous special revenue fund, New York state home for veterans' and their dependents at oxford account (22142).

5. $159,000 from the miscellaneous special revenue fund, western New York veterans' home account (22143).

6. $323,000 from the miscellaneous special revenue fund, New York state for veterans in the lower-hudson valley account (22144).

7. $2,550,000 from the miscellaneous special revenue fund, patron services account (22163).

8. $41,930,000 from the miscellaneous special revenue fund, state university dormitory income reimbursable account (21937).

9. $830,000 from the miscellaneous special revenue fund, long island veterans' home account (22652).

10. $5,379,000 from the miscellaneous special revenue fund, state university general income reimbursable account (22653).

11. $112,556,000 from the miscellaneous special revenue fund, state university revenue offset account (22655).

12. $557,000 from the miscellaneous special revenue fund, state university of New York tuition reimbursement account (22659).

§ 22-a. Subdivision 3 of section 93-b of the state finance law, as added by section 1 of part H of chapter 60 of the laws of 2015, the opening paragraph as amended by section 1 of part M of chapter 57 of the laws of 2016, and paragraph (a) as amended by section 27 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

3. Transfers. Notwithstanding any other provisions of law to the contrary, commencing on April first, two thousand fifteen, and continuing through March thirty-first, two thousand twenty-one, the comptroller is hereby authorized to transfer monies from the dedicated infrastructure investment fund to the general fund, and from the general fund to

the dedicated infrastructure investment fund, in an amount determined by the director of the budget to the extent moneys are available in the fund; provided, however, that the comptroller is only authorized to transfer monies from the dedicated infrastructure investment fund to the general fund in the event of an economic downturn as described in paragraph (a) of this subdivision[~~; and/or to fulfill disallowances and/or settlements related to over-payments of federal medicare and medicaid revenues in excess of one hundred million dollars from anticipated levels, as determined by the director of the budget and described in paragraph (b) of this subdivision~~].

(a) Economic downturn. Notwithstanding any law to the contrary, for the purpose of this section, the commissioner of labor shall calculate and publish, on or before the fifteenth day of each month, a composite index of business cycle indicators. Such index shall be calculated using monthly data on New York state private sector employment, average weekly hours of manufacturing workers, and the unemployment rate prepared by the department of labor or its successor agency, and total sales tax collections adjusted for inflation, prepared by the department of taxation and finance or its successor agency. Such index shall be adjusted for seasonal variations in accordance with the procedures issued by the United States Census Bureau or its successor agency. If the composite index declines for five consecutive months, the commissioner of labor shall notify the governor, the speaker of the assembly, the temporary president of the senate, and the minority leaders of the assembly and the senate. Upon such notification, the director of the budget may authorize and direct the comptroller to transfer from the dedicated infrastructure investment fund to the general fund such amounts as the director of the budget deems necessary to meet the requirements of the state financial plan. The authority to transfer funds under the provisions of this paragraph shall lapse when the composite index shall have increased for five consecutive months or twelve months from the original notification of the commissioner of labor, whichever occurs earlier. Provided, however, that for every additional and consecutive monthly decline succeeding the five month decline so noted by the commissioner of labor, the twelve month lapse date shall be extended by one additional month.

(b) [~~Federal medicare and medicaid revenues. Notwithstanding any law to the contrary, the director of the budget may authorize and direct the comptroller to transfer from the dedicated infrastructure investment fund to the general fund an amount not to exceed the disallowances and/or settlements related to the over-payments of federal medicare and medicaid revenues. In the event this authorization is utilized, the director of the budget may authorize and direct the comptroller to transfer such amount and the concomitant reduction in state share medicare and medicaid revenues from the general fund to the miscellaneous special revenue fund, mental hygiene program fund (21907), the miscellaneous special revenue fund, patient income account (21909), and the Medicaid Management Information System (MMIS) Statewide Escrow Fund (60901).~~

~~(c)~~] Prior to authorizing any transfer from the dedicated infrastructure investment fund accounts pursuant to the provisions of this section, the director of the budget shall notify the speaker of the assembly, the temporary president of the senate, and the minority leaders of the assembly and the senate. Such letter shall specify the reasons for the transfer and the amount thereof.

§ 22-b. Intentionally omitted.

§ 22-c. Subdivision 1 of section 4 of section 1 of part D3 of chapter 62 of the laws of 2003 amending the general business law and other laws relating to implementing the state fiscal plan for the 2003-2004 state fiscal year, is amended to read as follows:

1. The state representative, upon the execution of a sale agreement on behalf of the state may sell to the corporation, and the corporation may purchase, for cash or other consideration and in one or more installments, all or a portion of the state's share. Any such agreement shall provide, among other matters, that the purchase price payable by the corporation to the state for such state's share or portion thereof shall consist of the net proceeds of the bonds issued to finance such purchase price and the residual interests, if any. The residual interests shall be deposited into [~~the tobacco settlement fund pursuant to section 92-x of the state finance law, unless otherwise directed by statute~~] **the Medicaid management information system (MMIS) statewide escrow fund within thirty days upon the availability of such residual interests to fund a portion of the cumulative non-federal share of expenses related to the state takeover of the local share of Medicaid growth pursuant to part F of chapter 56 of the laws of 2012. Such deposit shall be in an amount equal to (a) the amount of residual interests scheduled for deposit into the MMIS statewide escrow fund in the applicable year's enacted budget financial plan as updated or (b) the total amount of residual interests available if the total amount of such residual interests is less than the total amount of residual interests scheduled for deposit into the MMIS statewide escrow fund in the applicable year's enacted budget financial plan as updated. At the discretion of the state representative, any residual interests which exceed the amount scheduled for deposit into the MMIS statewide escrow fund in the applicable year's enacted budget financial plan as updated may either be deposited into the (i) MMIS escrow fund to fund a portion, as determined by the state representative, of the cumulative non-Federal share of expenses related to the State takeover of the local share of Medicaid growth, pursuant to part F of chapter 56 of the laws of 2012, or (ii) the state general fund**; provided, however that any residual interest derived from other assets shall be applied as directed by statute. Any such sale shall be pursuant to one or more sale agreements which may contain such terms and conditions deemed necessary by the state representative to carry out and effectuate the purposes of this section, including covenants binding the state in favor of the corporation and its assignees, including the owners of its bonds such as covenants with respect to the enforcement at the expense of the state of the payment provisions of the master settlement agreement, the diligent enforcement at the expense of the state of the qualifying statute, the application and use of the proceeds of the sale of the state's share to preserve the tax-exemption on the bonds, the interest on which is intended to be exempt from federal income tax, issued to finance the purchase thereof and otherwise as provided in this act. Notwithstanding the foregoing, neither the state representative nor the corporation shall be authorized to make any covenant, pledge, promise or agreement purporting to bind the state with respect to pledged tobacco revenues, except as otherwise specifically authorized by this act.

§ 22-d. The state finance law is amended by adding a new section 99-aa to read as follows:

§ 99-aa. Retiree health benefit trust fund. 1. There is hereby established in the joint custody of the state comptroller and the commission-

er of the department of civil service a special investment fund to be known as the retiree health benefit trust fund.

2. For purposes of this section: (a) "commissioner" shall mean the commissioner of the department of civil service, except wherein this section the commissioner of the department of taxation and finance is referenced;

(b) "state" shall mean the state of New York;

(c) "fund", or "trust", or "trust fund" shall mean the retiree health benefit trust fund created by this section; and

(d) "retiree health benefits" shall mean benefits, except pensions or other benefits funded through a public retirement system, provided or to be provided by the state as compensation, whether pursuant to statute, contract or other lawful authority, to its current or former officers or employees, or their families or beneficiaries, after service to the state has ended, including, but not limited to, health care benefits.

3. (a) Notwithstanding any provision of law to the contrary, the retiree health benefit trust fund is established for the exclusive benefit of retired state employees and their dependents.

(b) The sole purpose of the trust fund established pursuant to subdivision one of this section shall be to fund the health and welfare benefits of retired state employees and their dependents.

4. (a) Payments into and from the trust fund established pursuant to subdivision one of this section shall be made in accordance with this section.

(b) Contributions to the trust, and any interest or other income or earnings on contributions, shall be irrevocable before all liabilities of the state government for retiree health benefits have been satisfied and shall be solely dedicated to, and used solely for, providing retiree health benefits and paying appropriate and reasonable expenses of administering the trust. No assets, income, earnings or distributions of the trust shall be subject to any claim of creditors of the state, or to assignment or execution, attachment or any other claim enforcement process initiated by or on behalf of such creditors. Except as otherwise provided in subdivision seven of this section, the commissioner shall not be responsible for the adequacy of the assets of the trust to meet any other post-employment benefit. The commissioner shall not be responsible for taking any action to enforce the payment of any appropriation into the trust. The trust may be terminated only when all liabilities of the state for retiree health benefits have been satisfied and there is no present or future obligation, contingent or otherwise, of the state to provide such retiree health benefits. Upon such termination, any remaining trust assets, after any proper expenses of the trust have been paid, shall revert to the state.

(c) At the close of each fiscal year, the director of the budget shall certify the cash surplus remaining in the general fund; such cash surplus shall be calculated by the director of the budget as the excess of estimated aggregate receipts above the estimated aggregate disbursements at the end of the fiscal year. Upon such calculation and certification, a portion of any certified cash surplus remaining in the general fund, which such portion shall be determined in the sole discretion of the director of the budget, may be transferred or deposited directly to the trust fund at the sole request of the director of the budget.

(d) All payments for retiree health and welfare benefits from such trust fund shall not be subject to an appropriation and shall be transferred, to the extent funds are available in such trust fund, to the

health insurance fund for the sole and exclusive purpose of funding retiree health benefits.

5. Investments. (a) The commissioner may establish a trust in his or her custody for the purpose of accumulating assets to fund the cost of providing retiree health benefits.

(b) The state comptroller is hereby declared to be the trustee of the trust established pursuant to subdivision one of this section. The state comptroller shall manage the investments of the trust fund established pursuant to subdivision one of this section in a careful and prudent manner consistent with the guidelines and provisions of section ninety-eight of this article.

(c) Any interest or other income or earnings resulting from the investment of assets of the trust shall accrue to and become part of the assets of the trust.

6. Neither the state nor the state comptroller shall be liable for any loss or expense suffered by the trust in the absence of bad faith, willful misconduct or intentional wrongdoing. The state comptroller shall be considered to be acting as an officer of the state for purposes of section seventeen of the public officers law, provided, however, that the costs of any defense or indemnification arising from the exercise of the functions of trustee shall be payable from the assets of the trust.

7. Nothing contained in this section shall be interpreted or construed to: (a) create any obligation in, impose any obligation on, or alter any obligation of the state to provide retiree health benefits;

(b) limit or restrict the authority of the state to modify or eliminate retiree health benefits;

(c) assure or deny retiree health benefits; or

(d) require the state to fund its liability for retiree health benefits.

§ 23. Notwithstanding any other law, rule, or regulation to the contrary, the state comptroller is hereby authorized and directed to use any balance remaining in the mental health services fund debt service appropriation, after payment by the state comptroller of all obligations required pursuant to any lease, sublease, or other financing arrangement between the dormitory authority of the state of New York as successor to the New York state medical care facilities finance agency, and the facilities development corporation pursuant to chapter 83 of the laws of 1995 and the department of mental hygiene for the purpose of making payments to the dormitory authority of the state of New York for the amount of the earnings for the investment of monies deposited in the mental health services fund that such agency determines will or may have to be rebated to the federal government pursuant to the provisions of the internal revenue code of 1986, as amended, in order to enable such agency to maintain the exemption from federal income taxation on the interest paid to the holders of such agency's mental services facilities improvement revenue bonds. Annually on or before each June 30th, such agency shall certify to the state comptroller its determination of the amounts received in the mental health services fund as a result of the investment of monies deposited therein that will or may have to be rebated to the federal government pursuant to the provisions of the internal revenue code of 1986, as amended.

§ 24. Subdivision 1 of section 47 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 29 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the office of information technology services, department of law, and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~three~~] four hundred [~~sixty-four~~] fifty million [~~eight~~] five hundred forty thousand dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 25. Subdivision 1 of section 16 of part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 30 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed seven billion [~~four~~] seven hundred [~~twenty-four~~] forty-one million [~~nine~~] one hundred ninety-nine thousand dollars [~~$7,424,999,000~~] $7,741,199,000, and shall include all bonds, notes and other obligations issued pursuant to chapter 56 of the laws of 1983, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the correctional facilities capital improvement fund to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the department of corrections and community supervision from the correctional facilities capital improvement fund for capital projects. The aggregate amount of bonds, notes or other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from appropriations or reappropriations made to the department of corrections and community supervision; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than seven billion [~~four~~] seven hundred [~~twenty-four~~] forty-one million [~~nine~~] one hundred ninety-nine thousand dollars [~~$7,424,999,000~~] $7,741,199,000, only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of

the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

§ 26. Paragraph (a) of subdivision 2 of section 47-e of the private housing finance law, as amended by section 31 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

(a) Subject to the provisions of chapter fifty-nine of the laws of two thousand, in order to enhance and encourage the promotion of housing programs and thereby achieve the stated purposes and objectives of such housing programs, the agency shall have the power and is hereby authorized from time to time to issue negotiable housing program bonds and notes in such principal amount as shall be necessary to provide sufficient funds for the repayment of amounts disbursed (and not previously reimbursed) pursuant to law or any prior year making capital appropriations or reappropriations for the purposes of the housing program; provided, however, that the agency may issue such bonds and notes in an aggregate principal amount not exceeding [~~four~~] five billion [~~six~~] three hundred [~~ninety-seven~~] eighty-four million [~~four~~] one hundred [~~seventy-four~~] ninety-nine thousand dollars, plus a principal amount of bonds issued to fund the debt service reserve fund in accordance with the debt service reserve fund requirement established by the agency and to fund any other reserves that the agency reasonably deems necessary for the security or marketability of such bonds and to provide for the payment of fees and other charges and expenses, including underwriters' discount, trustee and rating agency fees, bond insurance, credit enhancement and liquidity enhancement related to the issuance of such bonds and notes. No reserve fund securing the housing program bonds shall be entitled or eligible to receive state funds apportioned or appropriated to maintain or restore such reserve fund at or to a particular level, except to the extent of any deficiency resulting directly or indirectly from a failure of the state to appropriate or pay the agreed amount under any of the contracts provided for in subdivision four of this section.

§ 27. Subdivision (b) of section 11 of chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, as amended by section 32 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

(b) Any service contract or contracts for projects authorized pursuant to sections 10-c, 10-f, 10-g and 80-b of the highway law and section 14-k of the transportation law, and entered into pursuant to subdivision (a) of this section, shall provide for state commitments to provide annually to the thruway authority a sum or sums, upon such terms and conditions as shall be deemed appropriate by the director of the budget, to fund, or fund the debt service requirements of any bonds or any obligations of the thruway authority issued to fund or to reimburse the state for funding such projects having a cost not in excess of

[~~$9,147,234,000~~] $9,634,586,000 cumulatively by the end of fiscal year [~~2016-17~~] 2017-18.

§ 28. Subdivision 1 of section 1689-i of the public authorities law, as amended by section 33 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

1. The dormitory authority is authorized to issue bonds, at the request of the commissioner of education, to finance eligible library construction projects pursuant to section two hundred seventy-three-a of the education law, in amounts certified by such commissioner not to exceed a total principal amount of one hundred [~~fifty-nine~~] eighty-eight million dollars.

§ 29. Subdivision (a) of section 27 of part Y of chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, as amended by section 34 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding any provisions of law to the contrary, the urban development corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~$167,600,000~~] $173,600,000, excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital projects including IT initiatives for the division of state police, debt service and leases; and to reimburse the state general fund for disbursements made therefor. Such bonds and notes of such authorized issuer shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuer for debt service and related expenses pursuant to any service contract executed pursuant to subdivision (b) of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 30. Section 44 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 35 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

§ 44. Issuance of certain bonds or notes. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, the clarkson-trudeau partnership, the New York genome center, the cornell university college of veterinary medicine, the olympic regional development authority, projects at nano Utica, onondaga county revitalization projects, Binghamton university school of pharmacy, New York power electronics manufacturing consortium, regional infrastructure projects, high technology manufacturing projects in Chautauqua and Erie county, an industrial scale research and development facility in Clinton county, upstate revitalization initiative

projects, market New York projects, fairground buildings or facilities used to house and promote agriculture, **the state fair, the empire state trail, the moynihan station development project, the Kingsbridge armory project, water infrastructure in the city of Auburn and town of Owasco, a life sciences laboratory public health initiative,** and other state costs associated with such projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~four~~] **five** billion [~~six~~] **nine** hundred [~~seventy-one~~] **fifty** million [~~seven hundred fifty-seven thousand~~] dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the corporation in undertaking the financing for project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, the clarkson-trudeau partnership, the New York genome center, the cornell university college of veterinary medicine, the olympic regional development authority, projects at nano Utica, onondaga county revitalization projects, Binghamton university school of pharmacy, New York power electronics manufacturing consortium, regional infrastructure projects, high technology manufacturing projects in Chautauqua and Erie county, an industrial scale research and development facility in Clinton county, upstate revitalization initiative projects, market New York projects, fairground buildings or facilities used to house and promote agriculture, **the state fair, the empire state trail, the moynihan station development project, the Kingsbridge armory project, water infrastructure in the city of Auburn and town of Owasco, a life sciences laboratory public health initiative,** and other state costs associated with such projects, the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the corporation agree, so as to annually provide to the dormitory authority and the corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service contract entered into pursuant to this section shall provide that the obligation of the state to pay the amount therein provided shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of monies available and that no liability shall be incurred by the state beyond the monies available for such purpose, subject to annual appropriation

by the legislature. Any such contract or any payments made or to be made thereunder may be assigned and pledged by the dormitory authority and the corporation as security for its bonds and notes, as authorized by this section.

§ 31. Subdivisions 1 and 3 of section 1285-p of the public authorities law, subdivision 1 as amended by section 33 of part I of chapter 60 of the laws of 2015 and subdivision 3 as amended by section 36 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

1. Subject to chapter fifty-nine of the laws of two thousand, but notwithstanding any other provisions of law to the contrary, in order to assist the corporation in undertaking the administration and the financing of the design, acquisition, construction, improvement, installation, and related work for all or any portion of any of the following environmental infrastructure projects and for the provision of funds to the state for any amounts disbursed therefor: (a) projects authorized under the environmental protection fund, or for which appropriations are made to the environmental protection fund including, but not limited to municipal parks and historic preservation, stewardship, farmland protection, non-point source, pollution control, Hudson River Park, land acquisition, and waterfront revitalization; (b) department of environmental conservation capital appropriations for Onondaga Lake for certain water quality improvement projects in the same manner as set forth in paragraph (d) of subdivision one of section 56-0303 of the environmental conservation law; (c) for the purpose of the administration, management, maintenance, and use of the real property at the western New York nuclear service center; (d) department of environmental conservation capital appropriations for the administration, design, acquisition, construction, improvement, installation, and related work on department of environmental conservation environmental infrastructure projects; (e) office of parks, recreation and historic preservation appropriations or reappropriations from the state parks infrastructure fund; (f) capital grants for the cleaner, greener communities program [~~and~~]; (g) capital costs of water quality infrastructure projects **and (h) capital costs of clean water infrastructure projects** the director of the division of budget and the corporation are each authorized to enter into one or more service contracts, none of which shall exceed twenty years in duration, upon such terms and conditions as the director and the corporation may agree, so as to annually provide to the corporation in the aggregate, a sum not to exceed the annual debt service payments and related expenses required for any bonds and notes authorized pursuant to section twelve hundred ninety of this title. Any service contract entered into pursuant to this section shall provide that the obligation of the state to fund or to pay the amounts therein provided for shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of moneys available for such purposes, subject to annual appropriation by the legislature. Any such service contract or any payments made or to be made thereunder may be assigned and pledged by the corporation as security for its bonds and notes, as authorized pursuant to section twelve hundred ninety of this title.

3. The maximum amount of bonds that may be issued for the purpose of financing environmental infrastructure projects authorized by this section shall be [~~two~~] **four** billion [~~one~~] **four** hundred [~~eight~~] **fifty-one** million [~~two~~] **seven** hundred sixty thousand dollars, exclusive of bonds issued to fund any debt service reserve funds, pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay bonds

or notes previously issued. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision one of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

§ 32. Subdivision 1 of section 45 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 37 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the urban development corporation of the state of New York is hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the implementation of a NY-SUNY and NY-CUNY 2020 challenge grant program subject to the approval of a NY-SUNY and NY-CUNY 2020 plan or plans by the governor and either the chancellor of the state university of New York or the chancellor of the city university of New York, as applicable. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~$550,000,000~~] $660,000,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 33. Subdivision (a) of section 48 of part K of chapter 81 of the laws of 2002, providing for the administration of certain funds and accounts related to the 2002-2003 budget, as amended by section 38 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000 but notwithstanding the provisions of section 18 of the urban development corporation act, the corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~$197,000,000~~] $250,000,000 excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital costs related to homeland security and training facilities for the division of state police, the division of military and naval affairs, and any other state agency, including the reimbursement of any disbursements made from the state capital projects fund, and is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~$509,600,000~~] $654,800,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing improvements to State office buildings and other facilities located statewide, including the reimbursement of any disbursements made from the state capital

projects fund. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision (b) of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

§ 34. Subdivision 1 of section 386-b of the public authorities law, as amended by section 39 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

1. Notwithstanding any other provision of law to the contrary, the authority, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of financing peace bridge projects and capital costs of state and local highways, parkways, bridges, the New York state thruway, Indian reservation roads, and facilities, and transportation infrastructure projects including aviation projects, non-MTA mass transit projects, and rail service preservation projects, including work appurtenant and ancillary thereto. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed three billion [~~sixty-five million dollars $3,065,000,000~~] **nine hundred twenty-seven million six hundred sixty-seven thousand dollars $3,927,667,000**, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the authority, the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the authority, the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 35. Paragraph (c) of subdivision 19 of section 1680 of the public authorities law, as amended by section 40 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, the dormitory authority shall not issue any bonds for state university educational facilities purposes if the principal amount of bonds to be issued when added to the aggregate principal amount of bonds issued by the dormitory authority on and after July first, nineteen hundred eighty-eight for state university educational facilities will exceed [~~eleven~~] **twelve** billion [~~six~~] **three** hundred [~~sixty-three~~] **forty-three** million dollars; provided, however, that bonds issued or to be issued shall be excluded from such limitation if: (1) such bonds are issued to refund state university construction bonds and state university construction notes previously issued by the housing finance agency; or (2) such bonds are issued to refund bonds of the authority or other obligations issued for state university educational facilities purposes and the present value of the aggregate debt service on the refunding bonds does not exceed the present value of the aggregate debt service on the bonds refunded thereby; provided, further that upon certification by the director of the budget that the issuance of refunding bonds or other obligations issued between April first, nineteen hundred ninety-two and

March thirty-first, nineteen hundred ninety-three will generate long term economic benefits to the state, as assessed on a present value basis, such issuance will be deemed to have met the present value test noted above. For purposes of this subdivision, the present value of the aggregate debt service of the refunding bonds and the aggregate debt service of the bonds refunded, shall be calculated by utilizing the true interest cost of the refunding bonds, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding bonds from the payment dates thereof to the date of issue of the refunding bonds to the purchase price of the refunding bonds, including interest accrued thereon prior to the issuance thereof. The maturity of such bonds, other than bonds issued to refund outstanding bonds, shall not exceed the weighted average economic life, as certified by the state university construction fund, of the facilities in connection with which the bonds are issued, and in any case not later than the earlier of thirty years or the expiration of the term of any lease, sublease or other agreement relating thereto; provided that no note, including renewals thereof, shall mature later than five years after the date of issuance of such note. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the state university of New York, and the state university construction fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

§ 36. Paragraph (c) of subdivision 14 of section 1680 of the public authorities law, as amended by section 41 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, (i) the dormitory authority shall not deliver a series of bonds for city university community college facilities, except to refund or to be substituted for or in lieu of other bonds in relation to city university community college facilities pursuant to a resolution of the dormitory authority adopted before July first, nineteen hundred eighty-five or any resolution supplemental thereto, if the principal amount of bonds so to be issued when added to all principal amounts of bonds previously issued by the dormitory authority for city university community college facilities, except to refund or to be substituted in lieu of other bonds in relation to city university community college facilities will exceed the sum of four hundred twenty-five million dollars and (ii) the dormitory authority shall not deliver a series of bonds issued for city university facilities, including community college facilities, pursuant to a resolution of the dormitory authority adopted on or after July first, nineteen hundred eighty-five, except to refund or to be substituted for or in lieu of other bonds in relation to city university facilities and except for bonds issued pursuant to a resolution supplemental to a resolution of the dormitory authority adopted prior to July first, nineteen hundred eighty-five, if the principal amount of bonds so to be issued when added to the principal amount of bonds previously issued pursuant to any such resolution, except bonds issued to refund or to be substituted for or in lieu of other bonds in relation to city university facilities, will exceed seven billion [~~five~~] **nine** hundred [~~eighty-eight~~] **eighty-one** million [~~four~~] **nine** hundred [~~eleven~~] **sixty-eight** thousand dollars. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the city university, and the fund are prohibited from covenanting or

making any other agreements with or for the benefit of bondholders which might in any way affect such right.

§ 37. Subdivision 10-a of section 1680 of the public authorities law, as amended by section 42 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

10-a. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any other provision of the law to the contrary, the maximum amount of bonds and notes to be issued after March thirty-first, two thousand two, on behalf of the state, in relation to any locally sponsored community college, shall be [~~eight~~] **nine** hundred [~~sixty-one~~] **fourteen** million [~~four~~] **five** hundred [~~fifty-four~~] **ninety** thousand dollars. Such amount shall be exclusive of bonds and notes issued to fund any reserve fund or funds, costs of issuance and to refund any outstanding bonds and notes, issued on behalf of the state, relating to a locally sponsored community college.

§ 38. Subdivision 1 of section 17 of part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 43 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed six hundred [~~forty-seven~~] **eighty-two** million [~~sixty-five~~] **nine hundred fifteen** thousand dollars [~~($647,065,000)~~] **($682,915,000)**, which authorization increases the aggregate principal amount of bonds, notes and other obligations authorized by section 40 of chapter 309 of the laws of 1996, and shall include all bonds, notes and other obligations issued pursuant to chapter 211 of the laws of 1990, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the youth facilities improvement fund, to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the office of children and family services from the youth facilities improvement fund for capital projects. The aggregate amount of bonds, notes and other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from appropriations or reappropriations made to the office of children and family services; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than six hundred [~~forty-seven~~] **eighty-two** million [~~sixty-five~~] **nine hundred fifteen** thousand dollars [~~($647,065,000)~~] **($682,915,000)**, only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at

by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

§ 39. Paragraph b of subdivision 2 of section 9-a of section 1 of chapter 392 of the laws of 1973, constituting the New York state medical care facilities finance agency act, as amended by section 44 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

b. The agency shall have power and is hereby authorized from time to time to issue negotiable bonds and notes in conformity with applicable provisions of the uniform commercial code in such principal amount as, in the opinion of the agency, shall be necessary, after taking into account other moneys which may be available for the purpose, to provide sufficient funds to the facilities development corporation, or any successor agency, for the financing or refinancing of or for the design, construction, acquisition, reconstruction, rehabilitation or improvement of mental health services facilities pursuant to paragraph a of this subdivision, the payment of interest on mental health services improvement bonds and mental health services improvement notes issued for such purposes, the establishment of reserves to secure such bonds and notes, the cost or premium of bond insurance or the costs of any financial mechanisms which may be used to reduce the debt service that would be payable by the agency on its mental health services facilities improvement bonds and notes and all other expenditures of the agency incident to and necessary or convenient to providing the facilities development corporation, or any successor agency, with funds for the financing or refinancing of or for any such design, construction, acquisition, reconstruction, rehabilitation or improvement and for the refunding of mental hygiene improvement bonds issued pursuant to section 47-b of the private housing finance law; provided, however, that the agency shall not issue mental health services facilities improvement bonds and mental health services facilities improvement notes in an aggregate principal amount exceeding eight billion [~~twenty-one~~] **three hundred seventy-two** million eight hundred fifteen thousand dollars, excluding mental health services facilities improvement bonds and mental health services facilities improvement notes issued to refund outstanding mental health services facilities improvement bonds and mental health services facilities improvement notes; provided, however, that upon any such refunding or repayment of mental health services facilities improvement bonds and/or mental health services facilities improvement notes the total aggregate principal amount of outstanding mental health services facilities improvement bonds and mental health facilities improvement notes may be greater than eight billion [~~twenty-one~~] **three hundred seventy-two** million eight hundred fifteen thousand dollars only if, except as hereinafter provided with respect to mental health services facilities bonds and mental health services facilities notes issued to refund mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law, the present value of the aggregate debt service of the refunding or repayment bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds to be refunded or repaid. For purposes hereof, the present values of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt

service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the authority including estimated accrued interest from the sale thereof. Such bonds, other than bonds issued to refund outstanding bonds, shall be scheduled to mature over a term not to exceed the average useful life, as certified by the facilities development corporation, of the projects for which the bonds are issued, and in any case shall not exceed thirty years and the maximum maturity of notes or any renewals thereof shall not exceed five years from the date of the original issue of such notes. Notwithstanding the provisions of this section, the agency shall have the power and is hereby authorized to issue mental health services facilities improvement bonds and/or mental health services facilities improvement notes to refund outstanding mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law and the amount of bonds issued or outstanding for such purposes shall not be included for purposes of determining the amount of bonds issued pursuant to this section. The director of the budget shall allocate the aggregate principal authorized to be issued by the agency among the office of mental health, office for people with developmental disabilities, and the office of alcoholism and substance abuse services, in consultation with their respective commissioners to finance bondable appropriations previously approved by the legislature.

§ 40. Paragraph (b) of subdivision 3 and clause (B) of subparagraph (iii) of paragraph (j) of subdivision 4 of section 1 of part D of chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, as amended by section 45 of part UU of chapter 54 of the laws of 2016, are amended to read as follows:

(b) Within amounts appropriated therefor, the board is hereby authorized and directed to award matching capital grants totaling [~~240~~] 270 million dollars. Each college shall be eligible for a grant award amount as determined by the calculations pursuant to subdivision five of this section. In addition, such colleges shall be eligible to compete for additional funds pursuant to paragraph (h) of subdivision four of this section.

(B) The dormitory authority shall not issue any bonds or notes in an amount in excess of [~~240~~] 270 million dollars for the purposes of this section; excluding bonds or notes issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Except for purposes of complying with the internal revenue code, any interest on bond proceeds shall only be used to pay debt service on such bonds.

§ 41. Section 1680-r of the public authorities law, as amended by section 40 of part I of chapter 60 of the laws of 2015, subdivision 1 as amended by section 48 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

§ 1680-r. Authorization for the issuance of bonds for the capital restructuring financing program [~~and~~], the health care facility transformation [~~program~~] **programs, and the essential health care provider program**. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the capital restructuring financing program for health care and related facilities licensed pursuant to the public health law or the mental hygiene law and other state costs associated with such capital projects [~~and~~], the health care facility transformation [~~program~~] **programs, and the essential health care provider program**. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed two billion [~~four~~] **nine** hundred million dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the urban development corporation in undertaking the financing for project costs for the capital restructuring financing program for health care and related facilities licensed pursuant to the public health law or the mental hygiene law and other state costs associated with such capital projects [~~and~~], the health care facility transformation [~~program~~] **programs, and the essential health care provider program**, the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the urban development corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the urban development corporation agree, so as to annually provide to the dormitory authority and the urban development corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service contract entered into pursuant to this section shall provide that the obligation of the state to pay the amount therein provided shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of monies available and that no liability shall be incurred by the state beyond the monies available for such purpose, subject to annual appropriation by the legislature. Any such contract or any payments made or to be made thereunder may be assigned and pledged by the dormitory authority and the urban development corporation as security for its bonds and notes, as authorized by this section.

§ 42. Section 50 of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as added by section 46-b of part I of chapter 55 of the laws of 2014, is amended to read as follows:

§ 50. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs undertaken by or on behalf of special act school districts, state-supported schools for the blind and deaf [~~and~~], approved private special education schools, non-public schools and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~five~~] thirty million dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the urban development corporation in undertaking the financing for project costs undertaken by or on behalf of special act school districts, state-supported schools for the blind and deaf and approved private special education schools, non-public schools, and other state costs associated with such capital projects, the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the urban development corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the urban development corporation agree, so as to annually provide to the dormitory authority and the urban development corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service contract entered into pursuant to this section shall provide that the obligation of the state to pay the amount therein provided shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of monies available and that no liability shall be incurred by the state beyond the monies available for such purpose, subject to annual appropriation by the legislature. Any such contract or any payments made or to be made thereunder may be assigned and pledged by the dormitory authority and the urban development corporation as security for its bonds and notes, as authorized by this section.

[~~3. Subdivisions 1 and 2 of this section shall take effect only in the event that a chapter of the laws of 2014, enacting the "smart schools bond act of 2014", is submitted to the people at the general election to be held in November 2014 and is approved by a majority of all votes cast for and against it at such election. Upon such approval, subdivisions 1 and 2 of this section shall take effect immediately. If such approval is not obtained, subdivisions 1 and 2 of this section shall expire and be deemed repealed.~~]

§ 42-a. Paragraph (b) of subdivision 1 of section 385 of the public authorities law, as amended by section 1 of part G of chapter 60 of the laws of 2005, is amended to read as follows:

(b) The authority is hereby authorized, as additional corporate purposes thereof solely upon the request of the director of the budget: (i) to issue special emergency highway and bridge trust fund bonds and notes for a term not to exceed thirty years and to incur obligations secured by the moneys appropriated from the dedicated highway and bridge trust fund established in section eighty-nine-b of the state finance law; (ii) to make available the proceeds in accordance with instructions provided by the director of the budget from the sale of such special emergency highway and bridge trust fund bonds, notes or other obligations, net of all costs to the authority in connection therewith, for the purposes of financing all or a portion of the costs of activities for which moneys in the dedicated highway and bridge trust fund established in section eighty-nine-b of the state finance law are authorized to be utilized or for the financing of disbursements made by the state for the activities authorized pursuant to section eighty-nine-b of the state finance law; and (iii) to enter into agreements with the commissioner of transportation pursuant to section ten-e of the highway law with respect to financing for any activities authorized pursuant to section eighty-nine-b of the state finance law, or agreements with the commissioner of transportation pursuant to sections ten-f and ten-g of the highway law in connection with activities on state highways pursuant to these sections, and (iv) to enter into service contracts, contracts, agreements, deeds and leases with the director of the budget or the commissioner of transportation and project sponsors and others to provide for the financing by the authority of activities authorized pursuant to section eighty-nine-b of the state finance law, and each of the director of the budget and the commissioner of transportation are hereby authorized to enter into service contracts, contracts, agreements, deeds and leases with the authority, project sponsors or others to provide for such financing. The authority shall not issue any bonds or notes in an amount in excess of [~~$16.5 billion~~] $16,513,400,000, plus a principal amount of bonds or notes: (A) to fund capital reserve funds; (B) to provide capitalized interest; and, (C) to fund other costs of issuance. In computing for the purposes of this subdivision, the aggregate amount of indebtedness evidenced by bonds and notes of the authority issued pursuant to this section, as amended by a chapter of the laws of nineteen hundred ninety-six, there shall be excluded the amount of bonds or notes issued that would constitute interest under the United States Internal Revenue Code of 1986, as amended, and the amount of indebtedness issued to refund or otherwise repay bonds or notes.

§ 43. Paragraph (b) of subdivision 4 of section 72 of the state finance law, as amended by section 27 of part I of chapter 55 of the laws of 2014, is amended to read as follows:

(b) On or before the beginning of each quarter, the director of the budget may certify to the state comptroller the estimated amount of monies that shall be reserved in the general debt service fund for the payment of debt service and related expenses payable by such fund during each month of the state fiscal year, excluding payments due from the revenue bond tax fund. Such certificate may be periodically updated, as necessary. Notwithstanding any provision of law to the contrary, the state comptroller shall reserve in the general debt service fund the amount of monies identified on such certificate as necessary for the payment of debt service and related expenses during the current or next succeeding quarter of the state fiscal year. Such monies reserved shall not be available for any other purpose. Such certificate shall be reported to the chairpersons of the Senate Finance Committee and the

Assembly Ways and Means Committee. The provisions of this paragraph shall expire June thirtieth, two thousand [~~seventeen~~] twenty.

§ 44. Paragraph (a) of subdivision 1 of section 3234 of the public authorities law, as amended by section 46-d of part I of chapter 55 of the laws of 2014, is amended to read as follows:

(a) The corporation shall be administered by [~~seven~~] three directors, one of whom shall be the comptroller, one of whom shall be the director of the budget and [~~five~~] one of whom shall be appointed by the governor. The comptroller and the director of the budget shall be entitled to designate a representative or representatives to attend meetings of the board in their place, and to vote or otherwise act on their behalf in their absence. Notice of such designation shall be furnished in writing to the board by the designating director. A representative shall serve at the pleasure of the designating director during the director's term of office. A representative shall not be authorized to delegate any of his or her duties or functions to any other person. A director who is not a state official shall serve for a term expiring at the end of the term actually served by the officer making the appointment and may be removed for cause by such officer after hearing on ten days notice.

§ 45. Section 3234 of the public authorities law is amended by adding a new subdivision 7 to read as follows:

7. Notwithstanding any other provision of law to the contrary, the provisions of subdivisions four, six, seven and eight of section two thousand eight hundred twenty-four of this chapter shall not apply to the corporation.

§ 46. Intentionally omitted.

§ 47. Intentionally omitted.

§ 48. Paragraphs (a) and (g) of subdivision 2 of section 56 of the state finance law, as amended by chapter 11 of the laws of 1994, are amended to read as follows:

(a) Refunding bonds shall be issued only when the comptroller shall have certified that, as a result of the refunding, there will be a debt service savings to the state on a present value basis as a result of the refunding transaction and that either (i) the refunding will benefit state taxpayers over the life of the refunding bonds by achieving an actual debt service savings each year or state fiscal year during the term to maturity of the refunding bonds when debt service on the refunding bonds is expected to be paid from legislative appropriations or (ii) debt service on the refunding bonds shall be payable in annual installments of principal and interest which result in substantially level or declining debt service payments pursuant to paragraph (b) of subdivision two of section fifty-seven of this [~~chapter~~] article. Such certification by the comptroller shall be conclusive as to matters contained therein after the refunding bonds have been issued.

(g) Any refunding bonds issued pursuant to this section shall be paid in annual installments which shall, so long as any refunding bonds are outstanding, be made in each year or state fiscal year in which installments were due on the bonds to be refunded and shall be in an amount which shall result in annual debt service payments which shall be less in each year or state fiscal year than the annual debt service payments on the bonds to be refunded unless debt service on the refunding bonds is payable in annual installments of principal and interest which will result in substantially level or declining debt service payments pursuant to paragraph (b) of subdivision two of section fifty-seven of this [~~chapter~~] article.

§ 49. Subdivisions 1, 2 and 6 of section 57 of the state finance law, as amended by chapter 11 of the laws of 1994, are amended to read as follows:

1. Whenever the legislature, after authorization of a bond issue by the people at a general election, as provided by section eleven of article seven of the **state** constitution**, or as provided by section three of article eighteen of the state constitution,** shall have authorized, by one or more laws, the creation of a state debt or debts, bonds of the state, to the amount of the debt or debts so authorized, shall be issued and sold by the state comptroller. Any appropriation from the proceeds of the sale of bonds, pursuant to this section, shall be deemed to be an authorization for the creation of a state debt or debts to the extent of such appropriation. The state comptroller may issue and sell a single series of bonds pursuant to one or more such authorizations and for one or more duly authorized works or purposes. As part of the proceedings for each such issuance and sale of bonds, the state comptroller shall designate the works or purposes for which they are issued. It shall not be necessary for him to designate the works or purposes for which the bonds are issued on the face of the bonds. The proceeds from the sale of bonds for more than one work or purpose shall be separately accounted for according to the works or purposes designated for such sale by the comptroller and the proceeds received for each work or purpose shall be expended only for such work or purpose. The bonds shall bear interest at such rate or rates as in the judgment of the state comptroller may be sufficient or necessary to effect a sale of the bonds, and such interest shall be payable at least semi-annually, in the case of bonds with a fixed interest rate, and at least annually, in the case of bonds with an interest rate that varies periodically, in the city of New York unless annual payments of principal and interest result in substantially level or declining debt service payments over the life of an issue of bonds pursuant to paragraph (b) of subdivision two of this section or unless accrued interest is contributed to a sinking fund in accordance with subdivision three of section twelve of article seven of the state constitution, in which case interest shall be paid at such times and at such places as shall be determined by the state comptroller prior to issuance of the bonds.

2. Such bonds, or the portion thereof at any time issued, shall be made payable (a) in equal annual principal installments or (b) in annual installments of principal and interest which result in substantially level or declining debt service payments, over the life of the bonds, the first of which annual installments shall be payable not more than one year from the date of issue and the last of which shall be payable at such time as the comptroller may determine but not more than forty years **or state fiscal years** after the date of issue**, not more than fifty years after the date of issue in the case of housing bonds, and not more than twenty-five years in the case of urban renewal bonds**. Where bonds are payable pursuant to paragraph (b) of this subdivision, except for the year **or state fiscal year** of initial issuance if less than a full year of debt service is to become due in that year **or state fiscal year**, either (i) the greatest aggregate amount of debt service payable in any **year or state** fiscal year shall not differ from the lowest aggregate amount of debt service payable in any other **year or state** fiscal year by more than five percent or (ii) the aggregate amount of debt service in each **year or state** fiscal year shall be less than the aggregate amount of debt service in the immediately preceding **year or state** fiscal year. For purposes of this subdivision, debt service shall include all princi-

pal, redemption price, sinking fund installments or contributions, and interest scheduled to become due. For purposes of determining whether debt service is level or declining on bonds issued with a variable rate of interest pursuant to paragraph b of subdivision four of this section, the comptroller shall assume a market rate of interest as of the date of issuance. Where the comptroller determines that interest on any bonds shall be compounded and payable at maturity, such bonds shall be payable only in accordance with paragraph (b) of this subdivision unless accrued interest is contributed to a sinking fund in accordance with subdivision three of section twelve of article seven of the state constitution. In no case shall any bonds or portion thereof be issued for a period longer than the probable life of the work or purpose, or part thereof, to which the proceeds of the bonds are to be applied, or in the alternative, the weighted average period of the probable life of the works or purposes to which the proceeds of the bonds are to be applied taking into consideration the respective amounts of bonds issued for each work or purpose, as may be determined under section sixty-one of this [~~chapter~~] **article** and in accordance with the certificate of the commissioner of general services, and/or the commissioner of transportation, state architect**, state commissioner of housing and urban renewal,** or other authority, as the case may be, having charge by law of the acquisition, construction, work or improvement for which the debt was authorized. Such certificate shall be filed in the office of the state comptroller and shall state the group, or, where the probable lives of two or more separable parts of the work or purposes are different, the groups, specified in such section, for which the amount or amounts, shall be provided by the issuance and sale of bonds. Weighted average period of probable life shall be determined by computing the sum of the products derived from multiplying the dollar value of the portion of the debt contracted for each work or purpose (or class of works or purposes) by the probable life of such work or purpose (or class of works or purposes) and dividing the resulting sum by the dollar value of the entire debt after taking into consideration any original issue discount. Any costs of issuance financed with bond proceeds shall be prorated among the various works or purposes. Such bonds, or the portion thereof at any time sold, shall be of such denominations, subject to the foregoing provisions, as the state comptroller may determine. Notwithstanding the foregoing provisions of this subdivision, the comptroller may issue all or a portion of such bonds as serial debt, term debt or a combination thereof, maturing as required by this subdivision, provided that the comptroller shall have provided for the retirement each year **or state fiscal year**, or otherwise have provided for the payment of, through sinking fund installment payments or otherwise, a portion of such term bonds in an amount meeting the requirements of paragraph (a) or (b) of this subdivision or shall have established a sinking fund and provided for contributions thereto as provided in subdivision eight of this section and section twelve of article seven of the state constitution.

6. Except with respect to bonds issued in the manner provided in paragraph (c) of subdivision seven of this section, all bonds of the state of New York which the comptroller of the state of New York is authorized to issue and sell, shall be executed in the name of the state of New York by the manual or facsimile signature of the state comptroller and his seal (or a facsimile thereof) shall be thereunto affixed, imprinted, engraved or otherwise reproduced. In case the state comptroller who shall have signed and sealed any of the bonds shall cease to hold the office of state comptroller before the bonds so signed and sealed shall

have been actually countersigned and delivered by the fiscal agent **or trustee**, such bonds may, nevertheless, be countersigned and delivered as herein provided, and may be issued as if the state comptroller who signed and sealed such bonds had not ceased to hold such office. Any bond of a series may be signed and sealed on behalf of the state of New York by such person as at the actual time of the execution of such bond shall hold the office of comptroller of the state of New York, although at the date of the bonds of such series such person may not have held such office. The coupons to be attached to the coupon bonds of each series shall be signed by the facsimile signature of the state comptroller of the state of New York or by any person who shall have held the office of state comptroller of the state of New York on or after the date of the bonds of such series, notwithstanding that such person may not have been such state comptroller at the date of any such bond or may have ceased to be such state comptroller at the date when any such bond shall be actually countersigned and delivered. The bonds of each series shall be countersigned with the manual signature of an authorized employee of the fiscal agent **or trustee** of the state of New York. No bond and no coupon thereunto appertaining shall be valid or obligatory for any purpose until such manual countersignature of an authorized employee of the fiscal agent **or trustee** of the state of New York shall have been duly affixed to such bond.

§ 50. Sections 58, 59 and 60 of the state finance law are REPEALED.

§ 51. Section 62 of the state finance law, as amended by chapter 219 of the laws of 1999, is amended to read as follows:

§ 62. Replacement of lost certificates. The comptroller, who may act through his duly authorized fiscal agent **or trustee** appointed pursuant to section sixty-five of this article, may issue to the lawful owner of any certificate or bond issued by him in behalf of this state, which he or such duly authorized fiscal agent **or trustee** is satisfied, by due proof filed in his office or with such duly authorized fiscal agent **or trustee**, has been lost or casually destroyed, a new certificate or bond, corresponding in date, number and amount with the certificate or bond so lost or destroyed, and expressing on its face that it is a renewed certificate or bond. No such renewed certificate or bond shall be issued unless sufficient security is given to satisfy the lawful claim of any person to the original certificate or bond, or to any interest therein. The comptroller shall report annually to the legislature the number and amount of all renewed certificates or bonds so issued. If the renewed certificate is issued by the state's duly authorized fiscal agent **or trustee** and such agent **or trustee** agrees to be responsible for any loss suffered as a result of unauthorized payment, the security shall be provided to and approved by the fiscal agent **or trustee** and no additional approval by the comptroller or the attorney general shall be required.

§ 52. Section 65 of the state finance law, as amended by chapter 459 of the laws of 1948, subdivision 1 as amended by chapter 219 of the laws of 1999, is amended to read as follows:

§ 65. Appointment of fiscal agent **or trustee**; powers and duties. 1. Notwithstanding any other provisions of this chapter, the comptroller, on behalf of the state, may contract from time to time for a period or periods not exceeding ten years each, except in the case of a bank or trust company agreeing to act as issuing, paying and/or tender agent with respect to a particular issue of variable interest rate bonds in which case the comptroller, on behalf of the state, may contract for a period not to exceed the term of such particular issue of bonds, with

one or more banks or trust companies located in the city of New York, to act as fiscal agent**, trustee,** or agents of the state, and for the maintenance of an office for the registration, conversion, reconversion and transfer of the bonds and notes of the state, including the preparation and substitution of new bonds and notes, for the payment of the principal thereof and interest thereon, [~~and~~] for related services, **and to otherwise effectuate the powers and duties of a fiscal agent or trustee on behalf of the state in all such respects as may be determined by the comptroller for such bonds and notes,** and for the payment by the state of such compensation therefor as the comptroller may determine. Any such fiscal agent **or trustee** may, where authorized pursuant to the terms of its contract, accept delivery of obligations purchased by the state and of securities deposited with the state pursuant to sections one hundred five and one hundred six of this chapter and hold the same in safekeeping, make delivery to purchasers of obligations sold by the state, and accept deposit of such proceeds of sale without securing the same. Any such contract may also provide that such fiscal agent **or trustee** may, upon the written instruction of the comptroller, deposit any obligations or securities which it receives pursuant to such contract, in an account with a federal reserve bank, to be held in such account in the form of entries on the books of the federal reserve bank, and to be transferred in the event of any assignment, sale, redemption, maturity or other disposition of such obligations or securities, by entries on the books of the federal reserve bank. Any such bank or trust company shall be responsible to the people of this state for the faithful and safe conduct of the business of said office, for the fidelity and integrity of its officers and agents employed in such office, and for all loss or damage which may result from any failure to discharge their duties, and for any improper and incorrect discharge of those duties, and shall save the state free and harmless from any and all loss or damage occasioned by or incurred in the performance of such services. Any such contract may be terminated by the comptroller at any time. In the event of any change in any office maintained pursuant to any such contract, the comptroller shall give public notice thereof in such form as he may determine appropriate.

2. The comptroller shall prescribe rules and regulations for the registration, conversion, reconversion and transfer of the bonds and notes of the state, including the preparation and substitution of new bonds, for the payment of the principal thereof and interest thereon, and for other authorized services to be performed by such fiscal agent **or trustee**. Such rules and regulations, and all amendments thereof, shall be prepared in duplicate, one copy of which shall be filed in the office of the department of audit and control and the other in the office of the department of state. A copy thereof may be filed as a public record in such other offices as the comptroller may determine. Such rules and regulations shall be obligatory on all persons having any interests in bonds and notes of the state heretofore or hereafter issued.

§ 53. Intentionally omitted.

§ 54. Intentionally omitted.

§ 54-a. The civil practice law and rules is amended by adding a new section 5519-a to read as follows:

§ 5519-a. Stay of enforcement for tobacco product master settlement agreement participating or non-participating manufacturers or their successors or affiliates. (a) In civil litigation under any legal theory involving a participating manufacturer or a non-participating manufac-

turer, as those terms are defined in the master settlement agreement, or any of their successors or affiliates, the undertaking required during the pendency of all appeals or discretionary reviews by any appellate courts in order to stay the execution of any judgment or order granting legal, equitable or other relief during the entire course of appellate review, including review by the United States supreme court, shall be set pursuant to the applicable provisions of law or court rules; provided, however that the total undertaking required of all appellants collectively shall not exceed two hundred fifty million dollars, regardless of the value of the judgment appealed.

(b) Notwithstanding the provisions of subdivision (a) of this section, upon proof by a preponderance of the evidence, by an appellee, that an appellant is dissipating assets outside the course of ordinary business to avoid payment of a judgment, a court may require the appellant to post a bond in an amount up to the total amount of the judgement.

§ 55. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2017; provided, however, that section fifty-four-a of this act shall take effect on the thirtieth day after it shall have become a law, and shall apply to any cause of action pending on or filed on or after such effective date; and provided further that the provisions of sections one, two, three, four, five, six, seven, eight, thirteen, fourteen, fifteen, sixteen, seventeen, nineteen, twenty, twenty-one, and twenty-two of this act shall expire March 31, 2018 when upon such date the provisions of such sections shall be deemed repealed.

PART AA

Intentionally Omitted

PART BB

Section 1. (a) The legislature hereby finds and declares that:

(i) In 2016, the towns of Erin and Chemung, in Chemung county, acted in concert in an effort to establish a single town court having jurisdiction in both towns; and

(ii) in undertaking this effort, the two towns inadvertently failed to comply with the necessary provisions of law - section 106-a of the uniform justice court act, as amended by chapter 205 of the laws of 2016 - setting forth the process that must be followed in order to establish a single town court serving the two towns, and section 106-b of the uniform justice court act, as added by chapter 87 of the laws of 2008 - setting forth the process that must be followed in order to provide for the election of a single town justice for the two towns.

(b) Notwithstanding any law to the contrary, such steps as the towns of Erin and Chemung have heretofore taken to establish a single town court having jurisdiction in both towns shall be deemed sufficient to constitute such single town court solely for the period from the effective date of this act through December 31, 2017. Each of the town justices of the towns of Erin and Chemung, in office on the effective date of this act, shall be and shall serve as a town justice of such single town court.

(c) Nothing in this act shall prevent the towns of Erin and Chemung from establishing a single town court having jurisdiction in both towns pursuant to the provisions of section 106-a of the uniform justice court

act, provided, however, such a court shall not be established prior to January 1, 2018.

(d) Notwithstanding that the towns of Erin and Chemung are not adjacent to each other, the two towns may provide for the election of a single town judge by complying with all other requirements of section 106-b of the uniform justice court act.

§ 2. This act shall take effect immediately.

PART CC

Section 1. Paragraph 2 of subdivision a of section 363 of the retirement and social security law, as amended by chapter 489 of the laws of 2008, is amended to read as follows:

2. Actually in service upon which his membership is based. However, in a case where a member is discontinued from service subsequent to the accident, either voluntarily or involuntarily, and provided that the member meets the requirements of paragraph one of this subdivision, application may be made, either (a) by a vested member incapacitated as the result of a qualifying World Trade Center condition as defined in section two of this chapter at any time, or (b) not later than two years after the member is first discontinued from service. **Provided further that in the case of an application filed for accidental disability benefits pursuant to section three hundred sixty-three-d of this title, the requirements for filing for such benefits shall be five years.**

§ 2. This act shall take effect immediately and apply to all applications filed on or after January 1, 2014.

FISCAL NOTE.--Pursuant to legislative law, Section 50:

This bill would extend the filing deadline from 2 years to 5 years for active and retired firefighters in the New York State and Local Police and Fire Retirement System to file an application for accidental disability retirement due to certain cancers. It will apply to all disability applications filed on or after January 1, 2014.

If this bill is enacted, the cost would depend on the age, service, salary and plan of the affected firefighters, as well as whether such person would have otherwise been eligible for, or has been receiving an ordinary disability, a performance of duty disability or a service retirement.

For those who apply for this benefit subsequent to a service retirement, it is estimated that there would be an average per person cost of approximately 2 times final average salary. For those who apply subsequent to a performance of duty retirement, it is estimated that there would be an average per person cost of approximately 2.5 times final average salary. For those who apply subsequent to an ordinary disability retirement, it is estimated that there would be an average per person cost of approximately 5 times final average salary. The number of members and retirees who could be affected by this legislation cannot be readily determined. These costs would be borne by the State of New York and all the participating employers in the New York State and Local Police and Fire Retirement System.

For the one person known to be affected, there will be a one-time cost of approximately $256,000. This cost will be shared by the State of New York and all the participating employers in the New York State and Local Police and Fire Retirement System.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2016 actuarial valu-

ation. Distributions and other statistics can be found in the 2016 Report of the Actuary and the 2016 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015 and 2016 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2016 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated February 14, 2017, and intended for use only during the 2017 Legislative Session, is Fiscal Note No. 2017-44, prepared by the Actuary for the New York State and Local Retirement System.

PART DD

Section 1. Subdivisions 1 and 5 of section 23 of the executive law, as amended by section 4 of part B of chapter 56 of the laws of 2010, are amended to read as follows:

1. Each county, except those contained within the city of New York, and each **city with a population of one million or more, shall prepare a comprehensive emergency management plan. Each** city **with a population of less than one million**, town and village is authorized to prepare **a** comprehensive emergency management [~~plans~~] **plan**. The disaster preparedness commission shall provide assistance and advice for the development of such plans. [~~City~~] **Each city with a population of less than one million**, town and village [~~plans~~] **plan** shall be coordinated with the county plan.

5. In preparing such plans, cooperation, advice and assistance shall be sought from local government officials, regional and local planning agencies, police agencies, fire departments and fire companies, local emergency management agencies, commercial and volunteer ambulance services, health and social services officials, community action agencies, the chief administrator of the courts, organizations for the elderly and the handicapped, **agencies and organizations that provide home health care services, agencies and organizations that provide hospice services,** other interested groups and the general public. Such advice and assistance may be obtained through public hearings held on public notice, or through other appropriate **and practical** methods.

§ 2. Subparagraphs 17 and 18 of paragraph b of subdivision 7 of section 23 of the executive law, as amended by section 4 of part B of chapter 56 of the laws of 2010, are amended and a new subparagraph 19 is added to read as follows:

(17) continued operation of governments of political subdivisions; [~~and~~]

(18) utilization and coordination of programs to assist individuals with household pets and service animals following a disaster, with particular attention to means of evacuation, shelter and transportation options[~~.~~]**; and**

(19) procedures for allowing access by physicians, nurses, other medical professionals, personnel of certified home health agencies, long term home health care programs or licensed home care services agencies governed under article thirty-six of the public health law, and person-

nel of hospices certified pursuant to article forty of the public health law or any other personnel deemed necessary to provide vital health care to individuals in their care; such procedures shall also address how such professionals and personnel will be required to be identified in order to gain access to areas where access has otherwise been restricted or subject to curfew in declared emergencies. Such procedures shall ensure that access by such professionals and personnel in areas where access has otherwise been restricted or subject to curfew shall not be construed to prohibit local emergency management officials from denying such access when in their discretion conditions necessitate such a denial.

§ 3. Each county, and each city with a population of one million or more, that on the effective date of this act has already prepared a comprehensive emergency management plan shall revise such plan in the event such revisions are needed to comply with the provisions of this act, and shall submit such revised plan to the division of homeland security and emergency services on or before the one hundred eightieth day after the effective date of this act.

§ 4. This act shall take effect immediately.

PART EE

Section 1. Section 2 of chapter 308 of the laws of 2012 amending the general municipal law relating to providing local governments greater contract flexibility and cost savings by permitting certain shared purchasing among political subdivisions, as amended by section 5 of part G of chapter 55 of the laws of 2014, is amended to read as follows:

§ 2. This act shall take effect immediately[~~, and shall expire and be deemed repealed July 31, 2019~~].

§ 2. This act shall take effect immediately.

PART FF

Section 1. Section 201-a of the state administrative procedure act, as added by chapter 189 of the laws of 1996, paragraph (g) of subdivision 2 as amended by chapter 304 of the laws of 2016, is amended to read as follows:

§ 201-a. Job impact. 1. In developing a rule, an agency shall strive to accomplish the objectives of applicable statutes in a manner which minimizes any unnecessary adverse impacts on existing jobs and promotes the development of new employment opportunities, including opportunities for self-employment, for the residents of the state.

2. Before proposing a rule for adoption or adopting a rule on an emergency basis, an agency shall evaluate the potential impact of the rule on jobs and employment opportunities.

(a) When it is apparent from the nature and purpose of the rule that it will not have a substantial adverse impact on jobs and employment opportunities, the agency shall include in the notice of proposed rule making or the notice of emergency adoption a statement that the agency has determined that the rule will not have a substantial adverse impact on jobs and employment opportunities; provided, however, that, where appropriate, such statement shall indicate that the agency has determined the rule will have a positive impact on jobs and employment opportunities, or will have no impact on jobs and employment opportunities. Except where it is evident from the subject matter of the rule that the rule could only have a positive impact or no impact on jobs and employ-

ment opportunities, the agency shall include in the statement prepared pursuant to this paragraph a summary of the information and methodology underlying its determination.

(b) When it is apparent from the nature and purpose of the rule that it may have a substantial adverse impact on jobs or employment opportunities, the agency shall issue a job impact statement which contains information on:

(i) the nature of the impact the rule will have on jobs and employment opportunities;

(ii) the categories of jobs or employment opportunities affected by the rule;

(iii) the approximate number of jobs or employment opportunities affected in each category;

(iv) any region of the state where the rule would have a disproportionate adverse impact on jobs or employment opportunities; and

(v) any measures which the agency [~~has taken~~] **or other state agencies have taken or could take** to minimize any unnecessary adverse impacts on existing jobs and to promote the development of new employment opportunities.

(c) When the information available to an agency is insufficient to enable it to determine whether a rule will have a substantial adverse impact on jobs or employment opportunities, or to prepare a job impact statement pursuant to paragraph (b) of this subdivision, the agency shall issue a statement indicating the information which it needs to complete a job impact statement and requesting the assistance of other state agencies and the public in obtaining such information.

(d) An agency shall issue a revised job impact statement when:

(i) [~~the~~] **it is necessary to correct or supplement** information presented in the **previous** statement [~~is~~] **that was** inadequate or incomplete;

(ii) the proposed rule contains any substantial revisions which necessitate that such statement be modified; or

(iii) the agency has issued a statement pursuant to paragraph (c) of this subdivision, and has received information from other state agencies or the public which enable it to provide a more complete evaluation of the potential impact of the rule on jobs and employment opportunities.

(e) If, after requesting the assistance of other state agencies and the public pursuant to paragraph (c) of this subdivision, an agency is still unable to determine whether the rule will have a substantial adverse impact on jobs and employment opportunities, it may adopt the rule. When adopting a rule pursuant to this paragraph, the agency shall issue a revised job impact statement which includes information on the measures the agency took to evaluate the potential impact of the rule on jobs and employment opportunities. **No rule may be adopted pursuant to this paragraph if it is the subject of a statement of concurrence pursuant to subdivision three of this section until the requirements of subdivision three of this section have been met.**

(f) When adopting a rule on an emergency basis, an agency may defer the issuance of any statement pursuant to this section, provided that the statement is published in the state register within thirty days of the effective date of the emergency rule.

(g) When any statement issued pursuant to this section exceeds two thousand words, the agency shall prepare a summary of such statement in less than two thousand words for publication in the state register in which it shall identify the website of the agency, or of another state entity, on which the full text of the statement has been posted.

(h) An agency may consider a series of closely related and simultaneously proposed rules as one rule for the purpose of submitting a consolidated job impact statement.

(i) Where a rule would have a measurable impact on opportunities for self-employment, the agency shall include a discussion of such impact in any statement prepared pursuant to this section.

(j) An agency shall make available the methodology and data or data sources used to prepare any statement issued pursuant to paragraph (b) of subdivision two of this section.

3. (a) The commissioner of labor and the commissioner of economic development may review any statement issued pursuant to this section, and may consult informally with any agency preparing such a statement and advise it on the potential impact of a rule on jobs and employment opportunities. **The commissioner of labor and the commissioner of economic development shall review any statement issued pursuant to this section that indicates that the rule may have a substantial adverse impact on jobs or employment opportunities and consider whether additional evaluation is needed pursuant to this subdivision.**

(b) When the commissioner of labor and the commissioner of economic development concur in a determination that additional evaluation of the potential impact of a proposed rule on jobs and employment opportunities is needed to assist in the minimization of any unnecessary adverse impacts of the rule on jobs or employment opportunities, they shall issue a statement of concurrence and transmit a copy of such statement to the agency and to the secretary of state for publication in the state register. The statement of concurrence shall:

(i) identify each proposed rule which is the subject of the statement of concurrence;

(ii) set forth the basis for the determination that additional evaluation of the potential impact of the rule is needed to assist in the minimization of any unnecessary adverse impacts on jobs or employment opportunities, and, where relevant, identify each aspect of the job impact statement which is incomplete or deficient;

(iii) include appropriate recommendations for additional evaluation of the impact of the rule or of any measures which the agency should consider to minimize any adverse impacts of the rule on jobs or employment opportunities; and

(iv) specify a time period of not more than ninety days for the agency to perform such additional evaluation or consider such recommendations.

(c) An agency shall strive to perform such additional evaluation or consider such measures as are recommended in a statement of concurrence within the time period set forth therein. No agency shall adopt the rule which is the subject of the statement of concurrence until:

(i) the agency has performed the additional evaluation or considered the measures recommended in the statement of concurrence, and has issued a revised job impact statement, which is acceptable to the commissioners of economic development and labor, setting forth any changes which it will make to the rule to minimize any adverse impacts on jobs or employment opportunities; or

(ii) after the expiration of the time period set forth in the statement of concurrence.

(d) The statement of concurrence shall be considered public comment for the purpose of this article and shall be summarized and analyzed in any assessment of public comment.

4. Nothing in this section shall be construed as preventing an agency from adopting a rule on an emergency basis at any time.

5. Copies of any statement prepared pursuant to this section, including any statement of concurrence, shall be distributed as provided in subdivision six-a of section two hundred two of this article.

6. For the purposes of this section:

(a) "rule" shall mean any rule proposed or any rule adopted on an emergency basis pursuant to this article, except for:

(i) any rule defined in subparagraph (ii) of paragraph (a) of subdivision two of section one hundred two of this [~~article~~] chapter;

(ii) any rule defined in [~~subdivisions ten,~~] subdivision eleven [~~or twelve~~] of section one hundred two of this [~~article~~] chapter; or

(iii) any rule proposed or adopted by the state comptroller or the attorney general.

(b) "impact on jobs or employment opportunities" shall mean a change in the number of jobs and employment opportunities, including opportunities for self-employment, primarily attributable to the adoption of a rule, which would otherwise be available to the residents of the state in the two-year period commencing on the date the rule takes effect. "Impact on jobs or employment opportunities" shall also mean a significant change in employment status, including whether adoption of a rule would have a significant impact on average wage levels, hours and/or duration of employment.

(c) "substantial adverse impact on jobs or employment opportunities" shall mean a decrease of more than one hundred full-time annual jobs and employment opportunities, including opportunities for self-employment, in the state, or the equivalent in part-time or seasonal employment, which would otherwise be available to the residents of the state in the two-year period commencing on the date the rule takes effect. "Substantial adverse impact on jobs or employment opportunities" shall also mean any changes in the status of such jobs and employment opportunities, including but not limited to any significant net reductions in average wage levels, hours and/or duration of employment, that would represent a substantial adverse impact on incomes or economic security.

§ 2. Subparagraphs (vi) and (viii) of paragraph (f) of subdivision 1 of section 202 of the state administrative procedure act, subparagraph (vi) as amended by chapter 304 of the laws of 2016 and subparagraph (viii) as amended by chapter 229 of the laws of 2000, are amended to read as follows:

(vi) include a regulatory impact statement prepared pursuant to section two hundred two-a of this article and any job impact statement prepared pursuant to section two hundred one-a of this article, provided, however, if either such statement exceeds two thousand words, the notice shall include only a summary of such statement in less than two thousand words and the full text of such statement shall be posted on a website maintained by the agency or another state entity until such statement is revised or the proposed rule is adopted or withdrawn or expires pursuant to this article;

(viii) give the name, public office address and telephone number of an agency representative, who is knowledgeable on the proposed rule, from whom the complete text of such rule and any scientific or statistical study, report and analysis that served as the basis for the rule and any supporting data, the regulatory impact statement, the job impact statement, the regulatory flexibility analysis, and the rural area flexibility analysis may be obtained; from whom information about any public hearing may be obtained; and to whom written data, views and arguments may be submitted; and

§ 3. Subparagraphs (v) and (vii) of paragraph (c) of subdivision 4-a of section 202 of the state administrative procedure act, subparagraph (v) as amended by chapter 304 of the laws of 2016, and subparagraph (vii) as amended by chapter 171 of the laws of 1994, are amended to read as follows:

(v) include a revised regulatory impact statement, when required by the provisions of paragraph (b) of subdivision six of section two hundred two-a of this article **and any revised job impact statement prepared pursuant to section two hundred one-a of this article**, provided, however, if **either** such statement exceeds two thousand words, the notice shall include only a summary of such statement in less than two thousand words and shall identify the website of the agency, or of another state entity, on which the complete revised text has been posted;

(vii) give the name, address and telephone number of an agency representative knowledgeable on the rule, from whom the complete revised text of such rule, any revised regulatory impact statement**, any revised job impact statement,** any revised regulatory flexibility analysis and any revised rural area flexibility analysis may be obtained; from whom information about any additional public hearing may be obtained; and to whom written data, views and arguments may be submitted;

§ 4. Subparagraphs (v) and (viii) of paragraph (c) of subdivision 5 of section 202 of the state administrative procedure act, subparagraph (v) as amended by chapter 304 of the laws of 2016 and subparagraph (viii) as amended by chapter 171 of the laws of 1994, are amended to read as follows:

(v) include a revised regulatory impact statement, when required by the provisions of paragraph (b) of subdivision six of section two hundred two-a of this article **and any revised job impact statement prepared pursuant to section two hundred one-a of this article**, provided, however, if **either** such statement exceeds two thousand words, the notice shall include only a summary of such statement in less than two thousand words;

(viii) give the name, public office address and telephone number of an agency representative from whom the complete text of the rule and any revised regulatory impact statement, **revised job impact statement,** revised regulatory flexibility analysis, **revised** rural area flexibility analysis or assessment of comments may be obtained; and

§ 5. Subparagraphs (viii) and (x) of paragraph (d) of subdivision 6 of section 202 of the state administrative procedure act, subparagraph (viii) as added by chapter 17 of the laws of 1984 and renumbered by chapter 850 of the laws of 1990 and subparagraph (x) as amended by chapter 171 of the laws of 1994, are amended to read as follows:

(viii) include a regulatory impact statement prepared pursuant to section two hundred two-a of this [~~chapter~~] **article and any job impact statement prepared pursuant to section two hundred one-a of this article,** or a statement setting forth that the regulatory impact statement **and/or job impact statement** will appear in the state register within thirty days of the effective date of the emergency rule, provided, however, if [~~either~~] **any such** statement exceeds two thousand words, the notice shall include only a summary of such statement in less than two thousand words;

(x) give the name, public office address and telephone number of an agency representative, knowledgeable on the rule, from whom a complete text of such rule, the regulatory impact statement, **the job impact statement,** regulatory flexibility analysis, and the rural area flexibil-

ity analysis may be obtained; from whom information about any public hearing may be obtained; and to whom written data, views and arguments may be submitted; and

§ 6. Paragraphs (a) and (b) of subdivision 6-a of section 202 of the state administrative procedure act, as amended by chapter 171 of the laws of 1994, are amended to read as follows:

(a) An agency shall transmit a copy of any rule making notice prepared pursuant to this article to the governor, the temporary president of the senate, the speaker of the assembly[~~,~~] **and** the administrative regulations review commission [~~**and the office of regulatory and management assistance**~~] at the time such notice is submitted to the secretary of state for publication in the state register. Such transmittal shall include the complete rule text, regulatory impact statement, **job impact statement,** regulatory flexibility analysis, rural area flexibility analysis, or revisions thereof, and any other information submitted to the secretary of state pursuant to this article.

(b) An agency shall make a copy of the complete text of any proposed, adopted or emergency rule, regulatory impact statement, **job impact statement,** regulatory flexibility analysis, rural area flexibility analysis, or revisions thereof available to the public at the time such documents are submitted to the secretary of state for publication in the state register and shall send to any person a copy of such text upon written request.

§ 7. This act shall take effect on the first of January next succeeding the date on which it shall have become a law, and shall apply to any rule first proposed or adopted on an emergency basis on or after such date.

PART GG

Section 1. State police communication interoperability demonstration project. 1. The legislature finds that significant police radio communications problems, such as coverage gaps, lack of encryption and inadequate interoperability between state and local police systems exist within the state of New York thereby warranting the authorization of this interoperability demonstration project.

2. Within an area comprised of a multiple county interoperable consortium, the state police are authorized to conduct an interoperability demonstration project for the purpose of testing the use of established techniques to promote more efficient communications for state and local law enforcement agencies.

3. As part of the demonstration project, the state police shall utilize, to the best extent possible, current infrastructure that meets the needs of the interoperability demonstration project.

4. The interoperability demonstration project shall be funded through existing division of homeland security and emergency services funding.

5. The state police shall determine the best vendor for this project, taking into account readiness, familiarity with the project and ability to complete the project in a cost efficient and timely manner.

§ 2. This act shall take effect immediately.

PART HH

Section 1. Paragraph (c) of subdivision 2 of section 216.00 of the criminal procedure law, as added by section 4 of part AAA of chapter 56 of the laws of 2009 is amended, paragraph (d) of such subdivision is

relettered paragraph (e), and a new paragraph (d) is added to read as follows:

(c) a recommendation as to the treatment modality, level of care and length of any proposed treatment to effectively address the defendant's alcohol or substance abuse or dependence and any co-occurring mental disorder or illness; [~~and~~]

(d) a complete description of the defendant's criminal history, including sealed cases, such as juvenile delinquency determinations, juvenile offender cases, youthful offender adjudications, and adjournments in contemplation of dismissal, with the defendant's request for an alcohol and substance abuse evaluation being deemed a waiver of all sealing provisions and an authorization for release of all sealed records for purposes of the evaluation and the court's determination of the defendant's application to be offered alcohol or substance abuse treatment pursuant to this article; and

§ 2. Subparagraphs (ii), (iii), (iv) and (v) of paragraph (b) of subdivision 3 of section 216.05 of the criminal procedure law are renumbered subparagraphs (iii), (iv), (v) and (vi) and a new subparagraph (ii) is added to read as follows:

(ii) despite the defendant being an eligible defendant, the defendant's criminal history, including information contained in previously sealed records, indicates that the defendant should not be offered alcohol or substance abuse treatment pursuant to this article;

§ 3. This act shall take effect immediately.

PART II

Section 1. Subdivisions 4, 5 and 8 and paragraph (a) of subdivision 9 of section 216.05 of the criminal procedure law, subdivision 4 as added by section 4 of part AAA of chapter 56 of the laws of 2009, subdivision 5 as amended by chapter 67 of the laws of 2016, subdivision 8 as amended by chapter 315 of the laws of 2016 and paragraph (a) of subdivision 9 as amended by chapter 258 of the laws of 2015, are amended to read as follows:

4. When an authorized court**, after considering the underlying charges and the propensity or lack thereof for violent conduct of the defendant, and after reviewing or hearing one or more written or oral opinions from a licensed psychologist or psychiatrist as to the propensity of the defendant for future violent conduct, and after making an on-the-record determination as to the reasons why, based on all evidence,** determines, pursuant to paragraph (b) of subdivision three of this section, that an eligible defendant should be offered alcohol or substance abuse treatment, or when the parties and the court agree to an eligible defendant's participation in alcohol or substance abuse treatment, an eligible defendant may be allowed to participate in the judicial diversion program offered by this article. Prior to the court's issuing an order granting judicial diversion, the eligible defendant shall be required to enter a plea of guilty to the charge or charges; provided, however, that no such guilty plea shall be required when:

(a) the people and the court consent to the entry of such an order without a plea of guilty; or

(b) based on a finding of exceptional circumstances, the court determines that a plea of guilty shall not be required. For purposes of this subdivision, exceptional circumstances exist when, regardless of the ultimate disposition of the case, the entry of a plea of guilty is likely to result in severe collateral consequences.

5. The defendant shall agree on the record or in writing to abide by the release conditions set by the court, which, shall include: participation in a specified period of alcohol or substance abuse treatment at a specified program or programs identified by the court, which may include periods of detoxification, residential or outpatient treatment, or both, as determined after taking into account the views of the health care professional who conducted the alcohol and substance abuse evaluation and any health care professionals responsible for providing such treatment or monitoring the defendant's progress in such treatment; and may include: (i) periodic court appearances, which may include periodic urinalysis**, provided, however, that defendants may make such court appearances by video conference, at the sole discretion of the court**; (ii) a requirement that the defendant refrain from engaging in criminal behaviors[~~; (iii) if the defendant needs treatment for opioid abuse or dependence, that he or she may participate in and receive medically prescribed drug treatments under the care of a health care professional licensed or certified under title eight of the education law, acting within his or her lawful scope of practice, provided that no court shall require the use of any specified type or brand of drug during the course of medically prescribed drug treatments~~].

8. During the period of a defendant's participation in the judicial diversion program, the court shall retain jurisdiction of the defendant, provided, however, that the court may allow such defendant to [~~(i)~~] reside in another jurisdiction[~~, or (ii) participate in alcohol and substance abuse treatment and other programs in the jurisdiction where the defendant resides or in any other jurisdiction,~~] while participating in a judicial diversion program under conditions set by the court and agreed to by the defendant pursuant to subdivisions five and six of this section. The court may require the defendant to appear in court at any time to enable the court to monitor the defendant's progress in alcohol or substance abuse treatment. The court shall provide notice, reasonable under the circumstances, to the people, the treatment provider, the defendant and the defendant's counsel whenever it orders or otherwise requires the appearance of the defendant in court. Failure to appear as required without reasonable cause therefor shall constitute a violation of the conditions of the court's agreement with the defendant. **At the sole discretion of the court, any court appearance required pursuant to this subdivision may be made by video conference.**

(a) If at any time during the defendant's participation in the judicial diversion program, the court has reasonable grounds to believe that the defendant has violated a release condition or has failed to appear before the court as requested, the court shall direct the defendant to appear or issue a bench warrant to a police officer or an appropriate peace officer directing him or her to take the defendant into custody and bring the defendant before the court without unnecessary delay[~~; provided, however, that under no circumstances shall a defendant who requires treatment for opioid abuse or dependence be deemed to have violated a release condition on the basis of his or her participation in medically prescribed drug treatments under the care of a health care professional licensed or certified under title eight of the education law, acting within his or her lawful scope of practice~~]. **At the sole discretion of the court, any court appearance required pursuant to this subdivision may be made by video conference.** The provisions of subdivision one of section 530.60 of this chapter relating to revocation of recognizance or bail shall apply to such proceedings under this subdivision.

§ 2. Section 216.05 of the criminal procedure law is amended by adding two new subdivisions 5-a and 12 to read as follows:

5-a. When an authorized court determines, pursuant to paragraph (b) of subdivision three of this section, that an eligible defendant should be offered alcohol or substance abuse treatment, or when the parties and the court agree to an eligible defendant's participation in alcohol or substance abuse treatment, the court shall transmit the eligible defendant's arrest record and conviction statement to the facility where the defendant is to receive treatment.

12. A facility which is treating a defendant under the provisions of this section shall notify the local police department which has jurisdiction over the municipality where the facility is located, of the defendant's placement and arrest record (or if there be no municipal police department, then the sheriff of the county in which the facility is located), which shall be provided to facility staff at the facility in a manner ordered by the court. The facility shall also submit to the division of criminal justice services a security plan designed to provide for the safety of staff, residents and the community from violent behavior by residents. Such plan shall be updated at least every five years or as otherwise directed by the commissioner of the division of criminal justice services.

§ 3. The penal law is amended by adding a new section 205.70 to read as follows:

§ 205.70 Unauthorized departure from a rehabilitation facility.

A person is guilty of unauthorized departure from a rehabilitation facility when a court determines that an eligible defendant, as defined by subdivision one of section 216.00 of the criminal procedure law, leaves, departs or escapes from the treatment facility to which such person was assigned for a period of alcohol or substance abuse treatment as part of the judicial diversion program pursuant to section 216.05 of the criminal procedure law without the consent of the court or written consent of the facility management.

Unauthorized departure from a rehabilitation facility is a class D felony.

§ 4. This act shall take effect immediately.

PART JJ

Section 1. Subdivision 5 of section 216.05 of the criminal procedure law, as amended by chapter 67 of the laws of 2016, is amended to read as follows:

5. The defendant shall agree on the record or in writing to abide by the release conditions set by the court, which, shall include: participation in a specified period of alcohol or substance abuse treatment at a specified program or programs identified by the court, which may include periods of detoxification, residential or outpatient treatment, or both, as determined after taking into account the views of the health care professional who conducted the alcohol and substance abuse evaluation and any health care professionals responsible for providing such treatment or monitoring the defendant's progress in such treatment; and may include: (i) periodic court appearances, which may include periodic urinalysis**; (ii) upon the discretion of the court, may be accompanied by the requirement that the defendant submit to the use of a continual electronic monitoring device in accordance with the provisions of subdivision four of section 65.10 of the penal law**; [~~(ii)~~] **(iii)** a requirement that the defendant refrain from engaging in criminal behaviors;

[~~(iii)~~] **(iv)** if the defendant needs treatment for opioid abuse or dependence, that he or she may participate in and receive medically prescribed drug treatments under the care of a health care professional licensed or certified under title eight of the education law, acting within his or her lawful scope of practice, provided that no court shall require the use of any specified type or brand of drug during the course of medically prescribed drug treatments.

§ 2. This act shall take effect immediately and shall apply to all agreements entered into on and after such date.

PART KK

Section 1. Subparagraph (iv) of paragraph (c) of subdivision 1 and subparagraph (v) of paragraph (b) of subdivision 3 of section 270.00 of the penal law, as added by chapter 477 of the laws of 2014, are amended to read as follows:

(iv) except in cities with a population of one million or more, [~~in those counties and cities that opt by local law pursuant to paragraph (b) of subdivision five of section 405.00 of this chapter,~~] "fireworks" and "dangerous fireworks" shall not be deemed to include "sparkling devices" as defined in subparagraph (vi) of paragraph (a) of this subdivision.

(v) except in cities with a population of one million or more, possession of sparkling devices lawfully obtained in [~~a jurisdiction that did opt by local law pursuant to paragraph (b) of subdivision five of section 405.00 of this chapter to exclude "sparkling devices" from the definitions of "fireworks" and "dangerous fireworks", for the purpose of lawful use in another jurisdiction that did opt by local law pursuant to paragraph (b) of subdivision five of section 405.00 of this chapter to exclude "sparkling devices" from the definitions of "fireworks" and "dangerous fireworks". The superintendent of state police shall annually publish a list of those jurisdictions that have opted by local law pursuant to paragraph (b) of subdivision five of section 405.00 of this chapter to exclude "sparkling devices" from the definitions of "fireworks" and "dangerous fireworks"~~] **another jurisdiction within the state**.

§ 2. Paragraph (b) of subdivision 5 of section 405.00 of the penal law, as amended by chapter 458 of the laws of 2016, is amended to read as follows:

(b) [~~Further, no city or county shall be bound to include "sparkling device" in the definitions of "fireworks" and "dangerous fireworks" in section 270.00 of this chapter, if such city or county shall so authorize the exemption of "sparkling device" by law. If any such city or county so elects, it~~] **A city or county** and such other local jurisdictions that lie within its geographical boundaries shall not enact any [~~other~~] local law that is inconsistent with the provisions of subparagraph (iv) of paragraph (c) of subdivision one of section 270.00 of this chapter, nor [~~to~~] regulate sparkling devices in a manner that is in conflict with the provisions of NFPA 1124, 2006 edition.

§ 3. Notwithstanding the provisions of sections one and two of this act, any county, that did not previously opt by local law pursuant to section 405.00 of the penal law to exclude "sparkling devices" from the definitions of "fireworks" and "dangerous fireworks" and did not register such with the secretary of state prior to the effective date of this act, may elect to exempt itself from the provisions of such sections, if acting by and through its governing body, it enacts a local law estab-

lishing such exemption and filing such local law with the secretary of state within ninety days of the effective date of this act.

§ 4. This act shall take effect immediately.

PART LL

Section 1. This act shall be known and may be cited as the "New York State criminal street gang act".

§ 2. Legislative findings and purpose. The legislature hereby finds that preservation of public order and improvement of individual safety and security can be improved by a comprehensive, targeted, and systemic enhancement of state laws applicable to criminal street gangs and their activities in order to prevent the growth of such gangs, facilitate prosecution and punishment of their members for unlawful acts, and punish those who solicit others to participate in such gangs and in acts of gang-related violence and unlawfulness or who provide support or resources to those who commit or encourage the commission of such acts.

The legislature therefore declares it to be in every sense in the public interest to establish the comprehensive approach to the protection of public order and individual safety enacted by this act that will enhance prosecution and punishment of the unlawful activities of criminal street gangs, prevent their growth and ability to recruit members, and expand effective anti-gang education and intervention activities by the state and its localities.

§ 3. Paragraph (g) of subdivision 2 of section 1349 of the civil practice law and rules, as amended by chapter 398 of the laws of 2004, is amended to read as follows:

(g) Forty percent of all moneys realized through forfeiture which are remaining after distributions pursuant to paragraphs (a) through (f) of this subdivision, to the chemical dependence service fund established pursuant to section ninety-seven-w of the state finance law**, except that in the case of any such monies realized through forfeiture resulting from convictions obtained under article four hundred ninety-five of the penal law, such forty percent shall be paid into the criminal street gang prevention fund established by section ninety-seven-pppp of the state finance law**;

§ 4. The penal law is amended by adding a new title Y-1-A to read as follows:

TITLE Y-1-A

OFFENSES INVOLVING CRIMINAL STREET GANGS

ARTICLE 495

CRIMINAL STREET GANGS ENFORCEMENT AND PREVENTION ACT

Section 495.05 Definitions.
495.10 Accepting the benefits or proceeds of criminal street gang activity.
495.15 Participation in criminal street gang activity.
495.20 Solicitation for participation in a criminal street gang in the third degree.
495.25 Solicitation for participation in a criminal street gang in the second degree.
495.30 Solicitation of minors for participation in a criminal street gang.
495.35 Solicitation of minors for participation in a criminal street gang on school grounds.
495.40 Sentencing.

§ 495.05 Definitions. As used in this article, the following terms shall mean and include:

1. "Criminal street gang" means a street gang that engages in a pattern of criminal street gang activity for its benefit or for the benefit of one or more members. As used in this article, the term "street gang" means and includes any formal or informal association in fact of two or more individuals identified by a common name, sign, dress, symbols, tattoos, or other mark or markings.

2. "Participation in a criminal street gang" means (a) the commission of any act of criminal street gang activity by a person for the purpose of obtaining, maintaining or increasing such person's position in a criminal street gang, or (b) the commission of any act of criminal street gang activity at the direction of or with the knowledge of two or more members of a criminal street gang, or (c) knowingly using the assets of a criminal street gang in the commission of any act of criminal street gang activity, or (d) the knowing receipt of any proceeds or benefits, directly or indirectly, from the commission of any act of criminal street gang activity, including the receipt of any substituted asset obtained or converted from proceeds of such act.

3. "Pattern of criminal street gang activity" means the commission of two or more discreet acts of criminal street gang activity, one of which occurred after the effective date of this article and the last of which occurred within three years (excluding any period of imprisonment) after the commission of a prior act of criminal street gang activity. As used in this article, "pattern of criminal street gang activity" also means and includes the conspiracy to commit, solicit, attempt, aid and abet the commission of any act of criminal street gang activity;

4. "Criminal street gang activity" means any felony criminal offense defined by any of the following provisions of this chapter: section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.06 (gang assault in the second degree); section 120.07 (gang assault in the first degree); section 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); section 121.12 (strangulation in the second degree); section 121.13 (strangulation in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.27 (murder in the first degree); section 125.25 (murder in the second degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); subdivision one of section 130.35 (rape in the first degree); subdivision one of section 130.50 (criminal sexual act in the first degree); subdivision one of section 130.65 (sexual abuse in the first degree); paragraph (a) of subdivision one of section 130.67 (aggravated sexual abuse in the second degree); paragraph (a) of subdivision one of section 130.70 (aggravated sexual abuse in the first degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.10 (criminal trespass in the third degree); section

140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 150.05 (arson in the fourth degree); section 150.10 (arson in the third degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second degree); section 155.42 (grand larceny in the first degree); section 160.05 (robbery in the third degree); section 160.10 (robbery in the second degree); section 160.15 (robbery in the first degree); sections 210.10 and 210.15 (perjury); sections 215.00, 215.05, 215.11, 215.12, 215.13, 215.15, 215.16, 215.17, 215.19 (bribery, tampering with a juror); sections 220.06, 220.09, 220.16, 220.18, 220.21, 220.28, 220.31, 220.34, 220.39, 220.41, 220.43, 220.44 (controlled substance sale and possession); sections 240.06, 240.15, 240.31, 240.32, 240.46, 240.55, 240.60, 240.61, 240.62, 240.63, 240.71, 240.72, 240.73, 240.75 (riot and offenses against public order); section 240.25 (harassment in the first degree); subdivision one, two, or four of section 240.30 (aggravated harassment in the second degree); section 242.15 (harming a service animal in the first degree); sections 250.05, 250.45, 250.50, 250.60 (wiretapping, unlawful surveillance, and offenses against the right to privacy); section 270.20 (unlawful wearing of a body vest); and sections 270.30 and 270.35 (unlawful fleeing a police officer in a motor vehicle); drug trafficking felony as defined in subdivision twenty-one of section 10.00; or any offense defined by any of the following provisions of this chapter: section 120.03, 120.04, 120.04-a, 120.05, 120.08, 120.09, 120.10, 120.11, 120.13, 120.18, 120.55, 120.60, 125.12, 125.13, 125.14, 125.15, 125.20, 125.21, 125.22, 125.25, 125.26, 125.27, 135.65, 140.17, 140.20, 140.25, 140.30, 145.00, 145.05, 145.10, 145.12, 145.60, 145.65, 190.25, 190.26, 190.78, 190.79, 190.80, 190.80-a, 200.00, 200.03, 205.60, 205.65, 230.19, 230.20, 230.25, 230.32, 230.33, or 230.34; 265.11, 265.12, or 235.13, as such provisions were in effect prior to the enactment of chapter one of the laws of two thousand thirteen; article one hundred fifty-five, one hundred sixty, two hundred ten, four hundred seventy, four hundred eighty-five or four hundred ninety; or any felony offense defined in article one hundred thirty, one hundred thirty-five, one hundred fifty, one hundred sixty-five, two hundred fifteen, two hundred forty, two hundred fifty or two hundred sixty-three; or any attempt or conspiracy to commit any of the foregoing offenses.

§ 495.10 Accepting the benefits or proceeds of criminal street gang activity.

A person is guilty of accepting the benefits or proceeds of criminal street gang activity when such person knowingly accepts from a criminal street gang the benefits or proceeds derived from the commission of criminal street gang activity, or of any substituted asset obtained or converted from proceeds or benefits derived from such act.

Accepting the benefits or proceeds of criminal street gang activity is a class E felony.

§ 495.15 Participation in criminal street gang activity.

A person is guilty of participation in criminal street gang activity when, acting as a member of a criminal street gang, such person knowing-

ly promotes, furthers, assists in, conducts, facilitates, or participates in the commission of criminal street gang activity, or knowingly receives the benefits from criminal street gang activity, or uses or invests the income, assets, proceeds, or substitute proceeds, from criminal street gang activity for the benefit of the criminal street gang.

Participation in criminal street gang activity is a class E felony.

§ 495.20 Solicitation for participation in a criminal street gang in the third degree.

A person is guilty of solicitation for participation in a criminal street gang in the third degree if such person solicits or recruits another to participate in a criminal street gang, or threatens a person with physical injury with the intent to coerce, induce, or solicit such person or another to participate in a criminal street gang.

Solicitation for participation in a criminal street gang in the third degree is a class E felony.

§ 495.25 Solicitation for participation in a criminal street gang in the second degree.

A person is guilty of solicitation for participation in a criminal street gang in the second degree when, with intent to cause physical injury to another person, such person causes physical injury to another person in order to coerce, induce, or solicit such person to participate in a criminal street gang.

Solicitation for participation in a criminal street gang in the second degree is a class D felony.

§ 495.30 Solicitation of minors for participation in a criminal street gang.

A person is guilty of solicitation of minors for participation in a criminal street gang when he or she commits, facilitates, or conspires to commit the crime of solicitation for participation in a criminal street gang and the person solicited is less than eighteen years of age.

Solicitation of minors for participation in a criminal street gang is a class D felony.

§ 495.35 Solicitation of minors for participation in a criminal street gang on school grounds.

A person is guilty of solicitation of minors for participation in a criminal street gang on school grounds when he or she commits, facilitates, or conspires to commit the crime of solicitation of minors for participation in a criminal street gang while on school grounds. For purposes of this section, the term "school grounds" means "school grounds" as defined in subdivision fourteen of section 220.00 of this chapter.

Solicitation of minors for participation in a criminal street gang on school grounds is a class C felony.

§ 495.40 Sentencing.

1. When a person is convicted of the crime of participation in criminal street gang activity pursuant to this article, and one or more of the criminal street gang activities constituting such participation is a violent felony offense, as defined in section 70.02 of this chapter, the crime of participation in criminal street gang activity shall be deemed a violent felony offense.

2. When a person is convicted of the crime of participation in criminal street gang activity pursuant to this article and the criminal street gang activity is a misdemeanor or a class C, D or E felony, the crime of participation in criminal street gang activity shall be deemed to be one category higher than the criminal street gang activity the defendant committed, or one category higher than the offense level

applicable to the defendant's conviction for an attempt or conspiracy to commit criminal street gang activity, whichever is applicable.

3. Notwithstanding any other provision of law, when a person is convicted of the crime of participation in criminal street gang activity pursuant to this article and the underlying criminal street gang activity or pattern of criminal street gang activity is a class B felony:

(a) the maximum term of the indeterminate sentence must be at least six years of imprisonment if the defendant is sentenced pursuant to section 70.00 of this chapter;

(b) the term of the determinate sentence must be at least eight years of imprisonment if the defendant is sentenced pursuant to section 70.02 of this chapter;

(c) the term of the determinate sentence must be at least twelve years of imprisonment if the defendant is sentenced pursuant to section 70.04 of this chapter;

(d) the maximum term of the indeterminate sentence must be at least four years of imprisonment if the defendant is sentenced pursuant to section 70.05 of this chapter; and

(e) the maximum term of the indeterminate sentence or the term of the determinate sentence must be at least ten years of imprisonment if the defendant is sentenced pursuant to section 70.06 of this chapter.

4. Any other provision of any other law to the contrary notwithstanding, when a person is convicted of the crime of participation in criminal street gang activity pursuant to this article and the criminal street gang activity is a class A-1 felony, the minimum period of the indeterminate sentence shall be not less than twenty years of imprisonment.

§ 5. The state finance law is amended by adding a new section 97-pppp to read as follows:

§ 97-pppp. Criminal street gang prevention fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance an account of the miscellaneous special revenue fund to be known as the criminal street gang prevention fund.

2. The criminal street gang prevention fund shall consist of moneys appropriated thereto, funds transferred from any other fund or sources, and moneys deposited therein pursuant to subdivision two of section thirteen hundred forty-nine of the civil practice law and rules or any other section of law.

3. Moneys of the fund, following appropriation by the legislature, may be expended to support the criminal street gang and violence prevention partnership program established pursuant to section twelve hundred thirteen of the education law. Moneys shall be paid out of the account on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of the department of education, in collaboration with the division of criminal justice services.

§ 6. The education law is amended by adding a new article 25 to read as follows:

ARTICLE 25
GANG PREVENTION

Section 1210. Gang prevention.
1211. Model gang violence curriculum; prevention activities.
1212. Dress code concerning gang-related apparel.
1213. Criminal street gang and violence prevention partnership program.

§ 1210. Gang prevention. 1. The department, after consultation with the division of criminal justice services regarding gang violence, shall:

(a) prepare and distribute to schools guidelines for incorporating in-service training in gang violence into staff development plans for teachers, counselors, athletic directors, school board members, and other educational personnel, and shall, upon request, assist any school in developing comprehensive gang violence in-service training programs. To the maximum extent possible such information and guidelines shall encourage schools to avoid duplication of effort by sharing resources; adapting or adopting model in-service training programs; developing joint and collaborative programs; and coordinating efforts with existing gang violence staff development programs, county and city law enforcement agencies, and other public and private agencies providing gang violence prevention, or other related services at the local level; and

(b) assist schools seeking to qualify for receipt of federal and state funds to support gang violence and drug and alcohol abuse prevention in-service training programs.

2. The term "gang violence and drug and alcohol abuse prevention in-service training" as used in this section means the presentation of programs, instruction, and curricula that will help educators develop competencies in interacting in a positive manner with children and youth and their parents to assist them in developing the positive values, self-esteem, knowledge, and skills to lead productive, gang-free, and drug-free lives, including the development of knowledge of the causes of gang violence and substance abuse, and training regarding available information and resources concerning gang violence.

§ 1211. Model gang violence curriculum; prevention activities. 1. The department, in collaboration with the division of criminal justice services, shall develop a model gang violence prevention curriculum for use in schools, and shall provide for an independent biennial evaluation of the curriculum and of pupil outcomes.

2. In developing the curriculum, the department, in conjunction with the division of criminal justice services, shall assess the current status of school crime committed on school campuses and at school-related functions, and identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety.

3. Upon request, the department shall assist school districts in developing comprehensive gang violence and drug and alcohol abuse prevention in-service training programs. Such guidelines shall to the maximum extent possible encourage school districts to share resources, develop joint and collaborative programs, and coordinate efforts with other existing state and local programs.

§ 1212. Dress code concerning gang-related apparel. Any other provision of any other law to the contrary notwithstanding, following procedures established pursuant to section twenty-eight hundred one of this chapter, the board of education or the trustees, as defined in section two of this chapter, of every school district within the state, however created, and every board of cooperative educational services and county vocational extension board may adopt or rescind a dress code policy that requires pupils to wear a school-wide uniform or prohibits pupils from wearing "gang-related apparel".

§ 1213. Criminal street gang and violence prevention partnership program. 1. The department, in collaboration with the division of crimi-

nal justice services, shall evaluate requests for funding for programs from the criminal street gang prevention fund, established pursuant to section ninety-seven-pppp of the state finance law. All such funds shall be disbursed to non-profit agencies that comply with the program requirements and who meet funding criteria.

2. Grants disbursed pursuant to this section may enhance but shall not supplant local, state, or federal funds that would otherwise be available for the prevention or intervention of youth involvement in gangs, crime, or violence. Grants shall be awarded pursuant to a request for proposals that informs applicants of the purposes and availability of funds to be awarded and solicits proposals to provide services consistent with this article. Agencies receiving funds pursuant to this section shall utilize the funds to provide services and activities designed to prevent or deter at-risk youth from participating in gangs, criminal activity, or violent behavior. Such funds may not be used for services or activities related to suppression, law enforcement, incarceration, or other purposes not related to the prevention and deterrence of gangs, crime, and violence. Nothing in this subdivision shall prevent funds from being used for violence prevention and gang crime deterrence services provided by nonprofit agencies to youths incarcerated in juvenile detention facilities. Services and activities provided with funds under this section shall be used for at-risk youth who are defined as persons from age five to twenty years of age and who are current or former gang members, or who have one or more family members living at home who are current or former members of a gang.

3. The department shall conduct an evaluation of the criminal street gang and violence prevention partnership program after two years of program operation and each year thereafter, to assess the effectiveness and results of the program. The evaluation shall be conducted by staff or an independent body that has experience in evaluating programs operated by community-based organizations or nonprofit agencies. After two years of program operation, and each year thereafter, the department shall prepare and submit an annual report to the legislature describing in detail the operation of the program and the results obtained.

4. The commissioner shall additionally be empowered to develop and implement an educational program, coordinated with the educational program authorized pursuant to section fifteen-b of the correction law, which shall be known as the department of corrections gang education and prevention program, whereby inmates can receive instruction concerning the impact of and risks associated with gang affiliation, and receive support services in relation to the cessation of gang membership. The commissioner shall be empowered to promulgate rules and regulations necessary to effectuate this program. The program shall be funded from the criminal street gang prevention fund or from any other appropriations made or funds otherwise made available to such program.

§ 7. Severability. If any clause, sentence, paragraph, 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, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 8. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.

PART MM

Section 1. Paragraph (a) of subdivision 1 of section 460.10 of the penal law, as amended by chapter 368 of the laws of 2015, is amended to read as follows:

(a) Any of the felonies set forth in this chapter: sections 120.05, 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relating to strangulation; sections 125.10 to 125.27 relating to homicide; sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and 135.25 relating to kidnapping; sections 135.35 and 135.37 relating to labor trafficking; section 135.65 relating to coercion; sections 140.20, 140.25 and 140.30 relating to burglary; sections 145.05, 145.10 and 145.12 relating to criminal mischief; article one hundred fifty relating to arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand larceny; **sections 156.10, 156.25, 156.26, 156.27, 156.30 and 156.35 relating to offenses involving computers;** sections 177.10, 177.15, 177.20 and 177.25 relating to health care fraud; article one hundred sixty relating to robbery; sections 165.45, 165.50, 165.52 and 165.54 relating to criminal possession of stolen property; sections 165.72 and 165.73 relating to trademark counterfeiting; sections 170.10, 170.15, 170.25, 170.30, 170.40, 170.65 and 170.70 relating to forgery; sections 175.10, 175.25, 175.35, 175.40 and 210.40 relating to false statements; sections 176.15, 176.20, 176.25 and 176.30 relating to insurance fraud; sections 178.20 and 178.25 relating to criminal diversion of prescription medications and prescriptions; sections 180.03, 180.08, 180.15, 180.25, 180.40, 180.45, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.20, 200.22, 200.25, 200.27, 200.56, 215.00, 215.05 and 215.19; sections 187.10, 187.15, 187.20 and 187.25 relating to residential mortgage fraud, sections 190.40 and 190.42 relating to criminal usury; section 190.65 relating to schemes to defraud; **section 190.76 relating to criminal use of an access device; sections 190.79, 190.80 and 190.80-a relating to identity theft; sections 190.82 and 190.83 relating to unlawful possession of personal identification information; section 190.86 relating to unlawful possession of a skimmer device;** any felony defined in article four hundred ninety-six; sections 205.60 and 205.65 relating to hindering prosecution; sections 210.10, 210.15, and 215.51 relating to perjury and contempt; section 215.40 relating to tampering with physical evidence; sections 220.06, 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.46, 220.55, 220.60, 220.65 and 220.77 relating to controlled substances; sections 225.10 and 225.20 relating to gambling; sections 230.25, 230.30, and 230.32 relating to promoting prostitution; section 230.34 relating to sex trafficking; sections 235.06, 235.07, 235.21 and 235.22 relating to obscenity; sections 263.10 and 263.15 relating to promoting a sexual performance by a child; sections 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 and the provisions of section 265.10 which constitute a felony relating to firearms and other dangerous weapons; sections 265.14 and 265.16 relating to criminal sale of a firearm; section 275.10, 275.20, 275.30, or 275.40 relating to unauthorized recordings; and sections 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or

§ 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

PART NN

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 **formed to address a matter of special concern based upon the status of the defendant or the victim, commonly known as a "problem solving court," including, but not limited to, drug court, domestic violence court, youth court, mental health court, and veterans court,** by the chief administrator of the courts, and such [~~drug~~] **problem solving** 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~~] **problem solving** 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~~] **problem solving** court shall promptly give notice to the defendant, his or her counsel and the district attorney.

§ 2. This act shall take effect immediately.

PART OO

Section 1. Short title. This act shall be known and may be cited as the "youth violence prevention task force act".

§ 2. Youth violence prevention task force; members. 1. There is created the "youth violence prevention task force" (hereinafter referred to as the task force) consisting of seven members to be appointed as follows:

a. one member of the senate who shall be appointed by the temporary president of the senate;

b. one member of the senate who shall be appointed by the minority leader of the senate;

c. one member of the assembly who shall be appointed by the speaker of the assembly;

d. one member of the assembly who shall be appointed by the minority leader of the assembly; and

e. three members who shall be appointed by the governor, one of whom shall be designated as the chairperson of the task force by the governor.

2. The members of the task force shall serve without compensation but shall be entitled to reimbursement for their reasonable and necessary expenses incurred in the performance of their duties.

3. The task force may employ skilled experts with the approval of the chairperson, and shall receive the cooperation of those state agencies it deems appropriate to assist the task force in carrying out its duties.

4. The task force shall hold hearings across the state.

§ 3. Youth violence prevention task force; duties. The task force shall study and evaluate the effectiveness of current and existing programs related to the prevention of youth violence. The task force shall further issue a report to the governor and the legislature on or before December 1, 2018 concerning its activities and findings.

§ 4. This act shall take effect immediately and shall expire and be deemed repealed on December 1, 2018.

PART PP

Section 1. The family court act is amended by adding a new section 169 to read as follows:

§ 169. Interpretation of orders of protection. The office of court administration shall develop a process by which a court order of protection or temporary order of protection issued by the court under article three, four, five, six, seven, eight or ten of this act, is translated in writing into the appropriate language for a party to a proceeding where the court has appointed an interpreter, and a copy of the written translation shall be given to each party in the proceeding. Such process developed by the office of court administration may include but not be limited to the use of interpreters or computer software. Such written interpretation shall not affect the validity or enforceability of the order.

§ 2. Section 530.12 of the criminal procedure law is amended by adding a new subdivision 5-a to read as follows:

5-a. The office of court administration shall develop a process by which a court order of protection or temporary order of protection is translated in writing into the appropriate language for a party to a proceeding where the court has appointed an interpreter, and a copy of the written translation shall be given to each party in the proceeding. Such process developed by the office of court administration may include but not be limited to the use of interpreters or computer software. Such written interpretation shall not affect the validity or enforceability of the order.

§ 3. Section 530.13 of the criminal procedure law is amended by adding a new subdivision 4-a to read as follows:

4-a. The office of court administration shall develop a process by which a court order of protection or temporary order of protection is translated in writing into the appropriate language for a party to a proceeding where the court has appointed an interpreter, and a copy of the written translation shall be given to each party in the proceeding. Such process developed by the office of court administration may include but not be limited to the use of interpreters or computer software. Such written interpretation shall not affect the validity or enforceability of the order.

§ 4. Subdivision 3 of section 240 of the domestic relations law is amended by adding a new paragraph a-1 to read as follows:

a-1. The office of court administration shall develop a process by which a court order of protection or temporary order of protection is translated in writing into the appropriate language for a party to a proceeding where the court has appointed an interpreter, and a copy of the written translation shall be given to each party in the proceeding. Such process developed by the office of court administration may include but not be limited to the use of interpreters or computer software. Such written interpretation shall not affect the validity or enforceability of the order.

§ 5. Section 252 of the domestic relations law is amended by adding a new subdivision 1-a to read as follows:

1-a. The office of court administration shall develop a process by which a court order of protection or temporary order of protection is translated in writing into the appropriate language for a party to a proceeding where the court has appointed an interpreter, and a copy of the written translation shall be given to each party in the proceeding. Such process developed by the office of court administration may include but not be limited to the use of interpreters or computer software. Such written interpretation shall not affect the validity or enforceability of the order.

§ 6. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to orders of protection issued on or after such effective date.

PART QQ

Section 1. The general municipal law is amended by adding a new section 504-b to read as follows:

§ 504-b. Comprehensive study on the reutilization of nuclear facilities. 1. The county of Westchester, in consultation with the town of Cortlandt, village of Buchanan and the Hendrick Hudson school district, shall perform a comprehensive study to develop and recommend possible solutions for the reutilization of the property within such entities that contains the Indian Point nuclear generating facility. Such study shall consider all aspects of possible uses of the lands and buildings at such facility, together with such other and further information that the county of Westchester and the entities with which it shall consult, shall choose to include. In examining such reutilization, the study shall further consider the infrastructure currently at and near such facility, the costs and measures that would need to be taken by the owners of the facility, regulators and/or governmental bodies in order to achieve any such reutilization, and any other factors that the county of Westchester and the entities with which it shall consult, shall choose to include in its considerations.

2. The state of New York including its state agencies and public authorities, shall provide whatever information or technical assistance is requested from the county of Westchester in order to perform the study, and make the recommendations required by subdivision one of this section. The state shall further provide funding as requested by the county of Westchester necessary to perform the study, and make the recommendations required by subdivision one of this section, pursuant to funds appropriated or suballocated for expenses related thereto, and in support of such costs for such study and its performance and recommendations.

3. The county of Westchester, before December first, two thousand seventeen, shall deliver a copy of the study together with its recommendations required to be produced by subdivision one of this section, to the governor, the speaker of the assembly, the temporary president of the senate, the chair of the senate standing committee on energy, and the chair of the assembly standing committee on energy.

§ 2. This act shall take effect immediately.

PART RR

Section 1. Sections 1 and 2 of subpart H of part C of chapter 20 of the laws of 2015, appropriating money for certain municipal corporations and school districts, as added by section 1 of part BB of chapter 58 of the laws of 2016, is amended to read as follows:

Section 1. Contingent upon available funding, and not to exceed [~~$30,000,000~~] $60,000,000 moneys from the urban development corporation shall be available for a local government entity, which for the purposes of this section shall mean a county, city, town, village, school district or special district, where (i) on or after June 25, 2015, an electric generating facility located within such local government entity has ceased operations, and (ii) the closing of such facility has caused a reduction in the real property tax collections or payments in lieu of taxes of at least twenty percent owed by such electric generating facility. Such moneys attributable to the cessation of operations, shall be paid annually on a first come, first served basis by the urban development corporation to such local government entity within a reasonable time upon confirmation from the state office of real property tax services or the local industrial development authority established pursuant to titles eleven and fifteen of article eight of the public authorities law, or the local industrial development agency established pursuant to article eighteen-A of the general municipal law that such cessation has resulted in a reduction in the real property tax collections or payments in lieu of taxes, provided, however, that the urban development corporation shall not provide assistance to such local government entity for more than [~~five~~] ten years, and shall [~~not~~] award in the first year [~~more than eighty~~] one hundred percent of the loss of revenues due to the cessation of operations and shall not award in the second year less than ninety percent of the loss of revenues, and shall not decrease payments by more than ten percent each year thereafter. A local government entity shall be eligible for only one payment of funds hereunder per year. A local government entity may seek assistance under the electric generation facility cessation mitigation fund once a generator has submitted its notice to the federally designated electric bulk system operator (BSO) serving the state of New York of its intent to retire the facility or of its intent to voluntarily remove the facility from service subject to any return-to-service provisions of any tariff, and that the facility also is ineligible to participate in the markets operated by the BSO. The date of submission of a local government entity's application for assistance shall establish the order in which assistance is paid to program applicants, except that in no event shall assistance be paid to a local government entity until such time that an electric generating facility has retired or become ineligible to participate in the markets operated by the BSO. For purposes of this section, any local government entity seeking assistance under the electric generation facility cessation mitigation fund must submit an attestation to the department of public service that a facility is no longer producing electricity and is no longer participating in markets operated by the BSO. After receipt of such attestation, the department of public service shall confirm such information with the BSO. In the case that the BSO confirms to the department of public service that the facility is no longer producing electricity and participating in markets operated by such BSO, it shall be deemed that the electric generating facility located within the local government entity has ceased operation. The department of public service shall provide such confirmation to the urban development corporation upon receipt. The determination of the amount of such annual payment shall be determined by the president of

the urban development corporation based on the amount of the differential between the annual real property taxes and payments in lieu of taxes imposed upon the facility, exclusive of interest and penalties, during the last year of operations and the current real property taxes and payments in lieu of taxes imposed upon the facility, exclusive of interest and penalties. The total amount awarded from this program shall not exceed [~~$30,000,000~~] $60,000,000.

§ 2. Notwithstanding any provision of law, rule, or regulation to the contrary the New York state energy research and development authority (authority) is authorized and directed to make a contribution to the urban development corporation for the purposes of this act, an amount not to exceed [~~$30,000,000~~] $60,000,000 for the state fiscal year commencing April 1, 2016 from proceeds collected by the authority from the auction or sale of carbon dioxide emission allowances allocated by the department of environmental conservation.

§ 2. This act shall take effect immediately provided, however, that the amendments to sections 1 and 2 of subpart H of part C of chapter 20 of the laws of 2015 made by section one of this act shall not affect the repeal of such subpart and shall be deemed repealed therewith.

PART SS

Section 1. Notwithstanding any other law to the contrary, any state agency with over 25 percent of their workforce accruing overtime on a calendar year basis and absent an emergency requiring a temporary increase in overtime hours, shall maintain all full time equivalent positions from the previous year. State agencies shall report the total number of agency workers and the total number of workers accruing overtime from the previous calendar year, to the director of budget by January 15th of each year. In addition, any agency exceeding the threshold as established herein shall report on the number of full time equivalent positions that have been filled in accordance with this section and all efforts made to reduce overtime to beneath the threshold stated herein. Each agency shall further report on the number of temporary workers and per diem workers in positions in said agency and the specific number of hours worked by temporary and per diem workers. Said report shall include the length of time said temporary workers or per diem workers have been employed in each agency.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on or after April 1, 2017.

PART TT

Section 1. The volunteer firefighters' benefit law is amended by adding a new section 11-d to read as follows:

§ 11-d. Volunteer firefighters; presumption in certain cancers. 1. Notwithstanding any other provision of this chapter to the contrary, a condition of impairment of health of a volunteer firefighter with (a) five or more years of faithful and actual service in the protection of life and property from fire in the interior of buildings caused by cancer affecting the lymphatic or hematological systems or (b) ten or more years of faithful and actual service in the protection of life and property from fire in the interior of buildings caused by cancer affecting the digestive, urinary, prostate, neurological, breast or reproductive systems or melanoma, resulting in total or partial disability or death to such volunteer firefighter, who successfully passed a physical

examination on entry into firefighter service, which examination failed to reveal any evidence of such cancers, shall be presumptive evidence that it was incurred in the performance and discharge of duty, unless the contrary be proven by competent evidence. Claims for benefits pursuant to this section must be filed within twelve years of separation from active service in protecting life and property from fire in the interior of buildings.

2. This section shall not apply to volunteer firefighters serving in a fire company or fire department where the legislative body of the city or the village, the board of fire commissioners or other governing board of the fire district, or the town board of the town in relation to (a) the fire companies serving territory outside the villages and fire districts or (b) a town fire department, has adopted a local law or resolution to elect not to provide this presumption.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed June 30, 2021.

§ 2. 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.

§ 3. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through TT of this act shall be as specifically set forth in the last section of such Parts.