

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:

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

12 PART A

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

1 § 2. This act shall take effect on the one hundred eightieth day after
2 it shall have become a law and shall remain in effect until September 1,
3 [~~2017~~] 2019.

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

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12 shall expire and be deemed repealed.

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

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

20 § 4. Section 20 of chapter 261 of the laws of 1987, amending chapters
21 50, 53 and 54 of the laws of 1987, the correction law, the penal law and
22 other chapters and laws relating to correctional facilities, as amended
23 by section 4 of part B of chapter 55 of the laws of 2015, is amended to
24 read as follows:

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

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

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

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

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

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

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

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

17 § 8. Subdivision h of section 74 of chapter 3 of the laws of 1995,
18 amending the correction law and other laws relating to the incarceration
19 fee, as amended by section 8 of part B of chapter 55 of the laws of
20 2015, is amended to read as follows:

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

37 § 9. Subdivision (c) of section 49 of subpart A of part C of chapter
38 62 of the laws of 2011 amending the correction law and the executive
39 law, relating to merging the department of correctional services and
40 division of parole into the department of corrections and community
41 supervision, as amended by section 9 of part B of chapter 55 of the laws
42 of 2015, is amended to read as follows:

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

47 § 10. Subdivision (aa) of section 427 of chapter 55 of the laws of
48 1992, amending the tax law and other laws relating to taxes, surcharges,
49 fees and funding, as amended by section 10 of part B of chapter 55 of
50 the laws of 2015, is amended to read as follows:

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

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

1 and incarceration programs, as amended by section 11 of part B of chap-
2 ter 55 of the laws of 2015, is amended to read as follows:

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

7 § 12. Subdivision (p) of section 406 of chapter 166 of the laws of
8 1991, amending the tax law and other laws relating to taxes, as amended
9 by section 12 of part B of chapter 55 of the laws of 2015, is amended to
10 read as follows:

11 (p) The amendments to section 1809 of the vehicle and traffic law made
12 by sections three hundred thirty-seven and three hundred thirty-eight of
13 this act shall not apply to any offense committed prior to such effec-
14 tive date; provided, further, that section three hundred forty-one of
15 this act shall take effect immediately and shall expire November 1, 1993
16 at which time it shall be deemed repealed; sections three hundred
17 forty-five and three hundred forty-six of this act shall take effect
18 July 1, 1991; sections three hundred fifty-five, three hundred fifty-
19 six, three hundred fifty-seven and three hundred fifty-nine of this act
20 shall take effect immediately and shall expire June 30, 1995 and shall
21 revert to and be read as if this act had not been enacted; section three
22 hundred fifty-eight of this act shall take effect immediately and shall
23 expire June 30, 1998 and shall revert to and be read as if this act had
24 not been enacted; section three hundred sixty-four through three hundred
25 sixty-seven of this act shall apply to claims filed on or after such
26 effective date; sections three hundred sixty-nine, three hundred seven-
27 ty-two, three hundred seventy-three, three hundred seventy-four, three
28 hundred seventy-five and three hundred seventy-six of this act shall
29 remain in effect until September 1, [~~2017~~] 2019, at which time they
30 shall be deemed repealed; provided, however, that the mandatory
31 surcharge provided in section three hundred seventy-four of this act
32 shall apply to parking violations occurring on or after said effective
33 date; and provided further that the amendments made to section 235 of
34 the vehicle and traffic law by section three hundred seventy-two of this
35 act, the amendments made to section 1809 of the vehicle and traffic law
36 by sections three hundred thirty-seven and three hundred thirty-eight of
37 this act and the amendments made to section 215-a of the labor law by
38 section three hundred seventy-five of this act shall expire on September
39 1, [~~2017~~] 2019 and upon such date the provisions of such subdivisions
40 and sections shall revert to and be read as if the provisions of this
41 act had not been enacted; the amendments to subdivisions 2 and 3 of
42 section 400.05 of the penal law made by sections three hundred seventy-
43 seven and three hundred seventy-eight of this act shall expire on July
44 1, 1992 and upon such date the provisions of such subdivisions shall
45 revert and shall be read as if the provisions of this act had not been
46 enacted; the state board of law examiners shall take such action as is
47 necessary to assure that all applicants for examination for admission to
48 practice as an attorney and counsellor at law shall pay the increased
49 examination fee provided for by the amendment made to section 465 of the
50 judiciary law by section three hundred eighty of this act for any exam-
51 ination given on or after the effective date of this act notwithstanding
52 that an applicant for such examination may have prepaid a lesser fee for
53 such examination as required by the provisions of such section 465 as of
54 the date prior to the effective date of this act; the provisions of
55 section 306-a of the civil practice law and rules as added by section
56 three hundred eighty-one of this act shall apply to all actions pending

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

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

19 8. The provisions of this section shall only apply to offenses commit-
20 ted on or before September first, two thousand [~~seventeen~~] nineteen.

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

25 § 6. This act shall take effect on the first day of April next
26 succeeding the date on which it shall have become a law; provided,
27 however, that effective immediately, the addition, amendment or repeal
28 of any rule or regulation necessary for the implementation of the fore-
29 going sections of this act on their effective date is authorized and
30 directed to be made and completed on or before such effective date and
31 shall remain in full force and effect until the first day of September,
32 [~~2017~~] 2019 when upon such date the provisions of this act shall be
33 deemed repealed.

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

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

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

44 § 4. This act shall take effect 120 days after it shall have become a
45 law and shall remain in full force and effect until September 1, [~~2017~~]
46 2019, when upon such date it shall expire.

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

51 2. Subdivision 4 of section 140.10 of the criminal procedure law as
52 added by section thirty-two of this act shall take effect January 1,
53 1996 and shall expire and be deemed repealed on September 1, [~~2017~~]
54 2019.

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

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

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

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

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

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

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

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

29 § 3. This act shall take effect immediately, except that section one
30 of this act shall take effect on the first of January next succeeding
31 the date on which it shall have become a law, and shall remain in effect
32 until the first of September, [~~2017~~] 2019, upon which date this act
33 shall be deemed repealed and have no further force and effect; provided
34 that section one of this act shall only take effect with respect to any
35 compacting state which has enacted an interstate compact entitled
36 "Interstate compact for adult offender supervision" and having an iden-
37 tical effect to that added by section one of this act and provided
38 further that with respect to any such compacting state, upon the effec-
39 tive date of section one of this act, section 259-m of the executive law
40 is hereby deemed REPEALED and section 259-mm of the executive law, as
41 added by section one of this act, shall take effect; and provided
42 further that with respect to any state which has not enacted an inter-
43 state compact entitled "Interstate compact for adult offender super-
44 vision" and having an identical effect to that added by section one of
45 this act, section 259-m of the executive law shall take effect and the
46 provisions of section one of this act, with respect to any such state,
47 shall have no force or effect until such time as such state shall adopt
48 an interstate compact entitled "Interstate compact for adult offender
49 supervision" and having an identical effect to that added by section one
50 of this act in which case, with respect to such state, effective imme-
51 diately, section 259-m of the executive law is deemed repealed and
52 section 259-mm of the executive law, as added by section one of this
53 act, shall take effect.

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

1 correctional services of inmates serving definite sentences, providing
2 for custody of federal prisoners and requiring the closing of certain
3 correctional facilities, as amended by section 22 of part B of chapter
4 55 of the laws of 2015, is amended to read as follows:

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

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

12 § 3. This act shall take effect on the same date as the reversion of
13 subdivision 5 of section 183 and subdivision 1 of section 221 of the
14 military law as provided by section 76 of chapter 435 of the laws of
15 1997, as amended by section 1 of chapter 19 of the laws of 1999 notwith-
16 standing this act shall be deemed to have been in full force and effect
17 on and after July 31, 2005 and shall remain in full force and effect
18 until September 1, [~~2017~~] 2019 when upon such date this act shall
19 expire.

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

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

36 § 25. Intentionally omitted.

37 § 26. This act shall take effect immediately.

38 PART B

39 Intentionally Omitted

40 PART C

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

1

SUBPART A

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

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

11 2. "Obtain" includes, but is not limited to, the bringing about of a
12 transfer or purported transfer of property or of a legal interest there-
13 in, whether to the obtainer or another. With regard to personal identi-
14 fying information, computer data or computer program, obtain includes
15 duplicating, recording, copying, downloading, uploading or printing out
16 the information, data, or program, or obtaining a physical object
17 containing such information. With regard to service, obtain includes,
18 but is not limited to, using or accessing a service.

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

34 4. "Appropriate." To "appropriate" property of another to oneself or a
35 third person means (a) to exercise control over it, or to aid a third
36 person to exercise control over it, permanently or for so extended a
37 period or under such circumstances as to acquire the major portion of
38 its economic value or benefit, or (b) to dispose of the property for the
39 benefit of oneself or a third person. When the property is personal
40 identifying information, computer data or computer program of another,
41 to appropriate it to oneself or a third person means to obtain it under
42 such circumstances as to acquire the ability to use it or dispose of it
43 to the economic benefit of oneself or a third person or to the economic
44 detriment or damage of an owner. To appropriate a service provided by
45 another to oneself or a third person means to use or access the service
46 under such circumstances as to acquire the ability to use it to the
47 economic benefit of oneself or a third person or to the economic detri-
48 ment or damage of an owner.

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

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

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

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

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

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

26 1. Except as otherwise specified in this section, value means the
27 market value of the property at the time and place of the crime, or if
28 such cannot be satisfactorily ascertained, the cost of replacement of
29 the property within a reasonable time after the crime. With regard to
30 service, value shall also mean the cost of providing the service at the
31 time of the crime, and with regard to the value of computer data or
32 computer program value shall mean the replacement cost or the market
33 value at the time and place of the crime, or the cost to write or devel-
34 op such data and/or program, whichever is greater.

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

37 § 155.23 Petit theft of service.

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

40 Petit theft of service is a class B misdemeanor.

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

42 § 155.25 Petit larceny.

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

46 Petit larceny is a class A misdemeanor.

47 § 6. The opening paragraph and subdivisions 1, 4 and 6 of section
48 155.30 of the penal law, the opening paragraph and subdivisions 1 and 6
49 as amended by chapter 515 of the laws of 1986, subdivision 4 as amended
50 by chapter 556 of the laws of 1987, are amended to read as follows:

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

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

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

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

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

5 § 155.35 Grand larceny in the third degree.

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

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

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

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

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

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

16 § 155.40 Grand larceny in the second degree.

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

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

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

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

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

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

34 § 155.42 Grand larceny in the first degree.

35 A person is guilty of grand larceny in the first degree when he or she
36 steals property or a service and when the value of the property or
37 service exceeds one million dollars; or the property is personal identi-
38 fying information of one thousand or more persons.

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

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

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

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

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

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

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

11 8. "Without authorization" means to use or to access a computer,
12 computer service or computer network without the permission of the owner
13 or lessor or someone licensed or privileged by the owner or lessor where
14 such person knew that his or her use or access was without permission or
15 after actual notice to such person that such use or access was without
16 permission, or that such use or access was for purposes other than those
17 for which permission was granted by the owner, lessor, or someone
18 licensed or privileged by such owner or lessor. It shall also mean the
19 access of a computer service by a person without permission where such
20 person knew that such access was without permission or after actual
21 notice to such person, that such access was without permission.

22 Proof that such person used or accessed a computer, computer service
23 or computer network through the knowing use of a set of instructions,
24 code or computer program that bypasses, defrauds or otherwise circum-
25 vents a security measure installed or used with the user's authorization
26 on the computer, computer service or computer network shall be presump-
27 tive evidence that such person used or accessed such computer, computer
28 service or computer network without authorization.

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

31 § 156.20 Computer tampering in the [~~fourth~~] fifth degree.

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

37 Computer tampering in the [~~fourth~~] fifth degree is a class A misdemea-
38 nor.

39 § 12. Section 156.25 of the penal law, as amended by chapter 89 of the
40 laws of 1993, subdivision 2 as amended by chapter 376 of the laws of
41 1997, is amended to read as follows:

42 § 156.25 Computer tampering in the [~~third~~] fourth degree.

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

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

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

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

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

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

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

3 § 156.26 Computer tampering in the [~~second~~] third degree.

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

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

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

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

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

18 § 156.27 Computer tampering in the [~~first~~] second degree.

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

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

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

27 § 156.28 Computer tampering in the first degree.

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

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

34 § 16. The penal law is amended by adding five new sections 156.60,
35 156.65, 156.70, 156.75 and 156.80 to read as follows:

36 § 156.60 Denial of service attack on a computer, computer service,
37 computer program, or computer network in the fifth degree.

38 A person is guilty of denial of service attack on a computer, computer
39 service, computer program, or computer network in the fifth degree when
40 he or she acting alone or with others knowingly causes the transmission
41 of a program, information, code, or command, or other electronic commu-
42 nication, and as a result of such conduct, intentionally makes the
43 computer, computer service, computer program, or computer network tempo-
44 rarily or indefinitely unavailable to its intended users.

45 Denial of service attack on a computer, computer service, computer
46 program, or computer network in the fifth degree is a class A misdemea-
47 nor.

48 § 156.65 Denial of service attack on a computer, computer service,
49 computer program, or computer network in the fourth degree.

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

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

3 § 156.70 Denial of service attack on a computer, computer service,
4 computer program, or computer network in the third degree.

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

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

15 § 156.75 Denial of service attack on a computer, computer service,
16 computer program, or computer network in the second degree.

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

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

28 § 156.80 Denial of service attack on a computer, computer service,
29 computer program, or computer network in the first degree.

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

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

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

43 2. The property consists of a credit card, debit card or public bene-
44 fit card, or personal identifying information as defined in section
45 190.77 of this chapter; or

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

48 § 165.50 Criminal possession of stolen property in the third degree.

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

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

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

5 § 165.52 Criminal possession of stolen property in the second degree.

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

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

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

17 § 165.54 Criminal possession of stolen property in the first degree.

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

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

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

29 § 190.60 Scheme to defraud defined.

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

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

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

44 § 190.61 Scheme to defraud in the fifth degree.

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

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

48 § 190.62 Scheme to defraud in the fourth degree.

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

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

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

54 3. intends to obtain and does obtain property or service from at least
55 one vulnerable elderly person as defined in subdivision three of section
56 260.31 of this chapter.

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

2 § 190.63 Scheme to defraud in the third degree.

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

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

7 2. the value of the property or service obtained exceeds three thou-
8 sand dollars.

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

10 § 190.64 Scheme to defraud in the second degree.

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

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

15 2. the value of the property or service obtained exceeds fifty thou-
16 sand dollars.

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

18 § 190.65 Scheme to defraud in the first degree.

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

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

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

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

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

28 § 190.78 Identity theft in the [~~third~~] fifth degree.

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

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

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

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

39 § 23. Section 190.79 of the penal law, as added by chapter 619 of the
40 laws of 2002, subdivision 4 as amended by chapter 279 of the laws of
41 2008, is amended to read as follows:

42 § 190.79 Identity theft in the [~~second~~] fourth degree.

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

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

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

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

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

1 convicted within the last [~~five years of identity theft in the third~~
2 ~~degree as defined in section 190.78, identity theft in the second degree~~
3 ~~as defined in this section, identity theft in the first degree as~~
4 ~~defined in section 190.80, unlawful possession of personal identifica-~~
5 ~~tion information in the third degree as defined in section 190.81,~~
6 ~~unlawful possession of personal identification information in the second~~
7 ~~degree as defined in section 190.82, unlawful possession of personal~~
8 ~~identification information in the first degree as defined in section~~
9 ~~190.83, unlawful possession of a skimmer device in the second degree as~~
10 ~~defined in section 190.85, unlawful possession of a skimmer device in~~
11 ~~the first degree as defined in section 190.86, grand larceny in the~~
12 ~~fourth degree as defined in section 155.30, grand larceny in the third~~
13 ~~degree as defined in section 155.35, grand larceny in the second degree~~
14 ~~as defined in section 155.40 or grand larceny in the first degree as~~
15 ~~defined in section 155.42 of this chapter] ten years, excluding any time
16 period during which such person was incarcerated for any reason, of any
17 crime in this article or article one hundred seventy of this chapter, or
18 of any larceny crime as defined in article one hundred fifty-five of
19 this chapter, or of any criminal possession of stolen property crime as
20 defined in article one hundred sixty-five of this chapter; or he or she
21 knowingly and with intent to defraud assumes the identity of three or
22 more persons by presenting himself or herself as those persons or by
23 acting as those persons or by using personal identifying information of
24 any of those persons and thereby obtains goods, money, property or
25 services or uses credit in the name of at least one such person, or
26 causes financial loss to at least one such person or to another person
27 or persons.~~

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

29 § 24. Section 190.80 of the penal law, as added by chapter 619 of the
30 laws of 2002, subdivision 4 as amended by chapter 279 of the laws of
31 2008, is amended to read as follows:

32 § 190.80 Identity theft in the [~~first~~] third degree.

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

38 1. obtains goods, money, property or services or uses credit in the
39 name of such other person in an aggregate amount that exceeds two thou-
40 sand dollars; or

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

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

46 4. commits the crime of identity theft in the [~~second~~] fourth degree
47 as defined in section 190.79 of this article and has been previously
48 convicted within the last [~~five years of identity theft in the third~~
49 ~~degree as defined in section 190.78, identity theft in the second degree~~
50 ~~as defined in section 190.79, identity theft in the first degree as~~
51 ~~defined in this section, unlawful possession of personal identification~~
52 ~~information in the third degree as defined in section 190.81, unlawful~~
53 ~~possession of personal identification information in the second degree~~
54 ~~as defined in section 190.82, unlawful possession of personal identifi-~~
55 ~~cation information in the first degree as defined in section 190.83,~~
56 ~~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:

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

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

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

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

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

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

25 § 190.80-c Aggravated identity theft.

26 A person is guilty of aggravated identity theft when he or she know-
 27 ingly and with intent to defraud assumes the identity of another person
 28 by presenting himself or herself as that other person, or by acting as
 29 that other person or by using personal identifying information of that
 30 other person, and knows that such person is a member of the armed forc-
 31 es, and knows that such member is presently deployed outside of the
 32 continental United States or knows that such person is a vulnerable
 33 elderly person or a physically disabled person as such terms are defined
 34 in section 260.31 of this chapter and:

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

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

40 Aggravated identity theft is a class D felony.

41 § 26. Sections 190.85 and 190.86 of the penal law, as added by chapter
 42 279 of the laws of 2008, are amended to read as follows:

43 § 190.85 [~~Unlawful~~] Criminal possession of a skimmer device in the
 44 second degree.

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

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

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

3 § 190.86 [~~Unlawful~~] Criminal possession of a skimmer device in the first
4 degree.

5 A person is guilty of [~~unlawful~~] criminal possession of a skimmer
6 device in the first degree when he or she commits the crime of [~~unlaw-~~
7 ~~ful~~] criminal possession of a skimmer device in the second degree and he
8 or she has been previously convicted within the last [~~five years of~~
9 ~~identity theft in the third degree as defined in section 190.78, identity~~
10 ~~theft in the second degree as defined in section 190.79, identity~~
11 ~~theft in the first degree as defined in section 190.80, unlawful~~
12 ~~possession of personal identification information in the third degree as~~
13 ~~defined in section 190.81, unlawful possession of personal identifica-~~
14 ~~tion information in the second degree as defined in section 190.82,~~
15 ~~unlawful possession of personal identification information in the first~~
16 ~~degree as defined in section 190.83, unlawful possession of a skimmer~~
17 ~~device in the second degree as defined in section 190.85, unlawful~~
18 ~~possession of a skimmer device in the first degree as defined in this~~
19 ~~section, grand larceny in the fourth degree as defined in section~~
20 ~~155.30, grand larceny in the third degree as defined in section 155.35,~~
21 ~~grand larceny in the second degree as defined in section 155.40 or grand~~
22 ~~larceny in the first degree as defined in section 155.42 of this chap-~~
23 ~~ter~~] ten years, excluding any time during which such person was incar-
24 cerated for any reason, for any crime in this article or article one
25 hundred seventy of this chapter, or of any larceny crime as defined in
26 article one hundred fifty-five of this chapter, or of any criminal
27 possession of stolen property crime as defined in article one hundred
28 sixty-five of this chapter.

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

31 § 27. Paragraph (1) of subdivision 4 of section 20.40 of the criminal
32 procedure law, as amended by section 3 of subpart C of part C of chapter
33 97 of the laws of 2011, is amended to read as follows:

34 (1) An offense of identity theft, larceny, criminal possession of
35 stolen property, or unlawful possession of personal identifying informa-
36 tion, in which the property stolen or criminally possessed is personal
37 identifying information or computer data or computer program, and all
38 criminal acts committed as part of the same criminal transaction as
39 defined in subdivision two of section 40.10 of this chapter may be pros-
40 ecuted (i) in any county in which part of the offense took place regard-
41 less of whether the defendant was actually present in such county, or
42 (ii) in the county in which the person who suffers financial loss
43 resided at the time of the commission of the offense, or (iii) in the
44 county where the person whose personal identifying information was used
45 in the commission of the offense resided at the time of the commission
46 of the offense. The law enforcement agency of any such county shall take
47 a police report of the matter and provide the complainant with a copy of
48 such report at no charge.

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

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

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

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

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

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

19 3. A court authorized to issue search warrants under this article
20 shall be deemed a "court of competent jurisdiction" under 18 U.S.C.
21 section 2711(3) of the Electronic Communications Privacy Act in Chapter
22 121 (commencing with Section 2701) of Part I of Title 18 of the United
23 States Code Annotated and shall be authorized to issue orders as
24 provided by federal law.

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

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

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

40 (a) A designated or described place or premises;

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

43 (c) A designated or described person[~~▼~~];

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

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

48 § 690.20 Search warrants; where executable.

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

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

1 (i) any company, corporation or entity which is headquartered or oper-
2 ates within the state of New York; or

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

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

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

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

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

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

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

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

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

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

9 3. Notwithstanding any provision of subdivision one of this section, a
10 search warrant that is issued pursuant to paragraph (a) of subdivision
11 one of section 690.20 of this article is deemed executed for purposes of
12 this article at the time that service is made upon the electronic commu-
13 nication service or remote computing service entity pursuant to para-
14 graph (b) or (c) of subdivision one of section 690.20 of this article.

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

25 5. The provision of records by a company or entity in response to a
26 search warrant that is issued pursuant to subdivision one of section
27 690.20 of this article shall produce all records responsive to such
28 warrant to the police officer, district attorney or other public servant
29 who served the entity with such warrant, within a period not to exceed
30 thirty days.

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

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

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

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

50 § 496.06 Public corruption.

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

1 2. A "specified offense" is an offense defined by any of the following
2 provisions of this chapter: section 155.25 (petit larceny); section
3 155.30 (grand larceny in the fourth degree); section 155.35 (grand
4 larceny in the third degree); section 155.40 (grand larceny in the
5 second degree); section 155.42 (grand larceny in the first degree);
6 section 190.60 (scheme to defraud in the [~~second~~ fifth degree); section
7 190.62 (scheme to defraud in the fourth degree); section 190.63 (scheme
8 to defraud in the third degree); section 190.64 (scheme to defraud in
9 the second degree); or section 190.65 (scheme to defraud in the first
10 degree).

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

14 § 190.77 Offenses involving theft of identity; definitions.

15 1. For the purposes of sections 190.78, 190.79, 190.80 [~~and~~],
16 190.80-a, 190.80-b, 190.80-c and 190.85 of this article "personal iden-
17 tifying information" means a person's name, address, telephone number,
18 date of birth, driver's license number, social security number, place of
19 employment, mother's maiden name, financial services account number or
20 code, savings account number or code, checking account number or code,
21 brokerage account number or code, credit card account number or code,
22 debit card number or code, automated teller machine number or code,
23 taxpayer identification number, computer system password, signature or
24 copy of a signature, electronic signature, unique biometric data that is
25 a fingerprint, voice print, retinal image or iris image of another
26 person, telephone calling card number, mobile identification number or
27 code, electronic serial number or personal identification number, or any
28 other name, number, code or information that may be used alone or in
29 conjunction with other such information to assume the identity of another
30 person.

31 2. For the purposes of sections 190.78, 190.79, 190.80, 190.80-a,
32 190.80-b, 190.80-c, 190.81, 190.82 and 190.83 of this article:

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

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

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

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

49 2. he or she has been previously convicted within the last five years
50 of identity theft in the third degree as defined in section [~~190.78~~]
51 190.80, identity theft in the second degree as defined in section
52 [~~190.79~~] 190.80-a, identity theft in the first degree as defined in
53 section [~~190.80~~] 190.80-b, unlawful possession of personal identifica-
54 tion information in the third degree as defined in section 190.81,
55 unlawful possession of personal identification information in the second
56 degree as defined in section 190.82, unlawful possession of personal

1 identification information in the first degree as defined in this
2 section, [~~unlawful~~] criminal possession of a skimmer device in the
3 second degree as defined in section 190.85, [~~unlawful~~] criminal
4 possession of a skimmer device in the first degree as defined in section
5 190.86, grand larceny in the fourth degree as defined in section 155.30,
6 grand larceny in the third degree as defined in section 155.35, grand
7 larceny in the second degree as defined in section 155.40 or grand
8 larceny in the first degree as defined in section 155.42 of this chap-
9 ter; or

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

13 (s) Identity theft in the second degree, as defined in section
14 [~~190.79~~] 190.80-a of the penal law, identity theft in the first degree,
15 as defined in section [~~190.80~~] 190.80-b of the penal law, unlawful
16 possession of personal identification information in the second degree,
17 as defined in section 190.82 of the penal law, and unlawful possession
18 of personal identification information in the first degree, as defined
19 in section 190.83 of the penal law.

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

23 (a) "Specified offense" for purposes of this article means a class A
24 felony offense other than an offense as defined in article two hundred
25 twenty, a violent felony offense as defined in section 70.02,
26 manslaughter in the second degree as defined in section 125.15, criminal
27 tampering in the first degree as defined in section 145.20, identity
28 theft in the second degree as defined in section [~~190.79~~] 190.80-a,
29 identity theft in the first degree as defined in section [~~190.80~~]
30 190.80-b, unlawful possession of personal identification information in
31 the second degree as defined in section 190.82, unlawful possession of
32 personal identification information in the first degree as defined in
33 section 190.83, money laundering in support of terrorism in the fourth
34 degree as defined in section 470.21, money laundering in support of
35 terrorism in the third degree as defined in section 470.22, money laun-
36 dering in support of terrorism in the second degree as defined in
37 section 470.23, money laundering in support of terrorism in the first
38 degree as defined in section 470.24 of this chapter, and includes an
39 attempt or conspiracy to commit any such offense.

40 § 38. Subdivision 1 and paragraph (b) of subdivision 4 of section
41 60.27 of the penal law, subdivision 1 as amended by chapter 279 of the
42 laws of 2008, and paragraph (b) of subdivision 4 as amended by chapter
43 313 of the laws of 2011, are amended to read as follows:

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

1 or damage of the victim, and the amount of restitution or reparation
2 sought by the victim in accordance with his or her responsibilities
3 under subdivision two of section 390.50 of the criminal procedure law
4 and article twenty-three of the executive law. The court shall hear and
5 consider the information presented by the district attorney in this
6 regard. In that event, or when the victim impact statement reports that
7 the victim seeks restitution or reparation, the court shall require,
8 unless the interests of justice dictate otherwise, in addition to any of
9 the dispositions authorized by this article that the defendant make
10 restitution of the fruits of the offense and reparation for the actual
11 out-of-pocket loss and, in the case of a violation of section 190.78,
12 190.79, 190.80, 190.82 or 190.83 of this chapter, any costs or losses
13 incurred due to any adverse action, caused thereby to the victim. In the
14 event that restitution or reparation are not ordered, the court shall
15 clearly state its reasons on the record. Adverse action as used in this
16 subdivision shall mean and include actual loss incurred by the victim,
17 including an amount equal to the value of the time reasonably spent by
18 the victim attempting to remediate the harm incurred by the victim from
19 the offense, and the consequential financial losses from such action.

20 (b) the term "victim" shall include the victim of the offense, the
21 representative of a crime victim as defined in subdivision six of
22 section six hundred twenty-one of the executive law, an individual whose
23 identity was assumed or whose personal identifying information was used
24 in violation of section 190.78, 190.79 [~~ex~~], 190.80, 190.80-a or
25 190.80-b of this chapter, or any person who has suffered a financial
26 loss as a direct result of the acts of a defendant in violation of
27 section 190.78, 190.79, 190.80, 190.80-a, 190.80-b, 190.82 or 190.83 of
28 this chapter, a good samaritan as defined in section six hundred twen-
29 ty-one of the executive law and the office of victim services or other
30 governmental agency that has received an application for or has provided
31 financial assistance or compensation to the victim. A victim shall also
32 mean any owner or lawful producer of a master recording, or a trade
33 association that represents such owner or lawful producer, that has
34 suffered injury as a result of an offense as defined in article two
35 hundred seventy-five of this chapter.

36 § 39. Severability. If any clause, sentence, paragraph, subdivision,
37 section or part of this act shall be adjudged by a court of competent
38 jurisdiction to be invalid, such judgment shall not affect, impair or
39 invalidate the remainder thereof, but shall be confined in its operation
40 to the clause, sentence, paragraph, subdivision, section or part of this
41 act directly involved in the controversy in which such judgment shall
42 have been rendered.

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

45

SUBPART B

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

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

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

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

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

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

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

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

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

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

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

23 (h) how private sector entities addressed such need.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 § 2. This act shall take effect immediately.

28 SUBPART C

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

31 § 720. New York state cyber security initiative. 1. Legislative find-
32 ings. The legislature finds and declares that repeated cyber intrusions
33 into critical infrastructure, effecting government, private sector busi-
34 ness, and citizens of the state of New York, have demonstrated the need
35 for improved cyber security.

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

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

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

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

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

15 3. New York state cyber security advisory board. (a) There shall be
16 within the division of homeland security and emergency services, a New
17 York state cyber security advisory board, which shall advise the gover-
18 nor and the legislature on developments in cyber security and make
19 recommendations for protecting the state's critical infrastructure and
20 information systems.

21 (b) The board members shall consist of eleven members appointed by the
22 governor, with three members appointed upon recommendation of the tempo-
23 rary president of the senate, and three members appointed at the recom-
24 mendation of the speaker of the assembly. All members so appointed shall
25 have expertise in cyber security, telecommunications, internet service
26 delivery, public protection, computer systems and/or computer networks.

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

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

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

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

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

54 (b) It shall be the purpose of the New York state cyber security
55 information sharing and analysis program to increase the volume, timeli-
56 ness, and quality of cyber threat information shared with New York state

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

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

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

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

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

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

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

36 (i) The regulations shall also seek to develop strategies to maximize
37 the utility of cyber threat information sharing between and across the
38 private and public sectors, and shall further seek to promote the use of
39 private and public sector subject matter experts to address cyber secu-
40 rity needs in New York state, with these subject matter experts provid-
41 ing advice regarding the content, structure, and types of information
42 most useful to critical infrastructure owners and operators in reducing
43 and mitigating cyber risks.

44 (j) The regulations shall further seek to establish a consultative
45 process to coordinate improvements to the cyber security of critical
46 infrastructure, where as part of the consultative process, the public
47 and private entities of the state of New York shall engage and consider
48 the advice of the division of homeland security and emergency services,
49 the division of the state police, the state office of information tech-
50 nology services, the center for internet security, the New York state
51 cyber security advisory board, the programs established by this subdivi-
52 sion, and such other and further private and public sector entities,
53 universities, and cyber security experts as the division of homeland
54 security and emergency services may deem prudent.

55 (k) The regulations shall further seek to establish a baseline frame-
56 work to reduce cyber risk to critical infrastructure, and shall seek to

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

7 (i) include a set of standards, methodologies, procedures, and proc-
8 esses that align policy, business, and technological approaches to
9 address cyber risks;

10 (ii) incorporate voluntary consensus standards and industry best prac-
11 tices to the fullest extent possible;

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

16 (iv) focus on identifying cross-sector security standards and guide-
17 lines applicable to critical infrastructure;

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

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

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

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

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

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

41 (m) In developing the New York state cyber security information shar-
42 ing and analysis program in accordance with the provisions of this
43 subdivision, the division of homeland security and emergency services,
44 in consultation with the division of state police, the state office of
45 information technology services, and the center for internet security,
46 shall produce and submit a report, to the governor, the temporary presi-
47 dent of the senate, and the speaker of the assembly, making recommenda-
48 tions on the feasibility, security benefits, and relative merits of
49 incorporating security standards into acquisition planning and contract
50 administration. Such report shall further address what steps can be
51 taken to harmonize and make consistent existing procurement requirements
52 related to cyber security and the feasibility of including risk-based
53 security standards into procurement and contract administration.

54 5. New York state cyber security critical infrastructure risk assess-
55 ment report. (a) The division of homeland security and emergency
56 services, in consultation with the division of state police, the state

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

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

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

20 (d) The New York state cyber security critical infrastructure risk
21 assessment report shall be delivered to the governor, the temporary
22 president of the senate, the speaker of the assembly, the chair of the
23 senate standing committee on veterans, homeland security and military
24 affairs, and the chair of the assembly standing committee on govern-
25 mental operations.

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

31 (i) such confidential or sensitive information shall be provided to
32 the persons entitled to receive the report, in the form of a supple-
33 mental appendix to the report; and

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

37 (iii) the persons entitled to receive the report may disclose the
38 supplemental appendix to the report to their professional staff, but
39 shall not otherwise publicly disclose such confidential or secure infor-
40 mation.

41 § 2. This act shall take effect immediately.

42 SUBPART D

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

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

1 under the command and control of the commissioner and within the divi-
2 sion, including identifying such bureaus, responsibilities and duties
3 that should be contained and performed within such office, the budget
4 and personnel necessary to establish such office, and the site locations
5 at which such office should be situated. The purpose of the plan shall
6 be to develop a comprehensive and effective strategy to provide meaning-
7 ful cyber security for the state of New York, its state agencies, its
8 public authorities, its assets, its infrastructure, its local govern-
9 ments, and its private sector businesses, not-for-profit corporations
10 and individuals.

11 2. Cyber security defense unit. The cyber security action plan estab-
12 lished pursuant to subdivision one of this section shall further make
13 recommendations to the governor and the legislature on the establish-
14 ment, within the office of cyber security, of a cyber security defense
15 unit. The cyber security action plan shall detail how the cyber security
16 defense unit, would consist of such persons as the commissioner deems
17 necessary to perform its mission. The cyber security action plan shall
18 further detail the mission of the cyber security defense unit, with such
19 mission being to help prevent, respond to, and recover from cyber
20 attacks targeted against the state, its assets, and its infrastructure,
21 together with such other and further duties and responsibilities as the
22 cyber security action plan may additionally prescribe. The cyber secu-
23 rity action plan shall further detail that the personnel of the cyber
24 security defense unit must be expert in computer and programming tech-
25 nology so as to prevent and respond to unauthorized invasion, hacking
26 and attacks against computer networks, systems, databases, and informa-
27 tion storage. The cyber security action plan shall further detail how
28 the personnel of the cyber security defense unit must have background
29 and experience in computer, system and network operations and vulner-
30 abilities, programming code, data recovery and cyber security. The
31 cyber security action plan shall also provide that, in addition to any
32 other tasks the commissioner may wish to assign the cyber security
33 defense unit, that such cyber security defense unit shall also be
34 assigned the mission of using and developing software, hardware, and
35 protocols to prevent such unauthorized invasions, hacking and attacks,
36 and to develop response activities, procedures, and protocols to address
37 any such invasion, hacking or attack on any state computer network,
38 system, database, and/or information storage. The cyber security action
39 plan shall further detail how the cyber security defense unit should
40 interact and deploy the use of other cyber experts, educators, law
41 enforcement, intelligence experts, and other public and private sector
42 entities to assist it in the performance of its mission.

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

1 further detail that the personnel of the cyber incident response teams
2 must be expert in computer and programming technology so as to prevent
3 and respond to an unauthorized invasion, hacking and attacks against
4 computer networks, systems, databases, and information storage. The
5 cyber security action plan shall additionally detail how the personnel
6 of the cyber incident response teams must have background and experience
7 in computer, system and network operations and vulnerabilities, program-
8 ming code, data recovery and cyber security. The cyber security action
9 plan shall also provide, in addition to any other tasks the commissioner
10 may wish to assign the cyber incident response teams, that such cyber
11 incident response teams shall also be assigned the mission of using and
12 developing software, hardware, and protocols to prevent such unauthor-
13 ized invasions, hacking and attacks, and to develop response activities,
14 procedures, and protocols to address any such invasion, hacking or
15 attack on any state computer network, system, database, and/or informa-
16 tion storage. The cyber security action plan shall also provide that it
17 would further be the mission of each cyber incident response team to
18 respond to, and help the targeted entity to recover from, cyber inva-
19 sion, hacking and attacks. The cyber security action plan shall also
20 provide that within resources available, the commissioner may deploy a
21 cyber incident response team to a state entity, public authority, local
22 government, private sector business, or not-for-profit corporation that
23 has experienced a cyber attack, to promote and assist in such entity's
24 response and recovery efforts. The cyber security action plan shall
25 further detail how the cyber incident response team should interact and
26 deploy the use of other cyber experts, educators, law enforcement,
27 intelligence experts, and other public and private sector entities to
28 assist them in the performance of their mission.

29 4. Cyber education and attack prevention. The cyber security action
30 plan established pursuant to subdivision one of this section shall
31 further make recommendations to the governor and the legislature on the
32 establishment, within the office of cyber security, of a cyber education
33 and attack prevention unit to assist state agencies, public authorities,
34 local governments, and/or private sector businesses, not-for-profit
35 corporations and individuals. The cyber security action plan shall
36 detail how the cyber education and attack prevention unit would consist
37 of such persons as the commissioner deems necessary to perform its
38 mission. The cyber security action plan shall further detail the mission
39 of the cyber education and attack prevention unit, with such mission
40 being to help educate state agencies, public authorities, local govern-
41 ments, and/or private sector businesses, not-for-profit corporations and
42 individuals on how to prevent and respond to a cyber attack, together
43 with such other and further duties and responsibilities as the cyber
44 security action plan may additionally prescribe. The cyber security
45 action plan shall further detail that the commissioner may deploy within
46 resources available the cyber education and attack prevention unit to
47 state agencies, public authorities, local governments, private sector
48 businesses, and/or not-for-profit corporations, to educate and/or
49 instruct such entities, hold informational programs, and/or provide
50 instructional or informational materials. The cyber security action plan
51 shall further detail how the cyber education and attack prevention unit
52 should interact and deploy the use of other cyber experts, educators,
53 law enforcement, intelligence experts, and other public and private
54 sector entities to assist it in the performance of its mission.

55 5. Reporting of cyber entities. The cyber security action plan estab-
56 lished pursuant to subdivision one of this section shall further make

1 recommendations on the reporting of the new state office of cyber secu-
2 urity. The cyber security action plan shall further require that such
3 reporting should contain a requirement that on or before December first,
4 two thousand eighteen, and then every year thereafter, that the commis-
5 sioner shall submit a report to the governor, the speaker of the assem-
6 bly, the temporary president of the senate, the chair of the senate
7 standing committee on veterans, homeland security and military affairs,
8 and the chair of the assembly standing committee on governmental oper-
9 ations, which provides a comprehensive review detailing all the activi-
10 ties and operations of the office of cyber security, the cyber security
11 defense unit, the cyber incident response teams and the cyber education
12 and attack prevention unit, during the past year. The cyber security
13 action plan shall further provide that where compliance with such a
14 report would require the disclosure of confidential information, or the
15 disclosure of sensitive information which in the judgement of the
16 commissioner would jeopardize the cyber security of the state, then such
17 confidential or sensitive information shall be provided to the persons
18 entitled to receive the report, in the form of a supplemental appendix
19 to the report, and that such supplemental appendix to the report, shall
20 not be subject to the provisions of the freedom of information law
21 pursuant to article six of the public officers law, and although the
22 persons entitled to receive the report may disclose the supplemental
23 appendix to the report to their professional staff, they shall not
24 otherwise publicly disclose such confidential or secure information. The
25 cyber security action plan shall further provide that, except with the
26 respect to any confidential or sensitive information contained in the
27 supplemental appendix to the report, the commissioner shall direct that
28 a copy of the report shall be posted on the division's website, not more
29 than fifteen days after such report is delivered to the persons entitled
30 to receive such report. The cyber security action plan should further
31 provide that the division may further post any and all additional infor-
32 mation it may deem appropriate, on its website, regarding cyber securi-
33 ty, and the protection of public and private computer systems, networks,
34 hardware and software.

35 6. Reimbursement for cost of service. The cyber security action plan
36 established pursuant to subdivision one of this section shall further
37 make recommendations with respect to the division charging non-govern-
38 mental entities for the reasonable cost of the services provided by the
39 cyber security incident response teams and the cyber education and
40 attack prevention unit. The cyber security action plan shall further
41 detail how the proceeds from the charging for such costs shall be depos-
42 ited with the state comptroller into a cyber security support services
43 account, of which the comptroller would have custody. The cyber security
44 action plan shall additionally detail how the comptroller may disburse
45 monies held in such cyber security account for the purposes of providing
46 supplemental funds for the operation of the new state office of cyber
47 security.

48 7. Timing of cyber security action plan. The commissioner, on or
49 before December first, two thousand seventeen, shall deliver a copy of
50 the cyber security action plan required to be produced by this section,
51 to the the governor, the speaker of the assembly, the temporary presi-
52 dent of the senate, the chair of the senate standing committee on veter-
53 ans, homeland security and military affairs, and the chair of the assem-
54 bly standing committee on governmental operations.

55 § 2. This act shall take effect immediately.

1 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
2 sion, section or subpart of this act shall be adjudged by any court of
3 competent jurisdiction to be invalid, such judgment shall not affect,
4 impair, or invalidate the remainder thereof, but shall be confined in
5 its operation to the clause, sentence, paragraph, subdivision, section
6 or subpart thereof directly involved in the controversy in which such
7 judgment shall have been rendered. It is hereby declared to be the
8 intent of the legislature that this act would have been enacted even if
9 such invalid provisions had not been included herein.

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

13 PART D

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

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

31 (b) No confession, admission or other statement shall be subject to a
32 motion to suppress pursuant to subdivision three of section 710.20 of
33 this chapter based solely upon the failure to video record such interro-
34 gation in a detention facility as defined in paragraph (a) of this
35 subdivision. However, where the people offer into evidence a confession,
36 admission or other statement made by a person in custody with respect to
37 his or her participation or lack of participation in an offense speci-
38 fied in paragraph (a) of this subdivision, that has not been video
39 recorded, the court shall consider the failure to record as a factor,
40 but not as the sole factor, in accordance with paragraph (c) of this
41 subdivision in determining whether such confession, admission or other
42 statement shall be admissible.

43 (c) Notwithstanding the requirement of paragraph (a) of this subdivi-
44 sion, upon a showing of good cause by the prosecutor, the custodial
45 interrogation need not be recorded. Good cause shall include, but not be
46 limited to:

47 (i) If electronic recording equipment malfunctions.

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

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

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

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

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

7 (vii) If the statement is made after a suspect has refused to partic-
8 ipate in the interrogation if it is recorded, and appropriate effort to
9 document such refusal is made.

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

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

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

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

31 (e) Video recording as required by this section shall be conducted in
32 accordance with standards established by rule of the division of crimi-
33 nal justice services.

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

36 3. Where a respondent is subject to custodial interrogation by a
37 public servant at a facility specified in subdivision four of section
38 305.2 of this article, the entire custodial interrogation, including the
39 giving of any required advice of the rights of the individual being
40 questioned, and the waiver of any rights by the individual, shall be
41 recorded and governed in accordance with the provisions of paragraphs
42 (a), (b), (c), (d) and (e) of subdivision three of section 60.45 of the
43 criminal procedure law.

44 § 3. Section 60.25 of the criminal procedure law, subparagraph (ii) of
45 paragraph (a) of subdivision 1 as amended by chapter 479 of the laws of
46 1977, is amended to read as follows:

47 § 60.25 Rules of evidence; identification by means of previous recogni-
48 tion, in absence of present identification.

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

52 (a) Such witness testifies that:

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

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

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

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

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

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

42 § 4. Section 60.30 of the criminal procedure law, as amended by chap-
43 ter 479 of the laws of 1977, is amended to read as follows:

44 § 60.30 Rules of evidence; identification by means of previous recogni-
45 tion, in addition to present identification.

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

1 derive under the constitution of this state or of the United States, and
2 then also recognized him or her or the pictorial, photographic, elec-
3 tronic, filmed or video recorded reproduction of him or her as the same
4 person whom he or she had observed on the first or incriminating occa-
5 sion, may, in addition to making an identification of the defendant at
6 the criminal proceeding on the basis of present recollection as the
7 person whom he or she observed on the first or incriminating occasion,
8 also describe his or her previous recognition of the defendant and
9 testify that the person whom he or she observed or whose pictorial,
10 photographic, electronic, filmed or video recorded reproduction he or
11 she observed on such second occasion is the same person whom he or she
12 had observed on the first or incriminating occasion. Such testimony and
13 such pictorial, photographic, electronic, filmed or video recorded
14 reproduction constitutes evidence in chief.

15 § 5. Subdivision 6 of section 710.20 of the criminal procedure law, as
16 amended by chapter 8 of the laws of 1976 and as renumbered by chapter
17 481 of the laws of 1983, is amended to read as follows:

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

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

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

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

53 § 343.3. Rules of evidence; identification by means of previous recog-
54 nition in absence of present identification. 1. In any juvenile delin-
55 quency proceeding in which the respondent's commission of a crime is in

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

3 (a) such witness testifies that:

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

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

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

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

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

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

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

51 § 343.4. Rules of evidence; identification by means of previous recog-
52 nition, in addition to present identification. In any juvenile delin-
53 quency proceeding in which the respondent's commission of a crime is in
54 issue, a witness who testifies that: (a) he or she observed the person
55 claimed by the presentment agency to be the respondent either at the
56 time and place of the commission of the crime or upon some other occa-

1 sion relevant to the case, and (b) on the basis of present recollection,
2 the respondent is the person in question, and (c) on a subsequent occa-
3 sion he or she observed the respondent, or, where the observation is
4 made pursuant to a blind or blinded procedure, a pictorial, photograph-
5 ic, electronic, filmed or video recorded reproduction of the respondent
6 under circumstances consistent with such rights as an accused person may
7 derive under the constitution of this state or of the United States, and
8 then also recognized him or her or the pictorial, photographic, elec-
9 tronic, filmed or video recorded reproduction of him or her as the same
10 person whom he or she had observed on the first or incriminating occa-
11 sion, may, in addition to making an identification of the respondent at
12 the delinquency proceeding on the basis of present recollection as the
13 person whom he or she observed on the first or incriminating occasion,
14 also describe his or her previous recognition of the respondent and
15 testify that the person whom he or she observed or whose pictorial,
16 photographic, electronic, filmed or video recorded reproduction he or
17 she observed on such second occasion is the same person whom he or she
18 had observed on the first or incriminating occasion. Such testimony and
19 such pictorial, photographic, electronic, filmed or video recorded
20 reproduction constitutes evidence in chief. For purposes of this
21 section, a "blind or blinded procedure" shall be as defined in paragraph
22 (c) of subdivision one of section 343.3 of this part.

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

25 21. Promulgate a standardized and detailed written protocol that is
26 grounded in evidence-based principles for the administration of photo-
27 graphic array and live lineup identification procedures for police agen-
28 cies and standardized forms for use by such agencies in the reporting
29 and recording of such identification procedure. The protocol shall
30 address the following topics:

31 (a) the selection of photographic array and live lineup filler photo-
32 graphs or participants;

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

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

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

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

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

46 (c) Disseminate the written policies and procedures promulgated in
47 accordance with subdivision twenty-one of section eight hundred thirty-
48 seven of this article to all police departments in this state and imple-
49 ment a training program for all current and new police officers regard-
50 ing the policies and procedures established pursuant to such
51 subdivision.

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

54 § 722-e. Expenses. All expenses for providing counsel and services
55 other than counsel hereunder shall be a county charge or in the case of
56 a county wholly located within a city a city charge to be paid out of an

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 § 13. Intentionally omitted.

41 § 14. Intentionally omitted.

42 § 15. Intentionally omitted.

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

48 PART E

49 Intentionally Omitted

50 PART F

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

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

13 § 2. Intentionally omitted.

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

16 § 145.23 Cemetery desecration in the [~~first~~] second degree.

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

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

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

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

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

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

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

45 § 145.24 Cemetery desecration in the first degree.

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

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

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

55 (c) commits the crime of cemetery desecration in the second degree as
 56 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~~]

1 ~~from public or private property, including any property damaged in the~~
 2 ~~underlying offense,~~] or services for the maintenance and repair of real
 3 or personal property used or maintained as a cemetery, mausoleum, colum-
 4 barium, lot, plot, grave, burial place, crypt, vault, or other place of
 5 interment or temporary storage of human remains or cremated human
 6 remains, or any monument, headstone, marker, plaque, statue, vase, urn,
 7 decoration, flag holder, or other embellishment that is located on or
 8 adjacent to, or is otherwise associated with, any such cemetery, mauso-
 9 leum, columbarium, lot, plot, grave, burial place, crypt, vault, or
 10 other place of interment or temporary storage. Provided, however, that
 11 the performance of any such services shall not result in the displace-
 12 ment of employed workers or in the impairment of existing contracts for
 13 services, nor shall the performance of any such services be required or
 14 permitted in any establishment involved in any labor strike or lockout.
 15 The court may establish provisions for the early termination of a
 16 sentence of probation or conditional discharge pursuant to the
 17 provisions of subdivision three of section 410.90 of the criminal proce-
 18 dure law after such services have been completed. Such sentence may only
 19 be imposed upon conviction of a misdemeanor, violation, or class D or
 20 class E felony, or a youthful offender finding replacing any such
 21 conviction, where the defendant has consented to the amount and condi-
 22 tions of such service;

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

25 9. The property [~~consists of a scroll, religious vestment, a vessel,~~
 26 ~~an item comprising a display of religious symbols which forms a repre-~~
 27 ~~sentative expression of faith, or other miscellaneous item of property~~
 28 ~~which~~

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

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

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

37 § 155.35 Grand larceny in the third degree.

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

40 1. when the value of the property exceeds three thousand dollars[~~7~~];
 41 or

42 2. the property is an automated teller machine or the contents of an
 43 automated teller machine[~~7~~]; or

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

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

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

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

1 another person will (a) cause physical injury to some person in the
2 future, or (b) cause damage to property, or (c) use or abuse his posi-
3 tion as a public servant by engaging in conduct within or related to his
4 official duties, or by failing or refusing to perform an official duty,
5 in such manner as to affect some person adversely[-]; or

6 3. The property consists of a scroll, a religious vestment, a vessel,
7 an item comprising a display of religious symbols which forms a repre-
8 sentative expression of faith, or other item of property which:

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

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

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

16 3. A "specified offense" is an offense defined by any of the following
17 provisions of this chapter: section 120.00 (assault in the third
18 degree); section 120.05 (assault in the second degree); section 120.10
19 (assault in the first degree); section 120.12 (aggravated assault upon a
20 person less than eleven years old); section 120.13 (menacing in the
21 first degree); section 120.14 (menacing in the second degree); section
22 120.15 (menacing in the third degree); section 120.20 (reckless endan-
23 germent in the second degree); section 120.25 (reckless endangerment in
24 the first degree); section 121.12 (strangulation in the second degree);
25 section 121.13 (strangulation in the first degree); subdivision one of
26 section 125.15 (manslaughter in the second degree); subdivision one, two
27 or four of section 125.20 (manslaughter in the first degree); section
28 125.25 (murder in the second degree); section 120.45 (stalking in the
29 fourth degree); section 120.50 (stalking in the third degree); section
30 120.55 (stalking in the second degree); section 120.60 (stalking in the
31 first degree); subdivision one of section 130.35 (rape in the first
32 degree); subdivision one of section 130.50 (criminal sexual act in the
33 first degree); subdivision one of section 130.65 (sexual abuse in the
34 first degree); paragraph (a) of subdivision one of section 130.67
35 (aggravated sexual abuse in the second degree); paragraph (a) of subdivi-
36 sion one of section 130.70 (aggravated sexual abuse in the first
37 degree); section 135.05 (unlawful imprisonment in the second degree);
38 section 135.10 (unlawful imprisonment in the first degree); section
39 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in
40 the first degree); section 135.60 (coercion in the second degree);
41 section 135.65 (coercion in the first degree); section 140.10 (criminal
42 trespass in the third degree); section 140.15 (criminal trespass in the
43 second degree); section 140.17 (criminal trespass in the first degree);
44 section 140.20 (burglary in the third degree); section 140.25 (burglary
45 in the second degree); section 140.30 (burglary in the first degree);
46 section 145.00 (criminal mischief in the fourth degree); section 145.05
47 (criminal mischief in the third degree); section 145.10 (criminal
48 mischief in the second degree); section 145.12 (criminal mischief in the
49 first degree); section 145.60 (making graffiti); section 150.05 (arson
50 in the fourth degree); section 150.10 (arson in the third degree);
51 section 150.15 (arson in the second degree); section 150.20 (arson in
52 the first degree); section 155.25 (petit larceny); section 155.30 (grand
53 larceny in the fourth degree); section 155.35 (grand larceny in the
54 third degree); section 155.40 (grand larceny in the second degree);
55 section 155.42 (grand larceny in the first degree); section 160.05
56 (robbery in the third degree); section 160.10 (robbery in the second

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

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

7 § 60.31 Authorized disposition; aggravated harassment in the first
8 degree.

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

18 § 15. Section 65.10 of the penal law is amended by adding a new subdi-
19 vision 6 to read as follows:

20 6. Graffiti removal. When imposing a sentence of probation or of
21 conditional discharge in connection with a violation of section 145.60,
22 145.62 or 145.65 of this chapter, the court shall as a condition of the
23 sentence, require that the defendant remove graffiti from public or
24 private property, including any property damaged in the underlying
25 offense, unless the court shall determine that an appropriate program to
26 supervise such removal is not available or that such graffiti removal
27 would be unreasonably dangerous; provided, however, that graffiti
28 removal from private property pursuant to this subdivision shall be
29 subject to consent of the owner of such property.

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

32 § 145.60 Making graffiti in the second degree.

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

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

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

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

46 § 145.62 Making graffiti in the first degree.

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

50 1. in a manner to promote or encourage gang related activities; or
51 2. having knowledge that such property is used as a place of religious
52 worship, he or she damages a building, structure or the curtilage of
53 such building or structure used as a place of religious worship by a
54 religious corporation, as incorporated under the religious corporations
55 law; or

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

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

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

11 1-a. Etches, paints, covers, draws upon or otherwise places a mark
 12 upon any building or any other real property, public or private, without
 13 the express permission of the owner or operator of such building or real
 14 property; or

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

19 PART G

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

24 11. Notwithstanding the provisions of subdivisions one, two and three
 25 of this section, an individual who was a victim of either the crime of:
 26 menacing in the second degree as defined in subdivision one of section
 27 120.14 of the penal law; menacing in the third degree as defined in
 28 section 120.15 of the penal law; unlawful imprisonment in the first
 29 degree as defined in section 135.10 of the penal law[~~7~~]; kidnapping in
 30 the second degree as defined in section 135.20 of the penal law [~~or~~];
 31 kidnapping in the first degree as defined in section 135.25 of the penal
 32 law; criminal mischief in the fourth degree as defined in subdivision
 33 four of section 145.00 of the penal law; robbery in the third degree as
 34 defined in section 160.05 of the penal law; robbery in the second degree
 35 as defined in subdivision one, paragraph b of subdivision two or subdivi-
 36 vision three of section 160.10 of the penal law; or robbery in the first
 37 degree as defined in subdivisions two, three and four of section 160.15
 38 of the penal law who has not been physically injured as a direct result
 39 of such crime shall only be eligible for an award that includes loss of
 40 earnings [~~or support~~] and the unreimbursed costs of counseling provided
 41 to such victim on account of mental or emotional stress resulting from
 42 the incident in which the crime occurred.

43 12. Notwithstanding the provisions of subdivisions one, two and three
 44 of this section, an individual who was a victim of either the crime of
 45 menacing in the second degree as defined in subdivision two or three of
 46 section 120.14 of the penal law, menacing in the first degree as defined
 47 in section 120.13 of the penal law, criminal obstruction of breathing or
 48 blood circulation as defined in section 121.11 of the penal law, harass-
 49 ment in the second degree as defined in [~~subdivision two or three of~~]
 50 section 240.26 of the penal law, harassment in the first degree as
 51 defined in section 240.25 of the penal law, aggravated harassment in the
 52 second degree as defined in subdivision three or five of section 240.30
 53 of the penal law, aggravated harassment in the first degree as defined
 54 in subdivision two of section 240.31 of the penal law, criminal contempt

1 in the first degree as defined in [~~paragraph (ii) or (iv) of~~] subdivi-
2 sion (b) or subdivision (c) of section 215.51 of the penal law, or
3 stalking in the fourth, third, second or first degree as defined in
4 sections 120.45, 120.50, 120.55 and 120.60 of the penal law, respective-
5 ly, or a hate crime as defined in section 485.05 of the penal law who
6 has not been physically injured as a direct result of such crime shall
7 only be eligible for an award that includes loss of earning or support,
8 the unreimbursed cost of repair or replacement of essential personal
9 property that has been lost, damaged or destroyed as a direct result of
10 such crime, the unreimbursed cost for security devices to enhance the
11 personal protection of such victim, transportation expenses incurred for
12 necessary court [~~expenses~~] appearances in connection with the prose-
13 cution of such crime, the unreimbursed costs of counseling provided to
14 such victim on account of mental or emotional stress resulting from the
15 incident in which the crime occurred, the unreimbursed cost of securing
16 a crime scene, reasonable relocation expenses, and for occupational or
17 job training.

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

21

PART H

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

25 5. "Victim" shall mean (a) a person who suffers personal physical
26 injury as a direct result of a crime; (b) a person who is the victim of
27 either the crime of (1) unlawful imprisonment in the first degree as
28 defined in section 135.10 of the penal law, (2) kidnapping in the second
29 degree as defined in section 135.20 of the penal law, (3) kidnapping in
30 the first degree as defined in section 135.25 of the penal law, (4)
31 menacing in the first degree as defined in section 120.13 of the penal
32 law, (5) criminal obstruction of breathing or blood circulation as
33 defined in section 121.11 of the penal law, (6) harassment in the second
34 degree as defined in section 240.26 of the penal law, (7) harassment in
35 the first degree as defined in section 240.25 of the penal law, (8)
36 aggravated harassment in the second degree as defined in subdivision
37 three or five of section 240.30 of the penal law, (9) aggravated harass-
38 ment in the first degree as defined in subdivision two of section 240.31
39 of the penal law, (10) criminal contempt in the first degree as defined
40 in subdivision (b) or subdivision (c) of section 215.51 of the penal
41 law, (11) stalking in the fourth, third, second or first degree as
42 defined in sections 120.45, 120.50, 120.55 and 120.60 of the penal law,
43 (12) labor trafficking as defined in section 135.35 of the penal law, or
44 [~~+5~~] (13) sex trafficking as defined in section 230.34 of the penal
45 law; a vulnerable elderly person or an incompetent or physically disa-
46 bled person as defined in section 260.31 of the penal law who incurs a
47 loss of savings as defined in subdivision twenty-four of this section;
48 or a person who has had a frivolous lawsuit filed against them.

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

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

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

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

6 2. Any award made pursuant to this article shall be in an amount not
7 exceeding out-of-pocket expenses, including indebtedness reasonably
8 incurred for medical or other services necessary as a result of the
9 injury upon which the claim is based; loss of earnings or support
10 resulting from such injury not to exceed thirty thousand dollars; loss
11 of savings not to exceed thirty thousand dollars; burial expenses not
12 exceeding six thousand dollars of a victim who died as a direct result
13 of a crime; the costs of crime scene cleanup and securing of a crime
14 scene not exceeding twenty-five hundred dollars; reasonable relocation
15 expenses not exceeding twenty-five hundred dollars; and the unreimbursed
16 cost of repair or replacement of articles of essential personal property
17 lost, damaged or destroyed as a direct result of the crime. An award for
18 loss of earnings shall include earnings lost by a parent or guardian as
19 a result of the hospitalization of a child victim under age eighteen for
20 injuries sustained as a direct result of a crime. In addition to the
21 medical or other services necessary as a result of the injury upon which
22 the claim is based, an award may be made for rehabilitative occupational
23 training for the purpose of job retraining or similar employment-orient-
24 ed rehabilitative services based upon the claimant's medical and employ-
25 ment history. For the purpose of this subdivision, rehabilitative occu-
26 pational training shall include but not be limited to educational
27 training and expenses. An award for rehabilitative occupational training
28 may be made to a victim, or to a family member of a victim where neces-
29 sary as a direct result of a crime.

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

32 3-a. Any award made for loss of savings shall, unless reduced pursuant
33 to other provisions of this article, be in an amount equal to the actual
34 loss sustained.

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

37 (f) Notwithstanding the provisions of paragraph (a) of this subdivi-
38 sion, the office shall disregard for this purpose the responsibility of
39 the victim for his or her own loss of savings.

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

42 8-a. Notwithstanding the provisions of subdivision one of this
43 section, a vulnerable elderly person or an incompetent or physically
44 disabled person, as defined in section 260.31 of the penal law, who has
45 not been physically injured as a direct result of a crime, shall be
46 eligible for an award that includes loss of savings.

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

50 PART I

51 Intentionally Omitted

52 PART J

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

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

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

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

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

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

24 (ii) that such materials and products are not produced in the United
25 States in sufficient and reasonably available quantities and of a satis-
26 factory quality; or

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

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

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

37 (i) summarize the information available to the executive concerning
38 the request, including whether the request is being made under subpara-
39 graph (i), (ii) or (iii) of paragraph (c) of this subdivision;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 § 3. The public authorities law is amended by adding a new section
8 1265-c to read as follows:

9 § 1265-c. The New York State Buy American Act. 1. Use of American
10 materials. (a) Notwithstanding any other provision of law, each contract
11 for the construction, reconstruction, alteration or improvement of a
12 public building or public works carried out by the metropolitan trans-
13 portation authority shall contain a provision that the iron, steel, and
14 manufactured products used or supplied in the performance of the
15 contract or any subcontract thereto and permanently incorporated into
16 the public building or public works shall be manufactured in the United
17 States.

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

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

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

28 (ii) that such materials and products are not produced in the United
29 States in sufficient and reasonably available quantities and of a satis-
30 factory quality; or

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

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

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

41 (i) summarize the information available to the executive concerning
42 the request, including whether the request is being made under subpara-
43 graph (i), (ii) or (iii) of paragraph (c) of this subdivision;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 § 6-116.3 The New York State Buy American Act. 1. Use of American
10 materials. (a) Notwithstanding any other provision of law, each contract
11 for the construction, reconstruction, alteration or improvement of a
12 public building or public works carried out by the city of New York
13 shall contain a provision that the iron, steel, and manufactured
14 products used or supplied in the performance of the contract or any
15 subcontract thereto and permanently incorporated into the public build-
16 ing or public works shall be manufactured in the United States.

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

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

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

27 (ii) that such materials and products are not produced in the United
28 States in sufficient and reasonably available quantities and of a satis-
29 factory quality; or

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

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

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

40 (i) summarize the information available to the executive concerning
41 the request, including whether the request is being made under subpara-
42 graph (i), (ii) or (iii) of paragraph (c) of this subdivision;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (b) "Governmental entity" means any department, board, bureau, commis-
42 sion, division, office, council, committee or officer of the city of New
43 York;

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

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

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

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

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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

1	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
2	7.0%												
3	or more												
4	but less												
5	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	6.0%												
7	or more												
8	but less												
9	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
10	5.0%												
11	or more												
12	but less												
13	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
14	4.0%												
15	or more												
16	but less												
17	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
18	3.0%												
19	or more												
20	but less												
21	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
22	2.0%												
23	or more												
24	but less												
25	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
26	1.0%												
27	or more												
28	but less												
29	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
30	Less												
31	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
32	Positive												
33	Less												
34	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
35	1.0%												
36	or more												
37	but less												
38	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
39	2.0%												
40	or more												
41	but less												
42	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
43	3.0%												
44	or more												
45	but less												
46	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
47	4.0%												
48	or more												
49	but less												
50	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
51	5.0%												
52	or more												
53	but less												
54	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

1	5.5%												
2	or more but												
3	less than												
4	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	5.75%												
6	or more												
7	but less												
8	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
9	6.0%												
10	or more but												
11	less than												
12	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
13	6.25%												
14	or more												
15	but less												
16	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
17	6.5%												
18	or more but												
19	less than												
20	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
21	6.75%												
22	or more												
23	but less												
24	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
25	7.0%												
26	or more but												
27	less than												
28	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
29	7.25%												
30	or more												
31	but less												
32	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
33	7.5%												
34	or more but												
35	less than												
36	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
37	7.75%												
38	or more												
39	but less												
40	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
41	8.0%												
42	or more but												
43	less than												
44	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
45	8.25%												
46	or more												
47	but less												
48	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
49	8.5%												
50	or more but												
51	less than												
52	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
53	8.75%												
54	or more												
55	but less												
56	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

1 9.0%
 2 or more but
 3 less than
 4 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
 5 9.25%
 6 or more
 7 but less
 8 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 9.5%
 10 or more but
 11 less than
 12 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
 13 9.75%
 14 or more but
 15 less than
 16 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
 17 10.0%
 18 or more but
 19 less than
 20 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
 21 10.25%
 22 or more but
 23 less than
 24 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
 25 10.5%
 26 or more but
 27 less than
 28 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
 29 10.75%
 30 or more but
 31 less than
 32 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
 33 11.0%
 34 or more but
 35 less than
 36 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
 37 11.25%
 38 or more but
 39 less than
 40 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
 41 11.5%
 42 or more but
 43 less than
 44 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
 45 11.75%
 46 or more but
 47 less than
 48 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
 49 12.0% or
 50 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
 51 (e) Should the size of the fund index fall below 0.5 percent, the
 52 amendments set forth in paragraph (a) of this subdivision shall revert
 53 back to the rate in effect on the date immediately prior to the date on
 54 which this paragraph shall have become a law, for the duration of the
 55 following year.

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

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

8 § 3. This act shall take effect immediately.

9

PART Z

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

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

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

- 1 95. Federal single audit account (55053).
 2 96. Civil service EHS occupational health program account (55056).
 3 97. Banking services account (55057).
 4 98. Cultural resources survey account (55058).
 5 99. Neighborhood work project account (55059).
 6 100. Automation & printing chargeback account (55060).
 7 101. OFT NYT account (55061).
 8 102. Data center account (55062).
 9 103. Intrusion detection account (55066).
 10 104. Domestic violence grant account (55067).
 11 105. Centralized technology services account (55069).
 12 106. Labor contact center account (55071).
 13 107. Human services contact center account (55072).
 14 108. Tax contact center account (55073).
 15 109. Executive direction internal audit account (55251).
 16 110. CIO Information technology centralized services account (55252).
 17 111. Health insurance internal service account (55300).
 18 112. Civil service employee benefits division administrative account
 19 (55301).
 20 113. Correctional industries revolving fund (55350).
 21 114. Employees health insurance account (60201).
 22 115. Medicaid management information system escrow fund (60900).
 23 § 1-a. The state comptroller is hereby authorized and directed to loan
 24 money in accordance with the provisions set forth in subdivision 5 of
 25 section 4 of the state finance law to any account within the following
 26 federal funds, provided the comptroller has made a determination that
 27 sufficient federal grant award authority is available to reimburse such
 28 loans:
 29 1. Federal USDA-food and nutrition services fund (25000).
 30 2. Federal health and human services fund (25100).
 31 3. Federal education fund (25200).
 32 4. Federal block grant fund (25250).
 33 5. Federal miscellaneous operating grants fund (25300).
 34 6. Federal unemployment insurance administration fund (25900).
 35 7. Federal unemployment insurance occupational training fund (25950).
 36 8. Federal emergency employment act fund (26000).
 37 9. Federal capital projects fund (31350).
 38 § 2. Notwithstanding any law to the contrary, and in accordance with
 39 section 4 of the state finance law, the comptroller is hereby authorized
 40 and directed to transfer, upon request of the director of the budget, on
 41 or before March 31, 2018, up to the unencumbered balance or the follow-
 42 ing amounts:
 43 Economic Development and Public Authorities:
 44 1. \$175,000 from the miscellaneous special revenue fund, underground
 45 facilities safety training account (22172), to the general fund.
 46 2. An amount up to the unencumbered balance from the miscellaneous
 47 special revenue fund, business and licensing services account (21977),
 48 to the general fund.
 49 3. \$14,810,000 from the miscellaneous special revenue fund, code
 50 enforcement account (21904), to the general fund.
 51 4. \$3,000,000 from the general fund to the miscellaneous special
 52 revenue fund, tax revenue arrearage account (22168).
 53 Education:
 54 1. \$2,394,714,000 from the general fund to the state lottery fund,
 55 education account (20901), as reimbursement for disbursements made from
 56 such fund for supplemental aid to education pursuant to section 92-c of

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

3 2. \$966,634,000 from the general fund to the state lottery fund, VLT
4 education account (20904), as reimbursement for disbursements made from
5 such fund for supplemental aid to education pursuant to section 92-c of
6 the state finance law that are in excess of the amounts deposited in
7 such fund for such purposes pursuant to section 1612 of the tax law.

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

12 4. \$300,000 from the New York state local government records manage-
13 ment improvement fund, local government records management account
14 (20501), to the New York state archives partnership trust fund, archives
15 partnership trust maintenance account (20351).

16 5. \$900,000 from the general fund to the miscellaneous special revenue
17 fund, Batavia school for the blind account (22032).

18 6. \$900,000 from the general fund to the miscellaneous special revenue
19 fund, Rome school for the deaf account (22053).

20 7. \$343,400,000 from the state university dormitory income fund
21 (40350) to the miscellaneous special revenue fund, state university
22 dormitory income reimbursable account (21937).

23 8. \$20,000,000 from any of the state education department special
24 revenue and internal service funds to the miscellaneous special revenue
25 fund, indirect cost recovery account (21978).

26 9. \$8,318,000 from the general fund to the state university income
27 fund, state university income offset account (22654), for the state's
28 share of repayment of the STIP loan.

29 10. \$40,000,000 from the state university income fund, state universi-
30 ty hospitals income reimbursable account (22656) to the general fund for
31 hospital debt service for the period April 1, 2017 through March 31,
32 2018.

33 11. An amount up to \$13,540,000 from the general fund to the state
34 university income fund, state university general revenue account
35 (22653).

36 12. \$103,815,000 from the state lottery fund, state lottery account
37 (20901) to the office of prekindergarten through grade twelve education
38 program for general support to public schools, general fund, local
39 assistance account (10000).

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

42 Environmental Affairs:

43 1. \$16,000,000 from any of the department of environmental conserva-
44 tion's special revenue federal funds to the environmental conservation
45 special revenue fund, federal indirect recovery account (21065).

46 2. \$5,000,000 from any of the department of environmental conserva-
47 tion's special revenue federal funds to the conservation fund (21150) as
48 necessary to avoid diversion of conservation funds.

49 3. \$3,000,000 from any of the office of parks, recreation and historic
50 preservation capital projects federal funds and special revenue federal
51 funds to the miscellaneous special revenue fund, federal grant indirect
52 cost recovery account (22188).

53 4. \$1,000,000 from any of the office of parks, recreation and historic
54 preservation special revenue federal funds to the miscellaneous special
55 revenue fund, I love NY water account (21930).

- 1 5. \$28,000,000 from the general fund to the environmental protection
2 fund, environmental protection fund transfer account (30451).
- 3 6. \$1,800,000 from the general fund to the hazardous waste remedial
4 fund, hazardous waste oversight and assistance account (31505).
- 5 Family Assistance:
 - 6 1. \$7,000,000 from any of the office of children and family services,
7 office of temporary and disability assistance, or department of health
8 special revenue federal funds and the general fund, in accordance with
9 agreements with social services districts, to the miscellaneous special
10 revenue fund, office of human resources development state match account
11 (21967).
 - 12 2. \$4,000,000 from any of the office of children and family services
13 or office of temporary and disability assistance special revenue federal
14 funds to the miscellaneous special revenue fund, family preservation and
15 support services and family violence services account (22082).
 - 16 3. \$18,670,000 from any of the office of children and family services,
17 office of temporary and disability assistance, or department of health
18 special revenue federal funds and any other miscellaneous revenues
19 generated from the operation of office of children and family services
20 programs to the general fund.
 - 21 4. \$140,000,000 from any of the office of temporary and disability
22 assistance or department of health special revenue funds to the general
23 fund.
 - 24 5. \$2,500,000 from any of the office of temporary and disability
25 assistance special revenue funds to the miscellaneous special revenue
26 fund, office of temporary and disability assistance program account
27 (21980).
 - 28 6. \$7,400,000 from any of the office of children and family services,
29 office of temporary and disability assistance, department of labor, and
30 department of health special revenue federal funds to the office of
31 children and family services miscellaneous special revenue fund, multi-
32 agency training contract account (21989).
 - 33 7. \$65,000,000 from the miscellaneous special revenue fund, youth
34 facility per diem account (22186), to the general fund.
 - 35 8. \$621,850 from the general fund to the combined gifts, grants, and
36 bequests fund, WB Hoyt Memorial account (20128).
 - 37 9. \$3,100,000 from the miscellaneous special revenue fund, state
38 central registry (22028), to the general fund.
- 39 General Government:
 - 40 1. \$1,566,000 from the miscellaneous special revenue fund, examination
41 and miscellaneous revenue account (22065) to the general fund.
 - 42 2. \$8,083,000 from the general fund to the health insurance revolving
43 fund (55300).
 - 44 3. \$192,400,000 from the health insurance reserve receipts fund
45 (60550) to the general fund.
 - 46 4. \$150,000 from the general fund to the not-for-profit revolving loan
47 fund (20650).
 - 48 5. \$150,000 from the not-for-profit revolving loan fund (20650) to the
49 general fund.
 - 50 6. \$3,000,000 from the miscellaneous special revenue fund, surplus
51 property account (22036), to the general fund.
 - 52 7. \$19,000,000 from the miscellaneous special revenue fund, revenue
53 arrearage account (22024), to the general fund.
 - 54 8. \$1,826,000 from the miscellaneous special revenue fund, revenue
55 arrearage account (22024), to the miscellaneous special revenue fund,
56 authority budget office account (22138).

- 1 9. \$1,000,000 from the miscellaneous special revenue fund, parking
2 services account (22007), to the general fund, for the purpose of reim-
3 bursing the costs of debt service related to state parking facilities.
- 4 10. \$21,783,000 from the general fund to the centralized services
5 fund, COPS account (55013).
- 6 11. \$8,960,000 from the general fund to the agencies internal service
7 fund, central technology services account (55069), for the purpose of
8 enterprise technology projects.
- 9 12. \$15,000,000 from the miscellaneous special revenue fund, workers'
10 compensation account (21995), to the miscellaneous capital projects
11 fund, workers' compensation board IT business process design fund,
12 (32218).
- 13 Health:
- 14 1. A transfer from the general fund to the combined gifts, grants and
15 bequests fund, breast cancer research and education account (20155), up
16 to an amount equal to the monies collected and deposited into that
17 account in the previous fiscal year.
- 18 2. A transfer from the general fund to the combined gifts, grants and
19 bequests fund, prostate cancer research, detection, and education
20 account (20183), up to an amount equal to the moneys collected and
21 deposited into that account in the previous fiscal year.
- 22 3. A transfer from the general fund to the combined gifts, grants and
23 bequests fund, Alzheimer's disease research and assistance account
24 (20143), up to an amount equal to the moneys collected and deposited
25 into that account in the previous fiscal year.
- 26 4. \$30,555,000 from the HCRA resources fund (20800) to the miscella-
27 neous special revenue fund, empire state stem cell trust fund account
28 (22161).
- 29 5. \$6,000,000 from the miscellaneous special revenue fund, certificate
30 of need account (21920), to the miscellaneous capital projects fund,
31 healthcare IT capital subfund (32216).
- 32 6. \$2,000,000 from the miscellaneous special revenue fund, vital
33 health records account (22103), to the miscellaneous capital projects
34 fund, healthcare IT capital subfund (32216)
- 35 7. \$2,000,000 from the miscellaneous special revenue fund, profes-
36 sional medical conduct account (22088), to the miscellaneous capital
37 projects fund, healthcare IT capital subfund (32216).
- 38 8. \$76,021,000 from the HCRA resources fund (20800) to the capital
39 projects fund (30000).
- 40 9. \$4,540,000 from the general fund to the medical marihuana trust
41 fund, health operation and oversight account (23755).
- 42 10. \$1,086,000 from the miscellaneous special revenue fund, certif-
43 icate of need account (21920), to the general fund.
- 44 Labor:
- 45 1. \$400,000 from the miscellaneous special revenue fund, DOL fee and
46 penalty account (21923), to the child performer's protection fund, child
47 performer protection account (20401).
- 48 2. \$12,400,000 from the miscellaneous special revenue fund, DOL fee
49 and penalty account (21923), to the general fund.
- 50 3. \$13,300,000 from the unemployment insurance interest and penalty
51 fund, unemployment insurance special interest and penalty account
52 (23601), to the general fund.
- 53 4. \$15,000,000 from the miscellaneous special revenue fund, public
54 work enforcement account (21998), to the general fund.
- 55 Mental Hygiene:

- 1 1. \$10,000,000 from the miscellaneous special revenue fund, mental
2 hygiene patient income account (21909), to the miscellaneous special
3 revenue fund, federal salary sharing account (22056).
- 4 2. \$1,800,000,000 from the general fund to the miscellaneous special
5 revenue fund, mental hygiene patient income account (21909).
- 6 3. \$1,700,000,000 from the general fund to the miscellaneous special
7 revenue fund, mental hygiene program fund account (21907).
- 8 4. \$146,915,000 from the miscellaneous special revenue fund, mental
9 hygiene program fund account (21907), to the general fund.
- 10 5. \$123,954,000 from the miscellaneous special revenue fund, mental
11 hygiene patient income account (21909), to the general fund.
- 12 6. \$3,800,000 from the miscellaneous special revenue fund, mental
13 hygiene patient income account (21909), to the agencies internal service
14 fund, civil service EHS occupational health program account (55056).
- 15 7. \$11,500,000 from the chemical dependence service fund, substance
16 abuse services fund account (22700), to the capital projects fund
17 (30000).
- 18 8. \$3,500,000 from the chemical dependence service fund, substance
19 abuse services fund account (22700), to the mental hygiene capital
20 improvement fund (32305).
- 21 Public Protection:
- 22 1. \$1,350,000 from the miscellaneous special revenue fund, emergency
23 management account (21944), to the general fund.
- 24 2. \$2,087,000 from the general fund to the miscellaneous special
25 revenue fund, recruitment incentive account (22171).
- 26 3. \$12,000,000 from the general fund to the correctional industries
27 revolving fund, correctional industries internal service account
28 (55350).
- 29 4. \$3,000,000 from the federal miscellaneous operating grants fund,
30 DMNA damage account (25324), to the general fund.
- 31 5. \$8,600,000 from the miscellaneous special revenue fund, criminal
32 justice improvement account (21945), to the general fund.
- 33 6. \$112,420,000 from the state police motor vehicle law enforcement
34 and motor vehicle theft and insurance fraud prevention fund, state
35 police motor vehicle enforcement account (22802), to the general fund
36 for state operation expenses of the division of state police.
- 37 7. Intentionally omitted.
- 38 8. \$117,500,000 from the general fund to the correctional facilities
39 capital improvement fund (32350).
- 40 9. \$5,000,000 from the general fund to the dedicated highway and
41 bridge trust fund (30050) for the purpose of work zone safety activities
42 provided by the division of state police for the department of transpor-
43 tation.
- 44 10. \$5,238,000 from the miscellaneous special revenue fund, statewide
45 public safety communications account (22123), to the capital projects
46 fund (30000).
- 47 11. \$9,545,000 from the miscellaneous special revenue fund, legal
48 services assistance account (22096), to the general fund.
- 49 12. \$1,000,000 from the general fund to the agencies internal service
50 fund, neighborhood work project account (55059).
- 51 13. \$5,940,556 from the miscellaneous special revenue fund, finger-
52 print identification & technology account (21950), to the general fund.
- 53 14. \$4,300,000 from the state police motor vehicle law enforcement and
54 motor vehicle theft and insurance fraud prevention fund, motor vehicle
55 theft and insurance fraud account (22801), to the general fund.

- 1 15. \$50,000,000 from the miscellaneous special revenue fund, public
2 safety communications account (22123), to the general fund.
- 3 16. \$2,000,000 from the general fund to the miscellaneous special
4 revenue fund, crimes against revenue program account (22015).
- 5 Transportation:
 - 6 1. \$17,672,000 from the federal miscellaneous operating grants fund to
7 the miscellaneous special revenue fund, New York Metropolitan Transpor-
8 tation Council account (21913).
 - 9 2. \$20,147,000 from the federal capital projects fund to the miscella-
10 neous special revenue fund, New York Metropolitan Transportation Council
11 account (21913).
 - 12 3. \$15,058,017 from the general fund to the mass transportation oper-
13 ating assistance fund, public transportation systems operating assist-
14 ance account (21401), of which \$12,000,000 constitutes the base need for
15 operations.
 - 16 4. \$733,500,000 from the general fund to the dedicated highway and
17 bridge trust fund (30050).
 - 18 5. \$3,662,000 from the miscellaneous special revenue fund, accident
19 prevention course program account (22094), to the dedicated highway and
20 bridge trust fund (30050).
 - 21 6. \$3,065,000 from the miscellaneous special revenue fund, motorcycle
22 safety account (21976), to the dedicated highway and bridge trust fund
23 (30050).
 - 24 7. \$244,250,000 from the general fund to the MTA financial assistance
25 fund, mobility tax trust account (23651).
 - 26 8. \$5,000,000 from the miscellaneous special revenue fund, transporta-
27 tion regulation account (22067) to the dedicated highway and bridge
28 trust fund (30050), for disbursements made from such fund for motor
29 carrier safety that are in excess of the amounts deposited in the dedi-
30 cated highway and bridge trust fund (30050) for such purpose pursuant to
31 section 94 of the transportation law.
 - 32 9. \$114,000 from the miscellaneous special revenue fund, seized assets
33 account (21906), to the dedicated highway and bridge trust fund (30050).
 - 34 10. \$500,000 from the clean air fund, mobile source account (21452),
35 to the general fund.
 - 36 11. \$3,000,000 from the miscellaneous special revenue fund, traffic
37 adjudication account (22055), to the general fund.
 - 38 12. \$121,548,000 from the mass transportation operating assistance
39 fund, metropolitan mass transportation operating assistance account
40 (21402), to the capital projects fund (30000).
 - 41 13. An amount up to \$6,800,000 from the general fund, to the impaired
42 driving safety fund.
- 43 Miscellaneous:
 - 44 1. \$250,000,000 from the general fund to any funds or accounts for the
45 purpose of reimbursing certain outstanding accounts receivable balances.
 - 46 2. \$500,000,000 from the general fund to the debt reduction reserve
47 fund (40000).
 - 48 3. \$450,000,000 from the New York state storm recovery capital fund
49 (33000) to the revenue bond tax fund (40152).
 - 50 4. \$15,500,000 from the general fund, community projects account GG
51 (10256), to the general fund, state purposes account (10050).
 - 52 5. Notwithstanding any law to the contrary, and in accordance with
53 section 4 of the state finance law, the comptroller is hereby authorized
54 and directed to sweep \$150,000,000 from the rainy day fund to the gener-
55 al fund on or before March 31, 2018.

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

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

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

14 2. Upon request of the commissioner of agriculture and markets, up to
15 \$3,000,000 from any special revenue fund or enterprise fund within the
16 department of agriculture and markets to the general fund, to pay appro-
17 priate administrative expenses.

18 3. Upon request of the commissioner of agriculture and markets, up to
19 \$2,000,000 from the state exposition special fund, state fair receipts
20 account (50051) to the miscellaneous capital projects fund, state fair
21 capital improvement account (32208).

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

27 5. Upon request of the commissioner of the division of housing and
28 community renewal, up to \$5,500,000 may be transferred from any miscel-
29 laneous special revenue fund account, to any miscellaneous special
30 revenue fund.

31 6. Upon request of the commissioner of health up to \$8,500,000 from
32 revenues credited to any of the department of health's special revenue
33 funds, to the miscellaneous special revenue fund, administration account
34 (21982).

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

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

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

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

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

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

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

30 § 11. Notwithstanding any law to the contrary, and in accordance with
31 section 4 of the state financial law, the comptroller is hereby author-
32 ized and directed to transfer, upon request of the director of the budg-
33 et, up to \$100,000 from the general fund to the state university income
34 fund, state university general revenue offset account (22655) during the
35 period of April 1, 2017 through June 30, 2017 to support operations at
36 the state university.

37 § 12. Notwithstanding any law to the contrary, and in accordance with
38 section 4 of the state finance law, the comptroller is hereby authorized
39 and directed to transfer, upon request of the state university chancel-
40 lor or his or her designee, up to \$55,000,000 from the state university
41 income fund, state university hospitals income reimbursable account
42 (22656), for services and expenses of hospital operations and capital
43 expenditures at the state university hospitals; and the state university
44 income fund, Long Island veterans' home account (22652) to the state
45 university capital projects fund (32400) on or before June 30, 2018.

46 § 13. Notwithstanding any law to the contrary, and in accordance with
47 section 4 of the state finance law, the comptroller, after consultation
48 with the state university chancellor or his or her designee, is hereby
49 authorized and directed to transfer moneys, in the first instance, from
50 the state university collection fund, Stony Brook hospital collection
51 account (61006), Brooklyn hospital collection account (61007), and Syra-
52 cuse hospital collection account (61008) to the state university income
53 fund, state university hospitals income reimbursable account (22656) in
54 the event insufficient funds are available in the state university
55 income fund, state university hospitals income reimbursable account
56 (22656) to permit the full transfer of moneys authorized for transfer,

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

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

21 § 15. Notwithstanding any law to the contrary, and in accordance with
22 section 4 of the state finance law, the comptroller is hereby authorized
23 and directed to transfer monies, upon request of the director of the
24 budget, on or before March 31, 2018, from and to any of the following
25 accounts: the miscellaneous special revenue fund, patient income account
26 (21909), the miscellaneous special revenue fund, mental hygiene program
27 fund account (21907), the miscellaneous special revenue fund, federal
28 salary sharing account (22056), or the general fund in any combination,
29 the aggregate of which shall not exceed \$350 million.

30 § 16. Notwithstanding any law to the contrary, and in accordance with
31 section 4 of the state finance law, the comptroller is hereby authorized
32 and directed to transfer, at the request of the director of the budget,
33 up to \$250 million from the unencumbered balance of any special revenue
34 fund or account, agency fund or account, internal service fund or
35 account, enterprise fund or account, or any combination of such funds
36 and accounts, to the general fund. The amounts transferred pursuant to
37 this authorization shall be in addition to any other transfers expressly
38 authorized in the 2017-18 budget. Transfers from federal funds, debt
39 service funds, capital projects funds, the community projects fund, or
40 funds that would result in the loss of eligibility for federal benefits
41 or federal funds pursuant to federal law, rule, or regulation as assent-
42 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
43 1951 are not permitted pursuant to this authorization.

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

1 made in pursuance to an appropriation by law. Transfers to the technolo-
2 gy financing account shall be completed from amounts collected by non-
3 general funds or accounts pursuant to a fund deposit schedule or perma-
4 nent statute, and shall be transferred to the technology financing
5 account pursuant to a schedule agreed upon by the affected agency
6 commissioner. Transfers from funds that would result in the loss of
7 eligibility for federal benefits or federal funds pursuant to federal
8 law, rule, or regulation as assented to in chapter 683 of the laws of
9 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to
10 this authorization.

11 § 17-a. Notwithstanding any law to the contrary, and in accordance
12 with section 4 of the state finance law, the comptroller is hereby
13 authorized and directed to transfer, at the request of the director of
14 the budget, up to twenty million dollars (\$20,000,000) from the unencum-
15 bered balance of any special revenue fund or account, or combination of
16 funds and accounts, to the community projects fund. The amounts trans-
17 ferred pursuant to this authorization shall be in addition to any other
18 transfers expressly authorized in the 2016-17 budget. Transfers from
19 federal funds, debt services funds, capital projects funds, or funds
20 that would result in the loss of eligibility for federal benefits or
21 federal funds pursuant to federal law, rule, or regulation as assented
22 to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
23 1951 are not permitted pursuant to this authorization. The director of
24 the budget shall (a) have received a request in writing from one or both
25 houses of the legislature, and (b) notify both houses of the legislature
26 in writing prior to initiating transfers pursuant to this authorization.
27 The comptroller shall provide the director of the budget, the chair of
28 the senate finance committee, and the chair of the assembly ways and
29 means committee with an accurate accounting and report of any transfers
30 that occur pursuant to this section on or before the fifteenth day of
31 the following month in which such transfers occur.

32 § 18. Intentionally omitted.

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

49 § 20. Notwithstanding any provision of law, rule or regulation to the
50 contrary, the New York state energy research and development authority
51 is authorized and directed to make the following contributions to the
52 state treasury to the credit of the general fund on or before March 31,
53 2018: (a) \$913,000; and (b) \$78,000,000 from proceeds collected by the
54 authority from the auction or sale of carbon dioxide emission allowances
55 allocated by the department of environmental conservation.

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

4 5. Notwithstanding the provisions of section one hundred seventy-one-a
5 of the tax law, as separately amended by chapters four hundred eighty-
6 one and four hundred eighty-four of the laws of nineteen hundred eight-
7 y-one, and notwithstanding the provisions of chapter ninety-four of the
8 laws of two thousand eleven, or any other provisions of law to the
9 contrary, during the fiscal year beginning April first, two thousand
10 [~~sixteen~~] seventeen, the state comptroller is hereby authorized and
11 directed to deposit to the fund created pursuant to this section from
12 amounts collected pursuant to article twenty-two of the tax law and
13 pursuant to a schedule submitted by the director of the budget, up to
14 [~~\$3,283,844,000~~] \$2,655,997,000, as may be certified in such schedule as
15 necessary to meet the purposes of such fund for the fiscal year begin-
16 ning April first, two thousand [~~sixteen~~] seventeen.

17 § 22. Notwithstanding any law to the contrary, the comptroller is
18 hereby authorized and directed to transfer, upon request of the director
19 of the budget, on or before March 31, 2018, the following amounts from
20 the following special revenue accounts to the capital projects fund
21 (30000), for the purposes of reimbursement to such fund for expenses
22 related to the maintenance and preservation of state assets:

- 23 1. \$43,000 from the miscellaneous special revenue fund, administrative
24 program account (21982).
- 25 2. \$1,478,000 from the miscellaneous special revenue fund, helen hayes
26 hospital account (22140).
- 27 3. \$366,000 from the miscellaneous special revenue fund, New York city
28 veterans' home account (22141).
- 29 4. \$513,000 from the miscellaneous special revenue fund, New York
30 state home for veterans' and their dependents at oxford account (22142).
- 31 5. \$159,000 from the miscellaneous special revenue fund, western New
32 York veterans' home account (22143).
- 33 6. \$323,000 from the miscellaneous special revenue fund, New York
34 state for veterans in the lower-hudson valley account (22144).
- 35 7. \$2,550,000 from the miscellaneous special revenue fund, patron
36 services account (22163).
- 37 8. \$41,930,000 from the miscellaneous special revenue fund, state
38 university dormitory income reimbursable account (21937).
- 39 9. \$830,000 from the miscellaneous special revenue fund, long island
40 veterans' home account (22652).
- 41 10. \$5,379,000 from the miscellaneous special revenue fund, state
42 university general income reimbursable account (22653).
- 43 11. \$112,556,000 from the miscellaneous special revenue fund, state
44 university revenue offset account (22655).
- 45 12. \$557,000 from the miscellaneous special revenue fund, state
46 university of New York tuition reimbursement account (22659).

47 § 22-a. Subdivision 3 of section 93-b of the state finance law, as
48 added by section 1 of part H of chapter 60 of the laws of 2015, the
49 opening paragraph as amended by section 1 of part M of chapter 57 of the
50 laws of 2016, and paragraph (a) as amended by section 27 of part UU of
51 chapter 54 of the laws of 2016, is amended to read as follows:

52 3. Transfers. Notwithstanding any other provisions of law to the
53 contrary, commencing on April first, two thousand fifteen, and continu-
54 ing through March thirty-first, two thousand twenty-one, the comptroller
55 is hereby authorized to transfer monies from the dedicated infrastruc-
56 ture investment fund to the general fund, and from the general fund to

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

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

37 ~~(b) [Federal medicare and medicaid revenues. Notwithstanding any law~~
38 ~~to the contrary, the director of the budget may authorize and direct the~~
39 ~~comptroller to transfer from the dedicated infrastructure investment~~
40 ~~fund to the general fund an amount not to exceed the disallowances~~
41 ~~and/or settlements related to the over payments of federal medicare and~~
42 ~~medicaid revenues. In the event this authorization is utilized, the~~
43 ~~director of the budget may authorize and direct the comptroller to~~
44 ~~transfer such amount and the concomitant reduction in state share medi-~~
45 ~~care and medicaid revenues from the general fund to the miscellaneous~~
46 ~~special revenue fund, mental hygiene program fund (21907), the miscella-~~
47 ~~neous special revenue fund, patient income account (21909), and the~~
48 ~~Medicaid Management Information System (MMIS) Statewide Escrow Fund~~
49 ~~(60901)].~~

50 ~~(e)]~~ Prior to authorizing any transfer from the dedicated infrastruc-
51 ture investment fund accounts pursuant to the provisions of this
52 section, the director of the budget shall notify the speaker of the
53 assembly, the temporary president of the senate, and the minority lead-
54 ers of the assembly and the senate. Such letter shall specify the
55 reasons for the transfer and the amount thereof.

56 § 22-b. Intentionally omitted.

1 § 22-c. Subdivision 1 of section 4 of section 1 of part D3 of chapter
2 62 of the laws of 2003 amending the general business law and other laws
3 relating to implementing the state fiscal plan for the 2003-2004 state
4 fiscal year, is amended to read as follows:

5 1. The state representative, upon the execution of a sale agreement on
6 behalf of the state may sell to the corporation, and the corporation may
7 purchase, for cash or other consideration and in one or more install-
8 ments, all or a portion of the state's share. Any such agreement shall
9 provide, among other matters, that the purchase price payable by the
10 corporation to the state for such state's share or portion thereof shall
11 consist of the net proceeds of the bonds issued to finance such purchase
12 price and the residual interests, if any. The residual interests shall
13 be deposited into [~~the tobacco settlement fund pursuant to section 92-x~~
14 ~~of the state finance law, unless otherwise directed by statute~~] the
15 Medicaid management information system (MMIS) statewide escrow fund
16 within thirty days upon the availability of such residual interests to
17 fund a portion of the cumulative non-federal share of expenses related
18 to the state takeover of the local share of Medicaid growth pursuant to
19 part F of chapter 56 of the laws of 2012. Such deposit shall be in an
20 amount equal to (a) the amount of residual interests scheduled for
21 deposit into the MMIS statewide escrow fund in the applicable year's
22 enacted budget financial plan as updated or (b) the total amount of
23 residual interests available if the total amount of such residual inter-
24 ests is less than the total amount of residual interests scheduled for
25 deposit into the MMIS statewide escrow fund in the applicable year's
26 enacted budget financial plan as updated. At the discretion of the state
27 representative, any residual interests which exceed the amount scheduled
28 for deposit into the MMIS statewide escrow fund in the applicable year's
29 enacted budget financial plan as updated may either be deposited into
30 the (i) MMIS escrow fund to fund a portion, as determined by the state
31 representative, of the cumulative non-Federal share of expenses related
32 to the State takeover of the local share of Medicaid growth, pursuant to
33 part F of chapter 56 of the laws of 2012, or (ii) the state general
34 fund; provided, however that any residual interest derived from other
35 assets shall be applied as directed by statute. Any such sale shall be
36 pursuant to one or more sale agreements which may contain such terms and
37 conditions deemed necessary by the state representative to carry out and
38 effectuate the purposes of this section, including covenants binding the
39 state in favor of the corporation and its assignees, including the
40 owners of its bonds such as covenants with respect to the enforcement at
41 the expense of the state of the payment provisions of the master settle-
42 ment agreement, the diligent enforcement at the expense of the state of
43 the qualifying statute, the application and use of the proceeds of the
44 sale of the state's share to preserve the tax-exemption on the bonds,
45 the interest on which is intended to be exempt from federal income tax,
46 issued to finance the purchase thereof and otherwise as provided in this
47 act. Notwithstanding the foregoing, neither the state representative nor
48 the corporation shall be authorized to make any covenant, pledge, prom-
49 ise or agreement purporting to bind the state with respect to pledged
50 tobacco revenues, except as otherwise specifically authorized by this
51 act.

52 § 22-d. The state finance law is amended by adding a new section 99-aa
53 to read as follows:

54 § 99-aa. Retiree health benefit trust fund. 1. There is hereby estab-
55 lished in the joint custody of the state comptroller and the commission-

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

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

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

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

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

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

19 (b) The sole purpose of the trust fund established pursuant to subdi-
20 vision one of this section shall be to fund the health and welfare bene-
21 fits of retired state employees and their dependents.

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

25 (b) Contributions to the trust, and any interest or other income or
26 earnings on contributions, shall be irrevocable before all liabilities
27 of the state government for retiree health benefits have been satisfied
28 and shall be solely dedicated to, and used solely for, providing retiree
29 health benefits and paying appropriate and reasonable expenses of admin-
30 istering the trust. No assets, income, earnings or distributions of the
31 trust shall be subject to any claim of creditors of the state, or to
32 assignment or execution, attachment or any other claim enforcement proc-
33 ess initiated by or on behalf of such creditors. Except as otherwise
34 provided in subdivision seven of this section, the commissioner shall
35 not be responsible for the adequacy of the assets of the trust to meet
36 any other post-employment benefit. The commissioner shall not be respon-
37 sible for taking any action to enforce the payment of any appropriation
38 into the trust. The trust may be terminated only when all liabilities of
39 the state for retiree health benefits have been satisfied and there is
40 no present or future obligation, contingent or otherwise, of the state
41 to provide such retiree health benefits. Upon such termination, any
42 remaining trust assets, after any proper expenses of the trust have been
43 paid, shall revert to the state.

44 (c) At the close of each fiscal year, the director of the budget shall
45 certify the cash surplus remaining in the general fund; such cash
46 surplus shall be calculated by the director of the budget as the excess
47 of estimated aggregate receipts above the estimated aggregate disburse-
48 ments at the end of the fiscal year. Upon such calculation and certif-
49 ication, a portion of any certified cash surplus remaining in the gener-
50 al fund, which such portion shall be determined in the sole discretion
51 of the director of the budget, may be transferred or deposited directly
52 to the trust fund at the sole request of the director of the budget.

53 (d) All payments for retiree health and welfare benefits from such
54 trust fund shall not be subject to an appropriation and shall be trans-
55 ferred, to the extent funds are available in such trust fund, to the

1 health insurance fund for the sole and exclusive purpose of funding
2 retiree health benefits.

3 5. Investments. (a) The commissioner may establish a trust in his or
4 her custody for the purpose of accumulating assets to fund the cost of
5 providing retiree health benefits.

6 (b) The state comptroller is hereby declared to be the trustee of the
7 trust established pursuant to subdivision one of this section. The
8 state comptroller shall manage the investments of the trust fund estab-
9 lished pursuant to subdivision one of this section in a careful and
10 prudent manner consistent with the guidelines and provisions of section
11 ninety-eight of this article.

12 (c) Any interest or other income or earnings resulting from the
13 investment of assets of the trust shall accrue to and become part of the
14 assets of the trust.

15 6. Neither the state nor the state comptroller shall be liable for any
16 loss or expense suffered by the trust in the absence of bad faith, will-
17 ful misconduct or intentional wrongdoing. The state comptroller shall be
18 considered to be acting as an officer of the state for purposes of
19 section seventeen of the public officers law, provided, however, that
20 the costs of any defense or indemnification arising from the exercise of
21 the functions of trustee shall be payable from the assets of the trust.

22 7. Nothing contained in this section shall be interpreted or construed
23 to: (a) create any obligation in, impose any obligation on, or alter any
24 obligation of the state to provide retiree health benefits;

25 (b) limit or restrict the authority of the state to modify or elimi-
26 nate retiree health benefits;

27 (c) assure or deny retiree health benefits; or

28 (d) require the state to fund its liability for retiree health bene-
29 fits.

30 § 23. Notwithstanding any other law, rule, or regulation to the
31 contrary, the state comptroller is hereby authorized and directed to use
32 any balance remaining in the mental health services fund debt service
33 appropriation, after payment by the state comptroller of all obligations
34 required pursuant to any lease, sublease, or other financing arrangement
35 between the dormitory authority of the state of New York as successor to
36 the New York state medical care facilities finance agency, and the
37 facilities development corporation pursuant to chapter 83 of the laws of
38 1995 and the department of mental hygiene for the purpose of making
39 payments to the dormitory authority of the state of New York for the
40 amount of the earnings for the investment of monies deposited in the
41 mental health services fund that such agency determines will or may have
42 to be rebated to the federal government pursuant to the provisions of
43 the internal revenue code of 1986, as amended, in order to enable such
44 agency to maintain the exemption from federal income taxation on the
45 interest paid to the holders of such agency's mental services facilities
46 improvement revenue bonds. Annually on or before each June 30th, such
47 agency shall certify to the state comptroller its determination of the
48 amounts received in the mental health services fund as a result of the
49 investment of monies deposited therein that will or may have to be
50 rebated to the federal government pursuant to the provisions of the
51 internal revenue code of 1986, as amended.

52 § 24. Subdivision 1 of section 47 of section 1 of chapter 174 of the
53 laws of 1968, constituting the New York state urban development corpo-
54 ration act, as amended by section 29 of part UU of chapter 54 of the
55 laws of 2016, is amended to read as follows:

1 1. Notwithstanding the provisions of any other law to the contrary,
2 the dormitory authority and the corporation are hereby authorized to
3 issue bonds or notes in one or more series for the purpose of funding
4 project costs for the office of information technology services, depart-
5 ment of law, and other state costs associated with such capital
6 projects. The aggregate principal amount of bonds authorized to be
7 issued pursuant to this section shall not exceed [~~three~~] four hundred
8 [~~sixty-four~~] fifty million [~~eight~~] five hundred forty thousand dollars,
9 excluding bonds issued to fund one or more debt service reserve funds,
10 to pay costs of issuance of such bonds, and bonds or notes issued to
11 refund or otherwise repay such bonds or notes previously issued. Such
12 bonds and notes of the dormitory authority and the corporation shall not
13 be a debt of the state, and the state shall not be liable thereon, nor
14 shall they be payable out of any funds other than those appropriated by
15 the state to the dormitory authority and the corporation for principal,
16 interest, and related expenses pursuant to a service contract and such
17 bonds and notes shall contain on the face thereof a statement to such
18 effect. Except for purposes of complying with the internal revenue code,
19 any interest income earned on bond proceeds shall only be used to pay
20 debt service on such bonds.

21 § 25. Subdivision 1 of section 16 of part D of chapter 389 of the laws
22 of 1997, relating to the financing of the correctional facilities
23 improvement fund and the youth facility improvement fund, as amended by
24 section 30 of part UU of chapter 54 of the laws of 2016, is amended to
25 read as follows:

26 1. Subject to the provisions of chapter 59 of the laws of 2000, but
27 notwithstanding the provisions of section 18 of section 1 of chapter 174
28 of the laws of 1968, the New York state urban development corporation is
29 hereby authorized to issue bonds, notes and other obligations in an
30 aggregate principal amount not to exceed seven billion [~~four~~] seven
31 hundred [~~twenty-four~~] forty-one million [~~nine~~] one hundred ninety-nine
32 thousand dollars [~~\$7,424,999,000~~] \$7,741,199,000, and shall include all
33 bonds, notes and other obligations issued pursuant to chapter 56 of the
34 laws of 1983, as amended or supplemented. The proceeds of such bonds,
35 notes or other obligations shall be paid to the state, for deposit in
36 the correctional facilities capital improvement fund to pay for all or
37 any portion of the amount or amounts paid by the state from appropri-
38 ations or reappropriations made to the department of corrections and
39 community supervision from the correctional facilities capital improve-
40 ment fund for capital projects. The aggregate amount of bonds, notes or
41 other obligations authorized to be issued pursuant to this section shall
42 exclude bonds, notes or other obligations issued to refund or otherwise
43 repay bonds, notes or other obligations theretofore issued, the proceeds
44 of which were paid to the state for all or a portion of the amounts
45 expended by the state from appropriations or reappropriations made to
46 the department of corrections and community supervision; provided,
47 however, that upon any such refunding or repayment the total aggregate
48 principal amount of outstanding bonds, notes or other obligations may be
49 greater than seven billion [~~four~~] seven hundred [~~twenty-four~~] forty-one
50 million [~~nine~~] one hundred ninety-nine thousand dollars [~~\$7,424,999,000~~]
51 \$7,741,199,000, only if the present value of the aggregate debt service
52 of the refunding or repayment bonds, notes or other obligations to be
53 issued shall not exceed the present value of the aggregate debt service
54 of the bonds, notes or other obligations so to be refunded or repaid.
55 For the purposes hereof, the present value of the aggregate debt service
56 of the refunding or repayment bonds, notes or other obligations and of

1 the aggregate debt service of the bonds, notes or other obligations so
2 refunded or repaid, shall be calculated by utilizing the effective
3 interest rate of the refunding or repayment bonds, notes or other obli-
4 gations, which shall be that rate arrived at by doubling the semi-annual
5 interest rate (compounded semi-annually) necessary to discount the debt
6 service payments on the refunding or repayment bonds, notes or other
7 obligations from the payment dates thereof to the date of issue of the
8 refunding or repayment bonds, notes or other obligations and to the
9 price bid including estimated accrued interest or proceeds received by
10 the corporation including estimated accrued interest from the sale ther-
11 eof.

12 § 26. Paragraph (a) of subdivision 2 of section 47-e of the private
13 housing finance law, as amended by section 31 of part UU of chapter 54
14 of the laws of 2016, is amended to read as follows:

15 (a) Subject to the provisions of chapter fifty-nine of the laws of two
16 thousand, in order to enhance and encourage the promotion of housing
17 programs and thereby achieve the stated purposes and objectives of such
18 housing programs, the agency shall have the power and is hereby author-
19 ized from time to time to issue negotiable housing program bonds and
20 notes in such principal amount as shall be necessary to provide suffi-
21 cient funds for the repayment of amounts disbursed (and not previously
22 reimbursed) pursuant to law or any prior year making capital appropri-
23 ations or reappropriations for the purposes of the housing program;
24 provided, however, that the agency may issue such bonds and notes in an
25 aggregate principal amount not exceeding [~~four~~ five billion [~~six~~ three
26 hundred [~~ninety-seven~~ eighty-four million [~~four~~ one hundred [~~seventy-~~
27 four ninety-nine thousand dollars, plus a principal amount of bonds
28 issued to fund the debt service reserve fund in accordance with the debt
29 service reserve fund requirement established by the agency and to fund
30 any other reserves that the agency reasonably deems necessary for the
31 security or marketability of such bonds and to provide for the payment
32 of fees and other charges and expenses, including underwriters'
33 discount, trustee and rating agency fees, bond insurance, credit
34 enhancement and liquidity enhancement related to the issuance of such
35 bonds and notes. No reserve fund securing the housing program bonds
36 shall be entitled or eligible to receive state funds apportioned or
37 appropriated to maintain or restore such reserve fund at or to a partic-
38 ular level, except to the extent of any deficiency resulting directly or
39 indirectly from a failure of the state to appropriate or pay the agreed
40 amount under any of the contracts provided for in subdivision four of
41 this section.

42 § 27. Subdivision (b) of section 11 of chapter 329 of the laws of
43 1991, amending the state finance law and other laws relating to the
44 establishment of the dedicated highway and bridge trust fund, as amended
45 by section 32 of part UU of chapter 54 of the laws of 2016, is amended
46 to read as follows:

47 (b) Any service contract or contracts for projects authorized pursuant
48 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
49 14-k of the transportation law, and entered into pursuant to subdivision
50 (a) of this section, shall provide for state commitments to provide
51 annually to the thruway authority a sum or sums, upon such terms and
52 conditions as shall be deemed appropriate by the director of the budget,
53 to fund, or fund the debt service requirements of any bonds or any obli-
54 gations of the thruway authority issued to fund or to reimburse the
55 state for funding such projects having a cost not in excess of

1 [~~\$9,147,234,000~~] \$9,634,586,000 cumulatively by the end of fiscal year
2 [~~2016-17~~] 2017-18.

3 § 28. Subdivision 1 of section 1689-i of the public authorities law,
4 as amended by section 33 of part UU of chapter 54 of the laws of 2016,
5 is amended to read as follows:

6 1. The dormitory authority is authorized to issue bonds, at the
7 request of the commissioner of education, to finance eligible library
8 construction projects pursuant to section two hundred seventy-three-a of
9 the education law, in amounts certified by such commissioner not to
10 exceed a total principal amount of one hundred [~~fifty-nine~~] eighty-eight
11 million dollars.

12 § 29. Subdivision (a) of section 27 of part Y of chapter 61 of the
13 laws of 2005, relating to providing for the administration of certain
14 funds and accounts related to the 2005-2006 budget, as amended by
15 section 34 of part UU of chapter 54 of the laws of 2016, is amended to
16 read as follows:

17 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
18 notwithstanding any provisions of law to the contrary, the urban devel-
19 opment corporation is hereby authorized to issue bonds or notes in one
20 or more series in an aggregate principal amount not to exceed
21 [~~\$167,600,000~~] \$173,600,000, excluding bonds issued to finance one or
22 more debt service reserve funds, to pay costs of issuance of such bonds,
23 and bonds or notes issued to refund or otherwise repay such bonds or
24 notes previously issued, for the purpose of financing capital projects
25 including IT initiatives for the division of state police, debt service
26 and leases; and to reimburse the state general fund for disbursements
27 made therefor. Such bonds and notes of such authorized issuer shall not
28 be a debt of the state, and the state shall not be liable thereon, nor
29 shall they be payable out of any funds other than those appropriated by
30 the state to such authorized issuer for debt service and related
31 expenses pursuant to any service contract executed pursuant to subdivi-
32 sion (b) of this section and such bonds and notes shall contain on the
33 face thereof a statement to such effect. Except for purposes of comply-
34 ing with the internal revenue code, any interest income earned on bond
35 proceeds shall only be used to pay debt service on such bonds.

36 § 30. Section 44 of section 1 of chapter 174 of the laws of 1968,
37 constituting the New York state urban development corporation act, as
38 amended by section 35 of part UU of chapter 54 of the laws of 2016, is
39 amended to read as follows:

40 § 44. Issuance of certain bonds or notes. 1. Notwithstanding the
41 provisions of any other law to the contrary, the dormitory authority and
42 the corporation are hereby authorized to issue bonds or notes in one or
43 more series for the purpose of funding project costs for the regional
44 economic development council initiative, the economic transformation
45 program, state university of New York college for nanoscale and science
46 engineering, projects within the city of Buffalo or surrounding envi-
47 rons, the New York works economic development fund, projects for the
48 retention of professional football in western New York, the empire state
49 economic development fund, the clarkson-trudeau partnership, the New
50 York genome center, the cornell university college of veterinary medi-
51 cine, the olympic regional development authority, projects at nano
52 Utica, onondaga county revitalization projects, Binghamton university
53 school of pharmacy, New York power electronics manufacturing consortium,
54 regional infrastructure projects, high technology manufacturing projects
55 in Chautauqua and Erie county, an industrial scale research and develop-
56 ment facility in Clinton county, upstate revitalization initiative

1 projects, market New York projects, fairground buildings or facilities
2 used to house and promote agriculture, the state fair, the empire state
3 trail, the moynihan station development project, the Kingsbridge armory
4 project, water infrastructure in the city of Auburn and town of Owasco,
5 a life sciences laboratory public health initiative, and other state
6 costs associated with such projects. The aggregate principal amount of
7 bonds authorized to be issued pursuant to this section shall not exceed
8 [~~four~~] five billion [~~six~~] nine hundred [~~seventy-one~~] fifty million
9 [~~seven hundred fifty-seven thousand~~] dollars, excluding bonds issued to
10 fund one or more debt service reserve funds, to pay costs of issuance of
11 such bonds, and bonds or notes issued to refund or otherwise repay such
12 bonds or notes previously issued. Such bonds and notes of the dormitory
13 authority and the corporation shall not be a debt of the state, and the
14 state shall not be liable thereon, nor shall they be payable out of any
15 funds other than those appropriated by the state to the dormitory
16 authority and the corporation for principal, interest, and related
17 expenses pursuant to a service contract and such bonds and notes shall
18 contain on the face thereof a statement to such effect. Except for
19 purposes of complying with the internal revenue code, any interest
20 income earned on bond proceeds shall only be used to pay debt service on
21 such bonds.

22 2. Notwithstanding any other provision of law to the contrary, in
23 order to assist the dormitory authority and the corporation in undertak-
24 ing the financing for project costs for the regional economic develop-
25 ment council initiative, the economic transformation program, state
26 university of New York college for nanoscale and science engineering,
27 projects within the city of Buffalo or surrounding environs, the New
28 York works economic development fund, projects for the retention of
29 professional football in western New York, the empire state economic
30 development fund, the clarkson-trudeau partnership, the New York genome
31 center, the cornell university college of veterinary medicine, the olym-
32 pic regional development authority, projects at nano Utica, onondaga
33 county revitalization projects, Binghamton university school of pharma-
34 cy, New York power electronics manufacturing consortium, regional
35 infrastructure projects, high technology manufacturing projects in Chau-
36 tauqua and Erie county, an industrial scale research and development
37 facility in Clinton county, upstate revitalization initiative projects,
38 market New York projects, fairground buildings or facilities used to
39 house and promote agriculture, the state fair, the empire state trail,
40 the moynihan station development project, the Kingsbridge armory
41 project, water infrastructure in the city of Auburn and town of Owasco,
42 a life sciences laboratory public health initiative, and other state
43 costs associated with such projects, the director of the budget is here-
44 by authorized to enter into one or more service contracts with the
45 dormitory authority and the corporation, none of which shall exceed
46 thirty years in duration, upon such terms and conditions as the director
47 of the budget and the dormitory authority and the corporation agree, so
48 as to annually provide to the dormitory authority and the corporation,
49 in the aggregate, a sum not to exceed the principal, interest, and
50 related expenses required for such bonds and notes. Any service contract
51 entered into pursuant to this section shall provide that the obligation
52 of the state to pay the amount therein provided shall not constitute a
53 debt of the state within the meaning of any constitutional or statutory
54 provision and shall be deemed executory only to the extent of monies
55 available and that no liability shall be incurred by the state beyond
56 the monies available for such purpose, subject to annual appropriation

1 by the legislature. Any such contract or any payments made or to be made
2 thereunder may be assigned and pledged by the dormitory authority and
3 the corporation as security for its bonds and notes, as authorized by
4 this section.

5 § 31. Subdivisions 1 and 3 of section 1285-p of the public authorities
6 law, subdivision 1 as amended by section 33 of part I of chapter 60 of
7 the laws of 2015 and subdivision 3 as amended by section 36 of part UU
8 of chapter 54 of the laws of 2016, is amended to read as follows:

9 1. Subject to chapter fifty-nine of the laws of two thousand, but
10 notwithstanding any other provisions of law to the contrary, in order to
11 assist the corporation in undertaking the administration and the financ-
12 ing of the design, acquisition, construction, improvement, installation,
13 and related work for all or any portion of any of the following environ-
14 mental infrastructure projects and for the provision of funds to the
15 state for any amounts disbursed therefor: (a) projects authorized under
16 the environmental protection fund, or for which appropriations are made
17 to the environmental protection fund including, but not limited to
18 municipal parks and historic preservation, stewardship, farmland
19 protection, non-point source, pollution control, Hudson River Park, land
20 acquisition, and waterfront revitalization; (b) department of environ-
21 mental conservation capital appropriations for Onondaga Lake for certain
22 water quality improvement projects in the same manner as set forth in
23 paragraph (d) of subdivision one of section 56-0303 of the environmental
24 conservation law; (c) for the purpose of the administration, management,
25 maintenance, and use of the real property at the western New York nucle-
26 ar service center; (d) department of environmental conservation capital
27 appropriations for the administration, design, acquisition,
28 construction, improvement, installation, and related work on department
29 of environmental conservation environmental infrastructure projects; (e)
30 office of parks, recreation and historic preservation appropriations or
31 reappropriations from the state parks infrastructure fund; (f) capital
32 grants for the cleaner, greener communities program ~~and~~; (g) capital
33 costs of water quality infrastructure projects and (h) capital costs of
34 clean water infrastructure projects the director of the division of
35 budget and the corporation are each authorized to enter into one or more
36 service contracts, none of which shall exceed twenty years in duration,
37 upon such terms and conditions as the director and the corporation may
38 agree, so as to annually provide to the corporation in the aggregate, a
39 sum not to exceed the annual debt service payments and related expenses
40 required for any bonds and notes authorized pursuant to section twelve
41 hundred ninety of this title. Any service contract entered into pursuant
42 to this section shall provide that the obligation of the state to fund
43 or to pay the amounts therein provided for shall not constitute a debt
44 of the state within the meaning of any constitutional or statutory
45 provision and shall be deemed executory only to the extent of moneys
46 available for such purposes, subject to annual appropriation by the
47 legislature. Any such service contract or any payments made or to be
48 made thereunder may be assigned and pledged by the corporation as secu-
49 rity for its bonds and notes, as authorized pursuant to section twelve
50 hundred ninety of this title.

51 3. The maximum amount of bonds that may be issued for the purpose of
52 financing environmental infrastructure projects authorized by this
53 section shall be ~~two~~ four billion ~~one~~ four hundred ~~eight~~ fifty-one
54 million ~~two~~ seven hundred sixty thousand dollars, exclusive of bonds
55 issued to fund any debt service reserve funds, pay costs of issuance of
56 such bonds, and bonds or notes issued to refund or otherwise repay bonds

1 or notes previously issued. Such bonds and notes of the corporation
2 shall not be a debt of the state, and the state shall not be liable
3 thereon, nor shall they be payable out of any funds other than those
4 appropriated by the state to the corporation for debt service and
5 related expenses pursuant to any service contracts executed pursuant to
6 subdivision one of this section, and such bonds and notes shall contain
7 on the face thereof a statement to such effect.

8 § 32. Subdivision 1 of section 45 of section 1 of chapter 174 of the
9 laws of 1968, constituting the New York state urban development corpo-
10 ration act, as amended by section 37 of part UU of chapter 54 of the
11 laws of 2016, is amended to read as follows:

12 1. Notwithstanding the provisions of any other law to the contrary,
13 the urban development corporation of the state of New York is hereby
14 authorized to issue bonds or notes in one or more series for the purpose
15 of funding project costs for the implementation of a NY-SUNY and NY-CUNY
16 2020 challenge grant program subject to the approval of a NY-SUNY and
17 NY-CUNY 2020 plan or plans by the governor and either the chancellor of
18 the state university of New York or the chancellor of the city universi-
19 ty of New York, as applicable. The aggregate principal amount of bonds
20 authorized to be issued pursuant to this section shall not exceed
21 [~~\$550,000,000~~] \$660,000,000, excluding bonds issued to fund one or more
22 debt service reserve funds, to pay costs of issuance of such bonds, and
23 bonds or notes issued to refund or otherwise repay such bonds or notes
24 previously issued. Such bonds and notes of the corporation shall not be
25 a debt of the state, and the state shall not be liable thereon, nor
26 shall they be payable out of any funds other than those appropriated by
27 the state to the corporation for principal, interest, and related
28 expenses pursuant to a service contract and such bonds and notes shall
29 contain on the face thereof a statement to such effect. Except for
30 purposes of complying with the internal revenue code, any interest
31 income earned on bond proceeds shall only be used to pay debt service on
32 such bonds.

33 § 33. Subdivision (a) of section 48 of part K of chapter 81 of the
34 laws of 2002, providing for the administration of certain funds and
35 accounts related to the 2002-2003 budget, as amended by section 38 of
36 part UU of chapter 54 of the laws of 2016, is amended to read as
37 follows:

38 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
39 notwithstanding the provisions of section 18 of the urban development
40 corporation act, the corporation is hereby authorized to issue bonds or
41 notes in one or more series in an aggregate principal amount not to
42 exceed [~~\$197,000,000~~] \$250,000,000 excluding bonds issued to fund one or
43 more debt service reserve funds, to pay costs of issuance of such bonds,
44 and bonds or notes issued to refund or otherwise repay such bonds or
45 notes previously issued, for the purpose of financing capital costs
46 related to homeland security and training facilities for the division of
47 state police, the division of military and naval affairs, and any other
48 state agency, including the reimbursement of any disbursements made from
49 the state capital projects fund, and is hereby authorized to issue bonds
50 or notes in one or more series in an aggregate principal amount not to
51 exceed [~~\$509,600,000~~] \$654,800,000, excluding bonds issued to fund one
52 or more debt service reserve funds, to pay costs of issuance of such
53 bonds, and bonds or notes issued to refund or otherwise repay such bonds
54 or notes previously issued, for the purpose of financing improvements to
55 State office buildings and other facilities located statewide, including
56 the reimbursement of any disbursements made from the state capital

1 projects fund. Such bonds and notes of the corporation shall not be a
 2 debt of the state, and the state shall not be liable thereon, nor shall
 3 they be payable out of any funds other than those appropriated by the
 4 state to the corporation for debt service and related expenses pursuant
 5 to any service contracts executed pursuant to subdivision (b) of this
 6 section, and such bonds and notes shall contain on the face thereof a
 7 statement to such effect.

8 § 34. Subdivision 1 of section 386-b of the public authorities law, as
 9 amended by section 39 of part UU of chapter 54 of the laws of 2016, is
 10 amended to read as follows:

11 1. Notwithstanding any other provision of law to the contrary, the
 12 authority, the dormitory authority and the urban development corporation
 13 are hereby authorized to issue bonds or notes in one or more series for
 14 the purpose of financing peace bridge projects and capital costs of
 15 state and local highways, parkways, bridges, the New York state thruway,
 16 Indian reservation roads, and facilities, and transportation infrastruc-
 17 ture projects including aviation projects, non-MTA mass transit
 18 projects, and rail service preservation projects, including work appur-
 19 tenant and ancillary thereto. The aggregate principal amount of bonds
 20 authorized to be issued pursuant to this section shall not exceed three
 21 billion [~~sixty-five million dollars \$3,065,000,000~~] nine hundred twen-
 22 ty-seven million six hundred sixty-seven thousand dollars
 23 \$3,927,667,000, excluding bonds issued to fund one or more debt service
 24 reserve funds, to pay costs of issuance of such bonds, and to refund or
 25 otherwise repay such bonds or notes previously issued. Such bonds and
 26 notes of the authority, the dormitory authority and the urban develop-
 27 ment corporation shall not be a debt of the state, and the state shall
 28 not be liable thereon, nor shall they be payable out of any funds other
 29 than those appropriated by the state to the authority, the dormitory
 30 authority and the urban development corporation for principal, interest,
 31 and related expenses pursuant to a service contract and such bonds and
 32 notes shall contain on the face thereof a statement to such effect.
 33 Except for purposes of complying with the internal revenue code, any
 34 interest income earned on bond proceeds shall only be used to pay debt
 35 service on such bonds.

36 § 35. Paragraph (c) of subdivision 19 of section 1680 of the public
 37 authorities law, as amended by section 40 of part UU of chapter 54 of
 38 the laws of 2016, is amended to read as follows:

39 (c) Subject to the provisions of chapter fifty-nine of the laws of two
 40 thousand, the dormitory authority shall not issue any bonds for state
 41 university educational facilities purposes if the principal amount of
 42 bonds to be issued when added to the aggregate principal amount of bonds
 43 issued by the dormitory authority on and after July first, nineteen
 44 hundred eighty-eight for state university educational facilities will
 45 exceed [~~eleven~~] twelve billion [~~six~~] three hundred [~~sixty-three~~] forty-
 46 three million dollars; provided, however, that bonds issued or to be
 47 issued shall be excluded from such limitation if: (1) such bonds are
 48 issued to refund state university construction bonds and state universi-
 49 ty construction notes previously issued by the housing finance agency;
 50 or (2) such bonds are issued to refund bonds of the authority or other
 51 obligations issued for state university educational facilities purposes
 52 and the present value of the aggregate debt service on the refunding
 53 bonds does not exceed the present value of the aggregate debt service on
 54 the bonds refunded thereby; provided, further that upon certification by
 55 the director of the budget that the issuance of refunding bonds or other
 56 obligations issued between April first, nineteen hundred ninety-two and

1 March thirty-first, nineteen hundred ninety-three will generate long
2 term economic benefits to the state, as assessed on a present value
3 basis, such issuance will be deemed to have met the present value test
4 noted above. For purposes of this subdivision, the present value of the
5 aggregate debt service of the refunding bonds and the aggregate debt
6 service of the bonds refunded, shall be calculated by utilizing the true
7 interest cost of the refunding bonds, which shall be that rate arrived
8 at by doubling the semi-annual interest rate (compounded semi-annually)
9 necessary to discount the debt service payments on the refunding bonds
10 from the payment dates thereof to the date of issue of the refunding
11 bonds to the purchase price of the refunding bonds, including interest
12 accrued thereon prior to the issuance thereof. The maturity of such
13 bonds, other than bonds issued to refund outstanding bonds, shall not
14 exceed the weighted average economic life, as certified by the state
15 university construction fund, of the facilities in connection with which
16 the bonds are issued, and in any case not later than the earlier of
17 thirty years or the expiration of the term of any lease, sublease or
18 other agreement relating thereto; provided that no note, including
19 renewals thereof, shall mature later than five years after the date of
20 issuance of such note. The legislature reserves the right to amend or
21 repeal such limit, and the state of New York, the dormitory authority,
22 the state university of New York, and the state university construction
23 fund are prohibited from covenanting or making any other agreements with
24 or for the benefit of bondholders which might in any way affect such
25 right.

26 § 36. Paragraph (c) of subdivision 14 of section 1680 of the public
27 authorities law, as amended by section 41 of part UU of chapter 54 of
28 the laws of 2016, is amended to read as follows:

29 (c) Subject to the provisions of chapter fifty-nine of the laws of two
30 thousand, (i) the dormitory authority shall not deliver a series of
31 bonds for city university community college facilities, except to refund
32 or to be substituted for or in lieu of other bonds in relation to city
33 university community college facilities pursuant to a resolution of the
34 dormitory authority adopted before July first, nineteen hundred eighty-
35 five or any resolution supplemental thereto, if the principal amount of
36 bonds so to be issued when added to all principal amounts of bonds
37 previously issued by the dormitory authority for city university commu-
38 nity college facilities, except to refund or to be substituted in lieu
39 of other bonds in relation to city university community college facili-
40 ties will exceed the sum of four hundred twenty-five million dollars and
41 (ii) the dormitory authority shall not deliver a series of bonds issued
42 for city university facilities, including community college facilities,
43 pursuant to a resolution of the dormitory authority adopted on or after
44 July first, nineteen hundred eighty-five, except to refund or to be
45 substituted for or in lieu of other bonds in relation to city university
46 facilities and except for bonds issued pursuant to a resolution supple-
47 mental to a resolution of the dormitory authority adopted prior to July
48 first, nineteen hundred eighty-five, if the principal amount of bonds so
49 to be issued when added to the principal amount of bonds previously
50 issued pursuant to any such resolution, except bonds issued to refund or
51 to be substituted for or in lieu of other bonds in relation to city
52 university facilities, will exceed seven billion [~~five~~ nine hundred
53 [~~eighty-eight~~ eighty-one million [~~four~~ nine hundred [~~eleven~~ sixty-
54 eight thousand dollars. The legislature reserves the right to amend or
55 repeal such limit, and the state of New York, the dormitory authority,
56 the city university, and the fund are prohibited from covenanting or

1 making any other agreements with or for the benefit of bondholders which
2 might in any way affect such right.

3 § 37. Subdivision 10-a of section 1680 of the public authorities law,
4 as amended by section 42 of part UU of chapter 54 of the laws of 2016,
5 is amended to read as follows:

6 10-a. Subject to the provisions of chapter fifty-nine of the laws of
7 two thousand, but notwithstanding any other provision of the law to the
8 contrary, the maximum amount of bonds and notes to be issued after March
9 thirty-first, two thousand two, on behalf of the state, in relation to
10 any locally sponsored community college, shall be [~~eight~~] nine hundred
11 [~~sixty-one~~] fourteen million [~~four~~] five hundred [~~fifty-four~~] ninety
12 thousand dollars. Such amount shall be exclusive of bonds and notes
13 issued to fund any reserve fund or funds, costs of issuance and to
14 refund any outstanding bonds and notes, issued on behalf of the state,
15 relating to a locally sponsored community college.

16 § 38. Subdivision 1 of section 17 of part D of chapter 389 of the laws
17 of 1997, relating to the financing of the correctional facilities
18 improvement fund and the youth facility improvement fund, as amended by
19 section 43 of part UU of chapter 54 of the laws of 2016, is amended to
20 read as follows:

21 1. Subject to the provisions of chapter 59 of the laws of 2000, but
22 notwithstanding the provisions of section 18 of section 1 of chapter 174
23 of the laws of 1968, the New York state urban development corporation is
24 hereby authorized to issue bonds, notes and other obligations in an
25 aggregate principal amount not to exceed six hundred [~~forty-seven~~]
26 eighty-two million [~~sixty-five~~] nine hundred fifteen thousand dollars
27 [~~(\$647,065,000)~~] (\$682,915,000), which authorization increases the
28 aggregate principal amount of bonds, notes and other obligations author-
29 ized by section 40 of chapter 309 of the laws of 1996, and shall include
30 all bonds, notes and other obligations issued pursuant to chapter 211 of
31 the laws of 1990, as amended or supplemented. The proceeds of such
32 bonds, notes or other obligations shall be paid to the state, for depos-
33 it in the youth facilities improvement fund, to pay for all or any
34 portion of the amount or amounts paid by the state from appropriations
35 or reappropriations made to the office of children and family services
36 from the youth facilities improvement fund for capital projects. The
37 aggregate amount of bonds, notes and other obligations authorized to be
38 issued pursuant to this section shall exclude bonds, notes or other
39 obligations issued to refund or otherwise repay bonds, notes or other
40 obligations theretofore issued, the proceeds of which were paid to the
41 state for all or a portion of the amounts expended by the state from
42 appropriations or reappropriations made to the office of children and
43 family services; provided, however, that upon any such refunding or
44 repayment the total aggregate principal amount of outstanding bonds,
45 notes or other obligations may be greater than six hundred [~~forty-seven~~]
46 eighty-two million [~~sixty-five~~] nine hundred fifteen thousand dollars
47 [~~(\$647,065,000)~~] (\$682,915,000), only if the present value of the aggre-
48 gate debt service of the refunding or repayment bonds, notes or other
49 obligations to be issued shall not exceed the present value of the
50 aggregate debt service of the bonds, notes or other obligations so to be
51 refunded or repaid. For the purposes hereof, the present value of the
52 aggregate debt service of the refunding or repayment bonds, notes or
53 other obligations and of the aggregate debt service of the bonds, notes
54 or other obligations so refunded or repaid, shall be calculated by
55 utilizing the effective interest rate of the refunding or repayment
56 bonds, notes or other obligations, which shall be that rate arrived at

1 by doubling the semi-annual interest rate (compounded semi-annually)
2 necessary to discount the debt service payments on the refunding or
3 repayment bonds, notes or other obligations from the payment dates ther-
4 eof to the date of issue of the refunding or repayment bonds, notes or
5 other obligations and to the price bid including estimated accrued
6 interest or proceeds received by the corporation including estimated
7 accrued interest from the sale thereof.

8 § 39. Paragraph b of subdivision 2 of section 9-a of section 1 of
9 chapter 392 of the laws of 1973, constituting the New York state medical
10 care facilities finance agency act, as amended by section 44 of part UU
11 of chapter 54 of the laws of 2016, is amended to read as follows:

12 b. The agency shall have power and is hereby authorized from time to
13 time to issue negotiable bonds and notes in conformity with applicable
14 provisions of the uniform commercial code in such principal amount as,
15 in the opinion of the agency, shall be necessary, after taking into
16 account other moneys which may be available for the purpose, to provide
17 sufficient funds to the facilities development corporation, or any
18 successor agency, for the financing or refinancing of or for the design,
19 construction, acquisition, reconstruction, rehabilitation or improvement
20 of mental health services facilities pursuant to paragraph a of this
21 subdivision, the payment of interest on mental health services improve-
22 ment bonds and mental health services improvement notes issued for such
23 purposes, the establishment of reserves to secure such bonds and notes,
24 the cost or premium of bond insurance or the costs of any financial
25 mechanisms which may be used to reduce the debt service that would be
26 payable by the agency on its mental health services facilities improve-
27 ment bonds and notes and all other expenditures of the agency incident
28 to and necessary or convenient to providing the facilities development
29 corporation, or any successor agency, with funds for the financing or
30 refinancing of or for any such design, construction, acquisition, recon-
31 struction, rehabilitation or improvement and for the refunding of mental
32 hygiene improvement bonds issued pursuant to section 47-b of the private
33 housing finance law; provided, however, that the agency shall not issue
34 mental health services facilities improvement bonds and mental health
35 services facilities improvement notes in an aggregate principal amount
36 exceeding eight billion [~~twenty-one~~] three hundred seventy-two million
37 eight hundred fifteen thousand dollars, excluding mental health services
38 facilities improvement bonds and mental health services facilities
39 improvement notes issued to refund outstanding mental health services
40 facilities improvement bonds and mental health services facilities
41 improvement notes; provided, however, that upon any such refunding or
42 repayment of mental health services facilities improvement bonds and/or
43 mental health services facilities improvement notes the total aggregate
44 principal amount of outstanding mental health services facilities
45 improvement bonds and mental health facilities improvement notes may be
46 greater than eight billion [~~twenty-one~~] three hundred seventy-two
47 million eight hundred fifteen thousand dollars only if, except as here-
48 inafter provided with respect to mental health services facilities bonds
49 and mental health services facilities notes issued to refund mental
50 hygiene improvement bonds authorized to be issued pursuant to the
51 provisions of section 47-b of the private housing finance law, the pres-
52 ent value of the aggregate debt service of the refunding or repayment
53 bonds to be issued shall not exceed the present value of the aggregate
54 debt service of the bonds to be refunded or repaid. For purposes hereof,
55 the present values of the aggregate debt service of the refunding or
56 repayment bonds, notes or other obligations and of the aggregate debt

1 service of the bonds, notes or other obligations so refunded or repaid,
2 shall be calculated by utilizing the effective interest rate of the
3 refunding or repayment bonds, notes or other obligations, which shall be
4 that rate arrived at by doubling the semi-annual interest rate
5 (compounded semi-annually) necessary to discount the debt service
6 payments on the refunding or repayment bonds, notes or other obligations
7 from the payment dates thereof to the date of issue of the refunding or
8 repayment bonds, notes or other obligations and to the price bid includ-
9 ing estimated accrued interest or proceeds received by the authority
10 including estimated accrued interest from the sale thereof. Such bonds,
11 other than bonds issued to refund outstanding bonds, shall be scheduled
12 to mature over a term not to exceed the average useful life, as certi-
13 fied by the facilities development corporation, of the projects for
14 which the bonds are issued, and in any case shall not exceed thirty
15 years and the maximum maturity of notes or any renewals thereof shall
16 not exceed five years from the date of the original issue of such notes.
17 Notwithstanding the provisions of this section, the agency shall have
18 the power and is hereby authorized to issue mental health services
19 facilities improvement bonds and/or mental health services facilities
20 improvement notes to refund outstanding mental hygiene improvement bonds
21 authorized to be issued pursuant to the provisions of section 47-b of
22 the private housing finance law and the amount of bonds issued or
23 outstanding for such purposes shall not be included for purposes of
24 determining the amount of bonds issued pursuant to this section. The
25 director of the budget shall allocate the aggregate principal authorized
26 to be issued by the agency among the office of mental health, office for
27 people with developmental disabilities, and the office of alcoholism and
28 substance abuse services, in consultation with their respective commis-
29 sioners to finance bondable appropriations previously approved by the
30 legislature.

31 § 40. Paragraph (b) of subdivision 3 and clause (B) of subparagraph
32 (iii) of paragraph (j) of subdivision 4 of section 1 of part D of chap-
33 ter 63 of the laws of 2005, relating to the composition and responsibil-
34 ities of the New York state higher education capital matching grant
35 board, as amended by section 45 of part UU of chapter 54 of the laws of
36 2016, are amended to read as follows:

37 (b) Within amounts appropriated therefor, the board is hereby author-
38 ized and directed to award matching capital grants totaling [~~240~~] 270
39 million dollars. Each college shall be eligible for a grant award amount
40 as determined by the calculations pursuant to subdivision five of this
41 section. In addition, such colleges shall be eligible to compete for
42 additional funds pursuant to paragraph (h) of subdivision four of this
43 section.

44 (B) The dormitory authority shall not issue any bonds or notes in an
45 amount in excess of [~~240~~] 270 million dollars for the purposes of this
46 section; excluding bonds or notes issued to fund one or more debt
47 service reserve funds, to pay costs of issuance of such bonds, and bonds
48 or notes issued to refund or otherwise repay such bonds or notes previ-
49 ously issued. Except for purposes of complying with the internal revenue
50 code, any interest on bond proceeds shall only be used to pay debt
51 service on such bonds.

52 § 41. Section 1680-r of the public authorities law, as amended by
53 section 40 of part I of chapter 60 of the laws of 2015, subdivision 1 as
54 amended by section 48 of part UU of chapter 54 of the laws of 2016, is
55 amended to read as follows:

1 § 1680-r. Authorization for the issuance of bonds for the capital
2 restructuring financing program [~~and~~], the health care facility trans-
3 formation [~~program~~] programs, and the essential health care provider
4 program. 1. Notwithstanding the provisions of any other law to the
5 contrary, the dormitory authority and the urban development corporation
6 are hereby authorized to issue bonds or notes in one or more series for
7 the purpose of funding project costs for the capital restructuring
8 financing program for health care and related facilities licensed pursu-
9 ant to the public health law or the mental hygiene law and other state
10 costs associated with such capital projects [~~and~~], the health care
11 facility transformation [~~program~~] programs, and the essential health
12 care provider program. The aggregate principal amount of bonds author-
13 ized to be issued pursuant to this section shall not exceed two billion
14 [~~four~~] nine hundred million dollars, excluding bonds issued to fund one
15 or more debt service reserve funds, to pay costs of issuance of such
16 bonds, and bonds or notes issued to refund or otherwise repay such bonds
17 or notes previously issued. Such bonds and notes of the dormitory
18 authority and the urban development corporation shall not be a debt of
19 the state, and the state shall not be liable thereon, nor shall they be
20 payable out of any funds other than those appropriated by the state to
21 the dormitory authority and the urban development corporation for prin-
22 cipal, interest, and related expenses pursuant to a service contract and
23 such bonds and notes shall contain on the face thereof a statement to
24 such effect. Except for purposes of complying with the internal revenue
25 code, any interest income earned on bond proceeds shall only be used to
26 pay debt service on such bonds.

27 2. Notwithstanding any other provision of law to the contrary, in
28 order to assist the dormitory authority and the urban development corpo-
29 ration in undertaking the financing for project costs for the capital
30 restructuring financing program for health care and related facilities
31 licensed pursuant to the public health law or the mental hygiene law and
32 other state costs associated with such capital projects [~~and~~], the
33 health care facility transformation [~~program~~] programs, and the essen-
34 tial health care provider program, the director of the budget is hereby
35 authorized to enter into one or more service contracts with the dormito-
36 ry authority and the urban development corporation, none of which shall
37 exceed thirty years in duration, upon such terms and conditions as the
38 director of the budget and the dormitory authority and the urban devel-
39 opment corporation agree, so as to annually provide to the dormitory
40 authority and the urban development corporation, in the aggregate, a sum
41 not to exceed the principal, interest, and related expenses required for
42 such bonds and notes. Any service contract entered into pursuant to this
43 section shall provide that the obligation of the state to pay the amount
44 therein provided shall not constitute a debt of the state within the
45 meaning of any constitutional or statutory provision and shall be deemed
46 executory only to the extent of monies available and that no liability
47 shall be incurred by the state beyond the monies available for such
48 purpose, subject to annual appropriation by the legislature. Any such
49 contract or any payments made or to be made thereunder may be assigned
50 and pledged by the dormitory authority and the urban development corpo-
51 ration as security for its bonds and notes, as authorized by this
52 section.

53 § 42. Section 50 of section 1 of chapter 174 of the laws of 1968
54 constituting the New York state urban development corporation act, as
55 added by section 46-b of part I of chapter 55 of the laws of 2014, is
56 amended to read as follows:

1 § 50. 1. Notwithstanding the provisions of any other law to the
2 contrary, the dormitory authority and the urban development corporation
3 are hereby authorized to issue bonds or notes in one or more series for
4 the purpose of funding project costs undertaken by or on behalf of
5 special act school districts, state-supported schools for the blind and
6 deaf ~~[and]~~, approved private special education schools, non-public
7 schools and other state costs associated with such capital projects.
8 The aggregate principal amount of bonds authorized to be issued pursuant
9 to this section shall not exceed ~~[five]~~ thirty million dollars, exclud-
10 ing bonds issued to fund one or more debt service reserve funds, to pay
11 costs of issuance of such bonds, and bonds or notes issued to refund or
12 otherwise repay such bonds or notes previously issued. Such bonds and
13 notes of the dormitory authority and the urban development corporation
14 shall not be a debt of the state, and the state shall not be liable
15 thereon, nor shall they be payable out of any funds other than those
16 appropriated by the state to the dormitory authority and the urban
17 development corporation for principal, interest, and related expenses
18 pursuant to a service contract and such bonds and notes shall contain on
19 the face thereof a statement to such effect. Except for purposes of
20 complying with the internal revenue code, any interest income earned on
21 bond proceeds shall only be used to pay debt service on such bonds.

22 2. Notwithstanding any other provision of law to the contrary, in
23 order to assist the dormitory authority and the urban development corpo-
24 ration in undertaking the financing for project costs undertaken by or
25 on behalf of special act school districts, state-supported schools for
26 the blind and deaf and approved private special education schools, non-
27 public schools, and other state costs associated with such capital
28 projects, the director of the budget is hereby authorized to enter into
29 one or more service contracts with the dormitory authority and the urban
30 development corporation, none of which shall exceed thirty years in
31 duration, upon such terms and conditions as the director of the budget
32 and the dormitory authority and the urban development corporation agree,
33 so as to annually provide to the dormitory authority and the urban
34 development corporation, in the aggregate, a sum not to exceed the prin-
35 cipal, interest, and related expenses required for such bonds and notes.
36 Any service contract entered into pursuant to this section shall provide
37 that the obligation of the state to pay the amount therein provided
38 shall not constitute a debt of the state within the meaning of any
39 constitutional or statutory provision and shall be deemed executory only
40 to the extent of monies available and that no liability shall be
41 incurred by the state beyond the monies available for such purpose,
42 subject to annual appropriation by the legislature. Any such contract or
43 any payments made or to be made thereunder may be assigned and pledged
44 by the dormitory authority and the urban development corporation as
45 security for its bonds and notes, as authorized by this section.

46 ~~[3. Subdivisions 1 and 2 of this section shall take effect only in the~~
47 ~~event that a chapter of the laws of 2014, enacting the "smart schools~~
48 ~~bond act of 2014", is submitted to the people at the general election to~~
49 ~~be held in November 2014 and is approved by a majority of all votes cast~~
50 ~~for and against it at such election. Upon such approval, subdivisions 1~~
51 ~~and 2 of this section shall take effect immediately. If such approval is~~
52 ~~not obtained, subdivisions 1 and 2 of this section shall expire and be~~
53 ~~deemed repealed.]~~

54 § 42-a. Paragraph (b) of subdivision 1 of section 385 of the public
55 authorities law, as amended by section 1 of part G of chapter 60 of the
56 laws of 2005, is amended to read as follows:

1 (b) The authority is hereby authorized, as additional corporate
2 purposes thereof solely upon the request of the director of the budget:
3 (i) to issue special emergency highway and bridge trust fund bonds and
4 notes for a term not to exceed thirty years and to incur obligations
5 secured by the moneys appropriated from the dedicated highway and bridge
6 trust fund established in section eighty-nine-b of the state finance
7 law; (ii) to make available the proceeds in accordance with instructions
8 provided by the director of the budget from the sale of such special
9 emergency highway and bridge trust fund bonds, notes or other obli-
10 gations, net of all costs to the authority in connection therewith, for
11 the purposes of financing all or a portion of the costs of activities
12 for which moneys in the dedicated highway and bridge trust fund estab-
13 lished in section eighty-nine-b of the state finance law are authorized
14 to be utilized or for the financing of disbursements made by the state
15 for the activities authorized pursuant to section eighty-nine-b of the
16 state finance law; and (iii) to enter into agreements with the commis-
17 sioner of transportation pursuant to section ten-e of the highway law
18 with respect to financing for any activities authorized pursuant to
19 section eighty-nine-b of the state finance law, or agreements with the
20 commissioner of transportation pursuant to sections ten-f and ten-g of
21 the highway law in connection with activities on state highways pursuant
22 to these sections, and (iv) to enter into service contracts, contracts,
23 agreements, deeds and leases with the director of the budget or the
24 commissioner of transportation and project sponsors and others to
25 provide for the financing by the authority of activities authorized
26 pursuant to section eighty-nine-b of the state finance law, and each of
27 the director of the budget and the commissioner of transportation are
28 hereby authorized to enter into service contracts, contracts, agree-
29 ments, deeds and leases with the authority, project sponsors or others
30 to provide for such financing. The authority shall not issue any bonds
31 or notes in an amount in excess of [~~\$16.5 billion~~ \$16,513,400,000, plus
32 a principal amount of bonds or notes: (A) to fund capital reserve funds;
33 (B) to provide capitalized interest; and, (C) to fund other costs of
34 issuance. In computing for the purposes of this subdivision, the aggre-
35 gate amount of indebtedness evidenced by bonds and notes of the authori-
36 ty issued pursuant to this section, as amended by a chapter of the laws
37 of nineteen hundred ninety-six, there shall be excluded the amount of
38 bonds or notes issued that would constitute interest under the United
39 States Internal Revenue Code of 1986, as amended, and the amount of
40 indebtedness issued to refund or otherwise repay bonds or notes.

41 § 43. Paragraph (b) of subdivision 4 of section 72 of the state
42 finance law, as amended by section 27 of part I of chapter 55 of the
43 laws of 2014, is amended to read as follows:

44 (b) On or before the beginning of each quarter, the director of the
45 budget may certify to the state comptroller the estimated amount of
46 monies that shall be reserved in the general debt service fund for the
47 payment of debt service and related expenses payable by such fund during
48 each month of the state fiscal year, excluding payments due from the
49 revenue bond tax fund. Such certificate may be periodically updated, as
50 necessary. Notwithstanding any provision of law to the contrary, the
51 state comptroller shall reserve in the general debt service fund the
52 amount of monies identified on such certificate as necessary for the
53 payment of debt service and related expenses during the current or next
54 succeeding quarter of the state fiscal year. Such monies reserved shall
55 not be available for any other purpose. Such certificate shall be
56 reported to the chairpersons of the Senate Finance Committee and the

1 Assembly Ways and Means Committee. The provisions of this paragraph
2 shall expire June thirtieth, two thousand [~~seventeen~~] twenty.

3 § 44. Paragraph (a) of subdivision 1 of section 3234 of the public
4 authorities law, as amended by section 46-d of part I of chapter 55 of
5 the laws of 2014, is amended to read as follows:

6 (a) The corporation shall be administered by [~~seven~~] three directors,
7 one of whom shall be the comptroller, one of whom shall be the director
8 of the budget and [~~five~~] one of whom shall be appointed by the governor.
9 The comptroller and the director of the budget shall be entitled to
10 designate a representative or representatives to attend meetings of the
11 board in their place, and to vote or otherwise act on their behalf in
12 their absence. Notice of such designation shall be furnished in writing
13 to the board by the designating director. A representative shall serve
14 at the pleasure of the designating director during the director's term
15 of office. A representative shall not be authorized to delegate any of
16 his or her duties or functions to any other person. A director who is
17 not a state official shall serve for a term expiring at the end of the
18 term actually served by the officer making the appointment and may be
19 removed for cause by such officer after hearing on ten days notice.

20 § 45. Section 3234 of the public authorities law is amended by adding
21 a new subdivision 7 to read as follows:

22 7. Notwithstanding any other provision of law to the contrary, the
23 provisions of subdivisions four, six, seven and eight of section two
24 thousand eight hundred twenty-four of this chapter shall not apply to
25 the corporation.

26 § 46. Intentionally omitted.

27 § 47. Intentionally omitted.

28 § 48. Paragraphs (a) and (g) of subdivision 2 of section 56 of the
29 state finance law, as amended by chapter 11 of the laws of 1994, are
30 amended to read as follows:

31 (a) Refunding bonds shall be issued only when the comptroller shall
32 have certified that, as a result of the refunding, there will be a debt
33 service savings to the state on a present value basis as a result of the
34 refunding transaction and that either (i) the refunding will benefit
35 state taxpayers over the life of the refunding bonds by achieving an
36 actual debt service savings each year or state fiscal year during the
37 term to maturity of the refunding bonds when debt service on the refund-
38 ing bonds is expected to be paid from legislative appropriations or (ii)
39 debt service on the refunding bonds shall be payable in annual install-
40 ments of principal and interest which result in substantially level or
41 declining debt service payments pursuant to paragraph (b) of subdivision
42 two of section fifty-seven of this [~~chapter~~] article. Such certif-
43 ication by the comptroller shall be conclusive as to matters contained
44 therein after the refunding bonds have been issued.

45 (g) Any refunding bonds issued pursuant to this section shall be paid
46 in annual installments which shall, so long as any refunding bonds are
47 outstanding, be made in each year or state fiscal year in which install-
48 ments were due on the bonds to be refunded and shall be in an amount
49 which shall result in annual debt service payments which shall be less
50 in each year or state fiscal year than the annual debt service payments
51 on the bonds to be refunded unless debt service on the refunding bonds
52 is payable in annual installments of principal and interest which will
53 result in substantially level or declining debt service payments pursu-
54 ant to paragraph (b) of subdivision two of section fifty-seven of this
55 [~~chapter~~] article.

1 § 49. Subdivisions 1, 2 and 6 of section 57 of the state finance law,
2 as amended by chapter 11 of the laws of 1994, are amended to read as
3 follows:

4 1. Whenever the legislature, after authorization of a bond issue by
5 the people at a general election, as provided by section eleven of arti-
6 cle seven of the state constitution, or as provided by section three of
7 article eighteen of the state constitution, shall have authorized, by
8 one or more laws, the creation of a state debt or debts, bonds of the
9 state, to the amount of the debt or debts so authorized, shall be issued
10 and sold by the state comptroller. Any appropriation from the proceeds
11 of the sale of bonds, pursuant to this section, shall be deemed to be an
12 authorization for the creation of a state debt or debts to the extent of
13 such appropriation. The state comptroller may issue and sell a single
14 series of bonds pursuant to one or more such authorizations and for one
15 or more duly authorized works or purposes. As part of the proceedings
16 for each such issuance and sale of bonds, the state comptroller shall
17 designate the works or purposes for which they are issued. It shall not
18 be necessary for him to designate the works or purposes for which the
19 bonds are issued on the face of the bonds. The proceeds from the sale of
20 bonds for more than one work or purpose shall be separately accounted
21 for according to the works or purposes designated for such sale by the
22 comptroller and the proceeds received for each work or purpose shall be
23 expended only for such work or purpose. The bonds shall bear interest at
24 such rate or rates as in the judgment of the state comptroller may be
25 sufficient or necessary to effect a sale of the bonds, and such interest
26 shall be payable at least semi-annually, in the case of bonds with a
27 fixed interest rate, and at least annually, in the case of bonds with an
28 interest rate that varies periodically, in the city of New York unless
29 annual payments of principal and interest result in substantially level
30 or declining debt service payments over the life of an issue of bonds
31 pursuant to paragraph (b) of subdivision two of this section or unless
32 accrued interest is contributed to a sinking fund in accordance with
33 subdivision three of section twelve of article seven of the state
34 constitution, in which case interest shall be paid at such times and at
35 such places as shall be determined by the state comptroller prior to
36 issuance of the bonds.

37 2. Such bonds, or the portion thereof at any time issued, shall be
38 made payable (a) in equal annual principal installments or (b) in annual
39 installments of principal and interest which result in substantially
40 level or declining debt service payments, over the life of the bonds,
41 the first of which annual installments shall be payable not more than
42 one year from the date of issue and the last of which shall be payable
43 at such time as the comptroller may determine but not more than forty
44 years or state fiscal years after the date of issue, not more than fifty
45 years after the date of issue in the case of housing bonds, and not more
46 than twenty-five years in the case of urban renewal bonds. Where bonds
47 are payable pursuant to paragraph (b) of this subdivision, except for
48 the year or state fiscal year of initial issuance if less than a full
49 year of debt service is to become due in that year or state fiscal year,
50 either (i) the greatest aggregate amount of debt service payable in any
51 year or state fiscal year shall not differ from the lowest aggregate
52 amount of debt service payable in any other year or state fiscal year by
53 more than five percent or (ii) the aggregate amount of debt service in
54 each year or state fiscal year shall be less than the aggregate amount
55 of debt service in the immediately preceding year or state fiscal year.
56 For purposes of this subdivision, debt service shall include all princi-

1 pal, redemption price, sinking fund installments or contributions, and
2 interest scheduled to become due. For purposes of determining whether
3 debt service is level or declining on bonds issued with a variable rate
4 of interest pursuant to paragraph b of subdivision four of this section,
5 the comptroller shall assume a market rate of interest as of the date of
6 issuance. Where the comptroller determines that interest on any bonds
7 shall be compounded and payable at maturity, such bonds shall be payable
8 only in accordance with paragraph (b) of this subdivision unless accrued
9 interest is contributed to a sinking fund in accordance with subdivision
10 three of section twelve of article seven of the state constitution. In
11 no case shall any bonds or portion thereof be issued for a period longer
12 than the probable life of the work or purpose, or part thereof, to which
13 the proceeds of the bonds are to be applied, or in the alternative, the
14 weighted average period of the probable life of the works or purposes to
15 which the proceeds of the bonds are to be applied taking into consider-
16 ation the respective amounts of bonds issued for each work or purpose,
17 as may be determined under section sixty-one of this [~~chapter~~] article
18 and in accordance with the certificate of the commissioner of general
19 services, and/or the commissioner of transportation, state architect,
20 state commissioner of housing and urban renewal, or other authority, as
21 the case may be, having charge by law of the acquisition, construction,
22 work or improvement for which the debt was authorized. Such certificate
23 shall be filed in the office of the state comptroller and shall state
24 the group, or, where the probable lives of two or more separable parts
25 of the work or purposes are different, the groups, specified in such
26 section, for which the amount or amounts, shall be provided by the issu-
27 ance and sale of bonds. Weighted average period of probable life shall
28 be determined by computing the sum of the products derived from multi-
29 plying the dollar value of the portion of the debt contracted for each
30 work or purpose (or class of works or purposes) by the probable life of
31 such work or purpose (or class of works or purposes) and dividing the
32 resulting sum by the dollar value of the entire debt after taking into
33 consideration any original issue discount. Any costs of issuance
34 financed with bond proceeds shall be prorated among the various works or
35 purposes. Such bonds, or the portion thereof at any time sold, shall be
36 of such denominations, subject to the foregoing provisions, as the state
37 comptroller may determine. Notwithstanding the foregoing provisions of
38 this subdivision, the comptroller may issue all or a portion of such
39 bonds as serial debt, term debt or a combination thereof, maturing as
40 required by this subdivision, provided that the comptroller shall have
41 provided for the retirement each year or state fiscal year, or otherwise
42 have provided for the payment of, through sinking fund installment
43 payments or otherwise, a portion of such term bonds in an amount meeting
44 the requirements of paragraph (a) or (b) of this subdivision or shall
45 have established a sinking fund and provided for contributions thereto
46 as provided in subdivision eight of this section and section twelve of
47 article seven of the state constitution.

48 6. Except with respect to bonds issued in the manner provided in para-
49 graph (c) of subdivision seven of this section, all bonds of the state
50 of New York which the comptroller of the state of New York is authorized
51 to issue and sell, shall be executed in the name of the state of New
52 York by the manual or facsimile signature of the state comptroller and
53 his seal (or a facsimile thereof) shall be thereunto affixed, imprinted,
54 engraved or otherwise reproduced. In case the state comptroller who
55 shall have signed and sealed any of the bonds shall cease to hold the
56 office of state comptroller before the bonds so signed and sealed shall

1 have been actually countersigned and delivered by the fiscal agent or
2 trustee, such bonds may, nevertheless, be countersigned and delivered as
3 herein provided, and may be issued as if the state comptroller who
4 signed and sealed such bonds had not ceased to hold such office. Any
5 bond of a series may be signed and sealed on behalf of the state of New
6 York by such person as at the actual time of the execution of such bond
7 shall hold the office of comptroller of the state of New York, although
8 at the date of the bonds of such series such person may not have held
9 such office. The coupons to be attached to the coupon bonds of each
10 series shall be signed by the facsimile signature of the state comp-
11 troller of the state of New York or by any person who shall have held
12 the office of state comptroller of the state of New York on or after the
13 date of the bonds of such series, notwithstanding that such person may
14 not have been such state comptroller at the date of any such bond or may
15 have ceased to be such state comptroller at the date when any such bond
16 shall be actually countersigned and delivered. The bonds of each series
17 shall be countersigned with the manual signature of an authorized
18 employee of the fiscal agent or trustee of the state of New York. No
19 bond and no coupon thereunto appertaining shall be valid or obligatory
20 for any purpose until such manual countersignature of an authorized
21 employee of the fiscal agent or trustee of the state of New York shall
22 have been duly affixed to such bond.

23 § 50. Sections 58, 59 and 60 of the state finance law are REPEALED.

24 § 51. Section 62 of the state finance law, as amended by chapter 219
25 of the laws of 1999, is amended to read as follows:

26 § 62. Replacement of lost certificates. The comptroller, who may act
27 through his duly authorized fiscal agent or trustee appointed pursuant
28 to section sixty-five of this article, may issue to the lawful owner of
29 any certificate or bond issued by him in behalf of this state, which he
30 or such duly authorized fiscal agent or trustee is satisfied, by due
31 proof filed in his office or with such duly authorized fiscal agent or
32 trustee, has been lost or casually destroyed, a new certificate or bond,
33 corresponding in date, number and amount with the certificate or bond so
34 lost or destroyed, and expressing on its face that it is a renewed
35 certificate or bond. No such renewed certificate or bond shall be issued
36 unless sufficient security is given to satisfy the lawful claim of any
37 person to the original certificate or bond, or to any interest therein.
38 The comptroller shall report annually to the legislature the number and
39 amount of all renewed certificates or bonds so issued. If the renewed
40 certificate is issued by the state's duly authorized fiscal agent or
41 trustee and such agent or trustee agrees to be responsible for any loss
42 suffered as a result of unauthorized payment, the security shall be
43 provided to and approved by the fiscal agent or trustee and no addi-
44 tional approval by the comptroller or the attorney general shall be
45 required.

46 § 52. Section 65 of the state finance law, as amended by chapter 459
47 of the laws of 1948, subdivision 1 as amended by chapter 219 of the laws
48 of 1999, is amended to read as follows:

49 § 65. Appointment of fiscal agent or trustee; powers and duties. 1.
50 Notwithstanding any other provisions of this chapter, the comptroller,
51 on behalf of the state, may contract from time to time for a period or
52 periods not exceeding ten years each, except in the case of a bank or
53 trust company agreeing to act as issuing, paying and/or tender agent
54 with respect to a particular issue of variable interest rate bonds in
55 which case the comptroller, on behalf of the state, may contract for a
56 period not to exceed the term of such particular issue of bonds, with

1 one or more banks or trust companies located in the city of New York, to
2 act as fiscal agent, trustee, or agents of the state, and for the main-
3 tenance of an office for the registration, conversion, reconversion and
4 transfer of the bonds and notes of the state, including the preparation
5 and substitution of new bonds and notes, for the payment of the princi-
6 pal thereof and interest thereon, [~~and~~] for related services, and to
7 otherwise effectuate the powers and duties of a fiscal agent or trustee
8 on behalf of the state in all such respects as may be determined by the
9 comptroller for such bonds and notes, and for the payment by the state
10 of such compensation therefor as the comptroller may determine. Any such
11 fiscal agent or trustee may, where authorized pursuant to the terms of
12 its contract, accept delivery of obligations purchased by the state and
13 of securities deposited with the state pursuant to sections one hundred
14 five and one hundred six of this chapter and hold the same in safekeep-
15 ing, make delivery to purchasers of obligations sold by the state, and
16 accept deposit of such proceeds of sale without securing the same. Any
17 such contract may also provide that such fiscal agent or trustee may,
18 upon the written instruction of the comptroller, deposit any obligations
19 or securities which it receives pursuant to such contract, in an account
20 with a federal reserve bank, to be held in such account in the form of
21 entries on the books of the federal reserve bank, and to be transferred
22 in the event of any assignment, sale, redemption, maturity or other
23 disposition of such obligations or securities, by entries on the books
24 of the federal reserve bank. Any such bank or trust company shall be
25 responsible to the people of this state for the faithful and safe
26 conduct of the business of said office, for the fidelity and integrity
27 of its officers and agents employed in such office, and for all loss or
28 damage which may result from any failure to discharge their duties, and
29 for any improper and incorrect discharge of those duties, and shall save
30 the state free and harmless from any and all loss or damage occasioned
31 by or incurred in the performance of such services. Any such contract
32 may be terminated by the comptroller at any time. In the event of any
33 change in any office maintained pursuant to any such contract, the comp-
34 troller shall give public notice thereof in such form as he may deter-
35 mine appropriate.

36 2. The comptroller shall prescribe rules and regulations for the
37 registration, conversion, reconversion and transfer of the bonds and
38 notes of the state, including the preparation and substitution of new
39 bonds, for the payment of the principal thereof and interest thereon,
40 and for other authorized services to be performed by such fiscal agent
41 or trustee. Such rules and regulations, and all amendments thereof,
42 shall be prepared in duplicate, one copy of which shall be filed in the
43 office of the department of audit and control and the other in the
44 office of the department of state. A copy thereof may be filed as a
45 public record in such other offices as the comptroller may determine.
46 Such rules and regulations shall be obligatory on all persons having any
47 interests in bonds and notes of the state heretofore or hereafter
48 issued.

49 § 53. Intentionally omitted.

50 § 54. Intentionally omitted.

51 § 54-a. The civil practice law and rules is amended by adding a new
52 section 5519-a to read as follows:

53 § 5519-a. Stay of enforcement for tobacco product master settlement
54 agreement participating or non-participating manufacturers or their
55 successors or affiliates. (a) In civil litigation under any legal theory
56 involving a participating manufacturer or a non-participating manufac-

1 turer, as those terms are defined in the master settlement agreement, or
2 any of their successors or affiliates, the undertaking required during
3 the pendency of all appeals or discretionary reviews by any appellate
4 courts in order to stay the execution of any judgment or order granting
5 legal, equitable or other relief during the entire course of appellate
6 review, including review by the United States supreme court, shall be
7 set pursuant to the applicable provisions of law or court rules;
8 provided, however that the total undertaking required of all appellants
9 collectively shall not exceed two hundred fifty million dollars, regard-
10 less of the value of the judgment appealed.

11 (b) Notwithstanding the provisions of subdivision (a) of this section,
12 upon proof by a preponderance of the evidence, by an appellee, that an
13 appellant is dissipating assets outside the course of ordinary business
14 to avoid payment of a judgment, a court may require the appellant to
15 post a bond in an amount up to the total amount of the judgement.

16 § 55. This act shall take effect immediately and shall be deemed to
17 have been in full force and effect on and after April 1, 2017; provided,
18 however, that section fifty-four-a of this act shall take effect on the
19 thirtieth day after it shall have become a law, and shall apply to any
20 cause of action pending on or filed on or after such effective date; and
21 provided further that the provisions of sections one, two, three, four,
22 five, six, seven, eight, thirteen, fourteen, fifteen, sixteen, seven-
23 teen, nineteen, twenty, twenty-one, and twenty-two of this act shall
24 expire March 31, 2018 when upon such date the provisions of such
25 sections shall be deemed repealed.

26 PART AA

27 Intentionally Omitted

28 PART BB

29 Section 1. (a) The legislature hereby finds and declares that:

30 (i) In 2016, the towns of Erin and Chemung, in Chemung county, acted
31 in concert in an effort to establish a single town court having juris-
32 diction in both towns; and

33 (ii) in undertaking this effort, the two towns inadvertently failed to
34 comply with the necessary provisions of law - section 106-a of the
35 uniform justice court act, as amended by chapter 205 of the laws of 2016
36 - setting forth the process that must be followed in order to establish
37 a single town court serving the two towns, and section 106-b of the
38 uniform justice court act, as added by chapter 87 of the laws of 2008 -
39 setting forth the process that must be followed in order to provide for
40 the election of a single town justice for the two towns.

41 (b) Notwithstanding any law to the contrary, such steps as the towns
42 of Erin and Chemung have heretofore taken to establish a single town
43 court having jurisdiction in both towns shall be deemed sufficient to
44 constitute such single town court solely for the period from the effec-
45 tive date of this act through December 31, 2017. Each of the town
46 justices of the towns of Erin and Chemung, in office on the effective
47 date of this act, shall be and shall serve as a town justice of such
48 single town court.

49 (c) Nothing in this act shall prevent the towns of Erin and Chemung
50 from establishing a single town court having jurisdiction in both towns
51 pursuant to the provisions of section 106-a of the uniform justice court

1 act, provided, however, such a court shall not be established prior to
2 January 1, 2018.

3 (d) Notwithstanding that the towns of Erin and Chemung are not adja-
4 cent to each other, the two towns may provide for the election of a
5 single town judge by complying with all other requirements of section
6 106-b of the uniform justice court act.

7 § 2. This act shall take effect immediately.

8

PART CC

9 Section 1. Paragraph 2 of subdivision a of section 363 of the retire-
10 ment and social security law, as amended by chapter 489 of the laws of
11 2008, is amended to read as follows:

12 2. Actually in service upon which his membership is based. However, in
13 a case where a member is discontinued from service subsequent to the
14 accident, either voluntarily or involuntarily, and provided that the
15 member meets the requirements of paragraph one of this subdivision,
16 application may be made, either (a) by a vested member incapacitated as
17 the result of a qualifying World Trade Center condition as defined in
18 section two of this chapter at any time, or (b) not later than two years
19 after the member is first discontinued from service. Provided further
20 that in the case of an application filed for accidental disability bene-
21 fits pursuant to section three hundred sixty-three-d of this title, the
22 requirements for filing for such benefits shall be five years.

23 § 2. This act shall take effect immediately and apply to all applica-
24 tions 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 disa-
bility retirement due to certain cancers. It will apply to all disabili-
ty 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 retire-
ment, it is estimated that there would be an average per person cost of
approximately 2 times final average salary. For those who apply subse-
quent 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.

1

PART DD

2 Section 1. Subdivisions 1 and 5 of section 23 of the executive law, as
3 amended by section 4 of part B of chapter 56 of the laws of 2010, are
4 amended to read as follows:

5 1. Each county, except those contained within the city of New York,
6 and each city with a population of one million or more, shall prepare a
7 comprehensive emergency management plan. Each city with a population of
8 less than one million, town and village is authorized to prepare a
9 comprehensive emergency management [~~plans~~] plan. The disaster prepared-
10 ness commission shall provide assistance and advice for the development
11 of such plans. [~~City~~] Each city with a population of less than one
12 million, town and village [~~plans~~] plan shall be coordinated with the
13 county plan.

14 5. In preparing such plans, cooperation, advice and assistance shall
15 be sought from local government officials, regional and local planning
16 agencies, police agencies, fire departments and fire companies, local
17 emergency management agencies, commercial and volunteer ambulance
18 services, health and social services officials, community action agen-
19 cies, the chief administrator of the courts, organizations for the
20 elderly and the handicapped, agencies and organizations that provide
21 home health care services, agencies and organizations that provide
22 hospice services, other interested groups and the general public. Such
23 advice and assistance may be obtained through public hearings held on
24 public notice, or through other appropriate and practical methods.

25 § 2. Subparagraphs 17 and 18 of paragraph b of subdivision 7 of
26 section 23 of the executive law, as amended by section 4 of part B of
27 chapter 56 of the laws of 2010, are amended and a new subparagraph 19 is
28 added to read as follows:

29 (17) continued operation of governments of political subdivisions;
30 [~~and~~]

31 (18) utilization and coordination of programs to assist individuals
32 with household pets and service animals following a disaster, with
33 particular attention to means of evacuation, shelter and transportation
34 options[~~+~~]; and

35 (19) procedures for allowing access by physicians, nurses, other
36 medical professionals, personnel of certified home health agencies, long
37 term home health care programs or licensed home care services agencies
38 governed under article thirty-six of the public health law, and person-

1 nel of hospices certified pursuant to article forty of the public health
2 law or any other personnel deemed necessary to provide vital health care
3 to individuals in their care; such procedures shall also address how
4 such professionals and personnel will be required to be identified in
5 order to gain access to areas where access has otherwise been restricted
6 or subject to curfew in declared emergencies. Such procedures shall
7 ensure that access by such professionals and personnel in areas where
8 access has otherwise been restricted or subject to curfew shall not be
9 construed to prohibit local emergency management officials from denying
10 such access when in their discretion conditions necessitate such a
11 denial.

12 § 3. Each county, and each city with a population of one million or
13 more, that on the effective date of this act has already prepared a
14 comprehensive emergency management plan shall revise such plan in the
15 event such revisions are needed to comply with the provisions of this
16 act, and shall submit such revised plan to the division of homeland
17 security and emergency services on or before the one hundred eightieth
18 day after the effective date of this act.

19 § 4. This act shall take effect immediately.

20 PART EE

21 Section 1. Section 2 of chapter 308 of the laws of 2012 amending the
22 general municipal law relating to providing local governments greater
23 contract flexibility and cost savings by permitting certain shared
24 purchasing among political subdivisions, as amended by section 5 of part
25 G of chapter 55 of the laws of 2014, is amended to read as follows:

26 § 2. This act shall take effect immediately[~~, and shall expire and be~~
27 ~~deemed repealed July 31, 2019~~].

28 § 2. This act shall take effect immediately.

29 PART FF

30 Section 1. Section 201-a of the state administrative procedure act, as
31 added by chapter 189 of the laws of 1996, paragraph (g) of subdivision 2
32 as amended by chapter 304 of the laws of 2016, is amended to read as
33 follows:

34 § 201-a. Job impact. 1. In developing a rule, an agency shall strive
35 to accomplish the objectives of applicable statutes in a manner which
36 minimizes any unnecessary adverse impacts on existing jobs and promotes
37 the development of new employment opportunities, including opportunities
38 for self-employment, for the residents of the state.

39 2. Before proposing a rule for adoption or adopting a rule on an emer-
40 gency basis, an agency shall evaluate the potential impact of the rule
41 on jobs and employment opportunities.

42 (a) When it is apparent from the nature and purpose of the rule that
43 it will not have a substantial adverse impact on jobs and employment
44 opportunities, the agency shall include in the notice of proposed rule
45 making or the notice of emergency adoption a statement that the agency
46 has determined that the rule will not have a substantial adverse impact
47 on jobs and employment opportunities; provided, however, that, where
48 appropriate, such statement shall indicate that the agency has deter-
49 mined the rule will have a positive impact on jobs and employment oppor-
50 tunities, or will have no impact on jobs and employment opportunities.
51 Except where it is evident from the subject matter of the rule that the
52 rule could only have a positive impact or no impact on jobs and employ-

1 ment opportunities, the agency shall include in the statement prepared
2 pursuant to this paragraph a summary of the information and methodology
3 underlying its determination.

4 (b) When it is apparent from the nature and purpose of the rule that
5 it may have a substantial adverse impact on jobs or employment opportu-
6 nities, the agency shall issue a job impact statement which contains
7 information on:

8 (i) the nature of the impact the rule will have on jobs and employment
9 opportunities;

10 (ii) the categories of jobs or employment opportunities affected by
11 the rule;

12 (iii) the approximate number of jobs or employment opportunities
13 affected in each category;

14 (iv) any region of the state where the rule would have a dispropor-
15 tionate adverse impact on jobs or employment opportunities; and

16 (v) any measures which the agency [~~has taken~~] or other state agencies
17 have taken or could take to minimize any unnecessary adverse impacts on
18 existing jobs and to promote the development of new employment opportu-
19 nities.

20 (c) When the information available to an agency is insufficient to
21 enable it to determine whether a rule will have a substantial adverse
22 impact on jobs or employment opportunities, or to prepare a job impact
23 statement pursuant to paragraph (b) of this subdivision, the agency
24 shall issue a statement indicating the information which it needs to
25 complete a job impact statement and requesting the assistance of other
26 state agencies and the public in obtaining such information.

27 (d) An agency shall issue a revised job impact statement when:

28 (i) [~~the~~] it is necessary to correct or supplement information
29 presented in the previous statement [~~is~~] that was inadequate or incom-
30 plete;

31 (ii) the proposed rule contains any substantial revisions which neces-
32 sitate that such statement be modified; or

33 (iii) the agency has issued a statement pursuant to paragraph (c) of
34 this subdivision, and has received information from other state agencies
35 or the public which enable it to provide a more complete evaluation of
36 the potential impact of the rule on jobs and employment opportunities.

37 (e) If, after requesting the assistance of other state agencies and
38 the public pursuant to paragraph (c) of this subdivision, an agency is
39 still unable to determine whether the rule will have a substantial
40 adverse impact on jobs and employment opportunities, it may adopt the
41 rule. When adopting a rule pursuant to this paragraph, the agency shall
42 issue a revised job impact statement which includes information on the
43 measures the agency took to evaluate the potential impact of the rule on
44 jobs and employment opportunities. No rule may be adopted pursuant to
45 this paragraph if it is the subject of a statement of concurrence pursu-
46 ant to subdivision three of this section until the requirements of
47 subdivision three of this section have been met.

48 (f) When adopting a rule on an emergency basis, an agency may defer
49 the issuance of any statement pursuant to this section, provided that
50 the statement is published in the state register within thirty days of
51 the effective date of the emergency rule.

52 (g) When any statement issued pursuant to this section exceeds two
53 thousand words, the agency shall prepare a summary of such statement in
54 less than two thousand words for publication in the state register in
55 which it shall identify the website of the agency, or of another state
56 entity, on which the full text of the statement has been posted.

1 (h) An agency may consider a series of closely related and simultane-
2 ously proposed rules as one rule for the purpose of submitting a consol-
3 idated job impact statement.

4 (i) Where a rule would have a measurable impact on opportunities for
5 self-employment, the agency shall include a discussion of such impact in
6 any statement prepared pursuant to this section.

7 (j) An agency shall make available the methodology and data or data
8 sources used to prepare any statement issued pursuant to paragraph (b)
9 of subdivision two of this section.

10 3. (a) The commissioner of labor and the commissioner of economic
11 development may review any statement issued pursuant to this section,
12 and may consult informally with any agency preparing such a statement
13 and advise it on the potential impact of a rule on jobs and employment
14 opportunities. The commissioner of labor and the commissioner of
15 economic development shall review any statement issued pursuant to this
16 section that indicates that the rule may have a substantial adverse
17 impact on jobs or employment opportunities and consider whether addi-
18 tional evaluation is needed pursuant to this subdivision.

19 (b) When the commissioner of labor and the commissioner of economic
20 development concur in a determination that additional evaluation of the
21 potential impact of a proposed rule on jobs and employment opportunities
22 is needed to assist in the minimization of any unnecessary adverse
23 impacts of the rule on jobs or employment opportunities, they shall
24 issue a statement of concurrence and transmit a copy of such statement
25 to the agency and to the secretary of state for publication in the state
26 register. The statement of concurrence shall:

27 (i) identify each proposed rule which is the subject of the statement
28 of concurrence;

29 (ii) set forth the basis for the determination that additional evalu-
30 ation of the potential impact of the rule is needed to assist in the
31 minimization of any unnecessary adverse impacts on jobs or employment
32 opportunities, and, where relevant, identify each aspect of the job
33 impact statement which is incomplete or deficient;

34 (iii) include appropriate recommendations for additional evaluation of
35 the impact of the rule or of any measures which the agency should
36 consider to minimize any adverse impacts of the rule on jobs or employ-
37 ment opportunities; and

38 (iv) specify a time period of not more than ninety days for the agency
39 to perform such additional evaluation or consider such recommendations.

40 (c) An agency shall strive to perform such additional evaluation or
41 consider such measures as are recommended in a statement of concurrence
42 within the time period set forth therein. No agency shall adopt the rule
43 which is the subject of the statement of concurrence until:

44 (i) the agency has performed the additional evaluation or considered
45 the measures recommended in the statement of concurrence, and has issued
46 a revised job impact statement, which is acceptable to the commissioners
47 of economic development and labor, setting forth any changes which it
48 will make to the rule to minimize any adverse impacts on jobs or employ-
49 ment opportunities; or

50 (ii) after the expiration of the time period set forth in the state-
51 ment of concurrence.

52 (d) The statement of concurrence shall be considered public comment
53 for the purpose of this article and shall be summarized and analyzed in
54 any assessment of public comment.

55 4. Nothing in this section shall be construed as preventing an agency
56 from adopting a rule on an emergency basis at any time.

1 5. Copies of any statement prepared pursuant to this section, includ-
2 ing any statement of concurrence, shall be distributed as provided in
3 subdivision six-a of section two hundred two of this article.

4 6. For the purposes of this section:

5 (a) "rule" shall mean any rule proposed or any rule adopted on an
6 emergency basis pursuant to this article, except for:

7 (i) any rule defined in subparagraph (ii) of paragraph (a) of subdivi-
8 sion two of section one hundred two of this [~~article~~] chapter;

9 (ii) any rule defined in [~~subdivisions ten,~~] subdivision eleven [~~or~~
10 ~~twelve~~] of section one hundred two of this [~~article~~] chapter; or

11 (iii) any rule proposed or adopted by the state comptroller or the
12 attorney general.

13 (b) "impact on jobs or employment opportunities" shall mean a change
14 in the number of jobs and employment opportunities, including opportu-
15 nities for self-employment, primarily attributable to the adoption of a
16 rule, which would otherwise be available to the residents of the state
17 in the two-year period commencing on the date the rule takes effect.

18 "Impact on jobs or employment opportunities" shall also mean a signif-
19 icant change in employment status, including whether adoption of a rule
20 would have a significant impact on average wage levels, hours and/or
21 duration of employment.

22 (c) "substantial adverse impact on jobs or employment opportunities"
23 shall mean a decrease of more than one hundred full-time annual jobs and
24 employment opportunities, including opportunities for self-employment,
25 in the state, or the equivalent in part-time or seasonal employment,
26 which would otherwise be available to the residents of the state in the
27 two-year period commencing on the date the rule takes effect. "Substan-
28 tial adverse impact on jobs or employment opportunities" shall also mean
29 any changes in the status of such jobs and employment opportunities,
30 including but not limited to any significant net reductions in average
31 wage levels, hours and/or duration of employment, that would represent a
32 substantial adverse impact on incomes or economic security.

33 § 2. Subparagraphs (vi) and (viii) of paragraph (f) of subdivision 1
34 of section 202 of the state administrative procedure act, subparagraph
35 (vi) as amended by chapter 304 of the laws of 2016 and subparagraph
36 (viii) as amended by chapter 229 of the laws of 2000, are amended to
37 read as follows:

38 (vi) include a regulatory impact statement prepared pursuant to
39 section two hundred two-a of this article and any job impact statement
40 prepared pursuant to section two hundred one-a of this article,
41 provided, however, if either such statement exceeds two thousand words,
42 the notice shall include only a summary of such statement in less than
43 two thousand words and the full text of such statement shall be posted
44 on a website maintained by the agency or another state entity until such
45 statement is revised or the proposed rule is adopted or withdrawn or
46 expires pursuant to this article;

47 (viii) give the name, public office address and telephone number of an
48 agency representative, who is knowledgeable on the proposed rule, from
49 whom the complete text of such rule and any scientific or statistical
50 study, report and analysis that served as the basis for the rule and any
51 supporting data, the regulatory impact statement, the job impact state-
52 ment, the regulatory flexibility analysis, and the rural area flexibili-
53 ty analysis may be obtained; from whom information about any public
54 hearing may be obtained; and to whom written data, views and arguments
55 may be submitted; and

1 § 3. Subparagraphs (v) and (vii) of paragraph (c) of subdivision 4-a
2 of section 202 of the state administrative procedure act, subparagraph
3 (v) as amended by chapter 304 of the laws of 2016, and subparagraph
4 (vii) as amended by chapter 171 of the laws of 1994, are amended to read
5 as follows:

6 (v) include a revised regulatory impact statement, when required by
7 the provisions of paragraph (b) of subdivision six of section two
8 hundred two-a of this article and any revised job impact statement
9 prepared pursuant to section two hundred one-a of this article,
10 provided, however, if either such statement exceeds two thousand words,
11 the notice shall include only a summary of such statement in less than
12 two thousand words and shall identify the website of the agency, or of
13 another state entity, on which the complete revised text has been post-
14 ed;

15 (vii) give the name, address and telephone number of an agency repre-
16 sentative knowledgeable on the rule, from whom the complete revised text
17 of such rule, any revised regulatory impact statement, any revised job
18 impact statement, any revised regulatory flexibility analysis and any
19 revised rural area flexibility analysis may be obtained; from whom
20 information about any additional public hearing may be obtained; and to
21 whom written data, views and arguments may be submitted;

22 § 4. Subparagraphs (v) and (viii) of paragraph (c) of subdivision 5 of
23 section 202 of the state administrative procedure act, subparagraph (v)
24 as amended by chapter 304 of the laws of 2016 and subparagraph (viii) as
25 amended by chapter 171 of the laws of 1994, are amended to read as
26 follows:

27 (v) include a revised regulatory impact statement, when required by
28 the provisions of paragraph (b) of subdivision six of section two
29 hundred two-a of this article and any revised job impact statement
30 prepared pursuant to section two hundred one-a of this article,
31 provided, however, if either such statement exceeds two thousand words,
32 the notice shall include only a summary of such statement in less than
33 two thousand words;

34 (viii) give the name, public office address and telephone number of an
35 agency representative from whom the complete text of the rule and any
36 revised regulatory impact statement, revised job impact statement,
37 revised regulatory flexibility analysis, revised rural area flexibility
38 analysis or assessment of comments may be obtained; and

39 § 5. Subparagraphs (viii) and (x) of paragraph (d) of subdivision 6 of
40 section 202 of the state administrative procedure act, subparagraph
41 (viii) as added by chapter 17 of the laws of 1984 and renumbered by
42 chapter 850 of the laws of 1990 and subparagraph (x) as amended by chap-
43 ter 171 of the laws of 1994, are amended to read as follows:

44 (viii) include a regulatory impact statement prepared pursuant to
45 section two hundred two-a of this [~~chapter~~] article and any job impact
46 statement prepared pursuant to section two hundred one-a of this arti-
47 cle, or a statement setting forth that the regulatory impact statement
48 and/or job impact statement will appear in the state register within
49 thirty days of the effective date of the emergency rule, provided,
50 however, if [~~either~~] any such statement exceeds two thousand words, the
51 notice shall include only a summary of such statement in less than two
52 thousand words;

53 (x) give the name, public office address and telephone number of an
54 agency representative, knowledgeable on the rule, from whom a complete
55 text of such rule, the regulatory impact statement, the job impact
56 statement, regulatory flexibility analysis, and the rural area flexibil-

1 ity analysis may be obtained; from whom information about any public
2 hearing may be obtained; and to whom written data, views and arguments
3 may be submitted; and

4 § 6. Paragraphs (a) and (b) of subdivision 6-a of section 202 of the
5 state administrative procedure act, as amended by chapter 171 of the
6 laws of 1994, are amended to read as follows:

7 (a) An agency shall transmit a copy of any rule making notice prepared
8 pursuant to this article to the governor, the temporary president of the
9 senate, the speaker of the assembly[~~7~~] and the administrative regu-
10 lations review commission [~~and the office of regulatory and management~~
11 ~~assistance~~] at the time such notice is submitted to the secretary of
12 state for publication in the state register. Such transmittal shall
13 include the complete rule text, regulatory impact statement, job impact
14 statement, regulatory flexibility analysis, rural area flexibility anal-
15 ysis, or revisions thereof, and any other information submitted to the
16 secretary of state pursuant to this article.

17 (b) An agency shall make a copy of the complete text of any proposed,
18 adopted or emergency rule, regulatory impact statement, job impact
19 statement, regulatory flexibility analysis, rural area flexibility anal-
20 ysis, or revisions thereof available to the public at the time such
21 documents are submitted to the secretary of state for publication in the
22 state register and shall send to any person a copy of such text upon
23 written request.

24 § 7. This act shall take effect on the first of January next succeed-
25 ing the date on which it shall have become a law, and shall apply to any
26 rule first proposed or adopted on an emergency basis on or after such
27 date.

28 PART GG

29 Section 1. State police communication interoperability demonstration
30 project. 1. The legislature finds that significant police radio communi-
31 cations problems, such as coverage gaps, lack of encryption and inade-
32 quate interoperability between state and local police systems exist
33 within the state of New York thereby warranting the authorization of
34 this interoperability demonstration project.

35 2. Within an area comprised of a multiple county interoperable consor-
36 tium, the state police are authorized to conduct an interoperability
37 demonstration project for the purpose of testing the use of established
38 techniques to promote more efficient communications for state and local
39 law enforcement agencies.

40 3. As part of the demonstration project, the state police shall
41 utilize, to the best extent possible, current infrastructure that meets
42 the needs of the interoperability demonstration project.

43 4. The interoperability demonstration project shall be funded through
44 existing division of homeland security and emergency services funding.

45 5. The state police shall determine the best vendor for this project,
46 taking into account readiness, familiarity with the project and ability
47 to complete the project in a cost efficient and timely manner.

48 § 2. This act shall take effect immediately.

49 PART HH

50 Section 1. Paragraph (c) of subdivision 2 of section 216.00 of the
51 criminal procedure law, as added by section 4 of part AAA of chapter 56
52 of the laws of 2009 is amended, paragraph (d) of such subdivision is

1 relettered paragraph (e), and a new paragraph (d) is added to read as
2 follows:

3 (c) a recommendation as to the treatment modality, level of care and
4 length of any proposed treatment to effectively address the defendant's
5 alcohol or substance abuse or dependence and any co-occurring mental
6 disorder or illness; [~~and~~]

7 (d) a complete description of the defendant's criminal history,
8 including sealed cases, such as juvenile delinquency determinations,
9 juvenile offender cases, youthful offender adjudications, and adjourn-
10 ments in contemplation of dismissal, with the defendant's request for an
11 alcohol and substance abuse evaluation being deemed a waiver of all
12 sealing provisions and an authorization for release of all sealed
13 records for purposes of the evaluation and the court's determination of
14 the defendant's application to be offered alcohol or substance abuse
15 treatment pursuant to this article; and

16 § 2. Subparagraphs (ii), (iii), (iv) and (v) of paragraph (b) of
17 subdivision 3 of section 216.05 of the criminal procedure law are renum-
18 bered subparagraphs (iii), (iv), (v) and (vi) and a new subparagraph
19 (ii) is added to read as follows:

20 (ii) despite the defendant being an eligible defendant, the defend-
21 ant's criminal history, including information contained in previously
22 sealed records, indicates that the defendant should not be offered alco-
23 hol or substance abuse treatment pursuant to this article;

24 § 3. This act shall take effect immediately.

25 PART II

26 Section 1. Subdivisions 4, 5 and 8 and paragraph (a) of subdivision 9
27 of section 216.05 of the criminal procedure law, subdivision 4 as added
28 by section 4 of part AAA of chapter 56 of the laws of 2009, subdivision
29 5 as amended by chapter 67 of the laws of 2016, subdivision 8 as amended
30 by chapter 315 of the laws of 2016 and paragraph (a) of subdivision 9 as
31 amended by chapter 258 of the laws of 2015, are amended to read as
32 follows:

33 4. When an authorized court, after considering the underlying charges
34 and the propensity or lack thereof for violent conduct of the defendant,
35 and after reviewing or hearing one or more written or oral opinions from
36 a licensed psychologist or psychiatrist as to the propensity of the
37 defendant for future violent conduct, and after making an on-the-record
38 determination as to the reasons why, based on all evidence, determines,
39 pursuant to paragraph (b) of subdivision three of this section, that an
40 eligible defendant should be offered alcohol or substance abuse treat-
41 ment, or when the parties and the court agree to an eligible defendant's
42 participation in alcohol or substance abuse treatment, an eligible
43 defendant may be allowed to participate in the judicial diversion
44 program offered by this article. Prior to the court's issuing an order
45 granting judicial diversion, the eligible defendant shall be required to
46 enter a plea of guilty to the charge or charges; provided, however, that
47 no such guilty plea shall be required when:

48 (a) the people and the court consent to the entry of such an order
49 without a plea of guilty; or

50 (b) based on a finding of exceptional circumstances, the court deter-
51 mines that a plea of guilty shall not be required. For purposes of this
52 subdivision, exceptional circumstances exist when, regardless of the
53 ultimate disposition of the case, the entry of a plea of guilty is like-
54 ly to result in severe collateral consequences.

1 5. The defendant shall agree on the record or in writing to abide by
2 the release conditions set by the court, which, shall include: partic-
3 ipation in a specified period of alcohol or substance abuse treatment at
4 a specified program or programs identified by the court, which may
5 include periods of detoxification, residential or outpatient treatment,
6 or both, as determined after taking into account the views of the health
7 care professional who conducted the alcohol and substance abuse evalu-
8 ation and any health care professionals responsible for providing such
9 treatment or monitoring the defendant's progress in such treatment; and
10 may include: (i) periodic court appearances, which may include periodic
11 urinalysis, provided, however, that defendants may make such court
12 appearances by video conference, at the sole discretion of the court;
13 (ii) a requirement that the defendant refrain from engaging in criminal
14 behaviors[, ~~(iii) if the defendant needs treatment for opioid abuse or~~
15 ~~dependence, that he or she may participate in and receive medically~~
16 ~~prescribed drug treatments under the care of a health care professional~~
17 ~~licensed or certified under title eight of the education law, acting~~
18 ~~within his or her lawful scope of practice, provided that no court shall~~
19 ~~require the use of any specified type or brand of drug during the course~~
20 ~~of medically prescribed drug treatments].~~

21 8. During the period of a defendant's participation in the judicial
22 diversion program, the court shall retain jurisdiction of the defendant,
23 provided, however, that the court may allow such defendant to [~~(i)~~]
24 reside in another jurisdiction[, ~~or (ii) participate in alcohol and~~
25 ~~substance abuse treatment and other programs in the jurisdiction where~~
26 ~~the defendant resides or in any other jurisdiction,] while participating
27 in a judicial diversion program under conditions set by the court and
28 agreed to by the defendant pursuant to subdivisions five and six of this
29 section. The court may require the defendant to appear in court at any
30 time to enable the court to monitor the defendant's progress in alcohol
31 or substance abuse treatment. The court shall provide notice, reasonable
32 under the circumstances, to the people, the treatment provider, the
33 defendant and the defendant's counsel whenever it orders or otherwise
34 requires the appearance of the defendant in court. Failure to appear as
35 required without reasonable cause therefor shall constitute a violation
36 of the conditions of the court's agreement with the defendant. At the
37 sole discretion of the court, any court appearance required pursuant to
38 this subdivision may be made by video conference.~~

39 (a) If at any time during the defendant's participation in the judi-
40 cial diversion program, the court has reasonable grounds to believe that
41 the defendant has violated a release condition or has failed to appear
42 before the court as requested, the court shall direct the defendant to
43 appear or issue a bench warrant to a police officer or an appropriate
44 peace officer directing him or her to take the defendant into custody
45 and bring the defendant before the court without unnecessary delay[~~+~~
46 ~~provided, however, that under no circumstances shall a defendant who~~
47 ~~requires treatment for opioid abuse or dependence be deemed to have~~
48 ~~violated a release condition on the basis of his or her participation in~~
49 ~~medically prescribed drug treatments under the care of a health care~~
50 ~~professional licensed or certified under title eight of the education~~
51 ~~law, acting within his or her lawful scope of practice]. At the sole
52 discretion of the court, any court appearance required pursuant to this
53 subdivision may be made by video conference. The provisions of subdivi-
54 sion one of section 530.60 of this chapter relating to revocation of
55 recognizance or bail shall apply to such proceedings under this subdivi-
56 sion.~~

1 § 2. Section 216.05 of the criminal procedure law is amended by adding
2 two new subdivisions 5-a and 12 to read as follows:

3 5-a. When an authorized court determines, pursuant to paragraph (b) of
4 subdivision three of this section, that an eligible defendant should be
5 offered alcohol or substance abuse treatment, or when the parties and
6 the court agree to an eligible defendant's participation in alcohol or
7 substance abuse treatment, the court shall transmit the eligible defend-
8 ant's arrest record and conviction statement to the facility where the
9 defendant is to receive treatment.

10 12. A facility which is treating a defendant under the provisions of
11 this section shall notify the local police department which has juris-
12 isdiction over the municipality where the facility is located, of the
13 defendant's placement and arrest record (or if there be no municipal
14 police department, then the sheriff of the county in which the facility
15 is located), which shall be provided to facility staff at the facility
16 in a manner ordered by the court. The facility shall also submit to the
17 division of criminal justice services a security plan designed to
18 provide for the safety of staff, residents and the community from
19 violent behavior by residents. Such plan shall be updated at least every
20 five years or as otherwise directed by the commissioner of the division
21 of criminal justice services.

22 § 3. The penal law is amended by adding a new section 205.70 to read
23 as follows:

24 § 205.70 Unauthorized departure from a rehabilitation facility.

25 A person is guilty of unauthorized departure from a rehabilitation
26 facility when a court determines that an eligible defendant, as defined
27 by subdivision one of section 216.00 of the criminal procedure law,
28 leaves, departs or escapes from the treatment facility to which such
29 person was assigned for a period of alcohol or substance abuse treatment
30 as part of the judicial diversion program pursuant to section 216.05 of
31 the criminal procedure law without the consent of the court or written
32 consent of the facility management.

33 Unauthorized departure from a rehabilitation facility is a class D
34 felony.

35 § 4. This act shall take effect immediately.

36 PART JJ

37 Section 1. Subdivision 5 of section 216.05 of the criminal procedure
38 law, as amended by chapter 67 of the laws of 2016, is amended to read as
39 follows:

40 5. The defendant shall agree on the record or in writing to abide by
41 the release conditions set by the court, which, shall include: partic-
42 ipation in a specified period of alcohol or substance abuse treatment at
43 a specified program or programs identified by the court, which may
44 include periods of detoxification, residential or outpatient treatment,
45 or both, as determined after taking into account the views of the health
46 care professional who conducted the alcohol and substance abuse evalu-
47 ation and any health care professionals responsible for providing such
48 treatment or monitoring the defendant's progress in such treatment; and
49 may include: (i) periodic court appearances, which may include periodic
50 urinalysis; (ii) upon the discretion of the court, may be accompanied by
51 the requirement that the defendant submit to the use of a continual
52 electronic monitoring device in accordance with the provisions of subdi-
53 vision four of section 65.10 of the penal law; [~~+(ii)~~] (iii) a require-
54 ment that the defendant refrain from engaging in criminal behaviors;

1 [~~(iii)~~] (iv) if the defendant needs treatment for opioid abuse or
2 dependence, that he or she may participate in and receive medically
3 prescribed drug treatments under the care of a health care professional
4 licensed or certified under title eight of the education law, acting
5 within his or her lawful scope of practice, provided that no court shall
6 require the use of any specified type or brand of drug during the course
7 of medically prescribed drug treatments.

8 § 2. This act shall take effect immediately and shall apply to all
9 agreements entered into on and after such date.

10

PART KK

11 Section 1. Subparagraph (iv) of paragraph (c) of subdivision 1 and
12 subparagraph (v) of paragraph (b) of subdivision 3 of section 270.00 of
13 the penal law, as added by chapter 477 of the laws of 2014, are amended
14 to read as follows:

15 (iv) except in cities with a population of one million or more, [~~in~~
16 ~~those counties and cities that opt by local law pursuant to paragraph~~
17 ~~(b) of subdivision five of section 405.00 of this chapter,~~] "fireworks"
18 and "dangerous fireworks" shall not be deemed to include "sparkling
19 devices" as defined in subparagraph (vi) of paragraph (a) of this subdi-
20 vision.

21 (v) except in cities with a population of one million or more,
22 possession of sparkling devices lawfully obtained in [~~a jurisdiction~~
23 ~~that did opt by local law pursuant to paragraph (b) of subdivision five~~
24 ~~of section 405.00 of this chapter to exclude "sparkling devices" from~~
25 ~~the definitions of "fireworks" and "dangerous fireworks", for the~~
26 ~~purpose of lawful use in another jurisdiction that did opt by local law~~
27 ~~pursuant to paragraph (b) of subdivision five of section 405.00 of this~~
28 ~~chapter to exclude "sparkling devices" from the definitions of "fire-~~
29 ~~works" and "dangerous fireworks". The superintendent of state police~~
30 ~~shall annually publish a list of those jurisdictions that have opted by~~
31 ~~local law pursuant to paragraph (b) of subdivision five of section~~
32 ~~405.00 of this chapter to exclude "sparkling devices" from the defi-~~
33 ~~nitions of "fireworks" and "dangerous fireworks"] another jurisdiction
34 within the state.~~

35 § 2. Paragraph (b) of subdivision 5 of section 405.00 of the penal
36 law, as amended by chapter 458 of the laws of 2016, is amended to read
37 as follows:

38 (b) [~~Further, no city or county shall be bound to include "sparkling~~
39 ~~device" in the definitions of "fireworks" and "dangerous fireworks" in~~
40 ~~section 270.00 of this chapter, if such city or county shall so author-~~
41 ~~ize the exemption of "sparkling device" by law. If any such city or~~
42 ~~county so elects, it] A city or county and such other local jurisdic-
43 tions that lie within its geographical boundaries shall not enact any
44 [~~other~~] local law that is inconsistent with the provisions of subpara-
45 graph (iv) of paragraph (c) of subdivision one of section 270.00 of this
46 chapter, nor [~~to~~] regulate sparkling devices in a manner that is in
47 conflict with the provisions of NFPA 1124, 2006 edition.~~

48 § 3. Notwithstanding the provisions of sections one and two of this
49 act, any county, that did not previously opt by local law pursuant to
50 section 405.00 of the penal law to exclude "sparkling devices" from the
51 definitions of "fireworks" and "dangerous fireworks" and did not regis-
52 ter such with the secretary of state prior to the effective date of this
53 act, may elect to exempt itself from the provisions of such sections, if
54 acting by and through its governing body, it enacts a local law estab-

1 lishing such exemption and filing such local law with the secretary of
2 state within ninety days of the effective date of this act.

3 § 4. This act shall take effect immediately.

4 PART LL

5 Section 1. This act shall be known and may be cited as the "New York
6 State criminal street gang act".

7 § 2. Legislative findings and purpose. The legislature hereby finds
8 that preservation of public order and improvement of individual safety
9 and security can be improved by a comprehensive, targeted, and systemic
10 enhancement of state laws applicable to criminal street gangs and their
11 activities in order to prevent the growth of such gangs, facilitate
12 prosecution and punishment of their members for unlawful acts, and
13 punish those who solicit others to participate in such gangs and in acts
14 of gang-related violence and unlawfulness or who provide support or
15 resources to those who commit or encourage the commission of such acts.

16 The legislature therefore declares it to be in every sense in the
17 public interest to establish the comprehensive approach to the
18 protection of public order and individual safety enacted by this act
19 that will enhance prosecution and punishment of the unlawful activities
20 of criminal street gangs, prevent their growth and ability to recruit
21 members, and expand effective anti-gang education and intervention
22 activities by the state and its localities.

23 § 3. Paragraph (g) of subdivision 2 of section 1349 of the civil prac-
24 tice law and rules, as amended by chapter 398 of the laws of 2004, is
25 amended to read as follows:

26 (g) Forty percent of all moneys realized through forfeiture which are
27 remaining after distributions pursuant to paragraphs (a) through (f) of
28 this subdivision, to the chemical dependence service fund established
29 pursuant to section ninety-seven-w of the state finance law, except that
30 in the case of any such monies realized through forfeiture resulting
31 from convictions obtained under article four hundred ninety-five of the
32 penal law, such forty percent shall be paid into the criminal street
33 gang prevention fund established by section ninety-seven-pppp of the
34 state finance law;

35 § 4. The penal law is amended by adding a new title Y-1-A to read as
36 follows:

37 TITLE Y-1-A

38 OFFENSES INVOLVING CRIMINAL STREET GANGS

39 ARTICLE 495

40 CRIMINAL STREET GANGS ENFORCEMENT AND PREVENTION ACT

41 Section 495.05 Definitions.

42 495.10 Accepting the benefits or proceeds of criminal street
43 gang activity.

44 495.15 Participation in criminal street gang activity.

45 495.20 Solicitation for participation in a criminal street gang
46 in the third degree.

47 495.25 Solicitation for participation in a criminal street gang
48 in the second degree.

49 495.30 Solicitation of minors for participation in a criminal
50 street gang.

51 495.35 Solicitation of minors for participation in a criminal
52 street gang on school grounds.

53 495.40 Sentencing.

1 § 495.05 Definitions. As used in this article, the following terms shall
2 mean and include:

3 1. "Criminal street gang" means a street gang that engages in a
4 pattern of criminal street gang activity for its benefit or for the
5 benefit of one or more members. As used in this article, the term
6 "street gang" means and includes any formal or informal association in
7 fact of two or more individuals identified by a common name, sign,
8 dress, symbols, tattoos, or other mark or markings.

9 2. "Participation in a criminal street gang" means (a) the commission
10 of any act of criminal street gang activity by a person for the purpose
11 of obtaining, maintaining or increasing such person's position in a
12 criminal street gang, or (b) the commission of any act of criminal
13 street gang activity at the direction of or with the knowledge of two or
14 more members of a criminal street gang, or (c) knowingly using the
15 assets of a criminal street gang in the commission of any act of crimi-
16 nal street gang activity, or (d) the knowing receipt of any proceeds or
17 benefits, directly or indirectly, from the commission of any act of
18 criminal street gang activity, including the receipt of any substituted
19 asset obtained or converted from proceeds of such act.

20 3. "Pattern of criminal street gang activity" means the commission of
21 two or more discreet acts of criminal street gang activity, one of which
22 occurred after the effective date of this article and the last of which
23 occurred within three years (excluding any period of imprisonment) after
24 the commission of a prior act of criminal street gang activity. As used
25 in this article, "pattern of criminal street gang activity" also means
26 and includes the conspiracy to commit, solicit, attempt, aid and abet
27 the commission of any act of criminal street gang activity;

28 4. "Criminal street gang activity" means any felony criminal offense
29 defined by any of the following provisions of this chapter: section
30 120.00 (assault in the third degree); section 120.05 (assault in the
31 second degree); section 120.06 (gang assault in the second degree);
32 section 120.07 (gang assault in the first degree); section 120.10
33 (assault in the first degree); section 120.12 (aggravated assault upon a
34 person less than eleven years old); section 120.13 (menacing in the
35 first degree); section 120.14 (menacing in the second degree); section
36 120.15 (menacing in the third degree); section 120.20 (reckless endan-
37 germent in the second degree); section 120.25 (reckless endangerment in
38 the first degree); section 121.12 (strangulation in the second degree);
39 section 121.13 (strangulation in the first degree); subdivision one of
40 section 125.15 (manslaughter in the second degree); subdivision one, two
41 or four of section 125.20 (manslaughter in the first degree); section
42 125.27 (murder in the first degree); section 125.25 (murder in the
43 second degree); section 120.45 (stalking in the fourth degree); section
44 120.50 (stalking in the third degree); section 120.55 (stalking in the
45 second degree); section 120.60 (stalking in the first degree); subdivi-
46 sion one of section 130.35 (rape in the first degree); subdivision one
47 of section 130.50 (criminal sexual act in the first degree); subdivision
48 one of section 130.65 (sexual abuse in the first degree); paragraph (a)
49 of subdivision one of section 130.67 (aggravated sexual abuse in the
50 second degree); paragraph (a) of subdivision one of section 130.70
51 (aggravated sexual abuse in the first degree); section 135.05 (unlawful
52 imprisonment in the second degree); section 135.10 (unlawful imprison-
53 ment in the first degree); section 135.20 (kidnapping in the second
54 degree); section 135.25 (kidnapping in the first degree); section 135.60
55 (coercion in the second degree); section 135.65 (coercion in the first
56 degree); section 140.10 (criminal trespass in the third degree); section

1 140.15 (criminal trespass in the second degree); section 140.17 (criminal
2 trespass in the first degree); section 140.20 (burglary in the third
3 degree); section 140.25 (burglary in the second degree); section 140.30
4 (burglary in the first degree); section 145.00 (criminal mischief in the
5 fourth degree); section 145.05 (criminal mischief in the third degree);
6 section 145.10 (criminal mischief in the second degree); section 145.12
7 (criminal mischief in the first degree); section 150.05 (arson in the
8 fourth degree); section 150.10 (arson in the third degree); section
9 150.15 (arson in the second degree); section 150.20 (arson in the first
10 degree); section 155.25 (petit larceny); section 155.30 (grand larceny
11 in the fourth degree); section 155.35 (grand larceny in the third
12 degree); section 155.40 (grand larceny in the second degree); section
13 155.42 (grand larceny in the first degree); section 160.05 (robbery in
14 the third degree); section 160.10 (robbery in the second degree);
15 section 160.15 (robbery in the first degree); sections 210.10 and 210.15
16 (perjury); sections 215.00, 215.05, 215.11, 215.12, 215.13, 215.15,
17 215.16, 215.17, 215.19 (bribery, tampering with a juror); sections
18 220.06, 220.09, 220.16, 220.18, 220.21, 220.28, 220.31, 220.34, 220.39,
19 220.41, 220.43, 220.44 (controlled substance sale and possession);
20 sections 240.06, 240.15, 240.31, 240.32, 240.46, 240.55, 240.60, 240.61,
21 240.62, 240.63, 240.71, 240.72, 240.73, 240.75 (riot and offenses
22 against public order); section 240.25 (harassment in the first degree);
23 subdivision one, two, or four of section 240.30 (aggravated harassment
24 in the second degree); section 242.15 (harming a service animal in the
25 first degree); sections 250.05, 250.45, 250.50, 250.60 (wiretapping,
26 unlawful surveillance, and offenses against the right to privacy);
27 section 270.20 (unlawful wearing of a body vest); and sections 270.30
28 and 270.35 (unlawful fleeing a police officer in a motor vehicle); drug
29 trafficking felony as defined in subdivision twenty-one of section
30 10.00; or any offense defined by any of the following provisions of this
31 chapter: section 120.03, 120.04, 120.04-a, 120.05, 120.08, 120.09,
32 120.10, 120.11, 120.13, 120.18, 120.55, 120.60, 125.12, 125.13, 125.14,
33 125.15, 125.20, 125.21, 125.22, 125.25, 125.26, 125.27, 135.65, 140.17,
34 140.20, 140.25, 140.30, 145.00, 145.05, 145.10, 145.12, 145.60, 145.65,
35 190.25, 190.26, 190.78, 190.79, 190.80, 190.80-a, 200.00, 200.03,
36 205.60, 205.65, 230.19, 230.20, 230.25, 230.32, 230.33, or 230.34;
37 265.11, 265.12, or 235.13, as such provisions were in effect prior to
38 the enactment of chapter one of the laws of two thousand thirteen; arti-
39 cle one hundred fifty-five, one hundred sixty, two hundred ten, four
40 hundred seventy, four hundred eighty-five or four hundred ninety; or any
41 felony offense defined in article one hundred thirty, one hundred thir-
42 ty-five, one hundred fifty, one hundred sixty-five, two hundred fifteen,
43 two hundred forty, two hundred fifty or two hundred sixty-three; or any
44 attempt or conspiracy to commit any of the foregoing offenses.

45 § 495.10 Accepting the benefits or proceeds of criminal street gang
46 activity.

47 A person is guilty of accepting the benefits or proceeds of criminal
48 street gang activity when such person knowingly accepts from a criminal
49 street gang the benefits or proceeds derived from the commission of
50 criminal street gang activity, or of any substituted asset obtained or
51 converted from proceeds or benefits derived from such act.

52 Accepting the benefits or proceeds of criminal street gang activity is
53 a class E felony.

54 § 495.15 Participation in criminal street gang activity.

55 A person is guilty of participation in criminal street gang activity
56 when, acting as a member of a criminal street gang, such person knowing-

1 ly promotes, furthers, assists in, conducts, facilitates, or partic-
2 ipates in the commission of criminal street gang activity, or knowingly
3 receives the benefits from criminal street gang activity, or uses or
4 invests the income, assets, proceeds, or substitute proceeds, from crim-
5 inal street gang activity for the benefit of the criminal street gang.

6 Participation in criminal street gang activity is a class E felony.
7 § 495.20 Solicitation for participation in a criminal street gang in the
8 third degree.

9 A person is guilty of solicitation for participation in a criminal
10 street gang in the third degree if such person solicits or recruits
11 another to participate in a criminal street gang, or threatens a person
12 with physical injury with the intent to coerce, induce, or solicit such
13 person or another to participate in a criminal street gang.

14 Solicitation for participation in a criminal street gang in the third
15 degree is a class E felony.

16 § 495.25 Solicitation for participation in a criminal street gang in the
17 second degree.

18 A person is guilty of solicitation for participation in a criminal
19 street gang in the second degree when, with intent to cause physical
20 injury to another person, such person causes physical injury to another
21 person in order to coerce, induce, or solicit such person to participate
22 in a criminal street gang.

23 Solicitation for participation in a criminal street gang in the second
24 degree is a class D felony.

25 § 495.30 Solicitation of minors for participation in a criminal street
26 gang.

27 A person is guilty of solicitation of minors for participation in a
28 criminal street gang when he or she commits, facilitates, or conspires
29 to commit the crime of solicitation for participation in a criminal
30 street gang and the person solicited is less than eighteen years of age.

31 Solicitation of minors for participation in a criminal street gang is
32 a class D felony.

33 § 495.35 Solicitation of minors for participation in a criminal street
34 gang on school grounds.

35 A person is guilty of solicitation of minors for participation in a
36 criminal street gang on school grounds when he or she commits, facili-
37 tates, or conspires to commit the crime of solicitation of minors for
38 participation in a criminal street gang while on school grounds. For
39 purposes of this section, the term "school grounds" means "school
40 grounds" as defined in subdivision fourteen of section 220.00 of this
41 chapter.

42 Solicitation of minors for participation in a criminal street gang on
43 school grounds is a class C felony.

44 § 495.40 Sentencing.

45 1. When a person is convicted of the crime of participation in crimi-
46 nal street gang activity pursuant to this article, and one or more of
47 the criminal street gang activities constituting such participation is a
48 violent felony offense, as defined in section 70.02 of this chapter, the
49 crime of participation in criminal street gang activity shall be deemed
50 a violent felony offense.

51 2. When a person is convicted of the crime of participation in crimi-
52 nal street gang activity pursuant to this article and the criminal
53 street gang activity is a misdemeanor or a class C, D or E felony, the
54 crime of participation in criminal street gang activity shall be deemed
55 to be one category higher than the criminal street gang activity the
56 defendant committed, or one category higher than the offense level

1 applicable to the defendant's conviction for an attempt or conspiracy to
 2 commit criminal street gang activity, whichever is applicable.

3 3. Notwithstanding any other provision of law, when a person is
 4 convicted of the crime of participation in criminal street gang activity
 5 pursuant to this article and the underlying criminal street gang activ-
 6 ity or pattern of criminal street gang activity is a class B felony:

7 (a) the maximum term of the indeterminate sentence must be at least
 8 six years of imprisonment if the defendant is sentenced pursuant to
 9 section 70.00 of this chapter;

10 (b) the term of the determinate sentence must be at least eight years
 11 of imprisonment if the defendant is sentenced pursuant to section 70.02
 12 of this chapter;

13 (c) the term of the determinate sentence must be at least twelve years
 14 of imprisonment if the defendant is sentenced pursuant to section 70.04
 15 of this chapter;

16 (d) the maximum term of the indeterminate sentence must be at least
 17 four years of imprisonment if the defendant is sentenced pursuant to
 18 section 70.05 of this chapter; and

19 (e) the maximum term of the indeterminate sentence or the term of the
 20 determinate sentence must be at least ten years of imprisonment if the
 21 defendant is sentenced pursuant to section 70.06 of this chapter.

22 4. Any other provision of any other law to the contrary notwithstand-
 23 ing, when a person is convicted of the crime of participation in crimi-
 24 nal street gang activity pursuant to this article and the criminal
 25 street gang activity is a class A-1 felony, the minimum period of the
 26 indeterminate sentence shall be not less than twenty years of imprison-
 27 ment.

28 § 5. The state finance law is amended by adding a new section 97-pppp
 29 to read as follows:

30 § 97-pppp. Criminal street gang prevention fund. 1. There is hereby
 31 established in the joint custody of the state comptroller and the
 32 commissioner of taxation and finance an account of the miscellaneous
 33 special revenue fund to be known as the criminal street gang prevention
 34 fund.

35 2. The criminal street gang prevention fund shall consist of moneys
 36 appropriated thereto, funds transferred from any other fund or sources,
 37 and moneys deposited therein pursuant to subdivision two of section
 38 thirteen hundred forty-nine of the civil practice law and rules or any
 39 other section of law.

40 3. Moneys of the fund, following appropriation by the legislature, may
 41 be expended to support the criminal street gang and violence prevention
 42 partnership program established pursuant to section twelve hundred thir-
 43 teen of the education law. Moneys shall be paid out of the account on
 44 the audit and warrant of the state comptroller on vouchers certified or
 45 approved by the commissioner of the department of education, in collab-
 46 oration with the division of criminal justice services.

47 § 6. The education law is amended by adding a new article 25 to read
 48 as follows:

49 ARTICLE 25
 50 GANG PREVENTION

51 Section 1210. Gang prevention.

52 1211. Model gang violence curriculum; prevention activities.

53 1212. Dress code concerning gang-related apparel.

54 1213. Criminal street gang and violence prevention partnership
 55 program.

1 § 1210. Gang prevention. 1. The department, after consultation with
2 the division of criminal justice services regarding gang violence,
3 shall:

4 (a) prepare and distribute to schools guidelines for incorporating
5 in-service training in gang violence into staff development plans for
6 teachers, counselors, athletic directors, school board members, and
7 other educational personnel, and shall, upon request, assist any school
8 in developing comprehensive gang violence in-service training programs.

9 To the maximum extent possible such information and guidelines shall
10 encourage schools to avoid duplication of effort by sharing resources;
11 adapting or adopting model in-service training programs; developing
12 joint and collaborative programs; and coordinating efforts with existing
13 gang violence staff development programs, county and city law enforce-
14 ment agencies, and other public and private agencies providing gang
15 violence prevention, or other related services at the local level; and

16 (b) assist schools seeking to qualify for receipt of federal and state
17 funds to support gang violence and drug and alcohol abuse prevention
18 in-service training programs.

19 2. The term "gang violence and drug and alcohol abuse prevention
20 in-service training" as used in this section means the presentation of
21 programs, instruction, and curricula that will help educators develop
22 competencies in interacting in a positive manner with children and youth
23 and their parents to assist them in developing the positive values,
24 self-esteem, knowledge, and skills to lead productive, gang-free, and
25 drug-free lives, including the development of knowledge of the causes of
26 gang violence and substance abuse, and training regarding available
27 information and resources concerning gang violence.

28 § 1211. Model gang violence curriculum; prevention activities. 1. The
29 department, in collaboration with the division of criminal justice
30 services, shall develop a model gang violence prevention curriculum for
31 use in schools, and shall provide for an independent biennial evaluation
32 of the curriculum and of pupil outcomes.

33 2. In developing the curriculum, the department, in conjunction with
34 the division of criminal justice services, shall assess the current
35 status of school crime committed on school campuses and at school-relat-
36 ed functions, and identify appropriate strategies and programs that will
37 provide or maintain a high level of school safety and address the
38 school's procedures for complying with existing laws related to school
39 safety.

40 3. Upon request, the department shall assist school districts in
41 developing comprehensive gang violence and drug and alcohol abuse
42 prevention in-service training programs. Such guidelines shall to the
43 maximum extent possible encourage school districts to share resources,
44 develop joint and collaborative programs, and coordinate efforts with
45 other existing state and local programs.

46 § 1212. Dress code concerning gang-related apparel. Any other
47 provision of any other law to the contrary notwithstanding, following
48 procedures established pursuant to section twenty-eight hundred one of
49 this chapter, the board of education or the trustees, as defined in
50 section two of this chapter, of every school district within the state,
51 however created, and every board of cooperative educational services and
52 county vocational extension board may adopt or rescind a dress code
53 policy that requires pupils to wear a school-wide uniform or prohibits
54 pupils from wearing "gang-related apparel".

55 § 1213. Criminal street gang and violence prevention partnership
56 program. 1. The department, in collaboration with the division of crimi-

1 nal justice services, shall evaluate requests for funding for programs
2 from the criminal street gang prevention fund, established pursuant to
3 section ninety-seven-pppp of the state finance law. All such funds shall
4 be disbursed to non-profit agencies that comply with the program
5 requirements and who meet funding criteria.

6 2. Grants disbursed pursuant to this section may enhance but shall not
7 supplant local, state, or federal funds that would otherwise be avail-
8 able for the prevention or intervention of youth involvement in gangs,
9 crime, or violence. Grants shall be awarded pursuant to a request for
10 proposals that informs applicants of the purposes and availability of
11 funds to be awarded and solicits proposals to provide services consist-
12 ent with this article. Agencies receiving funds pursuant to this section
13 shall utilize the funds to provide services and activities designed to
14 prevent or deter at-risk youth from participating in gangs, criminal
15 activity, or violent behavior. Such funds may not be used for services
16 or activities related to suppression, law enforcement, incarceration, or
17 other purposes not related to the prevention and deterrence of gangs,
18 crime, and violence. Nothing in this subdivision shall prevent funds
19 from being used for violence prevention and gang crime deterrence
20 services provided by nonprofit agencies to youths incarcerated in juve-
21 nile detention facilities. Services and activities provided with funds
22 under this section shall be used for at-risk youth who are defined as
23 persons from age five to twenty years of age and who are current or
24 former gang members, or who have one or more family members living at
25 home who are current or former members of a gang.

26 3. The department shall conduct an evaluation of the criminal street
27 gang and violence prevention partnership program after two years of
28 program operation and each year thereafter, to assess the effectiveness
29 and results of the program. The evaluation shall be conducted by staff
30 or an independent body that has experience in evaluating programs oper-
31 ated by community-based organizations or nonprofit agencies. After two
32 years of program operation, and each year thereafter, the department
33 shall prepare and submit an annual report to the legislature describing
34 in detail the operation of the program and the results obtained.

35 4. The commissioner shall additionally be empowered to develop and
36 implement an educational program, coordinated with the educational
37 program authorized pursuant to section fifteen-b of the correction law,
38 which shall be known as the department of corrections gang education and
39 prevention program, whereby inmates can receive instruction concerning
40 the impact of and risks associated with gang affiliation, and receive
41 support services in relation to the cessation of gang membership. The
42 commissioner shall be empowered to promulgate rules and regulations
43 necessary to effectuate this program. The program shall be funded from
44 the criminal street gang prevention fund or from any other appropri-
45 ations made or funds otherwise made available to such program.

46 § 7. Severability. If any clause, sentence, paragraph, section or part
47 of this act shall be adjudged by any court of competent jurisdiction to
48 be invalid, such judgment shall not affect, impair or invalidate the
49 remainder thereof, but shall be confined in its operation to the clause,
50 sentence, paragraph, section or part thereof directly involved in the
51 controversy in which such judgment shall have been rendered.

52 § 8. This act shall take effect on the first of January next succeed-
53 ing the date on which it shall have become a law.

1 Section 1. Paragraph (a) of subdivision 1 of section 460.10 of the
2 penal law, as amended by chapter 368 of the laws of 2015, is amended to
3 read as follows:

4 (a) Any of the felonies set forth in this chapter: sections 120.05,
5 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relat-
6 ing to strangulation; sections 125.10 to 125.27 relating to homicide;
7 sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and
8 135.25 relating to kidnapping; sections 135.35 and 135.37 relating to
9 labor trafficking; section 135.65 relating to coercion; sections 140.20,
10 140.25 and 140.30 relating to burglary; sections 145.05, 145.10 and
11 145.12 relating to criminal mischief; article one hundred fifty relating
12 to arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand
13 larceny; sections 156.10, 156.25, 156.26, 156.27, 156.30 and 156.35
14 relating to offenses involving computers; sections 177.10, 177.15,
15 177.20 and 177.25 relating to health care fraud; article one hundred
16 sixty relating to robbery; sections 165.45, 165.50, 165.52 and 165.54
17 relating to criminal possession of stolen property; sections 165.72 and
18 165.73 relating to trademark counterfeiting; sections 170.10, 170.15,
19 170.25, 170.30, 170.40, 170.65 and 170.70 relating to forgery; sections
20 175.10, 175.25, 175.35, 175.40 and 210.40 relating to false statements;
21 sections 176.15, 176.20, 176.25 and 176.30 relating to insurance fraud;
22 sections 178.20 and 178.25 relating to criminal diversion of
23 prescription medications and prescriptions; sections 180.03, 180.08,
24 180.15, 180.25, 180.40, 180.45, 200.00, 200.03, 200.04, 200.10, 200.11,
25 200.12, 200.20, 200.22, 200.25, 200.27, 200.56, 215.00, 215.05 and
26 215.19; sections 187.10, 187.15, 187.20 and 187.25 relating to residen-
27 tial mortgage fraud, sections 190.40 and 190.42 relating to criminal
28 usury; section 190.65 relating to schemes to defraud; section 190.76
29 relating to criminal use of an access device; sections 190.79, 190.80
30 and 190.80-a relating to identity theft; sections 190.82 and 190.83
31 relating to unlawful possession of personal identification information;
32 section 190.86 relating to unlawful possession of a skimmer device; any
33 felony defined in article four hundred ninety-six; sections 205.60 and
34 205.65 relating to hindering prosecution; sections 210.10, 210.15, and
35 215.51 relating to perjury and contempt; section 215.40 relating to
36 tampering with physical evidence; sections 220.06, 220.09, 220.16,
37 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.46, 220.55,
38 220.60, 220.65 and 220.77 relating to controlled substances; sections
39 225.10 and 225.20 relating to gambling; sections 230.25, 230.30, and
40 230.32 relating to promoting prostitution; section 230.34 relating to
41 sex trafficking; sections 235.06, 235.07, 235.21 and 235.22 relating to
42 obscenity; sections 263.10 and 263.15 relating to promoting a sexual
43 performance by a child; sections 265.02, 265.03, 265.04, 265.11, 265.12,
44 265.13 and the provisions of section 265.10 which constitute a felony
45 relating to firearms and other dangerous weapons; sections 265.14 and
46 265.16 relating to criminal sale of a firearm; section 275.10, 275.20,
47 275.30, or 275.40 relating to unauthorized recordings; and sections
48 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or

49 § 2. This act shall take effect on the first of November next succeed-
50 ing the date on which it shall have become a law.

51

PART NN

52 Section 1. Subdivision 4 of section 170.15 of the criminal procedure
53 law, as amended by chapter 67 of the laws of 2000, is amended to read as
54 follows:

1 4. Notwithstanding any provision of this section to the contrary, in
2 any county outside a city having a population of one million or more,
3 upon or after arraignment of a defendant on an information, a simplified
4 information, a prosecutor's information or a misdemeanor complaint pend-
5 ing in a local criminal court, such court may, upon motion of the
6 defendant and with the consent of the district attorney, order that the
7 action be removed from the court in which the matter is pending to
8 another local criminal court in the same county which has been desig-
9 nated a [~~drug~~] court formed to address a matter of special concern based
10 upon the status of the defendant or the victim, commonly known as a
11 "problem solving court," including, but not limited to, drug court,
12 domestic violence court, youth court, mental health court, and veterans
13 court, by the chief administrator of the courts, and such [~~drug~~] problem
14 solving court may then conduct such action to [~~judgement~~] judgment or
15 other final disposition; provided, however, that an order of removal
16 issued under this subdivision shall not take effect until five days
17 after the date the order is issued unless, prior to such effective date,
18 the [~~drug~~] problem solving court notifies the court that issued the
19 order that:

20 (a) it will not accept the action, in which event the order shall not
21 take effect, or

22 (b) it will accept the action on a date prior to such effective date,
23 in which event the order shall take effect upon such prior date.

24 Upon providing notification pursuant to paragraph (a) or (b) of this
25 subdivision, the [~~drug~~] problem solving court shall promptly give notice
26 to the defendant, his or her counsel and the district attorney.

27 § 2. This act shall take effect immediately.

28 PART 00

29 Section 1. Short title. This act shall be known and may be cited as
30 the "youth violence prevention task force act".

31 § 2. Youth violence prevention task force; members. 1. There is
32 created the "youth violence prevention task force" (hereinafter referred
33 to as the task force) consisting of seven members to be appointed as
34 follows:

35 a. one member of the senate who shall be appointed by the temporary
36 president of the senate;

37 b. one member of the senate who shall be appointed by the minority
38 leader of the senate;

39 c. one member of the assembly who shall be appointed by the speaker of
40 the assembly;

41 d. one member of the assembly who shall be appointed by the minority
42 leader of the assembly; and

43 e. three members who shall be appointed by the governor, one of whom
44 shall be designated as the chairperson of the task force by the gover-
45 nor.

46 2. The members of the task force shall serve without compensation but
47 shall be entitled to reimbursement for their reasonable and necessary
48 expenses incurred in the performance of their duties.

49 3. The task force may employ skilled experts with the approval of the
50 chairperson, and shall receive the cooperation of those state agencies
51 it deems appropriate to assist the task force in carrying out its
52 duties.

53 4. The task force shall hold hearings across the state.

1 § 3. Youth violence prevention task force; duties. The task force
2 shall study and evaluate the effectiveness of current and existing
3 programs related to the prevention of youth violence. The task force
4 shall further issue a report to the governor and the legislature on or
5 before December 1, 2018 concerning its activities and findings.

6 § 4. This act shall take effect immediately and shall expire and be
7 deemed repealed on December 1, 2018.

8

PART PP

9 Section 1. The family court act is amended by adding a new section 169
10 to read as follows:

11 § 169. Interpretation of orders of protection. The office of court
12 administration shall develop a process by which a court order of
13 protection or temporary order of protection issued by the court under
14 article three, four, five, six, seven, eight or ten of this act, is
15 translated in writing into the appropriate language for a party to a
16 proceeding where the court has appointed an interpreter, and a copy of
17 the written translation shall be given to each party in the proceeding.
18 Such process developed by the office of court administration may include
19 but not be limited to the use of interpreters or computer software. Such
20 written interpretation shall not affect the validity or enforceability
21 of the order.

22 § 2. Section 530.12 of the criminal procedure law is amended by adding
23 a new subdivision 5-a to read as follows:

24 5-a. The office of court administration shall develop a process by
25 which a court order of protection or temporary order of protection is
26 translated in writing into the appropriate language for a party to a
27 proceeding where the court has appointed an interpreter, and a copy of
28 the written translation shall be given to each party in the proceeding.
29 Such process developed by the office of court administration may include
30 but not be limited to the use of interpreters or computer software.
31 Such written interpretation shall not affect the validity or enforcea-
32 bility of the order.

33 § 3. Section 530.13 of the criminal procedure law is amended by adding
34 a new subdivision 4-a to read as follows:

35 4-a. The office of court administration shall develop a process by
36 which a court order of protection or temporary order of protection is
37 translated in writing into the appropriate language for a party to a
38 proceeding where the court has appointed an interpreter, and a copy of
39 the written translation shall be given to each party in the proceeding.
40 Such process developed by the office of court administration may include
41 but not be limited to the use of interpreters or computer software.
42 Such written interpretation shall not affect the validity or enforcea-
43 bility of the order.

44 § 4. Subdivision 3 of section 240 of the domestic relations law is
45 amended by adding a new paragraph a-1 to read as follows:

46 a-1. The office of court administration shall develop a process by
47 which a court order of protection or temporary order of protection is
48 translated in writing into the appropriate language for a party to a
49 proceeding where the court has appointed an interpreter, and a copy of
50 the written translation shall be given to each party in the proceeding.
51 Such process developed by the office of court administration may include
52 but not be limited to the use of interpreters or computer software.
53 Such written interpretation shall not affect the validity or enforcea-
54 bility of the order.

1 § 5. Section 252 of the domestic relations law is amended by adding a
2 new subdivision 1-a to read as follows:

3 1-a. The office of court administration shall develop a process by
4 which a court order of protection or temporary order of protection is
5 translated in writing into the appropriate language for a party to a
6 proceeding where the court has appointed an interpreter, and a copy of
7 the written translation shall be given to each party in the proceeding.
8 Such process developed by the office of court administration may include
9 but not be limited to the use of interpreters or computer software.
10 Such written interpretation shall not affect the validity or enforcea-
11 bility of the order.

12 § 6. This act shall take effect on the ninetieth day after it shall
13 have become a law and shall apply to orders of protection issued on or
14 after such effective date.

15 PART QQ

16 Section 1. The general municipal law is amended by adding a new
17 section 504-b to read as follows:

18 § 504-b. Comprehensive study on the reutilization of nuclear facili-
19 ties. 1. The county of Westchester, in consultation with the town of
20 Cortlandt, village of Buchanan and the Hendrick Hudson school district,
21 shall perform a comprehensive study to develop and recommend possible
22 solutions for the reutilization of the property within such entities
23 that contains the Indian Point nuclear generating facility. Such study
24 shall consider all aspects of possible uses of the lands and buildings
25 at such facility, together with such other and further information that
26 the county of Westchester and the entities with which it shall consult,
27 shall choose to include. In examining such reutilization, the study
28 shall further consider the infrastructure currently at and near such
29 facility, the costs and measures that would need to be taken by the
30 owners of the facility, regulators and/or governmental bodies in order
31 to achieve any such reutilization, and any other factors that the county
32 of Westchester and the entities with which it shall consult, shall
33 choose to include in its considerations.

34 2. The state of New York including its state agencies and public
35 authorities, shall provide whatever information or technical assistance
36 is requested from the county of Westchester in order to perform the
37 study, and make the recommendations required by subdivision one of this
38 section. The state shall further provide funding as requested by the
39 county of Westchester necessary to perform the study, and make the
40 recommendations required by subdivision one of this section, pursuant to
41 funds appropriated or suballocated for expenses related thereto, and in
42 support of such costs for such study and its performance and recommenda-
43 tions.

44 3. The county of Westchester, before December first, two thousand
45 seventeen, shall deliver a copy of the study together with its recommen-
46 dations required to be produced by subdivision one of this section, to
47 the governor, the speaker of the assembly, the temporary president of
48 the senate, the chair of the senate standing committee on energy, and
49 the chair of the assembly standing committee on energy.

50 § 2. This act shall take effect immediately.

51 PART RR

1 Section 1. Sections 1 and 2 of subpart H of part C of chapter 20 of
2 the laws of 2015, appropriating money for certain municipal corporations
3 and school districts, as added by section 1 of part BB of chapter 58 of
4 the laws of 2016, is amended to read as follows:

5 Section 1. Contingent upon available funding, and not to exceed
6 [~~\$30,000,000~~] \$60,000,000 moneys from the urban development corporation
7 shall be available for a local government entity, which for the purposes
8 of this section shall mean a county, city, town, village, school
9 district or special district, where (i) on or after June 25, 2015, an
10 electric generating facility located within such local government entity
11 has ceased operations, and (ii) the closing of such facility has caused
12 a reduction in the real property tax collections or payments in lieu of
13 taxes of at least twenty percent owed by such electric generating facil-
14 ity. Such moneys attributable to the cessation of operations, shall be
15 paid annually on a first come, first served basis by the urban develop-
16 ment corporation to such local government entity within a reasonable
17 time upon confirmation from the state office of real property tax
18 services or the local industrial development authority established
19 pursuant to titles eleven and fifteen of article eight of the public
20 authorities law, or the local industrial development agency established
21 pursuant to article eighteen-A of the general municipal law that such
22 cessation has resulted in a reduction in the real property tax
23 collections or payments in lieu of taxes, provided, however, that the
24 urban development corporation shall not provide assistance to such local
25 government entity for more than [~~five~~] ten years, and shall [~~not~~] award
26 in the first year [~~more than eighty~~] one hundred percent of the loss of
27 revenues due to the cessation of operations and shall not award in the
28 second year less than ninety percent of the loss of revenues, and shall
29 not decrease payments by more than ten percent each year thereafter. A
30 local government entity shall be eligible for only one payment of funds
31 hereunder per year. A local government entity may seek assistance under
32 the electric generation facility cessation mitigation fund once a gener-
33 ator has submitted its notice to the federally designated electric bulk
34 system operator (BSO) serving the state of New York of its intent to
35 retire the facility or of its intent to voluntarily remove the facility
36 from service subject to any return-to-service provisions of any tariff,
37 and that the facility also is ineligible to participate in the markets
38 operated by the BSO. The date of submission of a local government enti-
39 ty's application for assistance shall establish the order in which
40 assistance is paid to program applicants, except that in no event shall
41 assistance be paid to a local government entity until such time that an
42 electric generating facility has retired or become ineligible to partic-
43 ipate in the markets operated by the BSO. For purposes of this section,
44 any local government entity seeking assistance under the electric gener-
45 ation facility cessation mitigation fund must submit an attestation to
46 the department of public service that a facility is no longer producing
47 electricity and is no longer participating in markets operated by the
48 BSO. After receipt of such attestation, the department of public service
49 shall confirm such information with the BSO. In the case that the BSO
50 confirms to the department of public service that the facility is no
51 longer producing electricity and participating in markets operated by
52 such BSO, it shall be deemed that the electric generating facility
53 located within the local government entity has ceased operation. The
54 department of public service shall provide such confirmation to the
55 urban development corporation upon receipt. The determination of the
56 amount of such annual payment shall be determined by the president of

1 the urban development corporation based on the amount of the differen-
2 tial between the annual real property taxes and payments in lieu of
3 taxes imposed upon the facility, exclusive of interest and penalties,
4 during the last year of operations and the current real property taxes
5 and payments in lieu of taxes imposed upon the facility, exclusive of
6 interest and penalties. The total amount awarded from this program shall
7 not exceed [~~\$30,000,000~~] \$60,000,000.

8 § 2. Notwithstanding any provision of law, rule, or regulation to the
9 contrary the New York state energy research and development authority
10 (authority) is authorized and directed to make a contribution to the
11 urban development corporation for the purposes of this act, an amount
12 not to exceed [~~\$30,000,000~~] \$60,000,000 for the state fiscal year
13 commencing April 1, 2016 from proceeds collected by the authority from
14 the auction or sale of carbon dioxide emission allowances allocated by
15 the department of environmental conservation.

16 § 2. This act shall take effect immediately provided, however, that
17 the amendments to sections 1 and 2 of subpart H of part C of chapter 20
18 of the laws of 2015 made by section one of this act shall not affect the
19 repeal of such subpart and shall be deemed repealed therewith.

20

PART SS

21 Section 1. Notwithstanding any other law to the contrary, any state
22 agency with over 25 percent of their workforce accruing overtime on a
23 calendar year basis and absent an emergency requiring a temporary
24 increase in overtime hours, shall maintain all full time equivalent
25 positions from the previous year. State agencies shall report the total
26 number of agency workers and the total number of workers accruing over-
27 time from the previous calendar year, to the director of budget by Janu-
28 ary 15th of each year. In addition, any agency exceeding the threshold
29 as established herein shall report on the number of full time equivalent
30 positions that have been filled in accordance with this section and all
31 efforts made to reduce overtime to beneath the threshold stated herein.
32 Each agency shall further report on the number of temporary workers and
33 per diem workers in positions in said agency and the specific number of
34 hours worked by temporary and per diem workers. Said report shall
35 include the length of time said temporary workers or per diem workers
36 have been employed in each agency.

37 § 2. This act shall take effect immediately and shall be deemed to
38 have been in full force and effect on or after April 1, 2017.

39

PART TT

40 Section 1. The volunteer firefighters' benefit law is amended by
41 adding a new section 11-d to read as follows:

42 § 11-d. Volunteer firefighters; presumption in certain cancers. 1.
43 Notwithstanding any other provision of this chapter to the contrary, a
44 condition of impairment of health of a volunteer firefighter with (a)
45 five or more years of faithful and actual service in the protection of
46 life and property from fire in the interior of buildings caused by
47 cancer affecting the lymphatic or hematological systems or (b) ten or
48 more years of faithful and actual service in the protection of life and
49 property from fire in the interior of buildings caused by cancer affect-
50 ing the digestive, urinary, prostate, neurological, breast or reproduc-
51 tive systems or melanoma, resulting in total or partial disability or
52 death to such volunteer firefighter, who successfully passed a physical

1 examination on entry into firefighter service, which examination failed
2 to reveal any evidence of such cancers, shall be presumptive evidence
3 that it was incurred in the performance and discharge of duty, unless
4 the contrary be proven by competent evidence. Claims for benefits
5 pursuant to this section must be filed within twelve years of separation
6 from active service in protecting life and property from fire in the
7 interior of buildings.

8 2. This section shall not apply to volunteer firefighters serving in a
9 fire company or fire department where the legislative body of the city
10 or the village, the board of fire commissioners or other governing board
11 of the fire district, or the town board of the town in relation to (a)
12 the fire companies serving territory outside the villages and fire
13 districts or (b) a town fire department, has adopted a local law or
14 resolution to elect not to provide this presumption.

15 § 2. This act shall take effect immediately and shall expire and be
16 deemed repealed June 30, 2021.

17 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
18 sion, section or part of this act shall be adjudged by any court of
19 competent jurisdiction to be invalid, such judgment shall not affect,
20 impair, or invalidate the remainder thereof, but shall be confined in
21 its operation to the clause, sentence, paragraph, subdivision, section
22 or part thereof directly involved in the controversy in which such judg-
23 ment shall have been rendered. It is hereby declared to be the intent of
24 the legislature that this act would have been enacted even if such
25 invalid provisions had not been included herein.

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