STATE OF NEW YORK

S. 7505--A A. 9505--A

SENATE - ASSEMBLY

January 18, 2018

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

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

AN ACT to amend the criminal procedure law, in relation to a waiver and time limits for a speedy trial (Part A); to amend the judiciary law, in relation to additional functions of the chief administrator of the courts (Part B); to amend the criminal procedure law, in relation to the issuance of securing orders and in relation to making conforming changes; and to amend the insurance law, in relation to the deposit of bail money by charitable bail organizations (Part C); to amend the criminal procedure law, the penal law and the executive law, in relation to discovery reform and intimidating or tampering with a victim or witness; and to repeal certain provisions of the criminal procedure law relating thereto (Part D); to amend the civil practice law and rules, in relation to the forfeiture of the proceeds of a crime, and reporting certain demographic data; to amend the criminal procedure law and the penal law, in relation to reporting certain demographic data; and to repeal certain provisions of the civil practice law and rules relating thereto (Part E); to amend part H of chapter 503 of the laws of 2009 relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, in relation to the effectiveness thereof (Part F); to amend the correction law, in relation to eliminating reimbursements to counties for personal service expenses related to the transportation of state ready inmates (Part G); to amend the correction law, in relation to programmatic accomplishments for merit and limited credit time (Part H); to repeal subdivision 9 of section 201 of the correction law, in relation to supervision fees (Part I); to authorize two pilot temporary release programs for certain inmates whose offenses and disciplinary records would render them eligible to

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

LBD12670-02-8

receive a limited credit time allowance (Part J); to amend the banking law, in relation to licensing considerations for check cashers (Subpart A); to amend the education law, in relation to eligibility for serving on a New York city community district education council and city-wide council (Subpart B); to amend the executive law, in relation to licensing considerations for bingo suppliers (Subpart C); to amend the executive law, in relation to licensing considerations for notary publics (Subpart D); to amend the general municipal law, in relation to licensing considerations for suppliers of games of chance, for games of chance licensees, for bingo licensees, and for lessors of premises to bingo licensees (Subpart E); to amend the insurance law, in relation to licensing considerations for insurer adjusters and for employment with insurance adjusters; and to repeal certain provisions of such law relating thereto (Subpart F); to amend the real property law, in relation to licensing considerations for real estate brokers or real estate salesmen (Subpart G); to amend the social services law, in relation to participation as employer in subsidized employer programs (Subpart H); and to amend the vehicle and traffic law, in relation to eligibility for employment by a driver's school (Subpart I)(Part K); to amend the executive law, in relation to allowing for geriatric parole (Part L); to amend the tax law, in relation to suspending the transfer of monies into the emergency services revolving loan fund from the public safety communications account (Part M); to amend the executive law, in relation to administrative subpoenas (Part N); to amend the state finance law and the military law, in relation to establishing the armory rental account fund; and 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 (Part O); to amend the criminal procedure law, in relation to eliminating the statute of limitations for any sexually related offense committed against a child; to amend the general municipal law, the court of claims act and the education law, in relation to removing the requirement of filing a notice of claim for a claim for injury suffered from a sexually related offense committed against a child; to amend the civil practice law and rules, in relation to extending the statute of limitations for civil cases for any claim for injury suffered from a sexually related offense against a child to fifty years; to amend the civil practice law and rules, in relation to reviving any time-barred claim for injury suffered from a sexually related offense committed against a child for a period of one year; and to amend the civil practice law and rules, in relation to giving trial preference to certain child sexual abuse cases (Part P); to amend the alcoholic beverage control law, in relation to hotel tavern licenses (Part Q); to amend the alcoholic beverage control law, in relation to the production and sale of mead; and to repeal certain provisions of such law relating thereto (Part R); to amend the alcoholic beverage control law, in relation to creating a license to export New York alcoholic beverages (Part S); to amend chapter 303 of the laws of 1988 relating to the extension of the state commission on the restoration of the capitol, in relation to extending such provisions for an additional five years (Part T); to amend the public lands law, in relation to the transfer of unappropriated state lands (Part U); to amend the state finance law, in relation to establishing the parking services fund, the solid waste fund, and the special events fund (Part V); to amend the civil service law, in relation to term appointments in information technology; and providing for the

repeal of such provisions upon expiration thereof (Part W); to amend the state finance law, in relation to establishing the New York state secure choice savings program, the New York state secure choice savings program fund and the New York state secure choice administrative fund (Part X); to amend the workers' compensation law, in relation to the investment of surplus funds of the state insurance fund (Part Y); to amend the civil service law, in relation to capping the standard medicare premium charge (Part Z); to amend the civil service law, in relation to reimbursement for medicare premium charges (Part AA); to amend the civil practice law and rules, in relation to the rate of interest (Part BB); to amend the state finance law, in relation to the citizen empowerment tax credit (Part CC); to amend the uniform justice court act, in relation to the election of one or more town justices for two or more adjacent towns (Subpart A); and to amend the general municipal law and the statute of local governments, in relation to authorizing counties to regulate, administer, and enforce planning, zoning, and other land use regulations at the option of and in accordance with a request from a city, town, or village (Subpart B)(Part DD); to amend the general municipal law, in relation to county-wide shared services panels (Part EE); to amend the public authorities law, in relation to the town of Islip resource recovery agency (Part FF); to provide for the administration of certain funds and accounts related to the 2018-19 budget and authorizing certain payments and transfers; to amend the state finance law, in relation to the school tax relief fund, the debt reduction reserve fund and to payments, transfers and deposits; to amend the state finance law, in relation to reductions to enacted appropriations; to amend chapter 174 of the laws of 1968 constituting 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 and increasing the bonding limit for certain state and municipal facilities; 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 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 increasing the bonding limit for certain public protection facilities; to amend the state finance law and the public authorities law, in relation to funding certain capital projects and the issuance of bonds; to amend chapter 59 of the laws of 2017 relating to providing for the administration of certain funds and accounts related to the 2017-18 budget and authorizing certain payments and transfers, in relation to the effectiveness thereof; 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 increasing the amount of bonds authorized to be issued; to amend the facilities development corporation act, in relation to authorizing the issuance of bonds in relation to grants made to voluntary agencies; and providing for the repeal of certain provisions upon expiration thereof (Part GG); to amend the penal law, in relation to prohibiting a sexual orientation panic defense (Part HH); to amend the social services law, the executive law, and the penal law, in relation to prohibiting sex offenders from being placed in shelters used by families with children and from entering within one thousand feet of a kindergarten or pre-kindergarten facility or institution (Part II); to amend the penal law, in relationship to establishing incapacity to consent when a person is under arrest, in detention, or otherwise in actual custody (Part JJ); to amend the correction law and the civil service law, in relation to employee safety and employee discipline for misconduct; and to repeal certain provisions of the correction law relating to the appointment of correction and parole officers (Part KK); and to amend the public authorities law, in relation to authorizing the dormitory authority to construct and finance certain juvenile detention facilities (Part LL)

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

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2018-2019 state fiscal year. Each component is wholly contained within a Part identified as Parts A through LL. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Section 30.30 of the criminal procedure law, as added by chapter 184 of the laws of 1972, paragraph (a) of subdivision 3 as amended by chapter 93 of the laws of 2006, paragraph (a) of subdivision 4 as amended by chapter 558 of the laws of 1982, paragraph (c) of subdivision 4 as amended by chapter 631 of the laws of 1996, paragraph (h) of subdivision 4 as added by chapter 837 of the laws of 1986, paragraph (i) of subdivision 4 as added by chapter 446 of the laws of 1993, paragraph (j) of subdivision 4 as added by chapter 222 of the laws of 1994, paragraph (b) of subdivision 5 as amended by chapter 109 of the laws of 1982, paragraphs (e) and (f) of subdivision 5 as added by chapter 209 of the laws of 1990, is amended to read as follows:

§ 30.30 Speedy trial; time limitations.

1. Except as otherwise provided in subdivision [~~three~~] **four of this section**, a motion made pursuant to paragraph (e) of subdivision one of section 170.30 **of this chapter** or paragraph (g) of subdivision one of section 210.20 **of this chapter** must be granted where the people are not ready for trial within:

(a) six months of the commencement of a criminal action wherein a defendant is accused of one or more offenses, at least one of which is a felony;

(b) ninety days of the commencement of a criminal action wherein a defendant is accused of one or more offenses, at least one of which is a misdemeanor punishable by a sentence of imprisonment of more than three months and none of which is a felony;

(c) sixty days of the commencement of a criminal action wherein the defendant is accused of one or more offenses, at least one of which is a misdemeanor punishable by a sentence of imprisonment of not more than three months and none of which is a crime punishable by a sentence of imprisonment of more than three months;

(d) thirty days of the commencement of a criminal action wherein the defendant is accused of one or more offenses, at least one of which is a violation and none of which is a crime.

[~~2. Except as provided in subdivision three, where a defendant has been committed to the custody of the sheriff in a criminal action he must be released on bail or on his own recognizance, upon such conditions as may be just and reasonable, if the people are not ready for trial in that criminal action within:~~

~~(a) ninety days from the commencement of his commitment to the custody of the sheriff in a criminal action wherein the defendant is accused of one or more offenses, at least one of which is a felony;~~

~~(b) thirty days from the commencement of his commitment to the custody of the sheriff in a criminal action wherein the defendant is accused of one or more offenses, at least one of which is a misdemeanor punishable by a sentence of imprisonment of more than three months and none of which is a felony;~~

~~(c) fifteen days from the commencement of his commitment to the custody of the sheriff in a criminal action wherein the defendant is accused of one or more offenses, at least one of which is a misdemeanor punishable by a sentence of imprisonment of not more than three months and none of which is a crime punishable by a sentence of imprisonment of more than three months;~~

~~(d) five days from the commencement of his commitment to the custody of the sheriff in a criminal action wherein the defendant is accused of one or more offenses, at least one of which is a violation and none of which is a crime.~~]

2. The defendant, subject to the provisions of subdivisions three and four of this section, may waive his or her right to a speedy trial pursuant to this section at any time prior to trial.

2-a. Such waiver must be in writing with the consent of the defendant personally and signed by the defendant. If the defendant is being held in custody for any reason at the time he or she makes a waiver pursuant to this section, the waiver shall be made in person, in open court, in the presence of the court, and with the approval of the court. In every case, such written waiver must make reference to a specific matter for which the defendant is charged.

2-b. The waiver period, except for exceptional circumstances approved by the court or for defendants engaged in a judicial diversion program for certain felony offenders pursuant to article two hundred sixteen of this chapter, shall not exceed:

(a) three months where a defendant is accused of one or more offenses, at least one of which is a felony;

(b) forty-five days where a defendant is accused of one or more offenses, at least one of which is a misdemeanor punishable by a sentence of imprisonment of more than three months and none of which is a felony;

(c) thirty days where the defendant is accused of one or more offenses, at least one of which is a misdemeanor punishable by a sentence of imprisonment of not more than three months and none of which is a crime punishable by a sentence of imprisonment of more than three months; or

(d) fifteen days where the defendant is accused of one or more offenses, at least one of which is a violation and none of which is a crime.

2-c. Absent extraordinary circumstances, no more that two waivers may be executed pursuant to this section for a single case. If the court finds extraordinary circumstances warranting more than two waivers pursuant to this section, the court must state upon the record the extraordinary circumstances before granting additional waivers pursuant to this section.

2-d. A waiver executed pursuant to this section shall not preclude the court from excluding the periods described in subdivision four of this section when computing the time within which the people must be ready for trial.

3. Whenever pursuant to this section a prosecutor states or otherwise provides notice that the people are ready for trial, the court may make inquiry on the record as to their actual readiness. If, after conducting its inquiry, the court determines that the people are not ready to proceed to trial, the prosecutor's statement or notice of readiness shall not be valid for purposes of this section.

4. (a) [~~Subdivisions~~] Subdivision one [~~and two do~~] does not apply to a criminal action wherein the defendant is accused of an offense defined in sections 125.10, 125.15, 125.20, 125.25, 125.26 and 125.27 of the penal law.

(b) A motion made pursuant to [~~subdivisions~~] subdivision one [~~or two~~] of this section upon expiration of the specified period may be denied where the people are not ready for trial if the people were ready for trial prior to the expiration of the specified period and their present unreadiness is due to some exceptional fact or circumstance, including, but not limited to, the sudden unavailability of evidence material to the people's case, when the district attorney has exercised due dili-

gence to obtain such evidence and there are reasonable grounds to believe that such evidence will become available in a reasonable period.

[~~(c) A motion made pursuant to subdivision two shall not:~~

~~(i) apply to any defendant who is serving a term of imprisonment for another offense;~~

~~(ii) require the release from custody of any defendant who is also being held in custody pending trial of another criminal charge as to which the applicable period has not yet elapsed;~~

~~(iii) prevent the redetention of or otherwise apply to any defendant who, after being released from custody pursuant to this section or otherwise, is charged with another crime or violates the conditions on which he has been released, by failing to appear at a judicial proceeding at which his presence is required or otherwise.~~]

(c) Any motion made pursuant to subdivision one of this section must be filed at least twenty days before commencement of the trial, but for good cause may be made thereafter. The motion papers must include sworn allegations of fact specifying the time periods that should be charged against the people and the legal basis to charge those time periods to the people. The court may summarily deny the motion if the motion papers do not contain sworn allegations of fact or the legal basis to charge those time periods to the people. The court may reserve decision on any motion made pursuant to subdivision.

[~~4.~~] **5.** In computing the time within which the people must be ready for trial pursuant to subdivisions one and two **of this section**, the following periods must be excluded:

(a) a reasonable period of delay resulting from other proceedings concerning the defendant, including but not limited to: proceedings for the determination of competency and the period during which defendant is incompetent to stand trial; demand to produce; request for a bill of particulars; pre-trial motions; appeals; trial of other charges; and the period during which such matters are under consideration by the court; or

(b) the period of delay resulting from a continuance granted by the court at the request of, or with the consent of, the defendant or his **or her** counsel. The court [~~must~~] **may** grant such a continuance only if it is satisfied that postponement is in the interest of justice, taking into account the public interest in the prompt dispositions of criminal charges. A defendant without counsel must not be deemed to have consented to a continuance unless he **or she** has been advised by the court of his **or her** rights under these rules and the effect of his **or her** consent**, which must be done on the record in open court if the defendant is in custody**; or

(c) (i) the period of delay resulting from the absence or unavailability of the defendant. A defendant must be considered absent whenever his **or her** location is unknown and he **or she** is attempting to avoid apprehension or prosecution, or his **or her** location cannot be determined by due diligence. A defendant must be considered unavailable whenever his **or her** location is known but his **or her** presence for trial cannot be obtained by due diligence; or

(ii) where the defendant has either escaped from custody or has failed to appear when required after having previously been released on bail or on his **or her** own recognizance, and provided the defendant is not in custody on another matter, the period extending from the day the court issues a bench warrant pursuant to section 530.70 **of this chapter** because of the defendant's failure to appear in court when required, to

the day the defendant subsequently appears in the court pursuant to a bench warrant or voluntarily or otherwise; or

(d) a reasonable period of delay when the defendant is joined for trial with a co-defendant as to whom the time for trial pursuant to this section has not run and good cause is not shown for granting a severance; or

(e) the period of delay resulting from detention of the defendant in another jurisdiction provided the district attorney is aware of such detention and has been diligent and has made reasonable efforts to obtain the presence of the defendant for trial; or

(f) the period during which the defendant is without counsel through no fault of the court; except when the defendant is proceeding as his **or her** own attorney with the permission of the court; or

(g) other periods of delay occasioned by exceptional circumstances, including but not limited to, the period of delay resulting from a continuance granted at the request of a district attorney if**:** (i) the continuance is granted because of the unavailability of evidence material to the people's case, when the district attorney has exercised due diligence to obtain such evidence and there are reasonable grounds to believe that such evidence will become available in a reasonable period; or (ii) the continuance is granted to allow the district attorney additional time to prepare the people's case and additional time is justified by the exceptional circumstances of the case. **Any such exclusion when a statement of unreadiness has followed a statement of readiness made by the people must be accompanied by supporting facts and approved by the court. The court shall inquire on the record as to the reasons for the people's unreadiness; or**

(h) the period during which an action has been adjourned in contemplation of dismissal pursuant to sections 170.55, 170.56 and 215.10 of this chapter[~~.~~]**; or**

(i) [~~The~~] **the** period prior to the defendant's actual appearance for arraignment in a situation in which the defendant has been directed to appear by the district attorney pursuant to subdivision three of section 120.20 or subdivision three of section 210.10[~~.~~] **of this chapter; or**

(j) the period during which a family offense is before a family court until such time as an accusatory instrument or indictment is filed against the defendant alleging a crime constituting a family offense, as such term is defined in section 530.11 of this chapter.

[~~5.~~] **6.** For purposes of this section, (a) where the defendant is to be tried following the withdrawal of the plea of guilty or is to be retried following a mistrial, an order for a new trial or an appeal or collateral attack, the criminal action and the commitment to the custody of the sheriff, if any, must be deemed to have commenced on the date the withdrawal of the plea of guilty or the date the order occasioning a retrial becomes final;

(b) where a defendant has been served with an appearance ticket, the criminal action must be deemed to have commenced on the date the defendant first appears in a local criminal court in response to the ticket;

(c) where a criminal action is commenced by the filing of a felony complaint, and thereafter, in the course of the same criminal action either the felony complaint is replaced with or converted to an information, prosecutor's information or misdemeanor complaint pursuant to article 180 or a prosecutor's information is filed pursuant to section 190.70, the period applicable for the purposes of subdivision one must be the period applicable to the charges in the new accusatory instrument, calculated from the date of the filing of such new accusatory

instrument; provided, however, that when the aggregate of such period and the period of time, excluding the periods provided in subdivision four, already elapsed from the date of the filing of the felony complaint to the date of the filing of the new accusatory instrument exceeds six months, the period applicable to the charges in the felony complaint must remain applicable and continue as if the new accusatory instrument had not been filed;

(d) where a criminal action is commenced by the filing of a felony complaint, and thereafter, in the course of the same criminal action either the felony complaint is replaced with or converted to an information, prosecutor's information or misdemeanor complaint pursuant to article 180 or a prosecutor's information is filed pursuant to section 190.70, the period applicable for the purposes of subdivision two must be the period applicable to the charges in the new accusatory instrument, calculated from the date of the filing of such new accusatory instrument; provided, however, that when the aggregate of such period and the period of time, excluding the periods provided in subdivision four, already elapsed from the date of the filing of the felony complaint to the date of the filing of the new accusatory instrument exceeds ninety days, the period applicable to the charges in the felony complaint must remain applicable and continue as if the new accusatory instrument had not been filed.

(e) where a count of an indictment is reduced to charge only a misdemeanor or petty offense and a reduced indictment or a prosecutor's information is filed pursuant to subdivisions one-a and six of section 210.20, the period applicable for the purposes of subdivision one of this section must be the period applicable to the charges in the new accusatory instrument, calculated from the date of the filing of such new accusatory instrument; provided, however, that when the aggregate of such period and the period of time, excluding the periods provided in subdivision four of this section, already elapsed from the date of the filing of the indictment to the date of the filing of the new accusatory instrument exceeds six months, the period applicable to the charges in the indictment must remain applicable and continue as if the new accusatory instrument had not been filed;

(f) where a count of an indictment is reduced to charge only a misdemeanor or petty offense and a reduced indictment or a prosecutor's information is filed pursuant to subdivisions one-a and six of section 210.20, the period applicable for the purposes of subdivision two of this section must be the period applicable to the charges in the new accusatory instrument, calculated from the date of the filing of such new accusatory instrument; provided, however, that when the aggregate of such period and the period of time, excluding the periods provided in subdivision four of this section, already elapsed from the date of the filing of the indictment to the date of the filing of the new accusatory instrument exceeds ninety days, the period applicable to the charges in the indictment must remain applicable and continue as if the new accusatory instrument had not been filed.

[~~6.~~] **7.** The procedural rules prescribed in subdivisions one through seven of section 210.45 **of this chapter** with respect to a motion to dismiss an indictment are also applicable to a motion made pursuant to subdivision two **of this section**.

§ 2. Subdivision 6 of section 180.85 of the criminal procedure law, as added by chapter 518 of the laws of 2004, is amended to read as follows:

6. The period from the filing of a motion pursuant to this section until entry of an order disposing of such motion shall not, by reason of

such motion, be considered a period of delay for purposes of subdivision [~~four~~] **five** of section 30.30 **of this chapter**, nor shall such period, by reason of such motion, be excluded in computing the time within which the people must be ready for trial pursuant to such section 30.30.

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

PART B

Section 1. Subdivision 2 of section 212 of the judiciary law is amended by adding a new paragraph (w) to read as follows:

(w) (i) Ensure that each state-paid judge or justice assigned to a trial court of the unified court system shall certify monthly, in a statement attesting to the truth of the facts therein, that on each workday of the preceding month, he or she performed judicial duties at an assigned court location for the full daily period of at least eight hours established by the chief administrator for the disposition of court business, or performed authorized duties in an authorized court-related activity at an assigned location, or was on authorized leave.

(ii) The comptroller shall conduct a periodic review and audit of submitted judicial certifications in order to ensure that the state is responsibly authorizing state dollars for judicial salaries and the operation of state trial courts. The comptroller's review and audit shall evaluate the accuracy of the judicial certifications and the effectiveness of the certification system as a whole.

§ 2. This act shall take effect immediately.

PART C

Section 1. Legislative findings. The legislature finds and declares that there is a present need to revise New York's procedures regulating release of persons charged with criminal offenses pending trial, set forth in title P of the criminal procedure law, so that fewer presumed-innocent people are held behind bars pretrial. The bill breaks the link between paying money and earning freedom in cases involving misdemeanors and non-violent felonies, so that defendants are either released on their own recognizance or, failing that, released under non-monetary conditions. The bill also revises the existing process of remanding individuals in jail before trial, so that pretrial detention is used in limited cases involving high risk of flight or a current risk to the physical safety of a reasonably identifiable person or persons, and comports with Supreme Court jurisprudence regarding required substantive and procedural due process before detention.

§ 2. Subdivisions 1, 2, 4, 5, 6, 7, 8 and 9 of section 500.10 of the criminal procedure law are amended and a new subdivision 3-a is added to read as follows:

1. "Principal" means a defendant in a criminal action or proceeding, or a person adjudged a material witness therein, or any other person so involved therein that [~~he~~] **the principal** may by law be compelled to appear before a court for the purpose of having such court exercise control over [~~his~~] **the principal's** person to secure [~~his~~] **the principal's** future attendance at the action or proceeding when required, and who in fact either is before the court for such purpose or has been before it and been subjected to such control.

2. "Release on own recognizance." A court releases a principal on [~~his~~] **the principal's** own recognizance when, having acquired control

over [~~his~~] the principal's person, it permits [~~him~~] the principal to be at liberty during the pendency of the criminal action or proceeding involved upon condition that [~~he~~] the principal will appear thereat whenever [~~his~~] the principal's attendance may be required and will at all times render [~~himself~~] the principal amenable to the orders and processes of the court.

3-a. "Release under non-monetary conditions". A court releases a principal under non-monetary conditions when, having acquired control over a person, it permits the person to be at liberty during the pendency of the criminal action under conditions set by the court, which shall be the least restrictive that will reasonably assure the principal's appearance in court. Such conditions may include, among others, that the principal shall be in contact with a pretrial services agency serving principals in that county; that the principal shall abide by specified restrictions on association or travel; that the principal shall refrain from possessing a firearm, destructive device or other dangerous weapon; that the person be placed in pretrial supervision with a pretrial services agency serving principals in that county; that the person be monitored with an approved electronic monitoring device.

4. "Commit to the custody of the sheriff." A court commits a principal to the custody of the sheriff when, having acquired control over his person, it orders that he be confined in the custody of the sheriff [~~during the pendency of the criminal action or proceeding involved~~] pending payment of bail that is fixed, or pending the outcome of a hearing as to whether the individual shall be ordered into pretrial detention.

5. "Securing order" means an order of a court [~~committing a principal to the custody of the sheriff, or fixing bail, or releasing him on his own recognizance~~] that either releases a principal under personal recognizance, releases the principal under non-monetary conditions, or fixes bail, all with the direction that the principal return to court for future court appearances and to be at all times amendable to the orders and processes of the court.

6. [~~"Order of recognizance or bail" means a securing order releasing a principal on his own recognizance or fixing bail~~] "Pretrial detention". A court may commit a principal to pretrial detention if, after a hearing and making such findings as specified in article five hundred forty-five of this title, a judge so orders detention.

7. [~~"Application for recognizance or bail" means an application by a principal that the court, instead of committing him to or retaining him in the custody of the sheriff, either release him on his own recognizance or fix bail.~~

~~8.~~] "Post bail" means to deposit bail in the amount and form fixed by the court, with the court or with some other authorized public servant or agency.

[~~9.~~] 8. "Bail" means cash bail [~~or~~], a bail bond or money paid with a credit card.

§ 3. Section 510.10 of the criminal procedure law, as amended by chapter 459 of the laws of 1984, is amended to read as follows:

§ 510.10 Securing order; when required; alternatives available; standard to be applied.

When a principal, whose future court attendance at a criminal action or proceeding is or may be required, initially comes under the control of a court, such court [~~must~~] shall, by a securing order[~~, either release him on his own recognizance, fix bail or commit him to the custody of the sheriff.~~]:

1. In cases where the most serious charge facing the defendant in the case before the court or a pending case is a misdemeanor or a felony other than that enumerated in section 70.02 of the penal law or a class A felony offense defined in the penal law, release the principal pending trial on the principal's personal recognizance, unless the court finds on the record that release on recognizance will not reasonably assure the individual's court attendance. In such instances, the court will release the individual under non-monetary conditions, selecting the least restrictive alternative that will reasonably assure the principal's court attendance. The court will support its choice of alternative on the record. A principal shall not be required to pay for any part of the cost of release under non-monetary conditions, except that a principal may be required to pay for all or a portion of the cost of electronic monitoring unless the principal is indigent and cannot pay all or a portion of the cost of such monitoring;

2. In cases where the most serious charge facing the defendant in the case before the court or a pending case is a felony enumerated in section 70.02 of the penal law or a class A felony offense defined in the penal law, release the principal pending trial on the principal's personal recognizance, or release the principal under non-monetary conditions, or fix bail, selecting the least restrictive alternative that will reasonably assure the principal's court appearance when required. The court will support its choice of alternative on the record.

3. Notwithstanding the above, in cases where the prosecutor indicates that it intends to move for pretrial detention as set out in article five hundred forty-five of this title, the court shall commit the defendant to the custody of the sheriff.

4. When a securing order is revoked or otherwise terminated in the course of an uncompleted action or proceeding but the principal's future court attendance still is or may be required and [~~he~~] the principal is still under the control of a court, a new securing order must be issued. When the court revokes or otherwise terminates a securing order which committed the principal to the custody of the sheriff, the court shall give written notification to the sheriff of such revocation or termination of the securing order.

§ 4. Section 510.20 of the criminal procedure law is amended to read as follows:

§ 510.20 [~~Application for recognizance or bail; making and determination thereof in general~~] Application for a change in securing order based on a material change of circumstances.

1. Upon any occasion when a court [~~is required to issue~~] has issued a securing order with respect to a principal, [~~or at any time when a principal is confined in the custody of the sheriff as a result of a previously issued securing order, he~~] the defendant or the people may make an application for [~~recognizance or bail~~] a different securing order due to a material change of circumstances:

(a) in cases for which the most serious charge before the court or in a pending case is a misdemeanor or felony other than that enumerated in section 70.02 of the penal law or a class A felony offense defined in the penal law for a different non-monetary securing order; or

(b) in cases for which the most serious charge is a felony enumerated in section 70.02 of the penal law or a class A felony offense defined in the penal law for a different securing order.

2. Upon such application, the principal or the people must be accorded an opportunity to be heard and to contend that [~~an order of~~

~~recognizance or bail~~] a different securing order must or should issue[~~, that the court should release him on his own recognizance rather than fix bail, and that if bail is fixed it should be in a suggested amount and form~~] because, due to a material change in circumstances, the current order is either too restrictive or not restrictive enough to reasonably ensure a defendant's appearance in court.

§ 5. The criminal procedure law is amended by adding a new section 510.25 to read as follows:

§ 510.25 Rehearing on bail after five days in custody after bail is fixed.

In addition to any other available motion or procedure available under this part, a principal for whom bail was fixed and who is still in custody five days after bail was fixed shall be brought before the court the next business day for a rehearing on the securing order. The court shall examine the principal's financial circumstances and order a new securing order. If the court chooses to fix bail, it shall do so at an amount that will both reasonably assure the defendant's appearance in court and that the defendant is reasonably able to pay.

§ 6. Section 510.30 of the criminal procedure law, subparagraph (v) of paragraph (a) of subdivision 2 as amended by chapter 920 of the laws of 1982, subparagraph (vi) of paragraph (a) of subdivision 2 as renumbered by chapter 447 of the laws of 1977, subparagraph (vii) of paragraph (a) of subdivision 2 as added and subparagraphs (viii) and (ix) of paragraph (a) of subdivision 2 as renumbered by section 1 of part D of chapter 491 of the laws of 2012, and subdivision 3 as added by chapter 788 of the laws of 1981, is amended to read as follows:

§ 510.30 Application for [~~recognizance or bail~~] securing order; rules of law and criteria controlling determination.

[~~1. Determinations of applications for recognizance or bail are not in all cases discretionary but are subject to rules, prescribed in article five hundred thirty and other provisions of law relating to specific kinds of criminal actions and proceedings, providing (a) that in some circumstances such an application must as a matter of law be granted, (b) that in others it must as a matter of law be denied and the principal committed to or retained in the custody of the sheriff, and (c) that in others the granting or denial thereof is a matter of judicial discretion.~~

~~2. To the extent that the issuance of an order of recognizance or bail and the terms thereof are matters of discretion rather than of law, an application is determined on the basis of the following factors and criteria:~~

~~(a)~~] With respect to any principal, the court must [~~consider the~~] impose the least restrictive kind and degree of control or restriction that is necessary to secure [~~his~~] the principal's court attendance when required. In determining that matter, the court must, on the basis of available information, consider and take into account:

[~~(i) The principal's character, reputation, habits and mental condition;~~

~~(ii) His employment and financial resources; and~~

~~(iii) His family ties and the length of his residence if any in the community; and~~

~~(iv) His~~] 1. information about the principal that is relevant to court appearance, including, but not limited to, the principal's activities, history and community ties;

2. if the principal is a defendant, the charges facing the principal;

3. the principal's criminal record if any; [~~and~~

~~(v)~~] 4. His record of previous adjudication as a juvenile delinquent, as retained pursuant to section 354.2 of the family court act, or, of pending cases where fingerprints are retained pursuant to section 306.1 of such act, or a youthful offender, if any; [~~and~~

~~(vi) His~~] 5. the principal's previous record if any in responding to court appearances when required or with respect to flight to avoid criminal prosecution; [~~and~~

~~(vii)~~] 6. if monetary bail is permitted, according to the restrictions set forth in section 510.10 of this title, the principal's financial circumstances;

7. Where the principal is charged with a crime or crimes against a member or members of the same family or household as that term is defined in subdivision one of section 530.11 of this title, the following factors:

[~~(A)~~] (i) any violation by the principal of an order of protection issued by any court for the protection of a member or members of the same family or household as that term is defined in subdivision one of section 530.11 of this title, whether or not such order of protection is currently in effect; and

[~~(B)~~] (ii) the principal's history of use or possession of a firearm; [~~and~~

~~(viii)~~] 8. If [~~he~~] the principal is a defendant, the weight of the evidence against [~~him~~] the principal in the pending criminal action and any other factor indicating probability or improbability of conviction; or, in the case of an application for [~~bail or recognizance~~] securing order pending appeal, the merit or lack of merit of the appeal; and

[~~(ix)~~] 9. If [~~he~~] the principal is a defendant, the sentence which may be or has been imposed upon conviction[~~.~~

~~(b) Where the principal is a defendant-appellant in a pending appeal from a judgment of conviction, the court must also consider the likelihood of ultimate reversal of the judgment. A determination that the appeal is palpably without merit alone justifies, but does not require, a denial of the application, regardless of any determination made with respect to the factors specified in paragraph (a).~~

~~3. When bail or recognizance is ordered, the court shall inform the principal, if he is a defendant charged with the commission of a felony, that the release is conditional and that the court may revoke the order of release and commit the principal to the custody of the sheriff in accordance with the provisions of subdivision two of section 530.60 of this chapter if he commits a subsequent felony while at liberty upon such order.~~]; and

10. if the principal is a defendant-appellant in a pending appeal from a judgment of conviction, the court must also consider the likelihood of ultimate reversal of the judgment. A determination that the appeal is palpably without merit alone justifies, but does not require, a denial of the application, regardless of any determination made with respect to the factors specified in this paragraph.

§ 7. Section 510.40 of the criminal procedure law is amended to read as follows:

§ 510.40 [~~Application for recognizance or bail; determination thereof, form of securing order and execution thereof~~] Notification to principal by court of conditions of release and penalties for violations of release.

1. [~~An application for recognizance or bail must be determined by a securing order which either:~~

~~(a) Grants the application and releases the principal on his own recognizance; or~~

~~(b) Grants the application and fixes bail; or~~

~~(c) Denies the application and commits the principal to, or retains him in, the custody of the sheriff.~~

~~2.~~] Upon ordering that a principal be released on [~~his~~] the principal's own recognizance, or released under non-monetary conditions, or, if bail has been fixed, upon the posting of bail and successful examination that the bail complies with the order the court must direct [~~him~~] the principal to appear in the criminal action or proceeding involved whenever [~~his~~] the principal's attendance may be required and to [~~render himself~~] be at all times amenable to the orders and processes of the court. If the principal is a defendant, the court shall also direct the defendant not to commit a crime while at liberty upon the court's securing order. If such principal is in the custody of the sheriff or at liberty upon bail at the time of the order, the court must direct that [~~he~~] the principal be discharged from such custody [~~or, as the case may be, that his bail be exonerated~~].

[~~3. Upon the issuance of an order fixing bail, and upon the posting thereof, the court must examine the bail to determine whether it complies with the order. If it does, the court must, in the absence of some factor or circumstance which in law requires or authorizes disapproval thereof, approve the bail and must issue a certificate of release, authorizing the principal to be at liberty, and, if he is in the custody of the sheriff at the time, directing the sheriff to discharge him therefrom. If the bail fixed is not posted, or is not approved after being posted, the court must order that the principal be committed to the custody of the sheriff.~~]

2. If the principal is released under non-monetary conditions, the court shall, in the document authorizing the principal's release, notify the principal of:

(a) any of the conditions under which the principal is subject, in addition to the directions in subdivision one of this section, in a manner sufficiently clear and specific to serve as a guide for the principal's conduct; and

(b) the consequences for violation of those conditions, which could include revoking of the securing order, setting of a more restrictive securing order, or, after the hearing prescribed in article five hundred forty-five of this title, pretrial detention.

§ 8. The criminal procedure law is amended by adding a new section 510.45 to read as follows:

§ 510.45 Pretrial service agencies.

The office of court administration shall certify a pretrial services agency or agencies in each county to monitor principals released under conditions of non-monetary release.

§ 9. Section 510.50 of the criminal procedure law is amended to read as follows:

§ 510.50 Enforcement of securing order.

When the attendance of a principal confined in the custody of the sheriff is required at the criminal action or proceeding at a particular time and place, the court may compel such attendance by directing the sheriff to produce him or her at such time and place. If the principal is at liberty on [~~his~~] the principal's own recognizance or non-monetary conditions or on bail, [~~his~~] the principal's attendance may be achieved or compelled by various methods, including notification and the issuance of a bench warrant, prescribed by law in provisions governing such

matters with respect to the particular kind of action or proceeding involved.

§ 10. Paragraph (b) of subdivision 2 of section 520.10 of the criminal procedure law, as amended by chapter 784 of the laws of 1972, is amended to read as follows:

(b) The court [~~may~~] **shall** direct that the bail be posted in any one of [~~two~~] **three** or more of the forms specified in subdivision one, designated in the alternative, and may designate different amounts varying with the forms[~~;~~]**, except that one of the forms shall be either an unsecured or partially secured surety bond, as selected by the court.**

§ 11. The article heading of article 530 of the criminal procedure law is amended to read as follows:

[~~ORDERS OF RECOGNIZANCE OR BAIL WITH RESPECT TO DEFENDANTS IN CRIMINAL ACTIONS AND PROCEEDINGS--WHEN AND BY WHAT COURTS AUTHORIZED~~] **SECURING ORDERS WITH RESPECT TO DEFENDANTS IN CRIMINAL ACTIONS AND PROCEEDINGS - WHEN AND BY WHAT COURTS AUTHORIZED**

§ 12. Section 530.10 of the criminal procedure law is amended to read as follows:

§ 530.10 Order of recognizance or bail; in general.

Under circumstances prescribed in this article, a court, upon application of a defendant charged with or convicted of an offense, is [~~required or authorized to order bail or recognizance~~] **to issue a securing order** for the release or prospective release of such defendant during the pendency of either:

1. A criminal action based upon such charge; or

2. An appeal taken by the defendant from a judgment of conviction or a sentence or from an order of an intermediate appellate court affirming or modifying a judgment of conviction or a sentence.

§ 13. Subdivision 4 of section 530.11 of the criminal procedure law, as added by chapter 186 of the laws of 1997, is amended to read as follows:

4. When a person is arrested for an alleged family offense or an alleged violation of an order of protection or temporary order of protection or arrested pursuant to a warrant issued by the supreme or family court, and the supreme or family court, as applicable, is not in session, such person shall be brought before a local criminal court in the county of arrest or in the county in which such warrant is returnable pursuant to article one hundred twenty of this chapter. Such local criminal court may issue any order authorized under subdivision eleven of section 530.12 of this article, section one hundred fifty-four-d or one hundred fifty-five of the family court act or subdivision three-b of section two hundred forty or subdivision two-a of section two hundred fifty-two of the domestic relations law, in addition to discharging other arraignment responsibilities as set forth in this chapter. In making such order, the local criminal court shall consider the [~~bail recommendation~~] **securing order**, if any, made by the supreme or family court as indicated on the warrant or certificate of warrant. Unless the petitioner or complainant requests otherwise, the court, in addition to scheduling further criminal proceedings, if any, regarding such alleged family offense or violation allegation, shall make such matter returnable in the supreme or family court, as applicable, on the next day such court is in session.

§ 14. Paragraph (a) of subdivision 8 of section 530.13 of the criminal procedure law, as added by chapter 388 of the laws of 1984, is amended to read as follows:

(a) revoke [~~an order of recognizance or bail~~] a securing order and commit the defendant to custody; or

§ 15. The opening paragraph of subdivision 1 of section 530.13 of the criminal procedure law, as amended by chapter 137 of the laws of 2007, is amended to read as follows:

When any criminal action is pending, and the court has not issued a temporary order of protection pursuant to section 530.12 of this article, the court, in addition to the other powers conferred upon it by this chapter, may for good cause shown issue a temporary order of protection in conjunction with any securing order [~~committing the defendant to the custody of the sheriff or as a condition of a pre-trial release, or as a condition of release on bail or an adjournment in contemplation of dismissal~~]. In addition to any other conditions, such an order may require that the defendant:

§ 16. Subdivisions 9 and 11 of section 530.12 of the criminal procedure law, subdivision 9 as amended by section 81 of subpart B of part C of chapter 62 of the laws of 2011, subdivision 11 as amended by chapter 498 of the laws of 1993, the opening paragraph of subdivision 11 as amended by chapter 597 of the laws of 1998, paragraph (a) of subdivision 11 as amended by chapter 222 of the laws of 1994, paragraph (d) of subdivision 11 as amended by chapter 644 of the laws of 1996, are amended to read as follows:

9. If no warrant, order or temporary order of protection has been issued by the court, and an act alleged to be a family offense as defined in section 530.11 of this [~~chapter~~] article is the basis of the arrest, the magistrate shall permit the complainant to file a petition, information or accusatory instrument and for reasonable cause shown, shall thereupon hold such respondent or defendant, [~~admit to, fix or accept bail,~~] establish a securing order or parole him or her for hearing before the family court or appropriate criminal court as the complainant shall choose in accordance with the provisions of section 530.11 of this [~~chapter~~] article.

11. If a defendant is brought before the court for failure to obey any lawful order issued under this section, or an order of protection issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction, and if, after hearing, the court is satisfied by competent proof that the defendant has willfully failed to obey any such order, the court may:

(a) revoke [~~an order of recognizance or revoke an order of bail or order forfeiture of such bail~~] a securing order and commit the defendant to custody; or

(b) restore the case to the calendar when there has been an adjournment in contemplation of dismissal and commit the defendant to custody; or

(c) revoke a conditional discharge in accordance with section 410.70 of this chapter and impose probation supervision or impose a sentence of imprisonment in accordance with the penal law based on the original conviction; or

(d) revoke probation in accordance with section 410.70 of this chapter and impose a sentence of imprisonment in accordance with the penal law based on the original conviction. In addition, if the act which constitutes the violation of the order of protection or temporary order of

protection is a crime or a violation the defendant may be charged with and tried for that crime or violation.

§ 17. Section 530.20 of the criminal procedure law, as amended by chapter 531 of the laws of 1975, subparagraph (ii) of paragraph (b) of subdivision 2 as amended by chapter 218 of the laws of 1979, is amended to read as follows:

§ 530.20 [~~Order of recognizance or bail;~~] Securing order by local criminal court when action is pending therein.

When a criminal action is pending in a local criminal court, such court, upon application of a defendant, must [~~or may order recognizance or bail~~] issue a securing order as follows:

1. [~~When the defendant is charged, by information, simplified information, prosecutor's information or misdemeanor complaint, with an offense or offenses of less than felony grade only, the court must order recognizance or bail.~~] In cases where the most serious charge facing the defendant in the case before the court or a pending case is a misdemeanor or a felony other than that enumerated in section 70.02 of the penal law or a class A felony offense defined in the penal law, release the principal pending trial on the principal's personal recognizance, unless the court finds on the record that release on recognizance will not reasonably assure the individual's court attendance. In such instances, the court will release the individual under non-monetary conditions, selecting the least restrictive alternative that will reasonably assure the principal's court attendance. The court will support its choice of alternative on the record. The principal shall not be required to pay for any part of the cost of release under non-monetary conditions, except that a principal may be required to pay for all or a portion of the cost of electronic monitoring unless the principal is indigent and cannot pay all or a portion of the cost of such monitoring.

2. [~~When the defendant is charged, by felony complaint, with a felony, the court may, in its discretion, order recognizance or bail except as otherwise provided in this subdivision:~~

~~(a) A city court, a town court or a village court may not order recognizance or bail when (i) the defendant is charged with a class A felony, or (ii) it appears that the defendant has two previous felony convictions;~~

~~(b)~~] In cases where the most serious charge facing the defendant in the case before the court or a pending case is a felony enumerated in section 70.02 of the penal law or a class A felony offense defined in the penal law, release the principal pending trial on the principal's personal recognizance, or release the principal under non-monetary conditions, or fix bail, selecting the least restrictive alternative that will reasonably assure the principal's court appearance when required. The court will support its choice of alternative on the record.

3. Notwithstanding the above, in cases where the people indicate that they intend to move for pretrial detention as set forth in article five hundred forty-five of this title, the court shall commit the defendant to the custody of the sheriff.

4. Notwithstanding the above, a city court, a town court or a village court may not issue a securing order when the defendant is charged by felony complaint with a felony when: (a) the defendant is charged with a class A felony or (b) it appears that the defendant has two previous felony convictions within the meaning of subdivision one of section 70.08 or 70.10 of the penal law. In these instances the court shall commit the defendant to the custody of the sheriff for the county or

superior court to make a determination about a securing order within three days.

5. No local criminal court may order [~~recognizance or bail~~] a securing order with respect to a defendant charged with a felony unless and until[~~:~~

~~(i) The district attorney has been heard in the matter or, after knowledge or notice of the application and reasonable opportunity to be heard, has failed to appear at the proceeding or has otherwise waived his right to do so; and~~

~~(ii) The~~] the court [~~has~~], and counsel for the defense, have been furnished with a report of the division of criminal justice services concerning the defendant's criminal record, if any, or with a police department report with respect to the defendant's prior arrest and conviction record, if any. If neither report is available, the court, with the consent of the district attorney, may dispense with this requirement; provided, however, that in an emergency, including but not limited to a substantial impairment in the ability of such division or police department to timely furnish such report, such consent shall not be required if, for reasons stated on the record, the court deems it unnecessary. [~~When the court has been furnished with any such report or record, it shall furnish a copy thereof to counsel for the defendant or, if the defendant is not represented by counsel, to the defendant.~~]

§ 18. The section heading, subdivision 1 and subdivision 2 of section 530.30 of the criminal procedure law, subdivision 2 as amended by chapter 762 of the laws of 1971, are amended to read as follows:

[~~Order of recognizance or bail; by superior court judge when action is pending in local criminal court~~] Securing order by superior court judge when action is pending in local criminal court.

1. When a criminal action is pending in a local criminal court, other than one consisting of a superior court judge sitting as such, a judge of a superior court holding a term thereof in the county, upon application of a defendant, may order [~~recognizance or bail~~] a securing order when such local criminal court:

(a) Lacks authority to issue such an order, pursuant to [~~paragraph (a) of~~] subdivision [~~two~~] four of section 530.20; or

(b) Has denied an application for recognizance or bail; or

(c) Has fixed bail which is excessive; or

(d) Has set a securing order of release under non-monetary conditions which are more restrictive than necessary to reasonably ensure court attendance.

In such case, such superior court judge may vacate the order of such local criminal court and release the defendant on [~~his own~~] recognizance or under release with conditions, or fix bail in a lesser amount or in a less burdensome form, whichever is the least restrictive alternative that will reasonably assure defendant's appearance in court. The court will support its choice of alternative on the record.

2. Notwithstanding the provisions of subdivision one, when the defendant is charged with a felony in a local criminal court, a superior court judge may not order recognizance or bail unless and until the district attorney has had an opportunity to be heard in the matter and such judge has been furnished with a report as described in [~~subparagraph (ii) of paragraph (b) of~~] subdivision [~~two~~] five of section 530.20.

§ 19. Section 530.40 of the criminal procedure law, subdivision 3 as amended by chapter 264 of the laws of 2003, and subdivision 4 as amended by chapter 762 of the laws of 1971, is amended to read as follows:

§ 530.40 [~~Order of recognizance or bail;~~] **Securing order** by superior court when action is pending therein.

When a criminal action is pending in a superior court, such court, upon application of a defendant, must or may order recognizance or bail as follows:

1. [~~When the defendant is charged with an offense or offenses of less than felony grade only, the court must order recognizance or bail.~~

~~2. When the defendant is charged with a felony, the court may, in its discretion, order recognizance or bail. In any such case in which an indictment (a) has resulted from an order of a local criminal court holding the defendant for the action of the grand jury, or (b) was filed at a time when a felony complaint charging the same conduct was pending in a local criminal court, and in which such local criminal court or a superior court judge has issued an order of recognizance or bail which is still effective, the superior court's order may be in the form of a direction continuing the effectiveness of the previous order.~~] **In cases where the most serious charge facing the defendant in the case before the court or a pending case is a misdemeanor or a felony other than that enumerated in section 70.02 of the penal law or a class A felony offense defined in the penal law, release the principal pending trial on the principal's personal recognizance, unless the court finds on the record that release on recognizance will not reasonably assure the individual's court attendance. In such instances, the court will release the individual under non-monetary conditions, selecting the least restrictive alternative that will reasonably assure the principal's court attendance. The court will support its choice of alternative on the record. The principal shall not be required to pay for any part of the cost of release under non-monetary conditions, except that a principal may be required to pay for all or a portion of the cost of electronic monitoring unless the principal is indigent and cannot pay all or a portion of the cost of such monitoring.**

2. In cases where the most serious charge facing the defendant in the case before the court or a pending case is a felony enumerated in section 70.02 of the penal law or a class A felony offense defined in the penal law, release the principal pending trial on the principal's personal recognizance, or release the principal under non-monetary conditions, or fix bail, selecting the least restrictive alternative that will reasonably assure the principal's court appearance when required. The court will support its choice of alternative on the record.

3. **Notwithstanding the above, in cases where the people indicate that they intend to move for pretrial detention as set out in article five hundred forty-five of this title, the court shall commit the defendant to the custody of the sheriff.**

4. Notwithstanding the provisions of [~~subdivision~~] **subdivisions one and** two, a superior court may not [~~order recognizance or bail~~] **issue a securing order**, or permit a defendant to remain at liberty pursuant to an existing order, after [~~he~~] **the defendant** has been convicted of either: (a) a class A felony or (b) any class B or class C felony defined in article one hundred thirty of the penal law committed or attempted to be committed by a person eighteen years of age or older against a person less than eighteen years of age. In either case the court must commit or remand the defendant to the custody of the sheriff.

[~~4.~~] **5.** Notwithstanding the provisions of [~~subdivision~~] **subdivisions one and** two, a superior court may not [~~order recognizance or bail~~] **issue a securing order** when the defendant is charged with a felony unless and

until the district attorney has had an opportunity to be heard in the matter and such court [~~has~~] **and counsel for the defense have** been furnished with a report as described in subparagraph (ii) of paragraph (b) of subdivision two of section 530.20 **of this article**.

§ 20. Subdivision 1 of section 530.45 of the criminal procedure law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

1. When the defendant is at liberty in the course of a criminal action as a result of a prior [~~order of recognizance or bail~~] **securing order** and the court revokes such order and then [~~either fixes no bail or fixes bail in a greater amount or in a more burdensome form than was previously fixed and remands or commits defendant to the custody of the sheriff, a judge designated in subdivision two, upon application of the defendant following conviction of an offense other than a class A felony or a class B or class C felony offense defined in article one hundred thirty of the penal law committed or attempted to be committed by a person eighteen years of age or older against a person less than eighteen years of age, and before sentencing, may issue a securing order and either release defendant on his own recognizance, or fix bail, or fix bail in a lesser amount or~~] **issues a more restrictive securing order** in a less [~~burdensome~~] **restrictive** form than fixed by the court in which the conviction was entered.

§ 21. Section 530.60 of the criminal procedure law, subdivision 1 as amended by chapter 565 of the laws of 2011, subdivision 2 as added by chapter 788 of the laws of 1981 and paragraph (a) of subdivision 2 as amended by chapter 794 of the laws of 1986, is amended to read as follows:

§ 530.60 [~~Order of recognizance or bail; revocation thereof~~] **Securing order; modification thereof upon court's own action**.

[~~1.~~] Whenever in the course of a criminal action or proceeding a defendant is at liberty as a result of [~~an order of recognizance or bail~~] **a securing order** issued pursuant to this chapter, and the court considers it necessary to review such order, it may, and by a bench warrant if necessary, require the defendant to appear before the court. Upon such appearance, the court, for good cause shown, may revoke [~~the order of recognizance or bail. If the defendant is entitled to recognizance or bail as a matter of right, the court must issue another such order. If he or she is not, the court may either issue such an order or commit the defendant to the custody of the sheriff. Where the defendant is committed to the custody of the sheriff and is held on a felony complaint, a new period as provided in section 180.80 of this chapter shall commence to run from the time of the defendant's commitment under this subdivision~~] **and modify the securing order, selecting the least restrictive alternative that will reasonably assure court appearance. If the most serious charge facing the defendant in the case before the court or a pending case is a misdemeanor or felony other than that enumerated in section 70.02 of the penal law or a class A felony defined in the penal law, the court must release the defendant on personal recognizance or set release with non-monetary conditions. Notwithstanding the foregoing, the people may move at any time for consideration of pretrial detention under article five hundred forty-five of this title if the defendant's alleged actions render the defendant eligible under for a hearing under that section**.

[~~2. (a) Whenever in the course of a criminal action or proceeding a defendant charged with the commission of a felony is at liberty as a result of an order of recognizance or bail issued pursuant to this arti-~~

~~cle it shall be grounds for revoking such order that the court finds reasonable cause to believe the defendant committed one or more specified class A or violent felony offenses or intimidated a victim or witness in violation of sections 215.15, 215.16 or 215.17 of the penal law while at liberty. Before revoking an order of recognizance or bail pursuant to this subdivision, the court must hold a hearing and shall receive any relevant, admissible evidence not legally privileged. The defendant may cross-examine witnesses and may present relevant, admissible evidence on his own behalf. Such hearing may be consolidated with, and conducted at the same time as, a felony hearing conducted pursuant to article one hundred eighty of this chapter. A transcript of testimony taken before the grand jury upon presentation of the subsequent offense shall be admissible as evidence during the hearing. The district attorney may move to introduce grand jury testimony of a witness in lieu of that witness' appearance at the hearing.~~

~~(b) Revocation of an order of recognizance or bail and commitment pursuant to this subdivision shall be for the following periods, either:~~

~~(i) For a period not to exceed ninety days exclusive of any periods of adjournment requested by the defendant; or~~

~~(ii) Until the charges contained within the accusatory instrument have been reduced or dismissed such that no count remains which charges the defendant with commission of a felony; or~~

~~(iii) Until reduction or dismissal of the charges contained within the accusatory instrument charging the subsequent offense such that no count remains which charges the defendant with commission of a class A or violent felony offense.~~

~~Upon expiration of any of the three periods specified within this paragraph, whichever is shortest, the court may grant or deny release upon an order of bail or recognizance in accordance with the provisions of this article. Upon conviction to an offense the provisions of article five hundred thirty of this chapter shall apply.~~

~~(c) Notwithstanding the provisions of paragraph (a) of this subdivision a defendant, against whom a felony complaint has been filed which charges the defendant with commission of a class A or violent felony offense committed while he was at liberty as specified therein, may be committed to the custody of the sheriff pending a revocation hearing for a period not to exceed seventy-two hours. An additional period not to exceed seventy-two hours may be granted by the court upon application of the district attorney upon a showing of good cause or where the failure to commence the hearing was due to the defendant's request or occurred with his consent. Such good cause must consist of some compelling fact or circumstance which precluded conducting the hearing within the initial prescribed period.~~]

§ 22. The criminal procedure law is amended by adding a new section 530.65 to read as follows:

§ 530.65 Violation of a condition of release, remedies available.

When a principal is released under non-monetary conditions, the court, upon motion by the people, may revoke and modify the securing order due to violations of those release conditions. In determining whether to revoke and modify the securing order, the court must consider the nature, the willfulness, and the seriousness of the violation and may only set a more restrictive condition or conditions or release if it finds that such conditions are necessary to reasonably assure the defendant's appearance in court. Notwithstanding the foregoing, the people may move at any time for consideration of pretrial detention under article five hundred forty-five of this title if the defendant's

alleged actions render the defendant eligible under for a hearing under that section.

§ 23. Title P of part 3 of the criminal procedure law is amended by adding a new article 545 to read as follows:

ARTICLE 545--PRETRIAL DETENTION

Section 545.10 Pretrial detention; when ordered.
545.20 Eligibility for a pretrial detention hearing.
545.30 Pretrial detention hearing.
545.40 Order for pretrial detention.
545.50 Reopening of pretrial hearing.
545.60 Length of detention for defendant held under a pretrial detention order.

§ 545.10 Pretrial detention; when ordered.

A county or superior court may order, before trial, the detention of a defendant if the people seek detention of the defendant under section 545.20 of this article, and, after a hearing pursuant to section 545.30 of this article, the court finds clear and convincing evidence that the defendant poses a high risk of flight before trial, or that defendant poses a current threat to the physical safety of a reasonably identifiable person or persons, and that no conditions or combination of conditions in the community will suffice to contain the aforesaid risk or threat.

§ 545.20 Eligibility for a pretrial detention hearing.

1. The people may make a motion with the court at any time seeking the pretrial detention of a defendant:

(a) charged with offenses involving domestic violence, or crimes involving serious violence or a class A felony defined in the penal law;

(b) charged with offenses involving witness intimidation under section 215.15, 215.16 or 215.17 of the penal law;

(c) charged with committing a new crime while in the community on recognizance, or non-monetary-conditions, or bail; or

(d) who willfully failed to appear in court.

2. Upon such motion by the people, the defendant shall be committed to the custody of the sheriff. If the person is at liberty, a warrant shall issue and the defendant brought into custody of the sheriff.

§ 545.30 Pretrial detention hearing.

1. A hearing shall be held within five working days from the people's motion. At the hearing, the defendant shall have the right to be represented by counsel, and, if financially unable to obtain counsel, to have counsel assigned. The defendant shall be afforded an opportunity to testify, to present witnesses, to cross-examine witnesses who appear at the hearing, and to present information by proffer or otherwise. The rules concerning the admissibility of evidence in criminal trials do not apply to the presentation and consideration of information during the hearing.

2. Discovery shall be afforded in accordance with pretrial hearings, as set out in criminal procedure law section 240.44.

3. In hearings in cases for which there is no indictment, the people shall establish probable cause that the eligible defendant committed the charged offense. The people must establish by clear and convincing evidence that defendant poses a high risk of flight or a current threat of physical danger to a reasonably identifiable person or persons and that no conditions or combination of conditions in the community will suffice to contain the aforesaid risk or threat. There shall be a rebuttable presumption, which the defendant may overcome by a preponderance of the evidence, that no conditions or combination of conditions in

the community will suffice to contain a current threat to the physical safety of a reasonably identifiable person or persons if the court finds probable cause that the defendant:

(a) committed a crime for which the defendant would be subject to a term of life imprisonment;

(b) committed a crime involving domestic violence or a crime involving serious violence or a class A felony offense defined in the penal law while the defendant was in the community on recognizance, or non-monetary conditions, or bail while charged with a crime enumerated in section 70.02 of the penal law or a class A felony offense;

(c) threatened, injured, intimidated, or attempted to threaten, injure or intimidate a prospective witness or juror in an criminal investigation or judicial proceeding; or

(d) committed a crime involving domestic violence or a crime involving serious violence or a class A felony offense defined in the penal law while armed with a firearm.

4. In determining whether the defendant presents a high risk of flight or a current threat of physical danger to a reasonably identifiable person or persons and whether no conditions or combinations of conditions in the community will suffice to contain such risk or threat, the court may take into account the following information:

(a) the nature and circumstances of the charged offense;

(b) the weight of the evidence against the defendant, except that the court may consider the admissibility of any evidence sought to be excluded;

(c) the defendant's current and prior history of failure to appear in court whether such failures to appear were willful;

(d) the nature and the credibility of the threat to the physical danger of a reasonably identifiable person or persons, if applicable; and

(e) whether, at the time of the current offense or arrest, the defendant was on probation, parole, or on release pending trial, sentencing or completion of a sentence in this state or other jurisdictions.

§ 545.40 Order for pretrial detention.

In a pretrial detention order issued pursuant to section 545.10 of this article, the court shall:

1. include written findings of fact and a written statement of the reasons for the detention; and

2. direct that the eligible defendant be afforded reasonable opportunity for private consultation with counsel.

§ 545.50 Reopening of pretrial hearing.

A pretrial detention hearing may be opened, before or after issuance of a pretrial detention order by the court, by motion of the people or the defendant, at any time before trial, if the court finds either a change of circumstances or that information exists that was not known to the people or to the defendant at the time of the hearing, that has a material bearing on the issue of whether defendant presents a high risk of failure to appear or a current threat to the physical safety of a reasonably identifiable person or persons and whether no conditions or combination of conditions will suffice to contain such risk or threat.

§ 545.60 Length of detention for defendant held under a pretrial detention order.

1. If a pretrial detention order is issued, a defendant shall not remain detained in jail for more than one hundred eighty days after the return of the indictment, if applicable, until the start of trial. In

cases where no indictment is required, the one hundred eighty days shall run from the pretrial detention order.

2. (a) The time within which the trial of the case commences may be extended for one or more additional periods not to exceed twenty days each on the basis of a motion submitted by the people and approved by the court. The additional period or periods of detention may be granted only on the basis of good cause shown, and shall be granted only for the additional time required to prepare for the trial of the person. Good cause may include, but not be limited to, the unavailability of an essential witness, the necessity for forensic analysis of evidence, the ability to conduct a joint trial with a co-defendant or co-defendants, severance of co-defendants which permits only one trial to commence within the time period, complex or major investigations, scheduling conflicts which arise shortly before the trial date, the inability to proceed to trial because of action taken by or at the behest of the defendant, the breakdown of a plea agreement on or immediately before the trial date, and allowing reasonable time to prepare for a trial after the circumstances giving rise to a tolling or extension of the one hundred eighty day period no longer exists.

(b) In computing the one hundred eighty days from indictment, if applicable, or the date of pretrial order, to commencement of trial, the following periods shall be excluded:

(i) any period from the filing of the notice of appeal to the issuance of the mandate in an interlocutory appeal;

(ii) any period attributable to any examination to determine the defendant's sanity or lack thereof or his or her mental or physical competency to stand trial;

(iii) any period attributable to the inability of the defendant to participate in the defendant's defense because of mental incompetency or physical incapacity; and

(iv) any period in which the defendant is otherwise unavailable for trial.

3. If a trial has not commenced within one hundred eighty days from indictment, if applicable, or pretrial detention order, as calculated above, and the defendant remains in custody, the defendant shall be released on recognizance or under non-monetary conditions of release pending trial on the underlying charge, unless:

(a) the trial is in progress,

(b) the trial has been delayed by the timely filing of motions, excluding motions for continuances;

(c) the trial has been delayed at the request of the defendant; or

(d) upon motion of the people, the court finds that a substantial and unjustifiable risk to the physical safety of a reasonably identifiable person would result from the defendant's release from custody, and that no appropriate conditions for the defendant's release would reasonably address that risk, and also finds that the failure to commence trial in accordance with the time requirements set forth in this section was not due to unreasonable delay by the people. If the court makes such a finding, the court may set an additional period of time in which the defendant's trial must commence.

§ 24. Subsection (b) of section 6805 of the insurance law, as added by chapter 181 of the laws of 2012, is amended to read as follows:

(b) A charitable bail organization shall:

(1) only deposit money as bail in the amount of [~~two~~] five thousand dollars or less for a defendant charged with one or more [~~misdemeanors~~] offenses as defined in subdivision one of section 10.00 of the penal

law, provided, however, that such organization shall not execute as surety any bond for any defendant;

(2) only deposit money as bail on behalf of a person who is financially unable to post bail, which may constitute a portion or the whole amount of such bail; and

(3) [~~only deposit money as bail in one county in this state. Provided, however, that a charitable bail organization whose principal place of business is located within a city of a million or more may deposit money as bail in the five counties comprising such city; and~~

~~(4)~~] not charge a premium or receive compensation for acting as a charitable bail organization.

§ 25. Paragraph (a) of subdivision 9 of section 216.05 of the criminal procedure law, as amended by chapter 258 of the laws of 2015, is amended to read as follows:

(a) If at any time during the defendant's participation in the judicial diversion program, the court has reasonable grounds to believe that the defendant has violated a release condition or has failed to appear before the court as requested, the court shall direct the defendant to appear or issue a bench warrant to a police officer or an appropriate peace officer directing him or her to take the defendant into custody and bring the defendant before the court without unnecessary delay; provided, however, that under no circumstances shall a defendant who requires treatment for opioid abuse or dependence be deemed to have violated a release condition on the basis of his or her participation in medically prescribed drug treatments under the care of a health care professional licensed or certified under title eight of the education law, acting within his or her lawful scope of practice. The provisions of [~~subdivision one of~~] section 530.60 of this chapter relating to [~~revocation of recognizance or bail~~] issuance of securing orders shall apply to such proceedings under this subdivision.

§ 26. Subdivision 3 of section 620.50 of the criminal procedure law is amended to read as follows:

3. A material witness order must be executed as follows:

(a) If the bail is posted and approved by the court, the witness must[~~, as provided in subdivision three of section 510.40,~~] be released and be permitted to remain at liberty; provided that, where the bail is posted by a person other than the witness himself, he may not be so released except upon his signed written consent thereto;

(b) If the bail is not posted, or if though posted it is not approved by the court, the witness must[~~, as provided in subdivision three of section 510.40,~~] be committed to the custody of the sheriff.

§ 27. This act shall take effect November 1, 2019.

PART D

Section 1. Section 240.10 of the criminal procedure law, as added by chapter 412 of the laws of 1979, is amended to read as follows:

§ 240.10 Discovery; definition of terms.

The following definitions are applicable to this article:

1. [~~"Demand to produce" means a written notice served by and on a party to a criminal action, without leave of the court, demanding to inspect property pursuant to this article and giving reasonable notice of the time at which the demanding party wishes to inspect the property designated.~~

[~~2.~~] "Attorneys' work product" means [~~property~~] material to the extent that it contains the opinions, theories or conclusions of the prosecutor, defense counsel or members of their legal staffs.

[~~3.~~] 2. "Property" or "material" means any existing tangible personal or real property, including, but not limited to, books, records, reports, memoranda, papers, photographs, tapes or other electronic recordings, articles of clothing, fingerprints, blood samples, fingernail scrapings or handwriting specimens, but excluding attorneys' work product.

[~~4.~~] 3. "At the trial" means as part of the [~~people's~~] prosecutor's or the defendant's direct case.

§ 2. Section 240.20 of the criminal procedure law, as added by chapter 412 of the laws of 1979, the opening paragraph of subdivision 1 as amended by chapter 317 of the laws of 1983, paragraphs (c), (d) and (g) of subdivision 1 as amended and paragraph (i) as added by chapter 558 of the laws of 1982, paragraph (e) of subdivision 1 as added and paragraphs (f), (g), (h) and (i) as relettered by chapter 795 of the laws of 1984, paragraph (j) of subdivision 1 as added by chapter 514 of the laws of 1986, and paragraph (k) of subdivision 1 as added by chapter 536 of the laws 1989, is amended to read as follows:

§ 240.20 Discovery; [~~upon demand of~~] automatic disclosure to defendant.

1. Except to the extent protected by court order[~~, upon a demand to produce by a defendant against whom~~] or right to redaction pursuant to this article, within fifteen days of arraignment on an indictment, superior court information, prosecutor's information, information, or simplified information charging a misdemeanor is pending, the prosecutor shall disclose to the defendant and make available for inspection, photographing, copying or testing, the following property:

(a) Any written, recorded or oral statement of the defendant, and of a co-defendant to be tried jointly, made, other than in the course of the criminal transaction, to a public servant engaged in law enforcement activity or to a person then acting under [~~his~~] the direction of, or in cooperation with [~~him~~] such public servant;

(b) Any transcript of testimony relating to the criminal action or proceeding pending against the defendant, given by the defendant, or by a co-defendant to be tried jointly, before any grand jury;

(c) Any written report or document, or portion thereof, concerning a physical or mental examination, or scientific test or experiment, relating to the criminal action or proceeding which was made by, or at the request or direction of a public servant engaged in law enforcement activity, or which was made by a person whom the prosecutor intends to call as a witness at trial, or which the [~~people intend~~] prosecutor intends to introduce at trial;

(d) Any photograph or drawing relating to the criminal action or proceeding which was made or completed by a public servant engaged in law enforcement activity, or which was made by a person whom the prosecutor intends to call as a witness at trial, or which the [~~people intend~~] prosecutor intends to introduce at trial;

(e) Any photograph, photocopy or other reproduction made by or at the direction of a police officer, peace officer or prosecutor of any property prior to its release pursuant to the provisions of section 450.10 of the penal law, irrespective of whether the people intend to introduce at trial the property or the photograph, photocopy or other reproduction[~~.~~];

(f) Any other property obtained from the defendant, or a co-defendant to be tried jointly;

(g) Any tapes or other electronic recordings which the prosecutor intends to introduce at trial, irrespective of whether such recording was made during the course of the criminal transaction;

(h) [~~Anything~~] Any other property or information required to be disclosed, prior to trial, to the defendant by the prosecutor, pursuant to the constitution of this state or of the United States[~~.~~] including, but not limited to, all evidence and information, whether or not admissible or recorded in tangible form, that tends to (i) exculpate the defendant; (ii) mitigate the defendant's culpability as to a charged offense; (iii) support a potential defense to a charged offense; (iv) significantly impugn the credibility of an important prosecution witness; or (v) a summary of all promises, rewards and inducements made to persons who may be called as witnesses, as well as requests for consideration by persons who may be called as witnesses, and copies of all documents relevant to a promise, reward or inducement. The prosecution shall disclose evidence or information under this subdivision expeditiously upon its receipt by the prosecutor, notwithstanding the otherwise-applicable time periods for disclosure in this article;

(i) The approximate date, time and place of the offense charged and of defendant's arrest[~~.~~];

(j) In any prosecution under penal law section 156.05 or 156.10, the time, place and manner of notice given pursuant to subdivision six of section 156.00 of such law[~~.~~];

(k) [~~in~~] In any prosecution commenced in a manner set forth in this subdivision alleging a violation of the vehicle and traffic law, in addition to any material required to be disclosed pursuant to this article, any other provision of law, or the constitution of this state or of the United States, any written report or document, or portion thereof, concerning a physical examination, a scientific test or experiment, including the most recent record of inspection, or calibration or repair of machines or instruments utilized to perform such scientific tests or experiments and the certification certificate, if any, held by the operator of the machine or instrument, which tests or examinations were made by or at the request or direction of a public servant engaged in law enforcement activity or which was made by a person whom the prosecutor intends to call as a witness at trial, or which the people intend to introduce at trial[~~.~~];

(l) A list of all tangible objects obtained from, or allegedly possessed by, the defendant or a co-defendant. The list shall include a designation by the prosecutor as to which objects were recovered during a search or seizure by a public servant or an agent thereof, and which tangible objects were recovered by a public servant or an agent thereof after allegedly being abandoned by the defendant;

(m) A statement indicating whether a search warrant has been executed and all documents relating thereto, including but not limited to the warrant, the warrant application, supporting affidavits, a police inventory of all property seized under the warrant, and a transcript of all testimony or other oral communications offered in support of the warrant application;

(n) Any expert opinion evidence, including the name, business address, and current curriculum vitae, whom the prosecutor intends to call as a witness at trial or a pre-trial hearing, and all reports prepared by the expert that pertain to the case, or if no report is prepared, a written statement of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. This paragraph does not alter or in any way affect the procedures, obligations or

rights set forth in section 250.10 of this title. If in the exercise of reasonable diligence this information is unavailable for disclosure within the time period specified in this subdivision, that period shall be stayed without need for a motion pursuant to this article; except that the disclosure shall be made as soon as practicable and not later than sixty calendar days before a scheduled trial date, unless an order for further delay upon a showing of good cause is obtained. When the prosecution's expert witness is being called in response to disclosure of an expert witness by the defendant, the court may alter a scheduled trial date, if necessary, to allow the prosecution thirty calendar days to make the disclosure and the defendant thirty calendar days to prepare and respond to the new materials.

2. The prosecutor shall make a prompt diligent, good faith effort to ascertain the existence of [~~demanded~~] property subject to disclosure under this section and to cause such property to be made available for discovery where it exists but is not within the prosecutor's possession, custody or control; provided, that the prosecutor shall not be required to obtain by subpoena duces tecum demanded material which the defendant may thereby obtain.

3. Upon motion of a party in an individual case, the court may alter the time periods for discovery imposed by this article upon a showing of good cause.

§ 3. The criminal procedure law is amended by adding a new section 240.21 to read as follows:

§ 240.21 Discovery; disclosure of police reports and prior statements of prospective witnesses.

1. Except to the extent protected by court order or right to redaction pursuant to this article, within thirty days of arraignment on an indictment, superior court information, prosecutor's information, information or simplified information charging a misdemeanor, the prosecutor shall disclose to the defendant the following property, provided it is in the possession of the prosecutor:

(a) Any report of a factual nature relating to the criminal action or proceeding against the defendant and prepared by the prosecutor;

(b) Any report relating to the criminal action or proceeding against the defendant prepared by, or at the direction of, a police officer, as defined in subdivision thirty-four of section 1.20 of this chapter, who is employed by a law enforcement agency which participated in the investigation, arrest or post-arrest processing of the defendant with respect to the criminal action or proceeding against the defendant;

(c) Any report, other than those described by paragraphs (a) and (b) of this subdivision, relating to the criminal action or proceeding against the defendant, which was prepared by a law enforcement officer, provided such report is in the actual possession of the prosecutor; and

(d) Any written or recorded statement, excluding grand jury testimony, made by a witness whom the prosecutor intends to call at a pre-trial hearing or at trial and which relates to the subject matter of that witness' prospective testimony.

2. The prosecutor shall make a prompt diligent, good faith effort to ascertain the existence of property subject to disclosure under this section and to cause such property to be made available for discovery where it exists but is not within the prosecutor's possession, custody or control; provided, that the prosecutor shall not be required to obtain by subpoena duces tecum demanded material which the defendant may thereby obtain.

3. Upon motion of a party in an individual case, the court may alter the time periods for discovery imposed by this article upon a showing of good cause.

§ 4. Section 240.30 of the criminal procedure law, as added by chapter 412 of the laws of 1979, subdivision 1 as amended by chapter 558 of the laws of 1982, and the opening paragraph of subdivision 1 as amended by chapter 317 of the laws of 1983, is amended to read as follows:

§ 240.30 Discovery; [~~upon demand of~~] **automatic disclosure to the** prosecutor.

1. Except to the extent protected by court order **or right to redaction pursuant to this article**, [~~upon a demand to produce by the prosecutor,~~] **within fifteen days of disclosure by the prosecutor pursuant to section 240.20 of this article, and prior to trial,** a defendant against whom an indictment, superior court information, prosecutor's information, information, or simplified information charging a misdemeanor is pending shall disclose and make available **to the prosecution** for inspection, photographing, copying or testing, subject to constitutional limitations:

(a) any written report or document, or portion thereof, concerning a physical or mental examination, or scientific test, experiment, or comparisons, made by or at the request or direction of, the defendant, if the defendant intends to introduce such report or document at trial, or if the defendant has filed a notice of intent to proffer psychiatric evidence and such report or document relates thereto, or if such report or document was made by a person, other than defendant, whom defendant intends to call as a witness at trial; [~~and~~]

(b) any photograph, drawing, tape or other electronic recording which the defendant intends to introduce at trial[~~.~~]**;**

(c) All statements, written or recorded or summarized in any writing or recording, made by all persons other than the defendant whom the defendant intends to call as witnesses at trial or a pre-trial hearing; except that disclosure of such statements made by a person whom the defendant intends to call as a witness for the sole purpose of impeaching a prosecution witness is not required until after the prosecution witness has testified;

(d) A summary of all promises, rewards and inducements made to persons whom the defendant intends to call as witnesses at trial or a pre-trial hearing, as well as requests for consideration by such persons, and copies of all documents relevant to a promise, reward or inducement;

(e) All tangible property, including but not limited to tapes or other electronic recordings and photographs and drawings, that the defendant intends to introduce in the defendant's case-in-chief at trial or a pre-trial hearing. If in the exercise of reasonable diligence counsel for the defendant has not formed an intention within the time period specified in this section that an item under this subdivision will be introduced at trial or a pre-trial hearing, that period shall be stayed without need for a motion; but the disclosure shall be made as soon as practicable and subject to the continuing duty to disclose;

(f) All reports and documents concerning physical or mental examinations, or scientific tests or experiments or comparisons, which the defendant intends to introduce at trial or a pre-trial hearing, or which were made by a person whom the defendant intends to call as a witness at trial or a pre-trial hearing;

(g) Intended expert opinion evidence, including the name, business address, and current curriculum vitae, whom the defendant intends to call as a witness at trial or a pre-trial hearing, and all reports

prepared by the expert that pertain to the case, or if no report is prepared, a written statement of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. This paragraph does not alter or in any way affect the procedures, obligations or rights set forth in section 250.10 of this title. If in the exercise of reasonable diligence this information is unavailable for disclosure within the time period specified in this subdivision, that period shall be stayed without need for a motion; except that the disclosure shall be made as soon as practicable and not later than thirty calendar days before a scheduled trial date, unless an order is obtained.

2. The defense shall make a diligent good faith effort to make such property available for discovery where it exists but the property is not within its possession, custody or control, provided, that the defendant shall not be required to obtain by subpoena duces tecum demanded material that the prosecutor may thereby obtain.

§ 5. Section 240.35 of the criminal procedure law, as added by chapter 412 of the laws of 1979, is amended to read as follows:

§ 240.35 Discovery; refusal [~~of demand~~] to disclose.

Notwithstanding the provisions of sections 240.20, 240.21, and 240.30 of this article, the prosecutor or the defendant, as the case may be, may refuse to disclose any information which [~~he~~] that party reasonably believes is not discoverable [~~by a demand to produce~~], pursuant to [~~section 240.20 or section 240.30 as the case may be,~~] this article or for which [~~he~~] the party reasonably believes a protective order or a right to redaction would be warranted. Such refusal shall be made in a writing, which shall set forth the grounds of such belief as fully as possible, consistent with the objective of the refusal. The writing shall be served upon the [~~demanding~~] other party and a copy shall be filed with the court. Such refusal shall be made within the time by which disclosure is required, but may be made after that time, as the court may determine is required in the interest of justice.

§ 6. Section 240.40 of the criminal procedure law, as added by chapter 412 of the laws of 1979, subdivision 1 as amended by chapter 19 of the laws of 2012, the opening paragraph of subdivision 2 as amended by chapter 317 of the laws of 1983, and the closing paragraph of subdivision 2 as amended by chapter 481 of the laws of 1983, is amended to read as follows:

§ 240.40 Discovery; upon court order.

1. Upon [~~motion~~] application of a defendant against whom an indictment, superior court information, prosecutor's information, information, or simplified information charging a misdemeanor is pending, the court in which such accusatory instrument is pending:

(a) must order discovery as to any material not disclosed [~~upon a demand~~] pursuant to section 240.20, if it finds that the prosecutor's refusal to disclose such material is not justified; (b) must, unless it is satisfied that the [~~people have~~] prosecutor has shown good cause why such an order should not be issued, order discovery or issue any other order authorized by subdivision one of section 240.70 as to any material not disclosed [~~upon demand~~] pursuant to section 240.20 where the prosecutor has failed to serve a timely written refusal pursuant to section 240.35; (c) may order discovery with respect to any other property, which the people intend to introduce at the trial, upon a showing by the defendant that discovery with respect to such property is material to the preparation of his or her defense, and that the request is reasonable; and (d) where property in the people's possession, custody, or

control that consists of a deoxyribonucleic acid ("DNA") profile obtained from probative biological material gathered in connection with the investigation or prosecution of the defendant and the defendant establishes that such profile complies with federal bureau of investigation or state requirements, whichever are applicable and as such requirements are applied to law enforcement agencies seeking a keyboard search or similar comparison, and that the data meets state DNA index system or national DNA index system criteria as such criteria are applied to law enforcement agencies seeking such a keyboard search or similar comparison, the court may order an entity that has access to the combined DNA index system or its successor system to compare such DNA profile against DNA databanks by keyboard searches, or a similar method that does not involve uploading, upon notice to both parties and the entity required to perform the search, upon a showing by the defendant that such a comparison is material to the presentation of his or her defense and that the request is reasonable. For purposes of this paragraph, a "keyboard search" shall mean a search of a DNA profile against the databank in which the profile that is searched is not uploaded to or maintained in the databank. Upon granting the motion pursuant to paragraph (c) of this subdivision, the court shall, upon motion of the people showing such to be material to the preparation of their case and that the request is reasonable, condition its order of discovery by further directing discovery by the people of property, of the same kind or character as that authorized to be inspected by the defendant, which he or she intends to introduce at the trial. **The prosecutor may redact any such property and the court may review that redaction, as set forth in this article.**

2. Upon motion of the prosecutor, and subject to constitutional limitation, the court in which an indictment, superior court information, prosecutor's information, information, or simplified information charging a misdemeanor is pending: (a) must order discovery as to any property not disclosed [~~**upon a demand**~~] pursuant to section 240.30, if it finds that the defendant's refusal to disclose such material is not justified; and (b) may order the defendant to provide non-testimonial evidence. Such order may, among other things, require the defendant to:

(i) Appear in a line-up;

(ii) Speak for identification by **a** witness or **a** potential witness;

(iii) Be fingerprinted;

(iv) Pose for photographs not involving reenactment of an event;

(v) Permit the taking of samples of blood, hair or other materials from his **or her** body in a manner not involving an unreasonable intrusion thereof or a risk of serious physical injury thereto;

(vi) Provide specimens of his **or her** handwriting;

(vii) Submit to a reasonable physical or medical inspection of his **or her** body.

This subdivision shall not be construed to limit, expand, or otherwise affect the issuance of a similar court order, as may be authorized by law, before the filing of an accusatory instrument consistent with such rights as the defendant may derive from the constitution of this state or of the United States. This section shall not be construed to limit or otherwise affect the [~~**adminstration**~~] **administration** of a chemical test where otherwise authorized pursuant to section one thousand one hundred ninety-four-a of the vehicle and traffic law.

3. An order pursuant to this section may be denied, limited or conditioned as provided in section 240.50 **of this article**.

§ 7. Section 240.43 of the criminal procedure law, as added by chapter 222 of the laws of 1987, is amended to read as follows:

§ 240.43 Discovery; disclosure of prior uncharged criminal, vicious or immoral acts.

Upon a request by a defendant, the prosecutor shall notify the defendant of all specific instances of a defendant's prior uncharged criminal, vicious or immoral conduct of which the prosecutor has knowledge and which the prosecutor intends to use at trial for purposes of impeaching the credibility of the defendant. Such notification by the prosecutor shall be made [~~immediately prior to the commencement of jury selection, except that the court may, in its discretion, order such notification and make its determination as to the admissibility for impeachment purposes of such conduct within a period of three days, excluding Saturdays, Sundays and holidays,~~] **fifteen days** prior to the commencement of jury selection.

§ 8. The opening paragraph of section 240.44 of the criminal procedure law, as added by chapter 558 of the laws of 1982, is amended to read as follows:

Subject to a protective order **or the right to redaction**, at a pretrial hearing held in a criminal court at which a witness is called to testify, each party, at the conclusion of the direct examination of each of its witnesses, shall, upon request of the other party, make available to that party to the extent not previously disclosed:

§ 9. Section 240.45 of the criminal procedure law, as amended by chapter 558 of the laws 1982, paragraph (a) of subdivision 1 as amended by chapter 804 of the laws 1984, is amended to read as follows:

§ 240.45 Discovery; upon trial, of prior statements and criminal history of witnesses.

1. [~~After the jury has been sworn and before the prosecutor's opening address, or in the case of a single judge trial after commencement and before submission of evidence, the~~] **The** prosecutor shall, subject to a protective order **or right to redaction**, make available to the defendant **fifteen days prior to the commencement of jury selection**:

(a) Any written or recorded statement, including any testimony before a grand jury and an examination videotaped pursuant to section 190.32 of this chapter, made by a person whom the prosecutor intends to call as a witness at trial, and which relates to the subject matter of the witness's testimony;

(b) A record of judgment of conviction of a witness the people intend to call at trial if the record of conviction is known by the prosecutor to exist;

(c) The existence of any pending criminal action against a witness the people intend to call at trial, if the pending criminal action is known by the prosecutor to exist.

The provisions of paragraphs (b) and (c) of this subdivision shall not be construed to require the prosecutor to fingerprint a witness or otherwise cause the division of criminal justice services or other law enforcement agency or court to issue a report concerning a witness.

2. [~~After presentation of the people's direct case and before the presentation of the defendant's direct case, the~~] **The** defendant shall, subject to a protective order **or right to redaction**, make available to the prosecutor **within fifteen days prior to the commencement of jury selection**:

(a) any written or recorded statement made by a person other than the defendant whom the defendant intends to call as a witness at the trial, and which relates to the subject matter of the witness's testimony;

(b) a record of judgment of conviction of a witness, other than the defendant, the defendant intends to call at trial if the record of conviction is known by the defendant to exist;

(c) the existence of any pending criminal action against a witness, other than the defendant, the defendant intends to call at trial, if the pending criminal action is known by the defendant to exist.

§ 10. Section 240.50 of the criminal procedure law, as added by chapter 412 of the laws of 1979, subdivision 4 as amended by chapter 348 of the laws of 1985, is amended to read as follows:

§ 240.50 Discovery; protective orders.

1. The court in which the criminal action is pending may, upon motion of either party, or of any affected person, or upon determination of a motion of either party for an order of discovery, or upon its own initiative, issue a protective order denying, limiting, conditioning, delaying or regulating discovery pursuant to this article for good cause, including constitutional limitations, danger to the integrity of physical evidence or a substantial risk of physical harm, intimidation, economic reprisal, bribery or unjustified annoyance or embarrassment to any person or an adverse effect upon the legitimate needs of law enforcement, including the protection of the confidentiality of informants, **or danger to any person stemming from factors such as a defendant's gang affiliation, prior history of interfering with witnesses, or threats or intimidating actions directed at potential witnesses,** or any other factor or set of factors which outweighs the usefulness of the discovery.

2. An order limiting, conditioning, delaying or regulating discovery may, among other things, require that any material copied or derived therefrom be maintained in the exclusive possession of the attorney for the discovering party and be used for the exclusive purpose of preparing for the defense or prosecution of the criminal action.

3. A motion for a protective order shall suspend discovery of the particular matter in dispute.

4. Notwithstanding any other provision of this article, the personal residence address of a police officer or correction officer shall not be required to be disclosed except pursuant to an order issued by a court following a finding of good cause.

5. (a) A party that has unsuccessfully sought, or unsuccessfully opposed the granting of, a protective order under this section relating to the name, address, contact information or statements of a person may obtain expedited review of that ruling by an individual justice of the intermediate appellate court to which an appeal from a judgment of conviction in the case would be taken.

(b) Such review shall be sought within two business days of the adverse or partially adverse ruling, by order to show cause filed with the intermediate appellate court. The order to show cause shall in addition be timely served on the lower court and on the opposing party, and shall be accompanied by a sworn affirmation stating in good faith (i) that the ruling affects substantial interests, and (ii) that diligent efforts to reach an accommodation of the underlying discovery dispute with opposing counsel failed or that no accommodation was feasible; except that service on the opposing party, and a statement regarding efforts to reach an accommodation, are unnecessary where the opposing party was not made aware of the application for a protective order and good cause exists for omitting service of the order to show cause on the opposing party. The lower court's order subject to review shall be stayed until the appellate justice renders a decision.

(c) The assignment of the individual appellate justice, and the mode of and procedure for the review, are determined by rules of the individual appellate courts. The appellate justice may consider any relevant and reliable information bearing on the issue, and may dispense with written briefs other than supporting and opposing materials previously submitted to the lower court. The appellate justice may dispense with the issuance of a written opinion in rendering his or her decision, and when practicable shall render decision expeditiously. Such review and decision shall not affect the right of a defendant, in a subsequent appeal from a judgment of conviction, to claim as error the ruling reviewed.

6. Any protective order issued under this article is a mandate of the court for purposes of the offense of criminal contempt in subdivision three of section 215.50 of the penal law.

§ 11. The criminal procedure law is amended by adding a new section 240.51 to read as follows:

§ 240.51 Discovery; right to redaction.

1. Any property, material, report or statement required to be disclosed under this article may be redacted by the prosecutor to eliminate information, the disclosure of which could interfere with an ongoing investigation or case.

(a) Upon application of the defendant, such redaction may be reviewed by the court and disclosure may be ordered, unless the prosecutor demonstrates that disclosure of the redacted information could interfere with an ongoing investigation or case or demonstrates the need for any other protective order. Upon application by either party, the court may review any such redaction in an ex parte, in camera, proceeding. In assessing whether the prosecutor demonstrates that disclosure of the redacted information could interfere with an ongoing investigation or case, the court may consider:

(i) The pending charges against defendant;

(ii) Defendant's character, reputation;

(iii) Defendant's criminal record, if any;

(iv) Defendant's record of previous adjudication as a juvenile delinquent, as retained pursuant to section 354.2 of the family court act, or, of pending cases where fingerprints are retained pursuant to section 306.1 of such act, or a youthful offender, if any;

(v) Where the defendant is charged with a crime or crimes against a member or members of the same family or household as that term is defined in subdivision one of section 530.11 of this chapter, the following factors:

(A) any violation by the defendant of an order of protection of a member or members of the same family or household as that term is defined in subdivision one of section 530.11 of this chapter, whether or not such order of protection is currently in effect; and

(B) the defendant's history of use or possession of a firearm;

(vi) The weight of the evidence against the defendant in the pending criminal action and any other factor indicating probability or improbability of conviction;

(vii) The sentence which may be or has been imposed upon conviction;

(viii) Witness' desire to have identity remain confidential;

(ix) Witness' role in the proceeding;

(x) Public safety;

(xi) Defendant's affiliation with any gangs or organizations and whether the gang or organization has any history of interfering with witnesses or intimidating witnesses;

(xii) Any history of defendant, or those affiliated with defendant, interfering with witnesses or intimidating witnesses; and

(xiii) Defendant's constitutional right under both the federal and state constitution to present a defense.

(b) Any report that is redacted pursuant to this subdivision shall so indicate, unless the court orders otherwise, in the interest of justice for good cause shown, including the protection of witnesses or maintaining the confidentiality of an ongoing investigation.

(c) Any property, material, report or statement required to be disclosed under this article may be redacted by the prosecutor to eliminate the name, address, or any other information that serves to identify with particularity a person supplying information relating to the criminal action or proceeding against the defendant.

2. Nothing in this section shall be construed to create, limit, expand or in any way affect any authority that the court otherwise may have to order pre-trial disclosure of the identity or address of a witness.

3. Upon motion of a party in an individual case, the court may alter the time periods for discovery imposed by this article upon a showing of good cause.

§ 12. Section 240.60 of the criminal procedure law, as added by chapter 412 of the laws of 1979, is amended to read as follows:

§ 240.60 Discovery; continuing duty to disclose.

If, after complying with the provisions of this article or an order pursuant thereto, a party finds, either before or during trial, additional material subject to discovery or covered by such order, [~~he~~] the party shall promptly make disclosure of such material and comply with [~~the demand or order, refuse to comply with the demand where refusal is authorized~~] this article, or apply for a protective order.

§ 13. Subdivision 1 of section 240.70 of the criminal procedure law, as added by chapter 412 of the laws of 1979, is amended to read as follows:

1. If, during the course of discovery proceedings, the court finds that a party has failed to comply with any of the provisions of this article, the court may order such party to permit discovery of the property not previously disclosed, grant a continuance, issue a protective order, grant an adverse inference instruction to the trier of fact, prohibit the introduction of certain evidence or the calling of certain witnesses or take any other appropriate action.

§ 14. Section 240.80 of the criminal procedure law is REPEALED.

§ 15. The penal law is amended by adding a new section 215.07 to read as follows:

§ 215.07 Tampering with or intimidating a victim or witness through social media.

1. A person is guilty of tampering with or intimidating a victim or witness through social media when he or she disseminates information on social media with the intent to induce a witness or victim:

(a) to absent himself or herself from, or otherwise to avoid or seek to avoid appearing at, producing records, documents or other objects for use at, or testifying at a criminal action or proceeding; or

(b) refrain from communicating information or producing records, documents or other objects to any court, grand jury, prosecutor, police officer or peace officer concerning a criminal transaction.

2. Social media includes, but is not limited to forms of communication through which users participate in online communities to share information, ideas, personal messages, and other content.

Tampering with or intimidating a victim or witness through social media is a class A misdemeanor.

§ 16. Section 215.10 of the penal law, the section heading and the closing paragraph as amended by chapter 664 of the laws of 1982, is amended to read as follows:

§ 215.10 Tampering with a witness in the [~~fourth~~] **fifth** degree.

A person is guilty of tampering with a witness **in the fifth degree** when, knowing that a person [~~is or is about to~~] **may** be called as a witness in an action or proceeding, (a) he **or she** wrongfully induces or attempts to induce such person to absent himself **or herself** from, or otherwise to avoid or seek to avoid appearing **at, producing records, documents or other objects for use at** or testifying at, such action or proceeding, or (b) he **or she** knowingly makes any false statement or practices any fraud or deceit with intent to affect the testimony of such person.

Tampering with a witness in the [~~fourth~~] **fifth** degree is a class A misdemeanor.

§ 17. Section 215.11 of the penal law, as added by chapter 664 of the laws of 1982, is amended to read as follows:

§ 215.11 Tampering with a witness in the [~~third~~] **fourth** degree.

A person is guilty of tampering with a witness in the [~~third~~] **fourth** degree when, knowing that a person [~~is about to~~] **may** be called as a witness in a criminal proceeding:

1. He **or she** wrongfully compels or attempts to compel such person to absent himself from, or otherwise to avoid or seek to avoid appearing **at, producing records, documents or other objects for use at** or testifying at such proceeding by means of instilling in him **or her** a fear that the actor will cause physical injury to such person or another person; or

2. He **or she** wrongfully compels or attempts to compel such person to swear falsely **or alter, destroy, mutilate or conceal an object with the intent to impair the integrity or availability of the object for use in the action or proceeding** by means of instilling in him **or her** a fear that the actor will cause physical injury to such person or another person.

Tampering with a witness in the [~~third~~] **fourth** degree is a class E felony.

§ 18. Section 215.12 of the penal law, as added by chapter 664 of the laws of 1982, is amended to read as follows:

§ 215.12 Tampering with a witness in the [~~second~~] **third** degree.

A person is guilty of tampering with a witness in the [~~second~~] **third** degree when he **or she**:

1. Intentionally causes **or attempts to cause** physical injury to a person for the purpose of obstructing, delaying, preventing or impeding the giving of testimony in a criminal proceeding by such person or another person or for the purpose of compelling such person or another person to swear falsely **or alter, destroy, mutilate or conceal an object with the intent to impair the integrity or availability of the object for use in the action or proceeding**; or

2. [~~He intentionally~~] **Intentionally** causes **or attempts to cause** physical injury to a person on account of such person or another person having testified in a criminal proceeding **or produced records, documents or other objects for use in a criminal proceeding**.

Tampering with a witness in the [~~second~~] **third** degree is a class D felony.

§ 19. Section 215.13 of the penal law, as added by chapter 664 of the laws of 1982, is amended to read as follows:

§ 215.13 Tampering with a witness in the [~~first~~] second degree.

A person is guilty of tampering with a witness in the [~~first~~] second degree when:

1. He or she intentionally causes or attempts to cause serious physical injury to a person for the purpose of obstructing, delaying, preventing or impeding the giving of testimony in a criminal proceeding by such person or another person or for the purpose of compelling such person or another person to swear falsely or alter, destroy, mutilate or conceal an object with the intent to impair the integrity or availability of the object for use in the action or proceeding; or

2. He or she intentionally causes or attempts to cause serious physical injury to a person on account of such person or another person having testified in a criminal proceeding or produced records, documents or other objects for use in a criminal proceeding.

Tampering with a witness in the [~~first~~] second degree is a class B felony.

§ 20. The penal law is amended by adding a new section 215.13-a to read as follows:

§ 215.13-a Tampering with a witness in the first degree.

A person is guilty of tampering with a witness in the first degree when:

1. He or she intentionally causes or attempts to cause the death of a person for the purpose of obstructing, delaying, preventing or impeding the giving of testimony in a criminal proceeding by such person or another person or for the purpose of compelling such person or another person to swear falsely or alter, destroy, mutilate or conceal an object with the intent to impair the integrity or availability of the object for use in the action or proceeding; or

2. He or she intentionally causes or attempts to cause the death of a person on account of such person or another person having testified in a criminal proceeding or produced records, documents or other objects for use in a criminal proceeding.

Tampering with a witness in the first degree is a class A-I felony.

§ 21. Section 215.15 of the penal law, as added by chapter 667 of the laws of 1985, is amended to read as follows:

§ 215.15 Intimidating a victim or witness in the [~~third~~] fourth degree.

A person is guilty of intimidating a victim or witness in the [~~third~~] fourth degree when, knowing that another person possesses information records, documents or other objects relating to a criminal transaction and other than in the course of that criminal transaction or immediate flight therefrom, he or she:

1. Wrongfully compels or attempts to compel such other person to refrain from communicating such information or producing records, documents or objects to any court, grand jury, prosecutor, police officer or peace officer by means of instilling in him a fear that the actor will cause physical injury to such other person or another person; or

2. Intentionally damages the property of such other person or another person for the purpose of compelling such other person or another person to refrain from communicating information or producing records, documents or other objects, or on account of such other person or another person having communicated[~~.~~] information or produced records, documents or other objects, relating to that criminal transaction to any court, grand jury, prosecutor, police officer or peace officer; or

3. Intentionally distributes or posts through the internet or social media, including any form of communication through which users participate in online communities to share information, ideas, personal messages and other content, copies of a victim or witness statement, including but not limited to transcripts of grand jury testimony or a written statement given by the victim or witness during the course of a criminal investigation or proceeding, or a visual image of a victim or witness or any other person, for the purpose of compelling a person to refrain from communicating, or on account of such victim, witness or another person having communicated, information relating to that criminal transaction to any court, grand jury, prosecutor, police officer or peace officer.

Intimidating a victim or witness in the [~~third~~] **fourth** degree is a class E felony.

§ 22. Section 215.16 of the penal law, as added by chapter 667 of the laws of 1985, is amended to read as follows:

§ 215.16 Intimidating a victim or witness in the [~~second~~] **third** degree.

A person is guilty of intimidating a victim or witness in the [~~second~~] **third** degree when, other than in the course of that criminal transaction or immediate flight therefrom, he **or she**:

1. Intentionally causes **or attempts to cause** physical injury to another person for the purpose of obstructing, delaying, preventing or impeding the communication by such other person or another person of information **or the production of records, documents or other objects** relating to a criminal transaction to any court, grand jury, prosecutor, police officer or peace officer or for the purpose of compelling such other person or another person to swear falsely; or

2. Intentionally causes **or attempts to cause** physical injury to another person on account of such other person or another person having communicated information **or produced records, documents or other objects** relating to a criminal transaction to any court, grand jury, prosecutor, police officer or peace officer; or

3. Recklessly causes physical injury to another person by intentionally damaging the property of such other person or another person, for the purpose of obstructing, delaying, preventing or impeding such other person or another person from communicating **or producing records, documents or other objects**, or on account of such other person or another person having communicated[~~,~~] information **or produced records, documents or other objects,** relating to a criminal transaction to any court, grand jury, prosecutor, police officer or peace officer.

Intimidating a victim or witness in the [~~second~~] **third** degree is a class D felony.

§ 23. Section 215.17 of the penal law, as added by chapter 667 of the laws of 1985, is amended to read as follows:

§ 215.17 Intimidating a victim or witness in the [~~first~~] **second** degree.

A person is guilty of intimidating a victim or witness in the [~~first~~] **second** degree when, other than in the course of that criminal transaction or immediate flight therefrom, he **or she**:

1. Intentionally causes **or attempts to cause** serious physical injury to another person for the purpose of obstructing, delaying, preventing or impeding the communication by such other person or another person of information **or the production of records, documents or other objects** relating to a criminal transaction to any court, grand jury, prosecutor, police officer or peace officer or for the purpose of compelling such other person or another person to swear falsely; or

2. Intentionally causes **or attempts to cause** serious physical injury to another person on account of such other person or another person having communicated information **or produced records, documents or other objects** relating to a criminal transaction to any court, grand jury, prosecutor, police officer or peace officer.

Intimidating a victim or witness in the [~~first~~] **second** degree is a class B felony.

§ 24. The penal law is amended by adding a new section 215.18 to read as follows:

§ 215.18 Intimidating a victim or witness in the first degree.

A person is guilty of intimidating a victim or witness in the first degree when, other than in the course of that criminal transaction or immediate flight therefrom, he or she:

1. Intentionally causes or attempts to cause the death of another person for the purpose of obstructing, delaying, preventing or impeding the communication by such other person or another person of information or the production of records, documents or other objects relating to a criminal transaction to any court, grand jury, prosecutor, police officer or peace officer or for the purpose of compelling such other person or another person to swear falsely; or

2. Intentionally causes or attempts to cause the death of another person on account of such other person or another person having communicated information or produced records, documents or other objects, relating to a criminal transaction to any court, grand jury, prosecutor, police officer or peace officer.

Intimidating a victim or witness in the first degree is a class A-I felony.

§ 25. The opening paragraph of paragraph (b) of subdivision 1 of section 440.30 of the criminal procedure law, as added by chapter 19 of the laws of 2012, is amended to read as follows:

In conjunction with the filing or consideration of a motion to vacate a judgment pursuant to section 440.10 of this article by a defendant convicted after a trial, in cases where the court has ordered an evidentiary hearing upon such motion, the court may order that the people produce or make available for inspection property, as defined in subdivision [~~three~~] **two** of section 240.10 of this part, in its possession, custody, or control that was secured in connection with the investigation or prosecution of the defendant upon credible allegations by the defendant and a finding by the court that such property, if obtained, would be probative to the determination of defendant's actual innocence, and that the request is reasonable. The court shall deny or limit such a request upon a finding that such a request, if granted, would threaten the integrity or chain of custody of property or the integrity of the processes or functions of a laboratory conducting DNA testing, pose a risk of harm, intimidation, embarrassment, reprisal, or other substantially negative consequences to any person, undermine the proper functions of law enforcement including the confidentiality of informants, or on the basis of any other factor identified by the court in the interests of justice or public safety. The court shall further ensure that any property produced pursuant to this paragraph is subject to a protective order, where appropriate. The court shall deny any request made pursuant to this paragraph where:

§ 26. Paragraph (a) of subdivision 2 of section 530.60 of the criminal procedure law, as amended by chapter 794 of the laws of 1986, is amended to read as follows:

(a) Whenever in the course of a criminal action or proceeding a defendant charged with the commission of a felony is at liberty as a result of an order of recognizance or bail issued pursuant to this article it shall be grounds for revoking such order that the court finds reasonable cause to believe the defendant committed one or more specified class A or violent felony offenses or intimidated a victim or witness in violation of sections 215.15, 215.16 [~~or~~], 215.17 **or 215.18** of the penal law while at liberty. Before revoking an order of recognizance or bail pursuant to this subdivision, the court must hold a hearing and shall receive any relevant, admissible evidence not legally privileged. The defendant may cross-examine witnesses and may present relevant, admissible evidence on his own behalf. Such hearing may be consolidated with, and conducted at the same time as, a felony hearing conducted pursuant to article one hundred eighty of this chapter. A transcript of testimony taken before the grand jury upon presentation of the subsequent offense shall be admissible as evidence during the hearing. The district attorney may move to introduce grand jury testimony of a witness in lieu of that witness' appearance at the hearing.

§ 27. Paragraph (c) of subdivision 2 of section 646-a of the executive law, as added by chapter 67 of the laws of 1994, is amended to read as follows:

(c) the rights of crime victims to be protected from intimidation and to have the court, where appropriate, issue protective orders as provided in sections 530.12 and 530.13 of the criminal procedure law and sections 215.15, 215.16 [~~and~~], 215.17 **and 215.18** of the penal law;

§ 28. Paragraph (a) of subdivision 1 of section 70.02 of the penal law, as amended by chapter 368 of the laws of 2015, is amended to read as follows:

(a) Class B violent felony offenses: an attempt to commit the class A-I felonies of murder in the second degree as defined in section 125.25, kidnapping in the first degree as defined in section 135.25, and arson in the first degree as defined in section 150.20; manslaughter in the first degree as defined in section 125.20, aggravated manslaughter in the first degree as defined in section 125.22, rape in the first degree as defined in section 130.35, criminal sexual act in the first degree as defined in section 130.50, aggravated sexual abuse in the first degree as defined in section 130.70, course of sexual conduct against a child in the first degree as defined in section 130.75; assault in the first degree as defined in section 120.10, kidnapping in the second degree as defined in section 135.20, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, robbery in the first degree as defined in section 160.15, sex trafficking as defined in paragraphs (a) and (b) of subdivision five of section 230.34, incest in the first degree as defined in section 255.27, criminal possession of a weapon in the first degree as defined in section 265.04, criminal use of a firearm in the first degree as defined in section 265.09, criminal sale of a firearm in the first degree as defined in section 265.13, aggravated assault upon a police officer or a peace officer as defined in section 120.11, gang assault in the first degree as defined in section 120.07, intimidating a victim or witness in the [~~first~~] **second** degree as defined in section 215.17, hindering prosecution of terrorism in the first degree as defined in section 490.35, criminal possession of a chemical weapon or biological weapon in the second degree as defined in section 490.40, and criminal use of a chemical weapon or biological weapon in the third degree as defined in section 490.47.

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

PART E

Section 1. Subdivisions 4-a, 4-b, 9 and 10 of section 1310 of the civil practice law and rules are REPEALED.

§ 2. Subdivision 8 of section 1310 of the civil practice law and rules, as added by chapter 669 of the laws of 1984, is amended to read as follows:

8. "Defendant" means a person against whom a forfeiture action is commenced [~~and includes a "criminal defendant" and a "non-criminal defendant"~~].

§ 3. Subdivision 3-a of section 1311 of the civil practice law and rules is REPEALED.

§ 4. Subdivisions 1, 3, 4, 4-a and 8 of section 1311 of the civil practice law and rules, subdivisions 1, 3, 4 and 8 as added by chapter 669 of the laws of 1984, the opening paragraph of subdivision 1 as amended and subparagraph (v) of paragraph (b) and paragraphs (d) and (e) of subdivision 3 and subdivision 4-a as added by chapter 655 of the laws of 1990, are amended to read as follows:

1. A civil action may be commenced by the appropriate claiming authority against a [~~criminal~~] defendant to recover the property which constitutes the proceeds of a crime, the substituted proceeds of a crime, an instrumentality of a crime or the real property instrumentality of a crime or to recover a money judgment in an amount equivalent in value to the property which constitutes the proceeds of a crime, the substituted proceeds of a crime, an instrumentality of a crime, or the real property instrumentality of a crime. [~~A civil action may be commenced against a non-criminal defendant to recover the property which constitutes the proceeds of a crime, the substituted proceeds of a crime, an instrumentality of a crime, or the real property instrumentality of a crime provided, however, that a judgment of forfeiture predicated upon clause (A) of subparagraph (iv) of paragraph (b) of subdivision three hereof shall be limited to the amount of the proceeds of the crime.~~] Any action under this article must be commenced within five years of the commission of the crime and shall be civil, remedial, and in personam in nature and shall not be deemed to be a penalty or criminal forfeiture for any purpose. Except as otherwise specially provided by statute, the proceedings under this article shall be governed by this chapter. An action under this article is not a criminal proceeding and may not be deemed to be a previous prosecution under article forty of the criminal procedure law.

[~~(a) Actions relating to post-conviction forfeiture crimes. An action relating to a post-conviction forfeiture crime must be grounded upon a conviction of a felony defined in subdivision five of section one thousand three hundred ten of this article, or upon criminal activity arising from a common scheme or plan of which such a conviction is a part, or upon a count of an indictment or information alleging a felony which was dismissed at the time of a plea of guilty to a felony in satisfaction of such count.~~] A court may not grant forfeiture until such conviction has occurred. However, an action may be commenced, and a court may grant a provisional remedy provided under this article, prior to such conviction having occurred. **Any property seized pursuant to this subdivision shall be returned to the defendant if the criminal action does not terminate in the defendant's conviction for a crime.** An

action under this paragraph must be dismissed at any time after sixty days of the commencement of the action unless the conviction upon which the action is grounded has occurred, or an indictment or information upon which the asserted conviction is to be based is pending in a superior court. An action under this paragraph shall be stayed during the pendency of a criminal action which is related to it; provided, however, that such stay shall not prevent the granting or continuance of any provisional remedy provided under this article or any other provisions of law.

[~~(b) Actions relating to pre-conviction forfeiture crimes. An action relating to a pre-conviction forfeiture crime need not be grounded upon conviction of a pre-conviction forfeiture crime, provided, however, that if the action is not grounded upon such a conviction, it shall be necessary in the action for the claiming authority to prove the commission of a pre-conviction forfeiture crime by clear and convincing evidence. An action under this paragraph shall be stayed during the pendency of a criminal action which is related to it; provided, that upon motion of a defendant in the forfeiture action or the claiming authority, a court may, in the interest of justice and for good cause, and with the consent of all parties, order that the forfeiture action proceed despite the pending criminal action; and provided that such stay shall not prevent the granting or continuance of any provisional remedy provided under this article or any other provision of law.~~]

3. In a forfeiture action pursuant to this article the following burdens of proof shall apply:

(a) In a forfeiture action [~~commenced by a claiming authority against a criminal defendant, except for those facts referred to in paragraph (b) of subdivision nine of section one thousand three hundred ten and paragaph (b) of subdivision one of this section which must be proven by clear and convincing evidence,~~] the burden shall be upon the claiming authority to prove by a preponderance of the evidence the facts necessary to establish a claim for forfeiture.

(b) [~~In a forfeiture action commenced by a claiming authority against a non-criminal defendant:~~

~~(i) in an action relating to a pre-conviction forfeiture crime, the burden shall be upon the claiming authority to prove by clear and convincing evidence the commission of the crime by a person, provided, however, that it shall not be necessary to prove the identity of such person.~~

~~(ii) if the action relates to the proceeds of a crime, except as provided in subparagraph (i) hereof, the burden shall be upon the claiming authority to prove by a preponderance of the evidence the facts necessary to establish a claim for forfeiture and that the non-criminal defendant either (A) knew or should have known that the proceeds were obtained through the commission of a crime, or (B) fraudulently obtained his or her interest in the proceeds to avoid forfeiture.~~

~~(iii) if the action relates to the substituted proceeds of a crime, except as provided in subparagraph (i) hereof, the burden shall be upon the claiming authority to prove by a preponderance of the evidence the facts necessary to establish a claim for forfeiture and that the non-criminal defendant either (A) knew that the property sold or exchanged to obtain an interest in the substituted proceeds was obtained through the commission of a crime, or (B) fraudulently obtained his or her interest in the substituted proceeds to avoid forfeiture.~~

~~(iv) if the action relates to an instrumentality of a crime, except as provided for in subparagraph (i) hereof, the burden shall be upon the~~

~~claiming authority to prove by a preponderance of the evidence the facts necessary to establish a claim for forfeiture and that the non-criminal defendant either (A) knew that the instrumentality was or would be used in the commission of a crime or (B) knowingly obtained his or her interest in the instrumentality to avoid forfeiture.~~

~~(v) if the action relates to a real property instrumentality of a crime, the burden shall be upon the claiming authority to prove those facts referred to in subdivision four-b of section thirteen hundred ten of this article by clear and convincing evidence. The claiming authority shall also prove by a clear and convincing evidence that the non-criminal defendant knew that such property was or would be used for the commission of specified felony offenses, and either (A) knowingly and unlawfully benefitted from such conduct or (B) voluntarily agreed to the use of such property for the commission of such offenses by consent freely given. For purposes of this subparagraph, a non-criminal defendant knowingly and unlawfully benefits from the commission of a specified felony offense when he derives in exchange for permitting the use or occupancy of such real property by a person or persons committing such specified offense a substantial benefit that would otherwise not accrue as a result of the lawful use or occupancy of such real property. "Benefit" means benefit as defined in subdivision seventeen of section 10.00 of the penal law.~~

~~(c) In a forfeiture action commenced by a claiming authority against a non-criminal defendant the following rebuttable presumptions shall apply:~~

~~(i) a non-criminal defendant who did not pay fair consideration for the proceeds of a crime, the substituted proceeds of a crime or the instrumentality of a crime shall be presumed to know that such property was the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime.~~

~~(ii) a non-criminal defendant who obtains an interest in the proceeds of a crime, substituted proceeds of a crime or an instrumentality of a crime with knowledge of an order of provisional remedy relating to said property issued pursuant to this article, shall be presumed to know that such property was the proceeds of a crime, substituted proceeds of a crime, or an instrumentality of a crime.~~

~~(iii) in an action relating to a post-conviction forfeiture crime, a non-criminal defendant who the claiming authority proves by clear and convincing evidence has criminal liability under section 20.00 of the penal law for the crime of conviction or for criminal activity arising from a common scheme or plan of which such crime is a part and who possesses an interest in the proceeds, the substituted proceeds, or an instrumentality of such criminal activity is presumed to know that such property was the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime.~~

~~(iv) a non-criminal defendant who participated in or was aware of a scheme to conceal or disguise the manner in which said non-criminal obtained his or her interest in the proceeds of a crime, substituted proceeds of a crime, or an instrumentality of a crime is presumed to know that such property was the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime.~~

~~(d)~~] In a forfeiture action commenced by a claiming authority against a defendant, the following rebuttable presumption shall apply: all currency or negotiable instruments payable to the bearer shall be presumed to be the proceeds of a pre-conviction forfeiture crime when such currency or negotiable instruments are (i) found in close proximity

to a controlled substance unlawfully possessed by the defendant in an amount sufficient to constitute a violation of section 220.18 or 220.21 of the penal law, or (ii) found in close proximity to any quantity of a controlled substance or marihuana unlawfully possessed by such defendant in a room, other than a public place, under circumstances evincing an intent to unlawfully mix, compound, distribute, package or otherwise prepare for sale such controlled substance or marihuana.

[~~(c)~~] **(c)** The presumption set forth pursuant to paragraph [~~(d)~~] **(b)** of this subdivision shall be rebutted by credible and reliable evidence which tends to show that such currency or negotiable instrument payable to the bearer is not the proceeds of a [~~preconviction forfeiture~~] crime. In an action tried before a jury, the jury shall be so instructed. Any sworn testimony of a defendant offered to rebut the presumption and any other evidence which is obtained as a result of such testimony, shall be inadmissible in any subsequent proceeding relating to the forfeiture action, or in any other civil or criminal action, except in a prosecution for a violation of article two hundred ten of the penal law. In an action tried before a jury, at the commencement of the trial, or at such other time as the court reasonably directs, the claiming authority shall provide notice to the court and to the defendant of its intent to request that the court charge such presumption.

4. The court in which a forfeiture action is pending may dismiss said action in the interests of justice upon its own motion or upon an application as provided for herein.

(a) At any time during the pendency of a forfeiture action, the claiming authority who instituted the action, or a defendant may (i) apply for an order dismissing the complaint and terminating the forfeiture action in the interest of justice, or (ii) may apply for an order limiting the forfeiture to an amount equivalent in value to the value of property constituting the proceeds or substituted proceeds of a crime in the interest of justice.

(b) Such application for the relief provided in paragraph (a) hereof must be made in writing and upon notice to all parties. The court may, in its discretion, direct that notice be given to any other person having an interest in the property.

(c) An application for the relief provided for in paragraph (a) hereof must be brought exclusively in the superior court in which the forfeiture action is pending.

(d) The court may grant the relief provided in paragraph (a) hereof if it finds that such relief is warranted by the existence of some compelling factor, consideration or circumstance demonstrating that forfeiture of the property [~~of~~] **or** any part thereof, would not serve the ends of justice. Among the factors, considerations and circumstances the court may consider, among others, are:

(i) the seriousness and circumstances of the crime to which the property is connected relative to the impact of forfeiture of property upon the person who committed the crime; or

(ii) the adverse impact of a forfeiture of property upon innocent persons; or

(iii) [~~the appropriateness of a judgment of forfeiture in an action relating to pre-conviction forfeiture crime where~~] **the likelihood that** the criminal proceeding based on the crime to which the property is allegedly connected [~~results~~] **will result** in an acquittal of the criminal defendant or a dismissal of the accusatory instrument on the merits; or

(iv) in the case of an action relating to an instrumentality, whether the value of the instrumentality substantially exceeds the value of the property constituting the proceeds or substituted proceeds of a crime.

(e) The court must issue a written decision stating the basis for an order issued pursuant to this subdivision.

4-a. (a) The court in which a forfeiture action relating to real property is pending may, upon its own motion or upon the motion of the claiming authority which instituted the action, the defendant, or any other person who has a lawful property interest in such property, enter an order:

(i) appointing an administrator pursuant to section seven hundred seventy-eight of the real property actions and proceedings law when the owner of a dwelling is a defendant in such action, and when persons who are not defendants in such action lawfully occupy one or more units within such dwelling, in order to maintain and preserve the property on behalf of such persons or any other person or entity who has a lawful property interest in such property, or in order to remedy any other condition which is dangerous to life, health or safety; or

(ii) otherwise limiting, modifying or dismissing the forfeiture action in order to preserve or protect the lawful property interest of [~~any non-criminal defendant or~~] any other person who is not a [~~criminal~~] defendant, or the lawful property interest of a defendant which is not subject to forfeiture; or

(iii) where such action involves interest in a residential leasehold or a statutory tenancy, directing that upon entry of a judgment of forfeiture, the lease or statutory tenancy will be modified as a matter of law to terminate only the interest of the defendant or defendants, and to continue the occupancy or tenancy of any other person or persons who lawfully reside in such demised premises, with such rights as such parties would otherwise have had if the defendant's interest had not been forfeited pursuant to this article.

(b) For purposes of this subdivision the term "owner" has the same meaning as prescribed for that term in section seven hundred eighty-one of the real property actions and proceedings law and the term "dwelling" shall mean any building or structure or portion thereof which is principally occupied in whole or part as the home, residence or sleeping place of one or more human beings.

8. The total amount that may be recovered by the claiming authority against all [~~criminal~~] defendants in a forfeiture action or actions involving the same crime shall not exceed the value of the proceeds of the crime or substituted proceeds of the crime, whichever amount is greater, and, in addition, the value of any forfeited instrumentality used in the crime. Any such recovery against [~~criminal defendants~~] **a defendant** for the value of the proceeds of the crime or substituted proceeds of the crime shall be reduced by an amount which equals the value of the same proceeds of the same crime or the same substituted proceeds of the same crime recovered against [~~all non-criminal~~] **other** defendants. Any such recovery for the value of an instrumentality of a crime shall be reduced by an amount which equals the value of the same instrumentality recovered against any [~~non-criminal~~] **other** defendant.

[~~The total amount that may be recovered against all non-criminal defendants in a forfeiture action or actions involving the same crime shall not exceed the value of the proceeds of the crime or the substituted proceeds of the crime, whichever amount is greater, and, in addition, the value of any forfeited instrumentality used in the crime. Any such recovery against non-criminal defendants for the value of the~~

~~proceeds of the crime or substituted proceeds of the crime shall be reduced by an amount which equals the value of the proceeds of the crime or substituted proceeds of the crime recovered against all criminal defendants. A judgment against a non-criminal defendant pursuant to clause (A) of subparagraph (iv) of paragraph (b) of subdivision three of this section shall be limited to the amount of the proceeds of the crime. Any recovery for the value of an instrumentality of the crime shall be reduced by an amount equal to the value of the same instrumentality recovered against any criminal defendant.~~]

§ 5. Subdivision 11 of section 1311 of the civil practice law and rules is amended by adding a new paragraph (d) to read as follows:

(d) Any stipulation, settlement agreement, judgement, order of affidavit required to be given to the state division of criminal justice services pursuant to this subdivision shall include the defendant's name and such other demographic data as required by the state division of criminal justice services.

§ 6. Subdivision 6 of section 220.50 of the criminal procedure law, as added by chapter 655 of the laws of 1990, is amended to read as follows:

6. Where the defendant consents to a plea of guilty to the indictment, or part of the indictment, or consents to be prosecuted by superior court information as set forth in section 195.20 of this chapter, and if the defendant and prosecutor agree that as a condition of the plea or the superior court information certain property shall be forfeited by the defendant, the description and present estimated monetary value of the property shall be stated in court by the prosecutor at the time of plea. Within thirty days of the acceptance of the plea or superior court information by the court, the prosecutor shall send to the commissioner of the division of criminal justice services a document containing the name of the defendant, the description and present estimated monetary value of the property, **any other demographic data as required by the division of criminal justice services** and the date the plea or superior court information was accepted. Any property forfeited by the defendant as a condition to a plea of guilty to an indictment, or a part thereof, or to a superior court information, shall be disposed of in accordance with the provisions of section thirteen hundred forty-nine of the civil practice law and rules.

§ 7. Subdivision 4 of section 480.10 of the penal law, as added by chapter 655 of the laws of 1990, is amended to read as follows:

4. The prosecutor shall promptly file a copy of the special forfeiture information, including the terms thereof, with the state division of criminal justice services and with the local agency responsible for criminal justice planning. Failure to file such information shall not be grounds for any relief under this chapter. **The prosecutor shall also report such demographic data as required by the state division of criminal justice services when filing a copy of the special forfeiture information with the state division of criminal justice services.**

§ 8. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall apply to crimes which were committed on or after such date.

PART F

Section 1. Section 2 of part H of chapter 503 of the laws of 2009 relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, as amended by

section 25 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

§ 2. This act shall take effect immediately and shall remain in full force and effect until March 31, [~~2018~~] **2019**, when it shall expire and be deemed repealed.

§ 2. This act shall take effect immediately.

PART G

Section 1. Section 602 of the correction law, as amended by chapter 891 of the laws of 1962, is amended to read as follows:

§ 602. Expenses of sheriff for transporting prisoners. For conveying a prisoner or prisoners to a state prison from the county prison, the sheriff or person having charge of the same shall be reimbursed for the amount of expenses actually and necessarily incurred by him for railroad fare or cost of other transportation and for cost of maintenance of himself and each prisoner in going to the prison, and for his railroad fare or other cost of transportation in returning home, and cost of his maintenance while so returning. [~~The county shall be reimbursed for a portion of the salary of such sheriff or person for the period, not to exceed thirty-six hours, from the commencement of transportation from the county prison to the return of such sheriff or person to the county prison, the amount of such reimbursement to be computed by adding to the amount of such salary the total amount of the aforesaid expenses incurred for transportation and maintenance and reducing the resulting aggregate amount, first, by fifty per centum of such aggregate amount and, second, by the total amount of the aforesaid expenses incurred for transportation and maintenance.~~]

§ 2. This act shall take effect April 1, 2018.

PART H

Section 1. Subparagraph (iv) of paragraph (d) of subdivision 1 of section 803 of the correction law, as added by section 7 of chapter 738 of the laws of 2004, is amended to read as follows:

(iv) Such merit time allowance may be granted when an inmate successfully participates in the work and treatment program assigned pursuant to section eight hundred five of this article and when such inmate obtains a general equivalency diploma, an alcohol and substance abuse treatment certificate, a vocational trade certificate following at least six months of vocational programming [~~or~~]**,** performs at least four hundred hours of service as part of a community work crew **or successfully completes at least two consecutive semesters of college programming with no less than six college credits per semester, that is provided at the correctional facility by a college approved by the New York state board of regents**.

Such allowance shall be withheld for any serious disciplinary infraction or upon a judicial determination that the person, while an inmate, commenced or continued a civil action, proceeding or claim that was found to be frivolous as defined in subdivision (c) of section eight thousand three hundred three-a of the civil practice law and rules, or an order of a federal court pursuant to rule 11 of the federal rules of civil procedure imposing sanctions in an action commenced by a person, while an inmate, against a state agency, officer or employee.

§ 2. Subparagraph (iv) of paragraph (d) of subdivision 1 of section 803 of the correction law, as added by section 10-a of chapter 738 of the laws of 2004, is amended to read as follows:

(iv) Such merit time allowance may be granted when an inmate successfully participates in the work and treatment program assigned pursuant to section eight hundred five of this article and when such inmate obtains a general equivalency diploma, an alcohol and substance abuse treatment certificate, a vocational trade certificate following at least six months of vocational programming [~~or~~], performs at least four hundred hours of service as part of a community work crew **or successfully completes at least two consecutive semesters of college programming with no less than six college credits per semester, that is provided at the correctional facility by a college approved by the New York state board of regents**.

Such allowance shall be withheld for any serious disciplinary infraction or upon a judicial determination that the person, while an inmate, commenced or continued a civil action, proceeding or claim that was found to be frivolous as defined in subdivision (c) of section eight thousand three hundred three-a of the civil practice law and rules, or an order of a federal court pursuant to rule 11 of the federal rules of civil procedure imposing sanctions in an action commenced by a person, while an inmate, against a state agency, officer or employee.

§ 3. Paragraph (c) of subdivision 1 of section 803-b of the correction law, as amended by section 1 of part E of chapter 55 of the laws of 2017, is amended to read as follows:

(c) "significant programmatic accomplishment" means that the inmate:

(i) participates in no less than two years of college programming; or

(ii) obtains a masters of professional studies degree; or

(iii) successfully participates as an inmate program associate for no less than two years; or

(iv) receives a certification from the state department of labor for his or her successful participation in an apprenticeship program; or

(v) successfully works as an inmate hospice aid for a period of no less than two years; or

(vi) successfully works in the division of correctional industries' optical program for no less than two years and receives a certification as an optician from the American board of opticianry; or

(vii) receives an asbestos handling certificate from the department of labor upon successful completion of the training program and then works in the division of correctional industries' asbestos abatement program as a hazardous materials removal worker or group leader for no less than eighteen months; or

(viii) successfully completes the course curriculum and passes the minimum competency screening process performance examination for sign language interpreter, and then works as a sign language interpreter for deaf inmates for no less than one year; or

(ix) successfully works in the puppies behind bars program for a period of no less than two years; or

(x) successfully participates in a vocational culinary arts program for a period of no less than two years and earns a servsafe certificate that is recognized by the national restaurant association; or

(xi) successfully completes the four hundred ninety hour training program while assigned to a department of motor vehicles call center, and continues to work at such call center for an additional twenty-one months; or

(xii) receives a certificate from the food production center in an assigned position following the completion of no less than eight hundred hours of work in such position, and continues to work for an additional eighteen months at the food production center[~~.~~]; or

(xiii) successfully completes a cosmetology training program and receives a license from the New York state department of state, and thereafter participates in such program for a period of no less than eighteen months; or

(xiv) successfully completes a barbering training program and receives a license from the New York state department of state, and thereafter participates in such program for a period of no less than eighteen months; or

(xv) successfully participates in a computer operator, general business or computer information technology and support vocational program for no less than two years, and earns a Microsoft office specialist certification for Microsoft word, Microsoft powerpoint or Microsoft excel, following the administration of an examination; or

(xvi) successfully completes the thinking for a change cognitive behavioral treatment program within phase two of transitional services, and thereafter, is employed in the work release program for a period of at least eighteen months.

§ 4. This act shall take effect April 1, 2018; provided, however, that the amendments to subparagraph (iv) of paragraph (d) of subdivision 1 of section 803 of the correction law made by section one of this act shall be subject to the expiration and reversion of such section pursuant to subdivision d of section 74 of chapter 3 of the laws of 1995, as amended, when upon such date the provisions of section two of this act shall take effect.

PART I

Section 1. Subdivision 9 of section 201 of the correction law is REPEALED.

§ 2. This act shall take effect April 1, 2018.

PART J

Section 1. Notwithstanding any provision of law or governor's executive order to the contrary regarding inmate eligibility by crime of commitment, the commissioner of corrections and community supervision is hereby authorized to initiate two pilot temporary release programs.

§ 2. The first pilot temporary release program shall be a college educational leave program for no more than fifty inmates at any one time, who otherwise would be ineligible due to their crime of commitment, and whereby, to be eligible, an inmate shall not be serving a sentence for one or more offenses that would render him or her ineligible for a limited credit time allowance as set forth in section 803-b of the correction law. In addition, to be eligible, such inmate shall not have committed a serious disciplinary infraction, maintained an overall negative institutional record, or received a disqualifying judicial determination that would render him or her ineligible for a limited credit time allowance as set forth in section 803-b of the correction law, and such inmate shall be eligible for release on parole or conditional release within two years. An inmate who participates in this pilot program may also be permitted to leave the premises of the institution for the purposes set forth in subdivision 4 of section 851 of the

correction law, if otherwise authorized by the department of corrections and community supervision's rules and regulations governing permissible furloughs.

§ 3. The second pilot temporary release program shall be a pilot work release program for no more than fifty inmates at any one time, who otherwise would be ineligible due to their crime of commitment, and whereby, to be eligible, an inmate shall not be serving a sentence for one or more offenses that would render him or her ineligible for a limited credit time allowance as set forth in section 803-b of the correction law. In addition, such inmate shall not have committed a serious disciplinary infraction, maintained an overall negative institutional record, or received a disqualifying judicial determination that would render him or her ineligible for a limited credit time allowance as set forth in section 803-b of the correction law and, such inmate shall be eligible for release on parole or conditional release within two years. An inmate who participates in the pilot work release program may also be permitted to leave the premises of the institution for the purposes set forth in subdivision 4 of section 851 of the correction law, when authorized by the department of corrections and community supervision's rules and regulations governing permissible furloughs.

§ 4. Prior to March first of each year thereafter, the commissioner of corrections and community supervision shall issue a report to the governor, the president of the senate and the speaker of the assembly, on the status of both pilot programs, which shall include, but not be limited to, information on those correctional facilities where the pilot programs are established, information about the total number of inmates who were approved for each of the pilots, whether each inmate participant has been successful or unsuccessful, and information on those colleges which participate in the educational leave pilot.

§ 5. This act shall take effect April 1, 2018.

PART K

Section 1. This Part enacts into law major components of legislation that remove unnecessary mandatory bars on licensing and employment for people with criminal convictions in the categories enumerated therein and replace them with individualized review processes using the factors set out in article 23-A of the correction law, which addresses the licensing of such individuals. Each component is wholly contained with a Subpart identified as Subparts A through I. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section three of this Part sets forth the general effective date of this Part.

SUBPART A

Section 1. Subdivision 6 of section 369 of the banking law, as amended by chapter 164 of the laws of 2003, paragraph (b) as amended by section 6 of part LL of chapter 56 of the laws of 2010, is amended to read as follows:

6. The superintendent may**, consistent with article twenty-three-A of the correction law,** refuse to issue a license pursuant to this article if he shall find that the applicant, or any person who is a director,

officer, partner, agent, employee or substantial stockholder of the applicant, (a) has been convicted of a crime in any jurisdiction or (b) is associating or consorting with any person who has, or persons who have, been convicted of a crime or crimes in any jurisdiction or jurisdictions[~~; provided, however, that the superintendent shall not issue such a license if he shall find that the applicant, or any person who is a director, officer, partner, agent, employee or substantial stockholder of the applicant, has been convicted of a felony in any jurisdiction or of a crime which, if committed within this state, would constitute a felony under the laws thereof~~]. For the purposes of this article, a person shall be deemed to have been convicted of a crime if such person shall have pleaded guilty to a charge thereof before a court or magistrate, or shall have been found guilty thereof by the decision or judgment of a court or magistrate or by the verdict of a jury, irrespective of the pronouncement of sentence or the suspension thereof[~~, unless such plea of guilty, or such decision, judgment or verdict, shall have been set aside, reversed or otherwise abrogated by lawful judicial process or unless the person convicted of the crime shall have received a pardon therefor from the president of the United States or the governor or other pardoning authority in the jurisdiction where the conviction was had, or shall have received a certificate of relief from disabilities or a certificate of good conduct pursuant to article twenty-three of the correction law to remove the disability under this article because of such conviction~~]. The term "substantial stockholder," as used in this subdivision, shall be deemed to refer to a person owning or controlling ten per centum or more of the total outstanding stock of the corporation in which such person is a stockholder. In making a determination pursuant to this subdivision, the superintendent shall require fingerprinting of the applicant. Such fingerprints shall be submitted to the division of criminal justice services for a state criminal history record check, as defined in subdivision one of section three thousand thirty-five of the education law, and may be submitted to the federal bureau of investigation for a national criminal history record check.

§ 2. This act shall take effect immediately.

SUBPART B

Section 1. Paragraph (f) of subdivision 7 of section 2590-b of the education law, as added by chapter 345 of the laws of 2009, is amended to read as follows:

(f) A person [~~who has been convicted of a felony, or has been removed from a city-wide council established pursuant to this section or community district education council for any of the following shall~~] may be permanently ineligible for appointment to a city-wide council for any of the following:

(i) an act of malfeasance directly related to his or her service on such city-wide council or community district education council; or

(ii) conviction of a crime, if such crime is directly related to his or her service upon such city-wide council or community district education council, or if service upon such council would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

§ 2. Subdivision 5 of section 2590-c of the education law, as amended by chapter 345 of the laws of 2009, is amended to read as follows:

5. No person may serve on more than one community council or on the city-wide council on special education, the city-wide council on English

language learners, or the city-wide council on high schools and a community council. A member of a community council shall be ineligible to be employed by the community council of which he or she is a member, any other community council, the city-wide council on special education, the city-wide council on English language learners, the city-wide council on high schools, or the city board. No person shall be eligible for membership on a community council if he or she holds any elective public office or any elective or appointed party position except that of delegate or alternate delegate to a national, state, judicial or other party convention, or member of a county committee.

A person [~~who has been convicted of a felony, or has been removed from a community school board, community district education council, or the city-wide council on special education, the city-wide council on English language learners, or the city-wide council on high schools for any of the following shall~~] **may** be permanently ineligible for appointment to any community district education council **for any of the following**: (a) an act of malfeasance directly related to his or her service on the city-wide council on special education, the city-wide council on English language learners, the city-wide council on high schools, community school board or community district education council; or (b) conviction of a crime, if such crime is directly related to his or her service upon the city-wide council on special education, the city-wide council on English language learners, the city-wide council on high schools, community school board or community district education council**, or if service upon such council would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public**.

Any decision rendered by the chancellor or the city board with respect to the eligibility or qualifications of the nominees for community district education councils must be written and made available for public inspection within seven days of its issuance at the office of the chancellor and the city board. Such written decision shall include the factual and legal basis for its issuance and a record of the vote of each board member who participated in the decision, if applicable.

§ 3. This act shall take effect immediately, provided that the amendments to subdivision 7 of section 2590-b of the education law made by section one of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith; provided, further, that the amendments to subdivision 5 of section 2590-c of the education law made by section two of this act shall not affect the repeal of such subdivision and shall be deemed to repeal therewith.

SUBPART C

Section 1. Clauses 1 and 5 of paragraph (c) of subdivision 2 of section 435 of the executive law, clause 1 as amended by chapter 371 of the laws of 1974 and clause 5 as amended by 437 of the laws of 1962, are amended to read as follows:

(1) a person convicted of a crime [~~who has not received a pardon, a certificate of good conduct or a certificate of relief from disabilities~~] **if there is a direct relationship between one or more of the previous criminal offenses and the integrity and safety of bingo, considering the factors set forth in article twenty-three-A of the correction law**;

(5) a firm or corporation in which a person defined in [~~subdivision~~] **clause** (1), (2), (3) or (4) [~~above~~] **of this paragraph**, or a person married or related in the first degree to such a person, has greater

than a ten [~~per centum~~] **percent** proprietary, equitable or credit interest or in which such a person is active or employed.

§ 2. This act shall take effect immediately.

SUBPART D

Section 1. Subdivision 1 of section 130 of the executive law, as amended by section 1 of part LL of chapter 56 of the laws of 2010, paragraph (g) as separately amended by chapter 232 of the laws 2010, is amended to read as follows:

1. The secretary of state may appoint and commission as many notaries public for the state of New York as in his or her judgment may be deemed best, whose jurisdiction shall be co-extensive with the boundaries of the state. The appointment of a notary public shall be for a term of four years. An application for an appointment as notary public shall be in form and set forth such matters as the secretary of state shall prescribe. Every person appointed as notary public must, at the time of his or her appointment, be a citizen of the United States and either a resident of the state of New York or have an office or place of business in New York state. A notary public who is a resident of the state and who moves out of the state but still maintains a place of business or an office in New York state does not vacate his or her office as a notary public. A notary public who is a nonresident and who ceases to have an office or place of business in this state, vacates his or her office as a notary public. A notary public who is a resident of New York state and moves out of the state and who does not retain an office or place of business in this state shall vacate his or her office as a notary public. A non-resident who accepts the office of notary public in this state thereby appoints the secretary of state as the person upon whom process can be served on his or her behalf. Before issuing to any applicant a commission as notary public, unless he or she be an attorney and counsellor at law duly admitted to practice in this state or a court clerk of the unified court system who has been appointed to such position after taking a civil service promotional examination in the court clerk series of titles, the secretary of state shall satisfy himself or herself that the applicant is of good moral character, has the equivalent of a common school education and is familiar with the duties and responsibilities of a notary public; provided, however, that where a notary public applies, before the expiration of his or her term, for reappointment with the county clerk or where a person whose term as notary public shall have expired applies within six months thereafter for reappointment as a notary public with the county clerk, such qualifying requirements may be waived by the secretary of state, and further, where an application for reappointment is filed with the county clerk after the expiration of the aforementioned renewal period by a person who failed or was unable to re-apply by reason of his or her induction or enlistment in the armed forces of the United States, such qualifying requirements may also be waived by the secretary of state, provided such application for reappointment is made within a period of one year after the military discharge of the applicant under conditions other than dishonorable. In any case, the appointment or reappointment of any applicant is in the discretion of the secretary of state. The secretary of state may suspend or remove from office, for misconduct, any notary public appointed by him or her but no such removal shall be made unless the person who is sought to be removed shall have been served with a copy of the charges against him or her and have an opportunity of being

heard. No person shall be appointed as a notary public under this article who has been convicted, in this state or any other state or territory, of a [~~felony or any of the following offenses, to wit: (a) Illegally using, carrying or possessing a pistol or other dangerous weapon; (b) making or possessing burglar's instruments; (c) buying or receiving or criminally possessing stolen property; (d) unlawful entry of a building; (e) aiding escape from prison; (f) unlawfully possessing or distributing habit forming narcotic drugs; (g) violating sections two hundred seventy, two hundred seventy-a, two hundred seventy-b, two hundred seventy-c, two hundred seventy-one, two hundred seventy-five, two hundred seventy-six, five hundred fifty, five hundred fifty-one, five hundred fifty-one-a and subdivisions six, ten or eleven of section seven hundred twenty-two of the former penal law as in force and effect immediately prior to September first, nineteen hundred sixty-seven, or violating sections 165.25, 165.30 or subdivision one of section 240.30 of the penal law, or violating sections four hundred seventy-eight, four hundred seventy-nine, four hundred eighty, four hundred eighty-one, four hundred eighty-four, four hundred eighty-nine and four hundred ninety-one of the judiciary law; or (h) vagrancy or prostitution, and who has not subsequent to such conviction received an executive pardon therefor or a certificate of relief from disabilities or a certificate of good conduct pursuant to article twenty-three of the correction law to remove the disability under this section because of such conviction~~] crime, unless the secretary makes a finding in conformance with all applicable statutory requirements, including those contained in article twenty-three-A of the correction law, that such convictions do not constitute a bar to employment.

§ 2. This act shall take effect immediately.

SUBPART E

Section 1. Paragraphs 1 and 5 of subdivision (a) of section 189-a of the general municipal law, as added by chapter 574 of the laws of 1978, are amended to read as follows:

(1) a person convicted of a crime [~~who has not received a pardon, a certificate of good conduct or a certificate of relief from disabilities~~] if there is a direct relationship between one or more of the previous criminal offenses and the integrity or safety of charitable gaming, considering the factors set forth in article twenty-three-A of the correction law;

(5) a firm or corporation in which a person defined in [~~subdivision~~] paragraph (1), (2), (3) or (4) [~~above~~] of this subdivision has greater than a ten [~~per centum~~] percent proprietary, equitable or credit interest or in which such a person is active or employed.

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

(a) Issuance of licenses to conduct games of chance. If such clerk or department [~~shall determine~~] determines:

(i) that the applicant is duly qualified to be licensed to conduct games of chance under this article;

(ii) that the member or members of the applicant designated in the application to manage games of chance are bona fide active members of the applicant and are persons of good moral character and have never been convicted of a crime[~~, or,~~] if [~~convicted, have received a pardon, a certificate of good conduct or a certificate of relief from disabili-~~

~~ties pursuant to article twenty-three of the correction law~~] there is a direct relationship between one or more of the previous criminal offenses and the integrity or safety of charitable gaming, considering the factors set forth in article twenty-three-A of the correction law;

(iii) that such games are to be conducted in accordance with the provisions of this article and in accordance with the rules and regulations of the [~~board~~] gaming commission and applicable local laws or ordinances and that the proceeds thereof are to be disposed of as provided by this article[~~,~~]; and

[~~if such clerk or department is satisfied~~] (iv) that no commission, salary, compensation, reward or recompense whatever will be paid or given to any person managing, operating or assisting therein except as in this article otherwise provided; [~~it~~] then such clerk or department shall issue a license to the applicant for the conduct of games of chance upon payment of a license fee of twenty-five dollars for each license period.

§ 3. Subdivision 9 of section 476 of the general municipal law, as amended by chapter 1057 of the laws of 1965, paragraph (a) as amended by section 16 of part LL of chapter 56 of the laws of 2010, is amended to read as follows:

9. "Authorized commercial lessor" shall mean a person, firm or corporation other than a licensee to conduct bingo under the provisions of this article, who or which [~~shall own~~] owns or [~~be~~] is a net lessee of premises and offer the same for leasing by him, her or it to an authorized organization for any consideration whatsoever, direct or indirect, for the purpose of conducting bingo therein, provided that he, she or it, as the case may be, shall not be

(a) a person convicted of a crime [~~who has not received a pardon or a certificate of good conduct or a certificate of relief from disabilities pursuant to~~] if there is a direct relationship between one or more of the previous criminal offenses and the integrity or safety of bingo, considering the factors set forth in article [~~twenty-three~~] twenty-three-A of the correction law;

(b) a person who is or has been a professional gambler or gambling promoter or who for other reasons is not of good moral character;

(c) a public officer who receives any consideration, direct or indirect, as owner or lessor of premises offered for the purpose of conducting bingo therein;

(d) a firm or corporation in which a person defined in [~~subdivision~~] paragraph (a), (b) or (c) [~~above~~] of this subdivision or a person married or related in the first degree to such a person has greater than a ten [~~percentum (10%)~~] percent proprietary, equitable or credit interest or in which such a person is active or employed.

Nothing contained in this subdivision shall be construed to bar any firm or corporation [~~which~~] that is not organized for pecuniary profit and no part of the net earnings of which inure to the benefit of any individual, member, or shareholder, from being an authorized commercial lessor solely because a public officer, or a person married or related in the first degree to a public officer, is a member of, active in or employed by such firm or corporation.

§ 4. Paragraph (a) of subdivision 1 of section 481 of the general municipal law, as amended by section 5 of part MM of chapter 59 of the laws of 2017, is amended to read as follows:

(a) Issuance of licenses to conduct bingo. If the governing body of the municipality determines:

(i) that the applicant is duly qualified to be licensed to conduct bingo under this article;

(ii) that the member or members of the applicant designated in the application to conduct bingo are bona fide active members or auxiliary members of the applicant and are persons of good moral character and have never been convicted of a crime [~~or, if convicted, have received a pardon or a certificate of good conduct or a certificate of relief from disabilities pursuant to article twenty-three~~] if there is a direct relationship between one or more of the previous criminal offenses and the integrity or safety of bingo, considering the factors set forth in article twenty-three-A of the correction law;

(iii) that such games of bingo are to be conducted in accordance with the provisions of this article and in accordance with the rules and regulations of the commission[~~, and~~];

(iv) that the proceeds thereof are to be disposed of as provided by this article[~~, and if the governing body is satisfied~~];

(v) that no commission, salary, compensation, reward or recompense [~~what so ever~~] whatsoever will be paid or given to any person holding, operating or conducting or assisting in the holding, operation and conduct of any such games of bingo except as in this article otherwise provided; and

(vi) that no prize will be offered and given in excess of the sum or value of five thousand dollars in any single game of bingo and that the aggregate of all prizes offered and given in all of such games of bingo conducted on a single occasion[~~,~~] under said license shall not exceed the sum or value of fifteen thousand dollars, then the municipality shall issue a license to the applicant for the conduct of bingo upon payment of a license fee of eighteen dollars and seventy-five cents for each bingo occasion[~~; provided, however, that~~].

Notwithstanding anything to the contrary in this paragraph, the governing body shall refuse to issue a license to an applicant seeking to conduct bingo in premises of a licensed commercial lessor where such governing body determines that the premises presently owned or occupied by such applicant are in every respect adequate and suitable for conducting bingo games.

§ 5. This act shall take effect immediately.

SUBPART F

Section 1. Paragraphs 3 and 4 of subsection (d) of section 2108 of the insurance law are REPEALED, and paragraph 5 is renumbered paragraph 3.

§ 2. This act shall take effect immediately.

SUBPART G

Section 1. Section 440-a of the real property law, as amended by chapter 81 of the laws of 1995, the first undesignated paragraph as amended by section 23 of part LL of chapter 56 of the laws of 2010, is amended to read as follows:

§ 440-a. License required for real estate brokers and salesmen. No person, co-partnership, limited liability company or corporation shall engage in or follow the business or occupation of, or hold himself or itself out or act temporarily or otherwise as a real estate broker or real estate salesman in this state without first procuring a license therefor as provided in this article. No person shall be entitled to a license as a real estate broker under this article, either as an indi-

vidual or as a member of a co-partnership, or as a member or manager of a limited liability company or as an officer of a corporation, unless he or she is twenty years of age or over, a citizen of the United States or an alien lawfully admitted for permanent residence in the United States. No person shall be entitled to a license as a real estate salesman under this article unless he or she is over the age of eighteen years. No person shall be entitled to a license as a real estate broker or real estate salesman under this article who has been convicted in this state or elsewhere of a [~~felony, of a sex offense, as defined in subdivision two of section one hundred sixty-eight-a of the correction law or any offense committed outside of this state which would constitute a sex offense, or a sexually violent offense, as defined in subdivision three of section one hundred sixty-eight-a of the correction law or any offense committed outside this state which would constitute a sexually violent offense, and who has not subsequent to such conviction received executive pardon therefor or a certificate of relief from disabilities or a certificate of good conduct pursuant to article twenty-three of the correction law, to remove the disability under this section because of such conviction~~] **crime, unless the secretary makes a finding in conformance with all applicable statutory requirements, including those contained in article twenty-three-A of the correction law, that such convictions do not constitute a bar to licensure**. No person shall be entitled to a license as a real estate broker or real estate salesman under this article who does not meet the requirements of section 3-503 of the general obligations law.

Notwithstanding [~~the above~~] **anything to the contrary in this section**, tenant associations[~~,~~] and not-for-profit corporations authorized in writing by the commissioner of the department of the city of New York charged with enforcement of the housing maintenance code of such city to manage residential property owned by such city or appointed by a court of competent jurisdiction to manage residential property owned by such city shall be exempt from the licensing provisions of this section with respect to the properties so managed.

§ 2. This act shall take effect immediately.

SUBPART H

Section 1. Subdivision 5 of section 336-f of the social services law, as added by section 148 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

5. The social services district shall require every private or not-for-profit employer that intends to hire one or more work activity participants to certify to the district [~~that~~] **whether** such employer has [~~not~~], in the past five years, been convicted of a felony or a misdemeanor the underlying basis of which involved workplace safety and health or labor standards. Such employer shall also certify as to all violations issued by the department of labor within the past five years. The social services official in the district in which the participant is placed shall determine whether there is a pattern of **convictions or** violations sufficient to render the potential employer ineligible. Employers who submit false information under this section shall be subject to criminal prosecution for filing a false instrument.

§ 2. This act shall take effect immediately.

SUBPART I

Section 1. Subdivision 9 of section 394 of the vehicle and traffic law, as separately renumbered by chapters 300 and 464 of the laws of 1960, is amended to read as follows:

9. Employees. [~~No licensee shall knowingly employ, in connection with a driving school in any capacity whatsoever, any person who has been convicted of a felony, or of any crime involving violence, dishonesty, deceit, indecency, degeneracy or moral turpitude~~] A licensee may not employ, in connection with a driving school in any capacity whatsoever, a person who has been convicted of a crime, if, after considering the factors set forth in article twenty-three-A of the correction law, the licensee determines that there is a direct relationship between the conviction and employment in the driving school, or that employment would constitute an unreasonable risk to property or to the safety of students, customers, or employees of the driving school, or to the general public.

§ 2. This act shall take effect immediately.

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

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

PART L

Section 1. The executive law is amended by adding a new section 259-t to read as follows:

§ 259-t. Release on geriatric parole for inmates who are affected by an age-related debility. 1. (a) The board shall have the power to release on geriatric parole any inmate who is at least fifty-five years of age, serving an indeterminate or determinate sentence of imprisonment who, pursuant to subdivision two of this section, has been certified to be suffering from a chronic or serious condition, disease, syndrome, or infirmity, exacerbated by age, that has rendered the inmate so physically or cognitively debilitated or incapacitated that the ability to provide self-care within the environment of a correctional facility is substantially diminished, provided, however, that no inmate serving a sentence imposed upon a conviction for murder in the first degree, aggravated murder or an attempt or conspiracy to commit murder in the first degree or aggravated murder or a sentence of life without parole shall be eligible for such release, and provided further that no inmate shall be eligible for such release unless in the case of an indeterminate sentence he or she has served at least one-half of the minimum period of the sentence and in the case of a determinate sentence he or she has served at least one-half of the term of his or her determinate sentence. Solely for the purpose of determining geriatric parole eligibility pursuant to this section, such one-half of the minimum period of the indeterminate sentence and one-half of the term of the determinate sentence shall not be credited with any time served under the jurisdiction of the department prior to the commencement of such sentence pursu-

ant to the opening paragraph of subdivision one of section 70.30 of the penal law or subdivision two-a of section 70.30 of the penal law, except to the extent authorized by subdivision three of section 70.30 of the penal law.

(b) Such release shall be granted only after the board considers whether, in light of the inmate's condition, there is a reasonable probability that the inmate, if released, will live and remain at liberty without violating the law, and that such release is not incompatible with the welfare of society and will not so deprecate the seriousness of the crime as to undermine respect for the law, and shall be subject to the limits and conditions specified in subdivision four of this section. In making this determination, the board shall consider: (i) the factors described in subdivision two of section two hundred fifty-nine-i of this article; (ii) the nature of the inmate's conditions, diseases, syndromes or infirmities and the level of care; (iii) the amount of time the inmate must serve before becoming eligible for release pursuant to section two hundred fifty-nine-i of this article; (iv) the current age of the inmate and his or her age at the time of the crime; and (v) any other relevant factor.

(c) The board shall afford notice to the sentencing court, the district attorney, the attorney for the inmate and, where necessary pursuant to subdivision two of section two hundred fifty-nine-i of this article, the crime victim, that the inmate is being considered for release pursuant to this section and the parties receiving notice shall have thirty days to comment on the release of the inmate. Release on geriatric parole shall not be granted until the expiration of the comment period provided for in this paragraph.

2. (a) The commissioner, on the commissioner's own initiative or at the request of an inmate, or an inmate's spouse, relative or attorney, may, in the exercise of the commissioner's discretion, direct that an investigation be undertaken to determine whether an assessment should be made of an inmate who appears to be suffering from chronic or serious conditions, diseases, syndromes or infirmities, exacerbated by advanced age that has rendered the inmate so physically or cognitively debilitated or incapacitated that the ability to provide self-care within the environment of a correctional facility is substantially diminished. Any such medical assessment shall be made by a physician licensed to practice medicine in this state pursuant to section sixty-five hundred twenty-four of the education law. Such physician shall either be employed by the department, shall render professional services at the request of the department, or shall be employed by a hospital or medical facility used by the department for the medical treatment of inmates. The assessment shall be reported to the commissioner by way of the deputy commissioner for health services or the chief medical officer of the facility and shall include but shall not be limited to a description of the conditions, diseases or syndromes suffered by the inmate, a prognosis concerning the likelihood that the inmate will not recover from such conditions, diseases or syndromes, a description of the inmate's physical or cognitive incapacity which shall include a prediction respecting the likely duration of the incapacity, and a statement by the physician of whether the inmate is so debilitated or incapacitated as to be severely restricted in his or her ability to self-ambulate or to perform significant activities of daily living. This assessment also shall include a recommendation of the type and level of services and level of care the inmate would require if granted geriatric parole and a recom-

mendation for the types of settings in which the services and treatment should be given.

(b) The commissioner, or the commissioner's designee, shall review the assessment and may certify that the inmate is suffering from a chronic or serious condition, disease, syndrome or infirmity, exacerbated by age, that has rendered the inmate so physically or cognitively debilitated or incapacitated that the ability to provide self-care within the environment of a correctional facility is substantially diminished. If the commissioner does not so certify then the inmate shall not be referred to the board for consideration for release on geriatric parole. If the commissioner does so certify, then the commissioner shall, within seven working days of receipt of such assessment, refer the inmate to the board for consideration for release on geriatric parole. However, an inmate will not be referred to the board of parole with diseases, conditions, syndromes or infirmities that pre-existed incarceration unless certified by a physician that such diseases, conditions, syndromes or infirmities, have progressed to render the inmate so physically or cognitively debilitated or incapacitated that the ability to provide self-care within the environment of a correctional facility is substantially diminished.

3. Any certification by the commissioner or the commissioner's designee pursuant to this section shall be deemed a judicial function and shall not be reviewable if done in accordance with law.

4. (a) Once an inmate is released on geriatric parole, that releasee will then be supervised by the department pursuant to paragraph (b) of subdivision two of section two hundred fifty-nine-i of this article.

(b) The board may require as a condition of release on geriatric parole that the releasee agree to remain under the care of a physician while on geriatric parole and in a hospital established pursuant to article twenty-eight of the public health law, nursing home established pursuant to article twenty-eight-a of the public health law, a hospice established pursuant to article forty of the public health law or any other placement, including a residence with family or others, that can provide appropriate medical and other necessary geriatric care as recommended by the medical assessment required by subdivision two of this section. For those who are released pursuant to this subdivision, a discharge plan shall be completed and state that the availability of the placement has been confirmed, and by whom. Notwithstanding any other provision of law, when an inmate who qualifies for release under this section is cognitively incapable of signing the requisite documentation to effectuate the discharge plan and, after a diligent search no person has been identified who could otherwise be appointed as the inmate's guardian by a court of competent jurisdiction, then, solely for the purpose of implementing the discharge plan, the facility health services director at the facility where the inmate is currently incarcerated shall be lawfully empowered to act as the inmate's guardian for the purpose of effectuating the discharge.

(c) Where appropriate, the board shall require as a condition of release that geriatric parolees be supervised on intensive caseloads at reduced supervision ratios.

5. A denial of release on geriatric parole shall not preclude the inmate from reapplying for geriatric parole or otherwise affect an inmate's eligibility for any other form of release provided for by law.

6. To the extent that any provision of this section requires disclosure of medical information for the purpose of processing an application or making a decision, regarding release on geriatric parole or for the

purpose of appropriately supervising a person released on geriatric parole, and that such disclosure would otherwise be prohibited by article twenty-seven-f of that public health law, the provisions of this section shall be controlling.

7. The commissioner and the chair of the board shall be authorized to promulgate rules and regulations for their respective agencies to implement the provisions of this section.

8. Any decision made by the board pursuant to this section may be appealed pursuant to subdivision four of section two hundred fifty-nine-i of this article.

9. The chair of the board shall report annually to the governor, the temporary president of the senate and the speaker of the assembly, the chairpersons of the assembly and senate codes committees, the chairperson of the senate crime and corrections committee, and the chairperson of the assembly corrections committee the number of inmates who have applied for geriatric parole under this section; the number who have been granted geriatric parole; the nature of the illness of the applicants, the counties to which they have been released and the nature of the placement pursuant to the discharge plan; the categories of reasons for denial for those who have been denied; the number of releasees on geriatric parole who have been returned to imprisonment in the custody of the department and the reasons for return.

§ 2. This act shall take effect April 1, 2018.

PART M

Section 1. Paragraph (b) of subdivision 6 of section 186-f of the tax law, as amended by section 1 of part C of chapter 57 of the laws of 2016, is amended to read as follows:

(b) The sum of one million five hundred thousand dollars must be deposited into the New York state emergency services revolving loan fund annually; provided, however, that such sums shall not be deposited for state fiscal years two thousand eleven--two thousand twelve, two thousand twelve--two thousand thirteen, two thousand fourteen--two thousand fifteen, two thousand fifteen--two thousand sixteen, two thousand sixteen--two thousand seventeen [~~and~~], two thousand seventeen--two thousand eighteen, two thousand eighteen--two thousand nineteen and two thousand nineteen--two thousand twenty;

§ 2. This act shall take effect April 1, 2018.

PART N

Section 1. The executive law is amended by adding a new section 216-e to read as follows:

§ 216-e. Subpoena authority for investigations of online sexual offenses against minors. 1. Except as provided in subdivision two of this section, in any investigation where a minor is a potential victim of any offense specified in articles two hundred thirty, two hundred thirty-five, or two hundred sixty-three of the penal law, and upon reasonable cause to believe that an internet service account or online identifier has been used in the commission of such offense, the superintendent of the state police and/or the superintendent's authorized designee shall have the authority to issue in writing and cause to be served an administrative subpoena requiring the production of records and testimony relevant to the investigation of such offense, including

the following information related to the subscriber or customer of an internet service account or online identifier:
(a) Name;
(b) Internet username;
(c) Billing and service address;
(d) Electronic mail address;
(e) Internet protocol address;
(f) Telephone number of account holder;
(g) Method of access to the internet;
(h) Local and long distance telephone connection records, or records of session times and durations;
(i) Telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address;
(j) Account status;
(k) Length of service, including start date, and types of service utilized;
(l) Means and source of payment for such service, including any credit card or bank account number.
2. The following information shall not be subject to disclosure pursuant to an administrative subpoena issued under this section:
(a) The contents of stored or in-transit electronic communications;
(b) Account memberships related to internet groups, newsgroups, mailing lists, or specific areas of interest;
(c) Account passwords; and
(d) Account content, including electronic mail in any form, address books, contacts, financial records, web surfing history, internet proxy content, and files or other digital documents stored with the account or pursuant to use of the account.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.

PART O

Section 1. The state finance law is amended by adding a new section 99-bb to read as follows:

§ 99-bb. Armory rental account. 1. Notwithstanding sections eight, eight-a and seventy of this chapter or any other provision of law, rule, regulation or practice to the contrary, there is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance an armory rental account fund, which shall consist of all moneys paid as rent pursuant to section one hundred eighty-three of the military law.

2. Moneys within the armory rental account shall be available to the adjutant general for services and expenses of the office relating to the direct maintenance and operation of armories.

§ 2. Subdivision 5 of section 183 of the military law, as amended by section 1 of part C of chapter 152 of the laws of 2001, is amended to read as follows:

5. All moneys paid as rent as provided in this section, together with all sums paid to cover expenses of heating and lighting, shall be transmitted by the officer in charge and control of the armory through the adjutant general to the state treasury for deposit to the [~~miscellaneous special revenue fund - 339~~] agencies enterprise fund armory rental account.

§ 3. Section 3 of part C of chapter 152 of the laws of 2001 amending the military law relating to military funds of the organized militia, as

amended by section 23 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

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

§ 4. This act shall take effect immediately; provided, however, that sections one and two of this act shall take effect April 1, 2018.

PART P

Section 1. Paragraph (f) of subdivision 3 of section 30.10 of the criminal procedure law, as separately amended by chapters 3 and 320 of the laws of 2006, is amended to read as follows:

(f) [~~For purposes of a~~] (i) A prosecution involving a [~~sexual~~] sexually related offense [~~as defined in article one hundred thirty of the penal law, other than a sexual offense delineated in paragraph (a) of subdivision two of this section,~~] committed against a child less than eighteen years of age, [~~incest in the first, second or third degree as defined in sections 255.27, 255.26 and 255.25 of the penal law committed against a child less than eighteen years of age, or use of a child in a sexual performance as defined in section 263.05 of the penal law,~~] and which is a felony, may be commenced at any time. For all other sexually related offenses the period of limitation shall not begin to run until the child has reached the age of eighteen or the offense is reported to a law enforcement agency or statewide central register of child abuse and maltreatment, whichever occurs earlier.

(ii) For purposes of this paragraph, a sexually related offense shall mean any offense listed in article one hundred thirty, two hundred thirty, two hundred thirty-five, two hundred forty-five, or two hundred sixty-three of the penal law, or sections 120.70 (luring a child), 240.37 (loitering for the purposes of engaging in a prostitution offense), 250.45 (unlawful surveillance in the second degree), 250.50 (unlawful surveillance in the first degree), 255.15 (bigamy), 255.25 (incest in the third degree), 255.26 (incest in the second degree), 255.27 (incest in the first degree), subdivision one of section 260.20 (unlawfully dealing with a child in the first degree), or subdivision four of section 260.32 (endangering the welfare of a vulnerable elderly person, or an incompetent or physically disabled person in the second degree) of the penal law.

§ 2. Subdivision 8 of section 50-e of the general municipal law, as amended by chapter 24 of the laws of 1988, is amended to read as follows:

8. Inapplicability of section. (a) This section shall not apply to claims arising under the provisions of the workers' compensation law, the volunteer firefighters' benefit law, or the volunteer ambulance workers' benefit law or to claims against public corporations by their own infant wards.

(b) This section shall not apply to any claim made for physical, psychological, or other injury or condition suffered as a result of

conduct that would constitute a sexually related offense as stated in subparagraph (ii) of paragraph (f) of subdivision three of section 30.10 of the criminal procedure law committed against a child less than eighteen years of age, including any claims against an entity at which the person who committed the conduct was employed, volunteered, or similarly engaged.

§ 3. Section 50-i of the general municipal law is amended by adding a new subdivision 5 to read as follows:

5. Notwithstanding any provision of law to the contrary, this section shall not apply to any claim made against a city, county, town, village, fire district or school district for physical, psychological, or other injury or condition suffered as a result of conduct that would constitute a sexually related offense as stated in subparagraph (ii) of paragraph (f) of subdivision three of section 30.10 of the criminal procedure law committed against a child less than eighteen years of age, including any claims against an entity at which the person who committed the conduct was employed, volunteered, or similarly engaged.

§ 4. Section 10 of the court of claims act is amended by adding a new subdivision 10 to read as follows:

10. Notwithstanding any provision of law to the contrary, this section shall not apply to any claim made against the state for physical, psychological, or other injury or condition suffered as a result of conduct that would constitute a sexually related offense as stated in subparagraph (ii) of paragraph (f) of subdivision three of section 30.10 of the criminal procedure law committed against a child less than eighteen years of age, including any claims against an entity at which the person who committed the conduct was employed, volunteered, or similarly engaged.

§ 5. Subdivision 2 of section 3813 of the education law, as amended by chapter 346 of the laws of 1978, is amended to read as follows:

2. Notwithstanding anything to the contrary hereinbefore contained in this section, no action or special proceeding founded upon tort shall be prosecuted or maintained against any of the parties named in this section or against any teacher or member of the supervisory or administrative staff or employee where the alleged tort was committed by such teacher or member or employee acting in the discharge of his duties within the scope of his employment and/or under the direction of the board of education, trustee or trustees, or governing body of the school unless a notice of claim shall have been made and served in compliance with section fifty-e of the general municipal law. Every such action shall be commenced pursuant to the provisions of section fifty-i of the general municipal law, provided, however, that this section shall not apply to any claim made against a school (public, private, or charter), a school district, or any employee of such school or district, for physical, psychological, or other injury or condition suffered as a result of conduct that would constitute a sexually related offense as stated in subparagraph (ii) of paragraph (f) of subdivision three of section 30.10 of the criminal procedure law committed against a child less than eighteen years of age, including any claims against an entity at which the person who committed the conduct was employed, volunteered, or similarly engaged.

§ 6. Section 213-c of the civil practice law and rules, as added by chapter 3 of the laws of 2006, is amended to read as follows:

§ 213-c. Action by victim of conduct constituting certain [~~sexual~~] sexually related offenses. 1. Notwithstanding any other limitation set forth in this article, a civil claim or cause of action to recover from

a defendant as hereinafter defined, for **any claim related to the** physical, psychological or other injury or condition suffered by a person as a result of acts by such defendant of rape in the first degree as defined in section 130.35 of the penal law, or criminal sexual act in the first degree as defined in section 130.50 of the penal law, or aggravated sexual abuse in the first degree as defined in section 130.70 of the penal law, or course of sexual conduct against a child in the first degree as defined in section 130.75 of the penal law**, or conduct by an individual that would constitute a sexually related offense as stated in subparagraph (ii) of paragraph (f) of subdivision three of section 30.10 of the criminal procedure law** may be [~~**brought within five years**~~] **commenced within fifty years of the commission of the act constituting the sexually related offense**. As used in this section, the term "defendant" shall mean [~~**only a person who commits the acts described in this section or who, in a criminal proceeding, could be charged with criminal liability for the commission of such acts pursuant to section 20.00 of the penal law and shall not apply to any related civil claim or cause of action arising from such acts**~~] **a person who commits a sexually related offense, as well as a public corporation, municipality, school (public, private, or charter), partnership, corporation, association, or any other entity of which the person was, at the time of the conduct, an employee, volunteer, or any other individual for whom such entity is responsible**. Nothing in this section shall be construed to require that a criminal charge be brought or a criminal conviction be obtained as a condition of bringing a civil cause of action or receiving a civil judgment pursuant to this section or be construed to require that any of the rules governing a criminal proceeding be applicable to any such civil action.

2. In an action brought pursuant to this section, the burden shall be on the plaintiff to prove by a preponderance of the evidence that the acts constituting the sexually related offense were committed by the defendant.

§ 7. The civil practice law and rules is amended by adding a new section 214-g to read as follows:

§ 214-g. Certain child sexual abuse cases. Notwithstanding any provision of law that imposes a period of limitation to the contrary, every civil claim or cause of action, including claims filed against a person, public corporation, municipality, school (public, private, or charter), partnership, corporation, association, or any other entity based on negligence, recklessness, or intentional conduct, brought by a person for physical, psychological, or other injury or condition suffered as a result of conduct that would constitute a sexually related offense as stated in subparagraph (ii) of paragraph (f) of subdivision three of section 30.10 of the criminal procedure law committed against a child less than eighteen years of age, that is barred as of the effective date of this section because the applicable period of limitation has expired or such person had previously failed to file a notice of claim, is hereby revived, and action thereon may be commenced on or before one year after the effective date of this section.

§ 8. Subdivision (a) of rule 3403 of the civil practice law and rules is amended by adding a new paragraph 7 to read as follows:

7. any action which has been received pursuant to section two hundred fourteen-g of this chapter.

§ 9. The provisions of this act shall be severable, and if any clause, sentence, paragraph, subdivision or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment

shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 10. This act shall take effect immediately; provided, however, that the amendments to section 213-c of the civil practice law and rules made by section six of this act shall apply to any cause of action, regardless of the date on which such cause of action accrued; and provided further that section seven of this act shall take effect six months after this act shall have become a law.

PART Q

Section 1. Subdivision 14 of section 3 of the alcoholic beverage control law, as amended by chapter 330 of the laws of 1970, is amended to read as follows:

14. "Hotel" shall mean a building which is regularly used and kept open as such in bona fide manner for the feeding and lodging of guests, where all who conduct themselves properly and who are able and ready to pay for such services are received if there be accommodations for them. The term "hotel" shall also include an apartment hotel wherein apartments are rented for fixed periods of time, either furnished or unfurnished, where the keeper of such hotel regularly supplies food to the occupants thereof [~~in a restaurant located in such hotel~~]. "Hotel" shall also mean and include buildings (commonly called a motel) upon the same lot of land and owned or in possession under a lease in writing by the same person or firm who maintains such buildings for the lodging of guests and supplies them with food [~~from a restaurant located upon the same premises~~]. **A hotel shall regularly keep food available for sale or service to its customers for consumption on the premises in the hotel or in a restaurant or other food establishment located in the same building as the hotel. The availability of sandwiches, soups or other foods, whether fresh, processed, pre-cooked or frozen, shall be deemed in compliance with this requirement.**

§ 2. Subdivision 5 of section 64 of the alcoholic beverage control law, as amended by chapter 258 of the laws of 1976, is amended to read as follows:

5. No retail license under this section shall be granted except for such premises as are being conducted as a bona fide hotel [~~provided that a restaurant is operated in such premises~~], restaurant, catering establishment, club, railroad car, vessel or aircraft being operated on regularly scheduled flights by a United States certificated airline.

§ 3. This act shall take effect immediately.

PART R

Section 1. Section 3 of the alcoholic beverage control law is amended by adding a new subdivision 6-a to read as follows:

6-a. "Braggot" shall mean a malt alcoholic beverage made primarily from: honey; water; and malt and/or hops (i) which may also contain fruits, spices, herbs, grain or other agricultural products; and (ii) with honey representing at least fifty-one percent of the starting fermentable sugars by weight of the finished product. For the purposes of this chapter, braggot shall be designated as and sold as a beer.

§ 2. Section 3 of the alcoholic beverage control law is amended by adding a new subdivision 12-aaaa to read as follows:

12-aaaa. "Farm meadery" means and includes any place or premises, located on a farm in New York state, in which New York state labelled mead or New York state labelled braggot is manufactured, stored and sold, or any other place or premises in New York state in which New York state labelled mead or New York state labelled braggot is manufactured, stored and sold.

§ 3. Section 3 of the alcoholic beverage control law is amended by adding a new subdivision 19-a to read as follows:

19-a. "Mead" shall mean a wine made primarily from honey and water: (i) which may also contain hops, fruits, spices, herbs, grain or other agricultural products; and (ii) with honey representing at least fifty-one percent of the starting fermentable sugars by weight of the finished product. The brand or trade name label owner of such alcoholic beverage shall designate whether such alcoholic beverage shall be sold as and treated in the same manner as wine or mead for all purposes under this chapter. Provided, however, any mead containing more than eight and one-half per centum alcohol by volume shall be designated, sold as and treated in the same manner as wine.

§ 4. Section 3 of the alcoholic beverage control law is amended by adding a new subdivision 20-f to read as follows:

20-f. "New York state labeled braggot" means braggot made exclusively from honey produced in New York state.

§ 5. Section 3 of the alcoholic beverage control law is amended by adding a new subdivision 20-g to read as follows:

20-g. "New York state labeled mead" means mead made exclusively from honey produced in New York state.

§ 6. The alcoholic beverage control law is amended by adding a new article 6-A to read as follows:

ARTICLE 6-A

SPECIAL PROVISIONS RELATING TO MEAD

Section 86. Farm meadery license.
87. Authorization for sale of mead and braggot by retail licensees.
88. Authorization for sale of mead and braggot by wholesale licensees.

§ 86. Farm meadery license. 1. Any person may apply to the authority for a farm meadery license as provided for in this section to produce mead and braggot within this state for sale. Such application shall be in writing and verified and shall contain such information as the authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the authority grants the application, it shall issue a license in such form as shall be determined by its rules. Such license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein specifically designated to produce mead and braggot in the premises therein specifically licensed. The annual fee for such a license shall be seventy-five dollars.

2. A farm meadery license shall authorize the holder thereof to operate a meadery for the manufacture of New York state labelled mead and New York state labelled braggot. Such a license shall also authorize the licensee to:

(a) sell in bulk mead or braggot manufactured by the licensee to any person licensed to manufacture alcoholic beverages in this state or to a permittee engaged in the manufacture of products which are unfit for beverage use;

(b) sell or deliver mead or braggot manufactured by the licensee to persons outside the state pursuant to the laws of the place of such delivery;

(c) sell mead manufactured by the licensee to wholesalers and retailers licensed in this state to sell such mead, licensed farm distillers, licensed farm wineries, licensed wineries, licensed farm breweries, licensed farm cideries and any other licensed farm meadery. All such mead sold by the licensee shall be securely sealed and have attached thereto a label as shall be required by section one hundred seven-a of this chapter;

(d) sell braggot manufactured by the licensee to wholesalers and retailers licensed in this state to sell beer, licensed farm distillers, licensed farm wineries, licensed breweries, licensed farm breweries, licensed farm cideries and any other licensed farm meadery. All such braggot sold by the licensee shall be securely sealed and have attached thereto a label as shall be required by section one hundred seven-a of this chapter;

(e) operate, or use the services of, a custom crush facility as defined in subdivision nine-a of section three of this chapter;

(f) at the licensed premises, conduct tastings of, and sell at retail for consumption on or off the licensed premises, any New York state labeled mead, New York state labeled braggot, New York state labeled beer, New York state labeled cider, New York state labeled liquor or New York state labeled wine. Provided, however, for tastings and sales for on-premises consumption, the licensee shall regularly keep food available for sale or service to its retail customers for consumption on the premises. A licensee providing the following shall be deemed in compliance with this provision: (i) sandwiches, soups or other such foods, whether fresh, processed, pre-cooked or frozen; and/or (ii) food items intended to complement the tasting of alcoholic beverages, which shall mean a diversified selection of food that is ordinarily consumed without the use of tableware and can be conveniently consumed while standing or walking, including but not limited to: cheeses, fruits, vegetables, chocolates, breads, mustards and crackers. All of the provisions of this chapter relative to licensees selling alcoholic beverages at retail shall apply;

(g) operate a restaurant, hotel, catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, any New York state labeled mead, New York state labeled braggot, New York state labeled beer, New York state labeled cider, New York state labeled liquor or New York state labeled wine. All of the provisions of this chapter relative to licensees selling alcoholic beverages at retail shall apply. Notwithstanding any other provision of law, the licensed farm meadery may apply to the authority for a license under this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment; and

(h) store and sell gift items in a tax-paid room upon the licensed premises incidental to the sale of mead and braggot. These gift items shall be limited to the following categories: (i) non-alcoholic beverages for consumption on or off premises, including but not limited to bottled water, juice and soda beverages; (ii) food items for the purpose of complementing mead tastings, shall mean a diversified selection of food which is ordinarily consumed without the use of tableware and can conveniently be consumed while standing or walking; (iii) food items, which shall include locally produced farm products and any food or food

product not specifically prepared for immediate consumption upon the premises; (iv) mead and braggot supplies and accessories, which shall include any item utilized for the storage, serving or consumption of mead and braggot or for decorative purposes; (v) souvenir items, which shall include, but not be limited to artwork, crafts, clothing, agricultural products and any other articles which can be construed to propagate tourism within the region; and (vi) mead-making and braggot-making equipment.

3. A licensed farm meadery may engage in any other business on the licensed premises subject to such rules and regulations as the liquor authority may prescribe. In prescribing such rules and regulations, the liquor authority shall promote the expansion and profitability of mead and braggot production and of tourism in New York, thereby promoting the conservation, production and enhancement of New York state agricultural lands. Further, such rules and regulations shall determine which businesses will be compatible with the policy and purposes of this chapter and shall consider the effect of particular businesses on the community and area in the vicinity of the farm meadery licensee.

4. Notwithstanding any provision of this chapter to the contrary, any farm meadery licensee may charge for tours of its premises.

5. The holder of a license issued under this section may operate up to five branch offices located away from the licensed farm meadery. Such locations shall be considered part of the licensed premises and all activities allowed at and limited to the farm meadery may be conducted at the branch offices. Such branch offices shall not be located within, share a common entrance and exit with, or have any interior access to any other business, including premises licensed to sell alcoholic beverages at retail. Prior to commencing operation of any such branch office, the licensee shall notify the authority of the location of such branch office and the authority may issue a permit for the operation of same.

6. (a) No farm meadery shall manufacture in excess of two hundred fifty thousand gallons of mead and/or braggot annually.

(b) A licensed farm meadery shall produce at least fifty gallons of mead and/or braggot annually.

7. No licensed farm meadery shall manufacture or sell any mead other than New York state labelled mead.

8. No licensed farm meadery shall manufacture or sell any braggot other than New York state labelled braggot.

9. The authority is hereby authorized to promulgate rules and regulations to effectuate the purposes of this section. In prescribing such rules and regulations, the authority shall promote the expansion and profitability of mead production and of tourism in New York, thereby promoting the conservation, production and enhancement of New York state agricultural lands.

§ 87. Authorization for sale of mead and braggot by retail licensees. 1. Each retail licensee under this chapter shall have the right, by virtue of his license and without being required to pay any additional fee for the privilege, to sell at retail for consumption on or off the premises, as the case may be, mead which has not been designated as a wine pursuant to subdivision nineteen-a of section three of this chapter and which has been purchased from a person licensed to produce or sell mead at wholesale under this chapter.

2. Each retail licensee authorized to sell wine under this chapter shall have the right, by virtue of his license and without being required to pay any additional fee for the privilege, to sell at retail for consumption on or off the premises, as the case may be, mead which

has been designated as a wine pursuant to subdivision nineteen-a of section three of this chapter and which has been purchased from a person licensed to produce or sell mead at wholesale under this chapter.

3. Each retail licensee authorized to sell beer under this chapter shall have the right, by virtue of his license and without being required to pay any additional fee for the privilege, to sell at retail for consumption on or off the premises, as the case may be, braggot which has been purchased from a person licensed to produce or sell braggot at wholesale under this chapter.

§ 88. Authorization for sale of mead and braggot by wholesale licensees. 1. Each wholesale licensee authorized to sell beer under this chapter shall have the right, by virtue of its license and without being required to pay any additional fee for the privilege, to sell at wholesale: (a) braggot purchased from a person licensed to produce braggot under this chapter. Such braggot shall be subject to the provisions of this chapter regarding the tasting and sale of beer at wholesale and retail; or

(b) mead purchased from a person licensed to produce mead and which has not been designated as wine pursuant to subdivision nineteen-a of section three of this chapter. Such mead shall be subject to the provisions of this chapter regarding the tasting and sale of beer at wholesale and retail.

2. Each wholesale licensee authorized to sell wine under this chapter shall have the right, by virtue of its license and without being required to pay any additional fee for the privilege, to sell at wholesale mead purchased from a person licensed to produce mead and which has been designated as wine pursuant to subdivision nineteen-a of section three of this chapter. Such mead shall be subject to the provisions of this chapter regarding the tasting and sale of wine at wholesale and retail.

§ 7. Subdivision 3 of section 17 of the alcoholic beverage control law, as amended by section 3 of chapter 297 of the laws of 2016, is amended to read as follows:

3. To revoke, cancel or suspend for cause any license or permit issued under this chapter and/or to impose a civil penalty for cause against any holder of a license or permit issued pursuant to this chapter. Any civil penalty so imposed shall not exceed the sum of ten thousand dollars as against the holder of any retail permit issued pursuant to sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and paragraph f of subdivision one of section ninety-nine-b of this chapter, and as against the holder of any retail license issued pursuant to sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, seventy-six-f, seventy-nine, eighty-one and eighty-one-a of this chapter, and the sum of thirty thousand dollars as against the holder of a license issued pursuant to sections fifty-three, fifty-eight, fifty-eight-c, sixty-one-a, sixty-one-b, seventy-six, seventy-six-a, [~~and~~] seventy-eight and eighty-six of this chapter, provided that the civil penalty against the holder of a wholesale license issued pursuant to section fifty-three of this chapter shall not exceed the sum of ten thousand dollars where that licensee violates provisions of this chapter during the course of the sale of beer at retail to a person for consumption at home, and the sum of one hundred thousand dollars as against the holder of any license issued pursuant to sections fifty-one, sixty-one, and sixty-two of this chapter. Any civil penalty so imposed shall be in addition to and separate and apart from the terms and

provisions of the bond required pursuant to section one hundred twelve of this chapter. Provided that no appeal is pending on the imposition of such civil penalty, in the event such civil penalty imposed by the division remains unpaid, in whole or in part, more than forty-five days after written demand for payment has been sent by first class mail to the address of the licensed premises, a notice of impending default judgment shall be sent by first class mail to the licensed premises and by first class mail to the last known home address of the person who signed the most recent license application. The notice of impending default judgment shall advise the licensee: (a) that a civil penalty was imposed on the licensee; (b) the date the penalty was imposed; (c) the amount of the civil penalty; (d) the amount of the civil penalty that remains unpaid as of the date of the notice; (e) the violations for which the civil penalty was imposed; and (f) that a judgment by default will be entered in the supreme court of the county in which the licensed premises are located, or other court of civil jurisdiction or any other place provided for the entry of civil judgments within the state of New York unless the division receives full payment of all civil penalties due within twenty days of the date of the notice of impending default judgment. If full payment shall not have been received by the division within thirty days of mailing of the notice of impending default judgment, the division shall proceed to enter with such court a statement of the default judgment containing the amount of the penalty or penalties remaining due and unpaid, along with proof of mailing of the notice of impending default judgment. The filing of such judgment shall have the full force and effect of a default judgment duly docketed with such court pursuant to the civil practice law and rules and shall in all respects be governed by that chapter and may be enforced in the same manner and with the same effect as that provided by law in respect to execution issued against property upon judgments of a court of record. A judgment entered pursuant to this subdivision shall remain in full force and effect for eight years notwithstanding any other provision of law.

§ 8. Subdivision 3 of section 17 of the alcoholic beverage control law, as amended by section 4 of chapter 297 of the laws of 2016, is amended to read as follows:

3. To revoke, cancel or suspend for cause any license or permit issued under this chapter and/or to impose a civil penalty for cause against any holder of a license or permit issued pursuant to this chapter. Any civil penalty so imposed shall not exceed the sum of ten thousand dollars as against the holder of any retail permit issued pursuant to sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and paragraph f of subdivision one of section ninety-nine-b of this chapter, and as against the holder of any retail license issued pursuant to sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, seventy-six-f, seventy-nine, eighty-one, and eighty-one-a of this chapter, and the sum of thirty thousand dollars as against the holder of a license issued pursuant to sections fifty-three, **fifty-eight, fifty-eight-c,** sixty-one-a, sixty-one-b, seventy-six, seventy-six-a [~~and~~], seventy-eight **and eighty-six** of this chapter, provided that the civil penalty against the holder of a wholesale license issued pursuant to section fifty-three of this chapter shall not exceed the sum of ten thousand dollars where that licensee violates provisions of this chapter during the course of the sale of beer at retail to a person for consumption at home, and the sum of one hundred thousand dollars as against the holder of any license issued pursuant to sections fifty-one,

sixty-one and sixty-two of this chapter. Any civil penalty so imposed shall be in addition to and separate and apart from the terms and provisions of the bond required pursuant to section one hundred twelve of this chapter. Provided that no appeal is pending on the imposition of such civil penalty, in the event such civil penalty imposed by the division remains unpaid, in whole or in part, more than forty-five days after written demand for payment has been sent by first class mail to the address of the licensed premises, a notice of impending default judgment shall be sent by first class mail to the licensed premises and by first class mail to the last known home address of the person who signed the most recent license application. The notice of impending default judgment shall advise the licensee: (a) that a civil penalty was imposed on the licensee; (b) the date the penalty was imposed; (c) the amount of the civil penalty; (d) the amount of the civil penalty that remains unpaid as of the date of the notice; (e) the violations for which the civil penalty was imposed; and (f) that a judgment by default will be entered in the supreme court of the county in which the licensed premises are located, or other court of civil jurisdiction, or any other place provided for the entry of civil judgments within the state of New York unless the division receives full payment of all civil penalties due within twenty days of the date of the notice of impending default judgment. If full payment shall not have been received by the division within thirty days of mailing of the notice of impending default judgment, the division shall proceed to enter with such court a statement of the default judgment containing the amount of the penalty or penalties remaining due and unpaid, along with proof of mailing of the notice of impending default judgment. The filing of such judgment shall have the full force and effect of a default judgment duly docketed with such court pursuant to the civil practice law and rules and shall in all respects be governed by that chapter and may be enforced in the same manner and with the same effect as that provided by law in respect to execution issued against property upon judgments of a court of record. A judgment entered pursuant to this subdivision shall remain in full force and effect for eight years notwithstanding any other provision of law.

§ 9. Paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i) and (l) of subdivision 2 of section 51-a of the alcoholic beverage control law, paragraphs (a), (b), (c), (f), (h), (i) and (l) as added by chapter 108 of the laws of 2012, paragraph (d) as amended by chapter 384 of the laws of 2013, paragraph (e) as amended by chapter 328 of the laws of 2016, paragraph (g) as amended by chapter 431 of the laws of 2014, and paragraph (l) as relettered by chapter 384 of the laws of 2013, are amended to read as follows:

(a) manufacture New York state labelled cider **and New York state labeled braggot**;

(b) sell in bulk [~~beer and cider~~] **alcoholic beverages** manufactured by the licensee to any person licensed to manufacture alcoholic beverages in this state or to a permittee engaged in the manufacture of products which are unfit for beverage use;

(c) sell or deliver [~~beer and cider~~] **alcoholic beverages** manufactured by the licensee to persons outside the state pursuant to the laws of the place of such delivery;

(d) sell [~~beer and cider~~] **alcoholic beverages** manufactured by the licensee to wholesalers and retailers licensed in this state to sell such [~~beer and cider~~] **alcoholic beverages**, licensed farm distillers, licensed farm wineries, licensed farm cideries**, licensed farm meaderies** and any other licensed farm brewery. All such [~~beer and cider~~] **alcoholic**

beverages sold by the licensee shall be securely sealed and have attached thereto a label as shall be required by section one hundred seven-a of this chapter;

(e) sell at the licensed premises [~~**beer and cider**~~] **alcoholic beverages** manufactured by the licensee or any other licensed farm brewery[~~**, and wine and spirits manufactured by any licensed farm winery or farm distillery, at retail for consumption on or off the licensed premises**~~];

(f) conduct tastings at the licensed premises of [~~**beer and cider**~~] **alcoholic beverages** manufactured by the licensee or any other licensed farm brewery;

(g) operate a restaurant, hotel, catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, [~~**beer and cider**~~] **alcoholic beverages** manufactured by the licensee and any New York state labeled beer**, New York state labeled braggot** or New York state labeled cider. All of the provisions of this chapter relative to licenses to sell [~~**beer**~~] **alcoholic beverages** at retail for consumption on and off the premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensed farm brewery may apply to the authority for a license under this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment;

(h) sell [~~**beer and cider**~~] **alcoholic beverages** manufactured by the licensee or any other licensed farm brewery at retail for consumption off the premises, at the state fair, at recognized county fairs and at farmers markets operated on a not-for-profit basis;

(i) conduct tastings of and sell at retail for consumption off the premises New York state labelled wine **and mead** manufactured by a [~~**licensed winery or licensed farm winery**~~] **person licensed to produce wine or mead under this chapter**;

(l) **conduct tastings of and sell at retail for consumption off the premises New York state labelled braggot manufactured by a person licensed to produce braggot under this chapter; and**

(m) engage in any other business on the licensed premises subject to such rules and regulations as the authority may prescribe. Such rules and regulations shall determine which businesses will be compatible with the policy and purposes of this chapter and shall consider the effect of particular businesses on the community and area in the vicinity of the farm brewery licensee.

§ 10. Paragraph (a) and subparagraph (ii) of paragraph (b) of subdivision 3 of section 51-a of the alcoholic beverage control law, as added by chapter 108 of the laws of 2012, are amended to read as follows:

(a) A farm brewery licensee may apply for a permit to conduct tastings away from the licensed premises of [~~**beer and cider**~~] **alcoholic beverages** produced by the licensee. Such permit shall be valid throughout the state and may be issued on an annual basis or for individual events. Each such permit and the exercise of the privilege granted thereby shall be subject to such rules and conditions of the authority as it deems necessary.

(ii) any liability stemming from a right of action resulting from a tasting of [~~**beer or cider**~~] **alcoholic beverages** as authorized herein and in accordance with the provisions of sections 11-100 and 11-101 of the general obligations law, shall accrue to the farm brewery.

§ 11. Subdivision 4 of section 51-a of the alcoholic beverage control law, as added by chapter 108 of the laws of 2012, is amended to read as follows:

4. A licensed farm brewery holding a tasting permit issued pursuant to subdivision three of this section may apply to the authority for a permit to sell [~~beer and cider~~] alcoholic beverages produced by such farm brewery, by the bottle, during such tastings in premises licensed under sections sixty-four, sixty-four-a, eighty-one and eighty-one-a of this chapter. Each such permit and the exercise of the privilege granted thereby shall be subject to such rules and conditions of the authority as it deems necessary.

§ 12. Subdivision 10 of section 51-a of the alcoholic beverage control law, as amended by chapter 431 of the laws of 2014, is amended to read as follows:

10. (a) No farm brewery shall manufacture in excess of seventy-five thousand finished barrels of [~~beer and cider~~] alcoholic beverages annually.

(b) A farm brewery shall manufacture at least fifty barrels of [~~beer and cider~~] alcoholic beverages annually.

§ 13. Subdivisions 1 and 2 of section 56-a of the alcoholic beverage control law, as amended by chapter 422 of the laws of 2016, are amended to read as follows:

1. In addition to the annual fees provided for in this chapter, there shall be paid to the authority with each initial application for a license filed pursuant to section fifty-one, fifty-one-a, fifty-two, fifty-three, fifty-eight, fifty-eight-c, fifty-eight-d, sixty-one, sixty-two, seventy-six, seventy-seven [~~or~~], seventy-eight or eighty-six of this chapter, a filing fee of four hundred dollars; with each initial application for a license filed pursuant to section sixty-three, sixty-four, sixty-four-a or sixty-four-b of this chapter, a filing fee of two hundred dollars; with each initial application for a license filed pursuant to section fifty-three-a, fifty-four, fifty-five, fifty-five-a, seventy-nine, eighty-one or eighty-one-a of this chapter, a filing fee of one hundred dollars; with each initial application for a permit filed pursuant to section ninety-one, ninety-one-a, ninety-two, ninety-two-a, ninety-three, ninety-three-a, if such permit is to be issued on a calendar year basis, ninety-four, ninety-five, ninety-six or ninety-six-a, or pursuant to paragraph b, c, e or j of subdivision one of section ninety-nine-b of this chapter if such permit is to be issued on a calendar year basis, or for an additional bar pursuant to subdivision four of section one hundred of this chapter, a filing fee of twenty dollars; and with each application for a permit under section ninety-three-a of this chapter, other than a permit to be issued on a calendar year basis, section ninety-seven, ninety-eight, ninety-nine, or ninety-nine-b of this chapter, other than a permit to be issued pursuant to paragraph b, c, e or j of subdivision one of section ninety-nine-b of this chapter on a calendar year basis, a filing fee of ten dollars.

2. In addition to the annual fees provided for in this chapter, there shall be paid to the authority with each renewal application for a license filed pursuant to section fifty-one, fifty-one-a, fifty-two, fifty-three, fifty-eight, fifty-eight-c, fifty-eight-d, sixty-one, sixty-two, seventy-six, seventy-seven [~~or~~], seventy-eight or eighty-six of this chapter, a filing fee of one hundred dollars; with each renewal application for a license filed pursuant to section sixty-three, sixty-four, sixty-four-a or sixty-four-b of this chapter, a filing fee of ninety dollars; with each renewal application for a license filed pursuant to section seventy-nine, eighty-one or eighty-one-a of this chapter, a filing fee of twenty-five dollars; and with each renewal application for a license or permit filed pursuant to section fifty-three-a, fifty-

four, fifty-five, fifty-five-a, ninety-one, ninety-one-a, ninety-two, ninety-two-a, ninety-three, ninety-three-a, if such permit is issued on a calendar year basis, ninety-four, ninety-five, ninety-six or ninety-six-a of this chapter or pursuant to paragraph b, c, e or j of subdivision one of section ninety-nine-b, if such permit is issued on a calendar year basis, or with each renewal application for an additional bar pursuant to subdivision four of section one hundred of this chapter, a filing fee of thirty dollars.

§ 14. Paragraph (j) of subdivision 2 of section 58-c of the alcoholic beverage control law, as amended by chapter 327 of the laws of 2016, is amended and two new paragraphs (j-1) and (j-2) are added to read as follows:

(j) conduct tastings of and sell at retail for consumption on or off the premises New York state labelled liquor manufactured by a licensed distiller or licensed farm distiller; provided, however, that no consumer may be provided, directly or indirectly: (i) with more than three samples of liquor for tasting in one calendar day; or (ii) with a sample of liquor for tasting equal to more than one-quarter fluid ounce; [~~and~~]

(j-1) conduct tastings of and sell at retail for consumption on or off the premises New York state labelled mead manufactured by a person licensed to produce mead under this chapter;

(j-2) conduct tastings of and sell at retail for consumption on or off the premises New York state labelled braggot manufactured by a person licensed to produce braggot under this chapter; and

§ 15. Clauses (vi) and (vii) of paragraph (a) of subdivision 2-c of section 61 of the alcoholic beverage control law, as amended by chapter 103 of the laws of 2017, are amended and two new clauses (viii) and (ix) are added to read as follows:

(vi) To conduct tastings of and sell at retail for consumption on or off the premises New York state labelled cider manufactured by a licensed brewer, licensed farm brewery, licensed farm winery, licensed cider producer or licensed farm cidery; [~~and~~]

(vii) To conduct tastings of and sell at retail for consumption on or off the premises New York state labelled wine manufactured by a licensed winery or licensed farm winery[~~.~~]**;**

(viii) To conduct tastings of and sell at retail for consumption on or off the premises New York state labelled mead manufactured by a person licensed to produce mead under this chapter; and

(ix) To conduct tastings of and sell at retail for consumption on or off the premises New York state labelled braggot manufactured by a person licensed to produce braggot under this chapter.

§ 16. Paragraphs (a), (b), (c) and (d) of subdivision 2 of section 76 of the alcoholic beverage control law, as amended by chapter 108 of the laws of 2012, are amended to read as follows:

(a) to operate a winery for the manufacture of wine **and mead** at the premises specifically designated in the license;

(b) to receive and possess wine **and mead** from other states consigned to a United States government bonded winery, warehouse or storeroom located within the state;

(c) to sell in bulk from the licensed premises the products manufactured under such license and wine **and mead** received by such licensee from any other state to any winery licensee, **or meadery license** any distiller licensee or to a permittee engaged in the manufacture of products which are unfit for beverage use and to sell or deliver such wine **or mead** to persons outside the state pursuant to the laws of the place of such sale or delivery;

(d) to sell from the licensed premises to a licensed wholesaler or retailer, or to a corporation operating railroad cars or aircraft for consumption on such carriers, wine **and mead** manufactured or received by the licensee as above set forth in the original sealed containers of not more than fifteen gallons each and to sell or deliver such wine **and mead** to persons outside the state pursuant to the laws of the place of such sale or delivery. All wine **and mead** sold by such licensee shall be securely sealed and have attached thereto a label setting forth such information as shall be required by this chapter;

§ 17. Subdivision 4-a of section 76 of the alcoholic beverage control law, as amended by chapter 431 of the laws of 2014, is amended to read as follows:

4-a. A licensed winery may operate a restaurant, hotel, catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, wine**, mead** and wine products manufactured by the licensee and any New York state labeled wine**, mead** or New York state labeled wine product. All of the provisions of this chapter relative to licenses to sell wine at retail for consumption on the premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensed winery may apply to the authority for a license under article four of this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment.

§ 17-a. Subdivision 13 of section 76 of the alcoholic beverage control law, as added by chapter 221 of the laws of 2011, is amended to read as follows:

13. Notwithstanding any other provision of law to the contrary, a winery licensed pursuant to this section may engage in custom wine production allowing individuals to assist in the production of wine **or mead** for sale for personal or family use, provided, however, that (a) the wine **or mead** must be purchased by the individual assisting in the production of such wine **or mead**; and (b) the owner, employee or agent of such winery shall be present at all times during such production.

§ 18. Subdivision 14 of section 76 of the alcoholic beverage control law, as added by chapter 431 of the laws of 2014, is amended to read as follows:

14. Any person licensed under this section shall manufacture at least fifty gallons of wine **and/or mead** per year.

§ 19. Paragraphs (a), (c), (e) and (f) of subdivision 2 of section 76-a of the alcoholic beverage control law, paragraph (a) as added by chapter 221 of the laws of 2011, paragraph (c) as amended by chapter 384 of the laws of 2013, paragraph (e) as amended by chapter 328 of the laws of 2016 and paragraph (f) as amended by chapter 431 of the laws of 2014, are amended to read as follows:

(a) operate a farm winery for the manufacture of wine**, New York state labeled mead** or **New York state labeled** cider at the premises specifically designated in the license;

(c) sell from the licensed premises to a licensed winery, farm distiller, farm brewery, farm cidery, **farm meadery,** wholesaler or retailer, or to a corporation operating railroad cars or aircraft for consumption on such carriers, or at retail for consumption off the premises, [~~**wine or cider**~~] **alcoholic beverages** manufactured by the licensee as above set forth and to sell or deliver such wine or cider to persons outside the state pursuant to the laws of the place of such sale or delivery. All [~~**wine or cider**~~] **alcoholic beverages** sold by such licensee for consump-

tion off the premises shall be securely sealed and have attached thereto a label setting forth such information as shall be required by this chapter;

(e) **conduct tastings of and** sell at the licensed premises [~~**cider and wine**~~]**, at retail for consumption on or off the licensed premises alcoholic beverages** manufactured by the licensee or any other licensed farm winery[~~**, and**~~]**; New York state labeled wine manufactured by any licensed winery; New York state labeled** beer **manufactured by any licensed brewer or farm brewery; New York state labeled cider manufactured by any licensed cider producer, farm cidery or farm brewery; New York state labeled mead manufactured by any licensed farm meadery, winery or farm winery; New York state labeled braggot manufactured by any licensed meadery, brewery or farm brewery** and [~~**spirits**~~] **New York state labeled liquor** manufactured by any licensed [~~**farm brewery or**~~] **distiller or** farm distillery[~~**, at retail for consumption on or off the licensed premises**~~];

(f) operate a restaurant, hotel, catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, [~~**wine, cider and wine products**~~] **alcoholic beverages** manufactured by the licensee and any New York state labeled wine, New York state labeled cider**,** **New York state labeled mead** or New York state labeled wine product. All of the provisions of this chapter relative to licenses to sell wine at retail for consumption on the premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensed **farm** winery may apply to the authority for a license under [~~**article four of**~~] this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment.

§ 20. Paragraphs (f), (g) and (h) of subdivision 6 of section 76-a of the alcoholic beverage control law are REPEALED.

§ 21. Subdivision 8 of section 76-a of the alcoholic beverage control law, as amended by chapter 431 of the laws of 2014, is amended to read as follows:

8. (a) No licensed farm winery shall manufacture in excess of two hundred fifty thousand finished gallons of [~~**wine**~~] **alcoholic beverages** annually.

(b) Any person licensed under this section shall manufacture at least fifty gallons of [~~**wine**~~] **alcoholic beverages** per year.

§ 22. Subdivision 9 of section 76-a of the alcoholic beverage control law, as added by chapter 221 of the laws of 2011, is amended to read as follows:

9. Notwithstanding any other provision of law to the contrary, a farm winery licensed pursuant to this section may engage in custom [~~**wine**~~] production allowing individuals to assist in the production of **New York state labeled** wine**, cider and mead** for sale for personal or family use, provided, however, that (a) the wine**, cider and mead** must be purchased by the individual assisting in the production of such wine**, cider or mead**; and (b) the owner, employee or agent of such winery shall be present at all times during such production.

§ 23. Subdivision 2 of section 101-aaa of the alcoholic beverage control law, as amended by chapter 242 of the laws of 2012, is amended to read as follows:

2. No manufacturer or wholesaler licensed under this chapter shall sell or deliver any beer, **mead,** cider or wine products to any retail licensee except as provided for in this section:

(a) for cash to be paid at the time of delivery; or

(b) on terms requiring payment by such retail licensee for such beer, **mead,** cider, or wine products on or before the final payment date of any credit period within which delivery is made. Provided, however, that the sale of wine products **mead,** or cider to a retail licensee by a wholesaler licensed under section fifty-eight, sixty-two, or seventy-eight of this chapter, or a licensed manufacturer of liquor**, mead** or wine or a cider producer's license, shall be governed by the provisions of section one hundred-one-aa of this article.

§ 24. Paragraphs (b), (d) and (e) of subdivision 4 of section 107-a of the alcoholic beverage control law, paragraph (b) as amended by chapter 369 of the laws of 2017, paragraphs (d) and (e) as amended by chapter 354 of the laws of 2013, are amended to read as follows:

(b) The annual fee for registration of any brand or trade name label for liquor shall be two hundred fifty dollars; the annual fee for registration of any brand or trade name label for beer**, mead** or cider shall be one hundred fifty dollars; the annual fee for registration of any brand or trade name label for wine or wine products shall be fifty dollars. Such fee shall be in the form of a check or draft. No annual fee for registration of any brand or trade name label for wine shall be required if it has been approved by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of Treasury pursuant to this section.

Each brand or trade name label registration approved pursuant to this section shall be valid for a term of three years as set forth by the authority and which shall be pro-rated for partial years as applicable.

Each brand or trade name label registration approved pursuant to this section shall be valid only for the licensee to whom issued and shall not be transferable.

(d) The authority may at any time exempt any discontinued brand from such fee provisions where a manufacturer or wholesaler has an inventory of one hundred cases or less of liquor or wine and five hundred cases or less of beer, and certifies to the authority in writing that such brand is being discontinued. The authority may also at any time exempt any discontinued brand from such fee provisions where a retailer discontinuing a brand owned by him has a balance of an order yet to be delivered of fifty cases or less of liquor or wine, or two hundred fifty cases or less of beer, **mead,** wine products or cider.

(e) The authority shall exempt from such fee provisions the registration of each brand or trade name label used for beer**, mead** or cider that is produced in small size batches totaling fifteen hundred barrels or less of beer**, mead** or cider annually.

§ 25. This act shall take effect on the ninetieth day after it shall have become a law, provided that the amendments to section 17 of the alcoholic beverage control law made by section seven of this act shall be subject to the expiration and reversion of such section pursuant to section 4 of chapter 118 of the laws of 2012, as amended, when upon such date the provisions of section eight of this act shall take effect.

PART S

Section 1. The alcoholic beverage control law is amended by adding a new section 61-c to read as follows:

§ 61-c. Exporter's license. An exporter's license shall authorize the holder thereof to purchase alcoholic beverages from licensed manufacturers solely for purposes of export outside of this state pursuant to and in accordance with the laws of the place of delivery.

§ 2. Section 66 of the alcoholic beverage control law is amended by adding a new subdivision 3-b to read as follows:

3-b. The annual fee for an exporter's license shall be one hundred twenty-five dollars.

§ 3. Subdivision 3 of section 17 of the alcoholic beverage control law, as amended by section 3 of chapter 297 of the laws of 2016, is amended to read as follows:

3. To revoke, cancel or suspend for cause any license or permit issued under this chapter and/or to impose a civil penalty for cause against any holder of a license or permit issued pursuant to this chapter. Any civil penalty so imposed shall not exceed the sum of ten thousand dollars as against the holder of any retail permit issued pursuant to sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and paragraph f of subdivision one of section ninety-nine-b of this chapter, and as against the holder of any retail license issued pursuant to sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, seventy-six-f, seventy-nine, eighty-one and eighty-one-a of this chapter, and the sum of thirty thousand dollars as against the holder of a license issued pursuant to sections fifty-three, sixty-one-a, sixty-one-b, **sixty-one-c,** seventy-six, seventy-six-a, and seventy-eight of this chapter, provided that the civil penalty against the holder of a wholesale license issued pursuant to section fifty-three of this chapter shall not exceed the sum of ten thousand dollars where that licensee violates provisions of this chapter during the course of the sale of beer at retail to a person for consumption at home, and the sum of one hundred thousand dollars as against the holder of any license issued pursuant to sections fifty-one, sixty-one, and sixty-two of this chapter. Any civil penalty so imposed shall be in addition to and separate and apart from the terms and provisions of the bond required pursuant to section one hundred twelve of this chapter. Provided that no appeal is pending on the imposition of such civil penalty, in the event such civil penalty imposed by the division remains unpaid, in whole or in part, more than forty-five days after written demand for payment has been sent by first class mail to the address of the licensed premises, a notice of impending default judgment shall be sent by first class mail to the licensed premises and by first class mail to the last known home address of the person who signed the most recent license application. The notice of impending default judgment shall advise the licensee: (a) that a civil penalty was imposed on the licensee; (b) the date the penalty was imposed; (c) the amount of the civil penalty; (d) the amount of the civil penalty that remains unpaid as of the date of the notice; (e) the violations for which the civil penalty was imposed; and (f) that a judgment by default will be entered in the supreme court of the county in which the licensed premises are located, or other court of civil jurisdiction or any other place provided for the entry of civil judgments within the state of New York unless the division receives full payment of all civil penalties due within twenty days of the date of the notice of impending default judgment. If full payment shall not have been received by the division within thirty days of mailing of the notice of impending default judgment, the division shall proceed to enter with such court a statement of the default judgment containing the amount of the penalty or penalties remaining due and unpaid, along with proof of mailing of the notice of impending default judgment. The filing of such judgment shall have the full force and effect of a default judgment duly docketed with such court pursuant to the civil practice law

and rules and shall in all respects be governed by that chapter and may be enforced in the same manner and with the same effect as that provided by law in respect to execution issued against property upon judgments of a court of record. A judgment entered pursuant to this subdivision shall remain in full force and effect for eight years notwithstanding any other provision of law.

§ 4. Subdivision 3 of section 17 of the alcoholic beverage control law, as amended by section 4 of chapter 297 of the laws of 2016, is amended to read as follows:

3. To revoke, cancel or suspend for cause any license or permit issued under this chapter and/or to impose a civil penalty for cause against any holder of a license or permit issued pursuant to this chapter. Any civil penalty so imposed shall not exceed the sum of ten thousand dollars as against the holder of any retail permit issued pursuant to sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and paragraph f of subdivision one of section ninety-nine-b of this chapter, and as against the holder of any retail license issued pursuant to sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, seventy-six-f, seventy-nine, eighty-one, and eighty-one-a of this chapter, and the sum of thirty thousand dollars as against the holder of a license issued pursuant to sections fifty-three, sixty-one-a, sixty-one-b, **sixty-one-c,** seventy-six, seventy-six-a and seventy-eight of this chapter, provided that the civil penalty against the holder of a wholesale license issued pursuant to section fifty-three of this chapter shall not exceed the sum of ten thousand dollars where that licensee violates provisions of this chapter during the course of the sale of beer at retail to a person for consumption at home, and the sum of one hundred thousand dollars as against the holder of any license issued pursuant to sections fifty-one, sixty-one and sixty-two of this chapter. Any civil penalty so imposed shall be in addition to and separate and apart from the terms and provisions of the bond required pursuant to section one hundred twelve of this chapter. Provided that no appeal is pending on the imposition of such civil penalty, in the event such civil penalty imposed by the division remains unpaid, in whole or in part, more than forty-five days after written demand for payment has been sent by first class mail to the address of the licensed premises, a notice of impending default judgment shall be sent by first class mail to the licensed premises and by first class mail to the last known home address of the person who signed the most recent license application. The notice of impending default judgment shall advise the licensee: (a) that a civil penalty was imposed on the licensee; (b) the date the penalty was imposed; (c) the amount of the civil penalty; (d) the amount of the civil penalty that remains unpaid as of the date of the notice; (e) the violations for which the civil penalty was imposed; and (f) that a judgment by default will be entered in the supreme court of the county in which the licensed premises are located, or other court of civil jurisdiction, or any other place provided for the entry of civil judgments within the state of New York unless the division receives full payment of all civil penalties due within twenty days of the date of the notice of impending default judgment. If full payment shall not have been received by the division within thirty days of mailing of the notice of impending default judgment, the division shall proceed to enter with such court a statement of the default judgment containing the amount of the penalty or penalties remaining due and unpaid, along with proof of mailing of the notice of impending default judgment. The filing

of such judgment shall have the full force and effect of a default judgment duly docketed with such court pursuant to the civil practice law and rules and shall in all respects be governed by that chapter and may be enforced in the same manner and with the same effect as that provided by law in respect to execution issued against property upon judgments of a court of record. A judgment entered pursuant to this subdivision shall remain in full force and effect for eight years notwithstanding any other provision of law.

§ 5. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided that the amendments to subdivision 3 of section 17 of the alcoholic beverage control law made by section three of this act shall be subject to the expiration and reversion of such section pursuant to section 4 of chapter 118 of the laws of 2012, as amended, when upon such date the provisions of section four of this act shall take effect; and provided, further, that any and all rules and regulations and any other measures necessary to implement any provision of this act on its effective date may be promulgated and taken, respectively, on or before the effective date of such provision.

PART T

Section 1. Section 2 of chapter 303 of the laws of 1988, relating to the extension of the state commission on the restoration of the capitol, as amended by chapter 207 of the laws of 2013, is amended to read as follows:

§ 2. The temporary state commission on the restoration of the capitol is hereby renamed as the state commission on the restoration of the capitol (hereinafter to be referred to as the "commission") and is hereby continued until April 1, [~~2018~~] **2023**. The commission shall consist of eleven members to be appointed as follows: five members shall be appointed by the governor; two members shall be appointed by the temporary president of the senate; two members shall be appointed by the speaker of the assembly; one member shall be appointed by the minority leader of the senate; one member shall be appointed by the minority leader of the assembly, together with the commissioner of general services and the commissioner of parks, recreation and historic preservation. The term for each elected member shall be for three years, except that of the first five members appointed by the governor, one shall be for a one year term, and two shall be for a two year term, and one of the first appointments by the president of the senate and by the speaker of the assembly shall be for a two year term. Any vacancy that occurs in the commission shall be filled in the same manner in which the original appointment was made. The commission shall elect a chairman and a vice-chairman from among its members. The members of the state commission on the restoration of the capitol shall be deemed to be members of the commission until their successors are appointed. The members of the commission shall receive no compensation for their services, but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties hereunder.

§ 2. Section 9 of chapter 303 of the laws of 1988, relating to the extension of the state commission on the restoration of the capitol, as amended by chapter 207 of the laws of 2013, is amended to read as follows:

§ 9. This act shall take effect immediately, and shall remain in full force and effect until April 1, [~~2018~~] **2023**.

§ 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2018; provided that the amendments to section 2 of chapter 303 of the laws of 1988 made by section one of this act shall not affect the expiration of such chapter, and shall be deemed to expire therewith.

PART U

Section 1. The section heading and subdivision 1 of section 34 of the public lands law, as amended by chapter 703 of the laws of 1994, are amended to read as follows:

Transfer of unappropriated state lands for mental health, [~~mental retardation~~] **developmental disability**, park, recreation, playground, reforestation, **public education, public safety,** street [~~or~~]**,** highway**, or other municipal** purposes. 1. [~~Such~~] **The** commissioner of general services may, from time to time, transfer and convey to a city, incorporated village, town**,** or county **or, as defined in section one hundred of the general municipal law, to a political subdivision, fire company, or voluntary ambulance service**, in consideration of one dollar to be paid to the state of New York, and on such terms and conditions as such commissioner may impose, a part or all of any parcel or parcels of unappropriated state lands upon certification that such parcel or parcels are useful for local mental health facilities, [~~mental retardation~~] **developmental disability** facilities, park, recreation, playground, reforestation, **public education, public safety,** street [~~or~~]**,** highway**, or other municipal** purposes, and that they will be properly improved and maintained for one or more of such purposes and provided that this disposition of such parcel or parcels is not otherwise prohibited. Certification shall be evidenced by a formal request from the [~~board of estimate,~~] common council, village board, town board [~~or~~]**,** county board of supervisors, **or other elective governing board or body now or hereafter vested by state statute, charter or other law with jurisdiction to initiate and adopt local laws or ordinances, or such board or body as may be authorized by law to initiate such request and certification,** setting forth in detail the parcel or parcels to be released, transferred and conveyed and the availability and usefulness of such parcel or parcels for one or more of such purposes. In the city of New York however, certification shall be evidenced by a formal request from the mayor. In the event that lands transferred under the provisions of this section are not properly improved and maintained for one or more of the purposes contemplated by this section by the city, village, town [~~or~~]**,** county**, political subdivision, fire company, or voluntary ambulance service** to which they were transferred, the title thereto shall revert to the people of the state of New York, and the attorney-general may institute an action in the supreme court for a judgment declaring a revesting of such title in the state. [~~Such~~] **The** commissioner may also transfer any unappropriated state lands to the office of parks, recreation and historic preservation or the department of environmental conservation, upon the application of the commissioner thereof indicating that such unappropriated state lands are required for state park purposes within the area of jurisdiction of such office or department.

§ 2. This act shall take effect immediately.

PART V

Section 1. The state finance law is amended by adding a new section 99-bb to read as follows:

§ 99-bb. Parking services fund. 1. Notwithstanding sections eight, eight-a and seventy of this chapter or any other provision of law, rule, regulation, or practice to the contrary, there is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a parking services fund, which shall be classified by the state comptroller as an enterprise fund type, and which shall consist of all moneys received from private entities and individuals as fees for the use of state-owned parking lots and garages.

2. Moneys within the parking services fund shall be available to the commissioner of general services for services and expenses of the office relating to the direct maintenance and operation of state-owned parking lots and garages.

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

§ 99-cc. Solid waste fund. 1. Notwithstanding sections eight, eight-a and seventy of this chapter or any other provision of law, rule, regulation, or practice to the contrary, there is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a solid waste fund, which shall be classified by the state comptroller as an enterprise fund type, and which shall consist of all moneys received from private entities by the commissioner of general services for the sale of recyclables.

2. Moneys within the solid waste fund shall be available to the commissioner of general services for services and expenses of the office relating to the collection, processing and sale of recycled materials.

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

§ 99-dd. Special events fund. 1. Notwithstanding sections eight, eight-a and seventy of this chapter and any other provision of law, rule, regulation, or practice to the contrary, there is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a special events fund, which shall be classified by the state comptroller as an enterprise fund type, and which shall consist of all moneys received from private entities and individuals as fees for the use of physical space at state-owned facilities, including, but not limited to, the Empire State Plaza and Harriman Campus, and any other miscellaneous fees associated with the use of such physical space at such state-owned facilities by private entities and individuals.

2. Moneys within the special events fund shall be available to the commissioner of general services for services and expenses of the office relating to the use of state-owned facilities by private entities and individuals.

§ 4. This act shall take effect April 1, 2018.

PART W

Section 1. The civil service law is amended by adding a new section 66 to read as follows:

§ 66. Term appointments in information technology. 1. The department may authorize a term appointment without examination to a temporary position requiring special expertise or qualifications in information technology within the office of information technology services. Such appointments shall be authorized only in a case where the office of

information technology services certifies to the department that because of the type of services to be rendered, or the temporary or occasional character of such services, it would not be practicable to hold an examination of any kind. Such certification shall be a public document pursuant to the public officers law and shall identify the special expertise or qualifications that are required and why they cannot be obtained through an appointment from an eligible list. The department shall review the certification to confirm that the special expertise or qualifications identified by the office of information technology services cannot be obtained through an appointment from an eligible list. The maximum period for such initial term appointment established pursuant to this subdivision shall not exceed sixty months and, other than as set forth in subdivision two of this section, shall not be extended, and the maximum number of such appointments shall not exceed three hundred. The department shall not approve any temporary positions which are not certified by the office of information technology services to the department in accordance with this section within five years of the date when this section shall have become a law.

2. At least fifteen days prior to making a term appointment pursuant to this section, the appointing authority shall publicly and conspicuously post information about the temporary position and the required qualifications and shall allow any qualified employee to apply for the position. In the event that a permanent competitive employee is qualified for the posted position, the appointment of such employee shall take precedence over the appointment of any term position pursuant to this section. An employee appointed pursuant to this section who has completed two years of continuous service under this section shall be eligible to compete in promotional examinations that are also open to other employees who have permanent civil service appoints and appropriate qualifications. In the event that the department fails to certify a promotional list for an examination in which the appointee has competed within the initially sixty month term appointment, such appointment may be extended by the department, upon certification of the appointing authority, for periods of up to thirty-six months until such time as a promotional list resulting from the examination in which the employee completed, is certified.

3. A temporary position established pursuant to this section may be abolished for reason of economy, consolidation or abolition of functions, curtailment of activities or otherwise. Upon such abolition or at the end of the term of the appointment, the provisions of sections seventy-eight, seventy-nine, eighty and eighty-one of this chapter shall not apply. In the event of a reduction of workforce pursuant to section eighty of this chapter affecting information technology positions, the term appointments pursuant to this section shall be abolished prior to the abolition of permanent competitive class information technology positions at such agency involving comparable skills and responsibilities.

§ 2. Notwithstanding any provision of law to the contrary, the department of civil service may authorize appointment of term appointees to competitive titles in a manner approved by such department.

§ 3. This act shall take effect immediately and shall expire and be deemed repealed June 30, 2023; provided, however, that any person appointed prior to that date may continue to be employed for a period not to exceed sixty months from the date of appointment.

PART X

Section 1. The state finance law is amended by adding a new section 5-a to read as follows:

§ 5-a. New York state secure choice savings program. 1. There is hereby established the New York state secure choice savings program to be administered by the deferred compensation board. The general administration and responsibility for the operation of the New York state secure choice savings program shall be administered by the New York state deferred compensation board for the purpose of promoting greater retirement savings for private-sector employees in a convenient, low-cost, and portable manner.

2. All terms shall have the same meaning as when used in a comparable context in the internal revenue code. As used in this section, the following terms shall have the following meanings:

a. "Board" shall mean the New York state deferred compensation board.

b. "Superintendent" shall mean the superintendent of the department of financial services.

c. "Comptroller" shall mean the comptroller of the state.

d. "Employee" shall mean any individual who is eighteen years of age or older, who is employed by an employer, and who earned wages working for an employer in New York state during a calendar year.

e. "Employer" shall mean a person or entity engaged in a business, industry, profession, trade, or other enterprise in New York state, whether for profit or not for profit, that has not offered a qualified retirement plan, including, but not limited to, a plan qualified under sections 401(a), 401(k), 403(a), 403(b), 408(k), 408(p) or 457(b) of the internal revenue code of 1986 in the preceding two years.

f. "Enrollee" shall mean any employee who is enrolled in the program.

g. "Fund" shall mean the New York state secure choice savings program fund.

h. "Internal revenue code" shall mean the internal revenue code of 1986, or any successor law, in effect for the calendar year.

i. "IRA" shall mean a Roth IRA (individual retirement account).

j. "Participating employer" shall mean an employer that provides a payroll deposit retirement savings arrangement as provided for by this article for its employees who are enrollees in the program.

k. "Payroll deposit retirement savings arrangement" shall mean an arrangement by which a participating employer allows enrollees to remit payroll deduction contributions to the program.

l. "Program" shall mean the New York state secure choice savings program.

m. "Wages" shall mean any compensation within the meaning of section 219(f)(1) of the internal revenue code that is received by an enrollee from a participating employer during the calendar year.

3. The board, the individual members of the board, and any other agents appointed or engaged by the board, and all persons serving as program staff shall discharge their duties with respect to the program solely in the interest of the program's enrollees and beneficiaries as follows:

a. for the exclusive purposes of providing benefits to enrollees and beneficiaries and defraying reasonable expenses of administering the program;

b. by investing with the care, skill, prudence, and diligence under the prevailing circumstances that a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an enterprise of a like character and with like aims; and

c. by using any contributions paid by employees and employers remitting employee contributions into the fund exclusively for the purpose of paying benefits to the enrollees of the program, for the cost of administration of the program, and for investments made for the benefit of the program.

4. In addition to the other duties and responsibilities stated in this article, the board shall:

a. Cause the program to be designed, established and operated in a manner that:

(i) accords with best practices for retirement savings vehicles;

(ii) maximizes participation, savings, and sound investment practices including considering the use of automatic enrollment as allowed under federal law;

(iii) maximizes simplicity, including ease of administration for participating employers and enrollees;

(iv) provides an efficient product to enrollees by pooling investment funds;

(v) ensures the portability of benefits; and

(vi) provides for the deaccumulation of enrollee assets in a manner that maximizes financial security in retirement.

b. Appoint a trustee to the fund in compliance with section 408 of the internal revenue code.

c. Explore and establish investment options, subject to this article, that offer enrollees returns on contributions and the conversion of individual retirement savings account balances to secure retirement income without incurring debt or liabilities to the state.

d. Establish the process by which interest, investment earnings, and investment losses are allocated to individual program accounts on a pro rata basis and are computed at the interest rate on the balance of an individual's account.

e. Make and enter into contracts necessary for the administration of the program and fund, including, but not limited to, retaining and contracting with investment managers, private financial institutions, other financial and service providers, consultants, actuaries, counsel, auditors, third-party administrators, and other professionals as necessary.

f. Conduct a review of the performance of any investment vendors every four years, including, but not limited to, a review of returns, fees, and customer service. A copy of reviews shall be posted to the board's internet website.

g. Determine the number and duties of staff members needed to administer the program and assemble such staff, including, appointing a program administrator.

h. Cause moneys in the fund to be held and invested as pooled investments described in this article, with a view to achieving cost savings through efficiencies and economies of scale.

i. Evaluate and establish the process by which an enrollee is able to contribute a portion of his or her wages to the program for automatic deposit of those contributions and the process by which a participating employer provides a payroll deposit retirement savings arrangement to forward those contributions and related information to the program, including, but not limited to, contracting with financial service companies and third-party administrators with the capability to receive and process employee information and contributions for payroll deposit retirement savings arrangements or similar arrangements.

j. Design and establish the process for enrollment including the process by which an employee can opt to not participate in the program, select a contribution level, select an investment option, and terminate participation in the program.

k. Evaluate and establish the process by which an employee may voluntarily enroll in and make contributions to the program.

l. Accept any grants, appropriations, or other moneys from the state, any unit of federal, state, or local government, or any other person, firm, partnership, or corporation solely for deposit into the fund, whether for investment or administrative purposes.

m. Evaluate the need for, and procure as needed, insurance against any and all loss in connection with the property, assets, or activities of the program, and indemnify as needed each member of the board from personal loss or liability resulting from a member's action or inaction as a member of the board.

n. Make provisions for the payment of administrative costs and expenses for the creation, management, and operation of the program. Subject to appropriation, the state may pay administrative costs associated with the creation and management of the program until sufficient assets are available in the fund for that purpose. Thereafter, all costs of the fund, including repayment of any start-up funds provided by the state, shall be paid only out of moneys on deposit therein. However, private funds or federal funding received in order to implement the program until the fund is self-sustaining shall not be repaid unless those funds were offered contingent upon the promise of repayment. The board shall keep annual administrative expenses as low as possible, but in no event shall they exceed 0.75% of the total trust balance.

o. Allocate administrative fees to individual retirement accounts in the program on a pro rata basis.

p. Set minimum and maximum contribution levels in accordance with limits established for IRAs by the internal revenue code.

q. Facilitate education and outreach to employers and employees.

r. Facilitate compliance by the program with all applicable requirements for the program under the internal revenue code, including tax qualification requirements or any other applicable law and accounting requirements.

s. Carry out the duties and obligations of the program in an effective, efficient, and low-cost manner.

t. Exercise any and all other powers reasonably necessary for the effectuation of the purposes, objectives, and provisions of this article pertaining to the program.

u. Deposit into the New York state secure choice administrative fund all grants, gifts, donations, fees, and earnings from investments from the New York state secure choice savings program fund that are used to recover administrative costs. All expenses of the board shall be paid from the New York state secure choice administrative fund.

v. Determine withdrawal provisions, such as economic hardships, portability and leakage.

w. Determine employee rights and enforcement of penalties.

5. The board shall annually prepare and adopt a written statement of investment policy that includes a risk management and oversight program. This investment policy shall prohibit the board, program, and fund from borrowing for investment purposes. The risk management and oversight program shall be designed to ensure that an effective risk management system is in place to monitor the risk levels of the program and fund portfolio, to ensure that the risks taken are prudent and properly

managed, to provide an integrated process for overall risk management, and to assess investment returns as well as risk to determine if the risks taken are adequately compensated compared to applicable performance benchmarks and standards. The board shall consider the statement of investment policy and any changes in the investment policy at a public hearing.

6. a. The board shall engage, after an open bid process, an investment manager or managers to invest the fund and any other assets of the program. Moneys in the fund may be invested or reinvested by the comptroller or may be invested in whole or in part. In selecting the investment manager or managers, the board shall take into consideration and give weight to the investment manager's fees and charges in order to reduce the program's administrative expenses.

b. The investment manager or managers shall comply with any and all applicable federal and state laws, rules, and regulations, as well as any and all rules, policies, and guidelines promulgated by the board with respect to the program and the investment of the fund, including, but not limited to, the investment policy.

c. The investment manager or managers shall provide such reports as the board deems necessary for the board to oversee each investment manager's performance and the performance of the fund.

7. a. The board shall establish as an investment option a life-cycle fund with a target date based upon the age of the enrollee. This shall be the default investment option for enrollees who fail to elect an investment option unless and until the board designates by rule a new investment option as the default.

b. The board may also establish any or all of the following additional investment options:

(i) a conservative principal protection fund;

(ii) a growth fund;

(iii) a secure return fund whose primary objective is the preservation of the safety of principal and the provision of a stable and low-risk rate of return; if the board elects to establish a secure return fund, the board may procure any insurance, annuity, or other product to insure the value of enrollees' accounts and guarantee a rate of return; the cost of such funding mechanism shall be paid out of the fund; under no circumstances shall the board, program, fund, the state, or any participating employer assume any liability for investment or actuarial risk; the board shall determine whether to establish such investment options based upon an analysis of their cost, risk profile, benefit level, feasibility, and ease of implementation; or

(iv) an annuity fund.

c. If the board elects to establish a secure return fund, the board shall them determine whether such option shall replace the life-cycle fund as the default investment option for enrollees who do not elect an investment option. In making such determination, the board shall consider the cost, risk profile, benefit level, and ease of enrollment in the secure return fund. The board may at any time thereafter revisit this question and, based upon an analysis of these criteria, establish either the secure return fund or the life-cycle fund as the default for enrollees who do not elect an investment option.

8. Interest, investment earnings, and investment losses shall be allocated to individual program accounts as established by the board pursuant to this article. An individual's retirement savings benefit under the program shall be an amount equal to the balance in the individual's program account on the date the retirement savings benefit becomes paya-

ble. The state shall have no liability for the payment of any benefit to any enrollee in the program.

9. a. Prior to the opening of the program for enrollment, the board shall design and disseminate to all employers an employer information packet and an employee information packet, which shall include background information on the program, appropriate disclosures for employees, and information regarding the vendor internet website described.

b. The board shall provide for the contents of both the employee information packet and the employer information packet. The employee information packet shall be made available in English, Spanish, Haitian Creole, Chinese, Korean, Russian, Arabic, and any other language the comptroller deems necessary.

c. The employee information packet shall include a disclosure form. The disclosure form shall explain, but not be limited to, all of the following:

(i) the benefits and risks associated with making contributions to the program;

(ii) the mechanics of how to make contributions to the program;

(iii) how to opt out of the program;

(iv) how to participate in the program with a level of employee contributions other than three percent;

(v) that they are not required to participate or contribute more than three percent;

(vi) that they can opt out after they have enrolled;

(vii) the process for withdrawal of retirement savings;

(viii) the process for selecting beneficiaries of their retirement savings;

(ix) how to obtain additional information about the program;

(x) that employees seeking financial advice should contact financial advisors, that participating employers are not in a position to provide financial advice, and that participating employers are not liable for decisions employees make pursuant to this article;

(xi) information on how to access any financial literacy programs implemented by the comptroller;

(xii) that the program is not an employer-sponsored retirement plan; and

(xiii) that the program fund is not guaranteed by the state.

d. The employee information packet shall also include a form for an employee to note his or her decision to opt out of participation in the program or elect to participate with a level of employee contributions other than three percent.

e. Participating employers shall supply the employee information packet to existing employees at least one month prior to the participating employers' launch of the program. Participating employers shall supply the employee information packet to new employees at the time of hiring, and new employees may opt out of participation in the program or elect to participate with a level of employee contributions other than three percent at that time.

10. Except as otherwise provided in this article, the program shall be implemented, and enrollment of employees shall begin, within twenty-four months after the effective date of this section. The provisions of this section shall be in force after the board opens the program for enrollment.

a. Each participating employer may establish a payroll deposit retirement savings arrangement to allow each employee to participate in the

program and begin employee enrollment at most nine months after the board opens the program for enrollment.

b. Enrollees shall have the ability to select a contribution level into the fund. This level may be expressed as a percentage of wages or as a dollar amount up to the deductible amount for the enrollee's taxable year under section 219(b)(1)(A) of the internal revenue code. Enrollees may change their contribution level at any time, subject to rules promulgated by the board. If an enrollee fails to select a contribution level using the form described in this article, then he or she shall contribute three percent of his or her wages to the program, provided that such contributions shall not cause the enrollee's total contributions to IRAs for the year to exceed the deductible amount for the enrollee's taxable year under section 219(b)(1)(A) of the internal revenue code. Notwithstanding any other provision of law, any participating enrollee, whose employer fails to make employee deductions in accordance with the provisions of section one hundred ninety-three of the labor law, may bring an action, pursuant to section one hundred ninety-eight of the labor law, to recover such monies. Further, any participating employer, who fails to make employee deductions in accordance with the provisions of section one hundred ninety-three of the labor law, shall be subject to the penalties and fines provided for in section one hundred ninety-eight-a of the labor law.

c. Enrollees may select an investment option from the permitted investment options listed in this article. Enrollees may change their investment option at any time, subject to rules promulgated by the board. In the event that an enrollee fails to select an investment option, that enrollee shall be placed in the investment option selected by the board as the default under this article. If the board has not selected a default investment option under this article, then an enrollee who fails to select an investment option shall be placed in the life-cycle fund investment option.

d. Following initial implementation of the program pursuant to this section, at least once every year, participating employers shall designate an open enrollment period during which employees who previously opted out of the program may enroll in the program.

e. An employee who opts out of the program who subsequently wants to participate through the participating employer's payroll deposit retirement savings arrangement may only enroll during the participating employer's designated open enrollment period or if permitted by the participating employer at an earlier time.

f. Employers shall retain the option at all times to set up any type of employer-sponsored retirement plan instead of having a payroll deposit retirement savings arrangement to allow employee participation in the program.

g. An enrollee may terminate his or her participation in the program at any time in a manner prescribed by the board.

h. The board shall, in conjunction with the office of the state comptroller, establish and maintain a secure website wherein enrollees may log in and acquire information regarding contributions and investment income allocated to, withdrawals from, and balances in their program accounts for the reporting period. Such website must also include information for the enrollees regarding other options available to the employee and how they can transfer their accounts to other programs should they wish to do so. Such website may include any other information regarding the program as the board may determine.

11. Employee contributions deducted by the participating employer through payroll deduction shall be paid by the participating employer to the fund using one or more payroll deposit retirement savings arrangements established by the board under this article, either:

a. on or before the last day of the month following the month in which the compensation otherwise would have been payable to the employee in cash; or

b. before such later deadline prescribed by the board for making such payments, but not later than the due date for the deposit of tax required to be deducted and withheld relating to collection of income tax at source on wages or for the deposit of tax required to be paid under the unemployment insurance system for the payroll period to which such payments relate.

12. a. The state shall have no duty or liability to any party for the payment of any retirement savings benefits accrued by any enrollee under the program. Any financial liability for the payment of retirement savings benefits in excess of funds available under the program shall be borne solely by the entities with whom the board contracts to provide insurance to protect the value of the program.

b. No state board, commission, or agency, or any officer, employee, or member thereof is liable for any loss or deficiency resulting from investments selected under this article, except for any liability that arises out of a breach of fiduciary duty.

13. a. Participating employers shall not have any liability for an employee's decision to participate in, or opt out of, the program or for the investment decisions of the board or of any enrollee.

b. A participating employer shall not be a fiduciary, or considered to be a fiduciary, over the program. A participating employer shall not bear responsibility for the administration, investment, or investment performance of the program. A participating employer shall not be liable with regard to investment returns, program design, and benefits paid to program participants.

14. a. The board shall annually submit: (i) an audited financial report, prepared in accordance with generally accepted accounting principles, on the operations of the program during each calendar year by July first of the following year to the governor, the comptroller, the superintendent and the senate and assembly; and (ii) a report prepared by the board, which shall include, but is not limited to, a summary of the benefits provided by the program, including the number of enrollees in the program, the percentage and amounts of investment options and rates of return, and such other information that is relevant to make a full, fair, and effective disclosure of the operations of the program and the fund. The annual audit shall be made by an independent certified public accountant and shall include, but is not limited to, direct and indirect costs attributable to the use of outside consultants, independent contractors, and any other persons who are not state employees for the administration of the program.

b. In addition to any other statements or reports required by law, the board shall provide periodic reports at least annually to enrollees reporting contributions and investment income allocated to, withdrawals from, and balances in their program accounts for the reporting period. Such reports may include any other information regarding the program as the board may determine.

15. If the board does not obtain adequate funds to implement the program within the timeframe set forth under this article and is subject to appropriation, the board may delay the implementation of the program.

§ 2. The state finance law is amended by adding two new sections 99-bb and 99-cc to read as follows:

§ 99-bb. New York state secure choice savings program fund. a. There is hereby established within the joint custody of the commissioner of taxation and finance and the state comptroller, in consultation with the New York state deferred compensation board, a fund to be known as the New York state secure choice savings program fund.

b. The fund shall include the individual retirement accounts of enrollees, which shall be accounted for as individual accounts.

c. Moneys in the fund shall consist of moneys received from enrollees and participating employers pursuant to automatic payroll deductions and contributions to savings made under the New York state secure choice savings program pursuant to section five-a of this chapter.

d. The fund shall be operated in a manner determined by the New York state deferred compensation board, provided that the fund is operated so that the accounts of enrollees established under the program meet the requirements for IRAs under the internal revenue code.

e. The amounts deposited in the fund shall not constitute property of the state and the fund shall not be construed to be a department, institution, or agency of the state. Amounts on deposit in the fund shall not be commingled with state funds and the state shall have no claim to or against, or interest in, such funds.

§ 99-cc. New York state secure choice administrative fund. a. There is hereby established within the joint custody of the commissioner of taxation and finance and the state comptroller, in consultation with the New York state deferred compensation board, a fund to be known as the New York state secure choice administrative fund.

b. The New York state deferred compensation board shall use moneys in such fund to pay for administrative expenses it incurs in the performance of its duties under the New York state secure choice savings program pursuant to section five-a of this chapter.

c. The New York state deferred compensation board shall use moneys in such fund to cover start-up administrative expenses it incurs in the performance of its duties under section five-a of this chapter.

d. Such fund may receive any grants or other moneys designated for administrative purposes from the state, or any unit of federal or local government, or any other person, firm, partnership, or corporation. Any interest earnings that are attributable to moneys in such fund must be deposited into the such fund.

§ 3. This act shall take effect immediately.

PART Y

Section 1. Subdivision 2 of section 87 of the workers' compensation law, as added by section 20 of part GG of chapter 57 of the laws of 2013, is amended to read as follows:

2. Any of the surplus funds belonging to the state insurance fund, by order of the commissioners, approved by the superintendent of financial services, may be invested (1) in the types of securities described in subdivisions one, two, three, four, five, six, eleven, twelve, twelve-a, thirteen, fourteen, fifteen, nineteen, twenty, twenty-one, twenty-one-a, twenty-four, twenty-four-a, twenty-four-b, twenty-four-c and twenty-five of section two hundred thirty-five of the banking law , or (2) in the types of obligations described in paragraph two of subsection (a) of section one thousand four hundred four of the insurance law except that up to twenty-five percent of surplus funds may be invested in obli-

gations rated investment grade by a nationally recognized securities rating organization, or[~~,~~] (3) up to fifty percent of surplus funds, in the types of securities or investments described in paragraphs [~~two,~~] three, eight and ten of subsection (a) of section one thousand four hundred four of the insurance law, except that [~~up to ten percent of surplus funds may be invested~~] investments in [~~the securities of any solvent American institution as described in such paragraphs~~] diversified index funds and accounts may be made irrespective of the rating [~~of such institution's obligations~~] or other similar qualitative standards [~~described therein, and~~] applicable under such paragraphs, or (4) up to ten percent of surplus funds, in the types of securities or investments described in paragraphs two, three and ten of subsection (a) of section one thousand four hundred four of the insurance law irrespective of the rating of such institution's obligations or other similar qualitative standard, or (5) up to fifteen percent of surplus funds in securities or investments which do not otherwise qualify for investment under this section as shall be made with the care, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims as provided for the state insurance fund under this article, but shall not include any direct derivative instrument or derivative transaction except for hedging purposes. Notwithstanding any other provision in this subdivision, the aggregate amount that the state insurance fund may invest in the types of securities or investments described in paragraphs three, eight and ten of subsection (a) of section one thousand four hundred four of the insurance law and as a prudent person acting in a like capacity would invest as provided in this subdivision shall not exceed fifty percent of such surplus funds. For the purposes of this subdivision, any funds appropriated pursuant to the provisions of subdivision one or two of section eighty-seven-f of this article shall not be considered surplus funds.

§ 2. This act shall take effect immediately.

PART Z

Section 1. Section 167-a of the civil service law, as amended by section 1 of part I of chapter 55 of the laws of 2012, is amended to read as follows:

§ 167-a. Reimbursement for medicare premium charges. Upon exclusion from the coverage of the health benefit plan of supplementary medical insurance benefits for which an active or retired employee or a dependent covered by the health benefit plan is or would be eligible under the federal old-age, survivors and disability insurance program, an amount equal to the standard medicare premium charge for such supplementary medical insurance benefits for such active or retired employee and his or her dependents, if any, shall be paid monthly or at other intervals to such active or retired employee from the health insurance fund; provided, however, such payment for the standard medicare premium charge shall not exceed one hundred thirty-four dollars per month. Where appropriate, such standard medicare premium amount may be deducted from contributions payable by the employee or retired employee; or where appropriate in the case of a retired employee receiving a retirement allowance, such standard medicare premium amount may be included with payments of his or her retirement allowance. All state employer, employee, retired employee and dependent contributions to the health insurance

fund, including contributions from public authorities, public benefit corporations or other quasi-public organizations of the state eligible for participation in the health benefit plan as authorized by subdivision two of section one hundred sixty-three of this article, shall be adjusted as necessary to cover the cost of reimbursing federal old-age, survivors and disability insurance program premium charges under this section. This cost shall be included in the calculation of premium or subscription charges for health coverage provided to employees and retired employees of the state, public authorities, public benefit corporations or other quasi-public organizations of the state; provided, however, the state, public authorities, public benefit corporations or other quasi-public organizations of the state shall remain obligated to pay no less than its share of such increased cost consistent with its share of premium or subscription charges provided for by this article. All other employer contributions to the health insurance fund shall be adjusted as necessary to provide for such payments.

§ 2. This act shall take effect immediately and shall apply to the standard medicare premium amount on and after April 1, 2018.

PART AA

Section 1. Section 167-a of the civil service law, as amended by section 1 of part I of chapter 55 of the laws of 2012, is amended to read as follows:

§ 167-a. Reimbursement for medicare premium charges. Upon exclusion from the coverage of the health benefit plan of supplementary medical insurance benefits for which an active or retired employee or a dependent covered by the health benefit plan is or would be eligible under the federal old-age, survivors and disability insurance program, an amount equal to the **standard medicare** premium charge for such supplementary medical insurance benefits for such active or retired employee and his or her dependents, if any, shall be paid monthly or at other intervals to such active or retired employee from the health insurance fund. **Furthermore, effective January first, two thousand nineteen there shall be no payment whatsoever for the income related monthly adjustment amount for amounts (premiums) incurred on or after January first, two thousand eighteen to any active or retired employee and his or her dependents, if any.** Where appropriate, such **standard medicare premium** amount may be deducted from contributions payable by the employee or retired employee; or where appropriate in the case of a retired employee receiving a retirement allowance, such **standard medicare premium** amount may be included with payments of his or her retirement allowance. All state employer, employee, retired employee and dependent contributions to the health insurance fund, including contributions from public authorities, public benefit corporations or other quasi-public organizations of the state eligible for participation in the health benefit plan as authorized by subdivision two of section one hundred sixty-three of this article, shall be adjusted as necessary to cover the cost of reimbursing federal old-age, survivors and disability insurance program premium charges under this section. This cost shall be included in the calculation of premium or subscription charges for health coverage provided to employees and retired employees of the state, public authorities, public benefit corporations or other quasi-public organizations of the state; provided, however, the state, public authorities, public benefit corporations or other quasi-public organizations of the state shall remain obligated to pay no less than its share of such increased

cost consistent with its share of premium or subscription charges provided for by this article. All other employer contributions to the health insurance fund shall be adjusted as necessary to provide for such payments.

§ 2. This act shall take effect immediately and shall apply on January 1, 2018 for the income related monthly adjustment amount for amounts, premiums, incurred on or after January 1, 2018.

PART BB

Section 1. Section 5004 of the civil practice law and rules, as amended by chapter 258 of the laws of 1981, is amended to read as follows:

§ 5004. Rate of interest. [~~Interest shall be at the rate of nine per centum per annum, except where otherwise provided by statute.~~] **Notwithstanding any other provision of law or regulation to the contrary, including any law or regulation that limits the annual rate of interest to be paid on a judgment or accrued claim, the annual rate of interest to be paid on a judgment or accrued claim shall be calculated at the one-year United States treasury bill rate. For the purposes of this section, the "one-year United States treasury bill rate" means the weekly average one-year constant maturity treasury yield, as published by the board of governors of the federal reserve system, for the calendar week preceding the date of the entry of the judgment awarding damages.**

§ 2. This act shall take effect immediately, and shall be deemed to have been in full force and effect on and after April 1, 2018.

PART CC

Section 1. Paragraph p of subdivision 10 of section 54 of the state finance law, as amended by section 2 of part K of chapter 57 of the laws of 2011 and subparagraph (ii) as amended by chapter 30 of the laws of 2013, is amended to read as follows:

p. Citizen empowerment tax credit. (i) For the purposes of this paragraph, "municipalities" shall mean cities with a population less than one million, towns and villages **incorporated on or before December thirty-first, two thousand seventeen**.

(ii) Within the annual amounts appropriated therefor, surviving municipalities following a consolidation or dissolution occurring on or after the state fiscal year commencing April first, two thousand seven, and any new coterminous town-village established after July first, two thousand twelve that operates principally as a town or as a village but not as both a town and a village, shall be awarded additional annual aid, starting in the state fiscal year following the state fiscal year in which such reorganization took effect, equal to fifteen percent of the combined amount of real property taxes levied by all of the municipalities participating in the reorganization in the local fiscal year prior to the local fiscal year in which such reorganization took effect. In instances of the dissolution of a village located in more than one town, such additional aid shall equal the sum of fifteen percent of the real property taxes levied by such village in the village fiscal year prior to the village fiscal year in which such dissolution took effect plus fifteen percent of the average amount of real property taxes levied by the towns in which the village was located in the town fiscal year prior to the town fiscal year in which such dissolution took effect, and shall be divided among such towns based on the percentage of such

village's population that resided in each such town as of the most recent federal decennial census. In no case shall the additional **annual** aid pursuant to this paragraph exceed one million dollars. **For villages in which a majority of the electors voting at a referendum on a proposed dissolution pursuant to section seven hundred eighty of the general municipal law vote in favor of dissolution after December thirty-first, two thousand seventeen, in no case shall the additional annual aid pursuant to this paragraph exceed the lesser of one million dollars or the amount of real property taxes levied by such village in the village fiscal year prior to the village fiscal year in which such dissolution took effect.** Such additional **annual** aid shall be apportioned and paid to the chief fiscal officer of each eligible municipality on or before September twenty-fifth of each such state fiscal year on audit and warrant of the state comptroller out of moneys appropriated by the legislature for such purpose to the credit of the local assistance fund.

(iii) Any municipality receiving a citizen empowerment tax credit pursuant to this paragraph shall use at least seventy percent of such aid for property tax relief and the balance of such aid for general municipal purposes. For each local fiscal year following the effective date of the chapter of the laws of two thousand eleven which amended this paragraph in which such aid is payable, a statement shall be placed on each property tax bill for such municipality in substantially the following form: "Your property tax savings this year resulting from the State Citizen Empowerment Tax Credit received as the result of local government re-organization is $_____." The property tax savings from the citizen empowerment tax credit for each property tax bill shall be calculated by (1) multiplying the amount of the citizen empowerment tax credit used for property tax relief by the amount of property taxes levied on such property by such municipality and (2) dividing the result by the total amount of property taxes levied by such municipality.

§ 2. This act shall take effect immediately.

PART DD

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

SUBPART A

Section 1. Section 106-b of the uniform justice court act, as added by chapter 87 of the laws of 2008, is amended to read as follows:

§ 106-b. Election of [~~a single~~] **one or more** town [~~justice~~] **justices** for two or more adjacent towns.

1. Two or more adjacent towns within the same county, acting by and through their town boards, are authorized to jointly undertake a study relating to the election of [~~a single~~] **one or more** town [~~justice~~] **justices** who shall preside in the town courts of each such town. Such

study shall be commenced upon and conducted pursuant to a joint resolution adopted by the town board of each such adjacent town. Such joint resolution or a certified copy thereof shall upon adoption be filed in the office of the town clerk of each adjacent town which adopts the resolution. No study authorized by this subdivision shall be commenced until the joint resolution providing for the study shall have been filed with the town clerks of at least two adjacent towns which adopted such joint resolution.

2. Within thirty days after the conclusion of a study conducted pursuant to subdivision one of this section, each town which shall have adopted the joint resolution providing for the study shall publish, in its official newspaper or, if there be no official newspaper, in a newspaper published in the county and having a general circulation within such town, notice that the study has been concluded and the time, date and place of the town public hearing on such study. Each town shall conduct a public hearing on the study, conducted pursuant to subdivision one of this section, not less than twenty days nor more than thirty days after publication of the notice of such public hearing.

3. The town board of each town party to the study shall conduct a public hearing upon the findings of such study, and shall hear testimony and receive evidence and information thereon with regard to the election of one **or more** town [~~**justice**~~] **justices** to preside over the town courts of the adjacent towns which are parties to the joint resolution providing for the study.

4. Within sixty days of the last public hearing upon a study conducted pursuant to subdivision one of this section, town boards of each town which participated in such study shall determine whether the town will participate in a joint plan providing for the election of [~~**a single**~~] **one or more** town [~~**justice**~~] **justices** to preside in the town courts of two or more adjacent towns. Every such joint plan shall only be approved by a town by the adoption of a resolution by the town board providing for the adoption of such joint plan. In the event two or more adjacent towns fail to adopt a joint plan, all proceedings authorized by this section shall terminate and the town courts of such towns shall continue to operate in accordance with the existing provisions of law.

5. Upon the adoption of a joint plan by two or more adjacent towns, the town boards of the towns adopting such plan shall each adopt a joint resolution providing for:

a. the election of [~~**a single**~~] **one or more** town [~~**justice**~~] **justices** at large to preside in the town courts of the participating towns;

b. the abolition of the existing office of town justice in the participating towns; and

c. the election of [~~**such single**~~] **one or more** town [~~**justice**~~] **justices** shall occur at the next general election of town officers and every fourth year thereafter.

6. Upon the adoption of a joint resolution, such [~~**resolution shall be forwarded to the state legislature, and shall constitute a municipal home rule message pursuant to article nine of the state constitution and the municipal home rule law. No such joint resolution shall take effect until state legislation enacting the joint resolution shall have become a law**~~] **joint plan that provides for the election of one or more town justices to preside in the town courts of two or more adjacent towns shall be deemed effective and shall be implemented in the manner provided in such resolution**.

7. Every town justice elected to preside in multiple towns pursuant to this section shall have jurisdiction in each of the participating adja-

cent towns, shall preside in the town courts of such towns, shall maintain separate records and dockets for each town court, and shall maintain a separate bank account for each town court for the deposit of moneys received by each town court.

8. In the event any town court operated pursuant to a joint plan enacted into law pursuant to this section is without the services of the [~~single~~] **one or more** town [~~justice~~] **justices** because of absence or disability, the provisions of section one hundred six of this article and the town law shall apply.

§ 2. This act shall take effect immediately.

SUBPART B

Section 1. Section 119-u of the general municipal law, as added by chapter 242 of the laws of 1993, subdivision 3 as amended by chapter 418 of the laws of 1995, is amended to read as follows:

§ 119-u. Intermunicipal cooperation in comprehensive planning and land use regulation. 1. Legislative intent. This section is intended to illustrate **and broaden** the statutory authority that any municipal corporation has under article five-G of this chapter and place within land use**, planning and zoning** law express statutory authority for **counties,** cities, towns, and villages to enter into agreements to undertake comprehensive planning**, zoning,** and land use regulation with each other or one for the other, and to provide that any city, town, or village may contract with a county to carry out all or a portion of the [~~ministerial~~] functions related to the land use**, planning and zoning** of such **county,** city, town or village as may be agreed upon. By the enactment of this section the legislature seeks to promote intergovernmental cooperation that could result in increased coordination and effectiveness of comprehensive planning**, zoning,** and land use regulation, more efficient use of infrastructure and municipal revenues, as well as the enhanced protection of community resources, especially where such resources span municipal boundaries.

2. Authorization and effects. (a) In addition to any other general or special powers vested in a **county,** city, town or village to prepare a comprehensive plan and enact and administer land use regulations, by local law or ordinance, rule or regulation, each **county,** city, town or village is hereby authorized to enter into, amend, cancel and terminate agreements with any other municipality or municipalities to undertake all or a portion of such powers, functions and duties.

(b) Any one or more municipalities located in a county which has established a county planning board, commission or other agency, hereinafter referred to as a county planning agency, are hereby authorized to enter into, amend, cancel and terminate agreements with such county in order to authorize the county planning agency to perform and carry out certain [~~ministerial~~] functions on behalf of such municipality or municipalities related to land use**,** planning and zoning. Such functions may include, but are not limited to, acting in an advisory capacity, assisting in the preparation of comprehensive plans**, zoning,** and land use regulations to be adopted and enforced by such municipality or municipalities and participating in the formation and functions of individual or joint administrative boards and bodies formed by one or more municipalities. **The administration and enforcement of zoning and land use regulations may be performed in accordance with a program authorized in accordance with sections one hundred nineteen-v and one hundred nineteen-w of this article.**

(c) Such agreements shall apply only to the performance or exercise of any function or power which each of the municipal corporations has the authority by any general or special law to prescribe, perform, or exercise separately.

3. Definitions. As used herein:

(a) "Municipality", means a city, town or village.

(b) "Land use regulation", means an ordinance or local law enacted by a municipality for the regulation of any aspect of land use and community resource protection and includes any zoning, subdivision, special use permit or site plan regulation or any other regulations which prescribe the appropriate use of property or the scale, location, and intensity of development.

(c) "Community resource", means a specific public facility, infrastructure system, or geographic area of special economic development, environmental, scenic, cultural, historic, recreational, parkland, open space, natural resource, or other unique significance, located wholly or partially within the boundaries of one or more given municipalities.

(d) "Intermunicipal overlay district", means a special land use district which encompasses all or a portion of one or more municipalities for the purpose of protecting, enhancing, or developing one or more community resources as provided herein.

4. Intermunicipal agreements. In addition to any other powers granted to [~~**municipalities**~~] **a county, city, town, or village** to contract with each other to undertake joint, cooperative agreements any municipality may:

(a) create a consolidated planning board **or submit a request to the county legislative body for the creation of a county planning board, any one of** which may replace individual planning boards, if any, which consolidated **or county** planning board shall have the powers and duties as shall be determined by such agreement;

(b) create a consolidated zoning board of appeals **or submit a request to the county legislative body for the creation of a county zoning board of appeals, any one of** which may replace individual zoning boards of appeals, if any, which consolidated **or county** zoning board of appeals shall have the powers and duties as shall be determined by such agreement;

(c) create a comprehensive plan and/or land use regulations which may be adopted independently by each participating municipality;

(d) provide for a land use administration and enforcement program which may replace individual land use administration and enforcement programs, if any, the terms and conditions of which shall be set forth in such agreement; and

(e) create an intermunicipal overlay district for the purpose of protecting, enhancing, or developing community resources that encompass two or more municipalities.

5. Special considerations. (a) Making joint agreements. Any agreement made pursuant to the provisions of this section may contain provisions as the parties deem to be appropriate, and including provisions relative to the items designated in paragraphs a through m inclusive as set forth in subdivision two of section one hundred nineteen-o of this chapter.

(b) Establishing the duration of agreement. Any local law developed pursuant to the provisions of this section may contain procedures for periodic review of the terms and conditions, including those relating to the duration, extension or termination of the agreement.

(c) Amending local laws or ordinances. Local laws or ordinances shall be amended, as appropriate, to reflect the provisions contained in

intermunicipal agreements established pursuant to the provisions of this section.

6. Appeal of action by aggrieved party or parties. Any officer, department, board or bureau of any municipality with the approval of the legislative body, or any person or persons jointly or severally aggrieved by any act or decision of a planning board, **county planning board,** zoning board of appeals**, county zoning board of appeals,** or agency created pursuant to the provisions of this [~~section~~] **article** may bring a proceeding by article seventy-eight of the civil practice law and rules in a court of record on the ground that such decision is illegal, in whole or in part. Such proceeding must be commenced within thirty days after the filing of the decision in the office of the board. Commencement of the proceeding **by article seventy-eight of the civil practice law and rules in a court** shall stay **all other** proceedings upon the decision from which the appeal is taken. All issues in any proceeding under this [~~section~~] **article** shall have a preference over all other civil actions and proceedings.

7. Any agreements made between two or more [~~municipalities~~] **counties, cities, towns, or villages** pursuant to article five-G of this chapter or other law which provides for the undertaking of any land use**, planning, and zoning** regulation or activity on a joint, cooperative or contract basis, if valid when so made, shall not be invalidated by the provisions of this [~~section~~] **article**.

8. **Training and attendance requirements. (a) Each member of a county zoning board of appeals, county planning board, or other county body established to approve land use, planning or zoning applications that is subject to an agreement under this article shall complete, at a minimum, four hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet the requirements of this subdivision. Such training shall be approved by the governing board that appointed the member and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.**

(b) To be eligible for reappointment to such board, such member shall have completed the training approved by the board that appointed the member pursuant to law.

(c) The training required by this subdivision may be waived or modified by resolution of the board that appointed the member when, in the judgment of such board, it is in the best interest of the municipality to do so.

(d) No decision of such board shall be voided or declared invalid because of a failure of any of its board members to comply with this subdivision.

9. The provisions of this [~~section~~] **article** shall be in addition to existing authority and shall not be deemed or constructed as a limitation, diminution or derogation of any statutory authority authorizing municipal cooperation.

§ 2. Article 5-J of the general municipal law is amended by adding a new section 119-v to read as follows:

§ 119-v. County administration of land use regulations. A town, city, or village within a county may request by local law that the legislative body of its county adopt a program for the administration and enforcement of any land use and planning regulations and any zoning ordinance or local law, in force or proposed in said town, city, or village. During the period in which the county legislative body is developing and adopting such program, any existing planning, zoning, and other land use regulations included in such county request shall remain in full force and effect. The governing board of each town, city, or village requesting county administration and enforcement of the local land use and planning regulations shall receive written notification that the county legislative body has adopted such program. Upon such county notification to the town, city, or village, the county program so developed and adopted shall apply in the town, city, or village requesting county administration and enforcement of any land use and planning regulations from thirty days thereafter unless and until the town, city, or village request has been withdrawn by local law. Nothing shall prevent a county legislative body from developing and adopting a program for the county-wide or part-county administration and enforcement of the land use, planning and zoning regulations upon the request of two or more towns, cities, and/or villages located within the county.

§ 3. Article 5-J of the general municipal law is amended by adding a new section 119-w to read as follows:

§ 119-w. County planning commission or other similar county entity or department. 1. The county legislative body may establish a county planning commission to implement the intermunicipal agreement created pursuant to this article; provided however, that where a county planning board, commission, or other county entity or department already exists in accordance with a county charter or local law, the existing board, commission, entity or department may be appointed by the county legislative body as the county planning commission to implement the intermunicipal agreement authorized in this article. Planning commissions established to implement provisions of this article after December thirty-first, two thousand seventeen shall consist of seven members who shall be appointed by the county legislative body. Three members of the commission shall be appointed for terms of one year, three for terms of two years and one member shall be appointed for a term of three years. Successors shall be appointed for terms of three years each. A vacancy occurring otherwise than by expiration of term shall be filled by appointment by the legislative body of the county government for the unexpired term. Such commission shall have power, within the limits of the appropriation made by the legislative body of the county, to employ a secretary and other necessary clerical assistants and employ or contract with such technical assistants as may be necessary from time to time to give full effect to the provisions of this article.

2. Where an intermunicipal agreement created pursuant to this article so provides, the county planning commission may, at the option of the local legislative body of a town, village or city of the county, have control of land use, zoning, and land subdivision in such municipalities, and no map subdividing land into lots for residential or business purposes in any such municipality shall be accepted for filing by the county clerk unless it shall have been first approved by the county planning commission and shall have such approval endorsed thereon.

3. For the purpose of promoting the health, safety, morals, or the general welfare of the county, the legislative body of the county, at the option of the legislative body of a town, village or city of the

county, when an intermunicipal agreement so provides, such county is authorized to adopt a local law to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes; provided further, that all charges and expenses incurred under this article for zoning and planning may be a charge upon the taxable property of that part of the county.

4. Such county local law shall provide that a board of appeals may determine and vary the application of the provisions in said local law in harmony with the law's general purpose and intent, and in accordance with general or specific rules therein, provided that for:

(a) Orders, requirements, decisions, interpretations, determinations. The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

(b) Use variances. (1) The board of appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined in this section.

(2) No such use variance shall be granted by the board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located, (i) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (ii) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (iii) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (iv) that the alleged hardship has not been self-created.

(3) The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(c) Area variances. (1) The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance of local law, to grant area variances as defined in this section.

(2) In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider: (i) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (ii) whether the benefit sought by the applicant can be

achieved by some method, feasible for the applicant to pursue, other than an area variance; (iii) whether the requested area variance is substantial; (iv) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or community; and (v) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

(3) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(d) Imposition of conditions. The board of appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

5. In addition to the foregoing, the county legislative body, at the option of the legislative body of a town, village or city of the county, is empowered to adopt by local law a comprehensive plan in so far as the plan relates to any portion of the county addressed in said intermunicipal agreement and also any portion which relates to state highways and county or town roads, county buildings and navigable waterways, irrespective of whether they may be located within the boundaries of any town, city or village or elsewhere within the county. Upon the adoption of any such local law, the legislative body of the county shall file with the county clerk forthwith a certified copy thereof, including copies of all relevant maps and plans. The county planning commission or county entity or department appointed by the county legislative body, may develop and recommend the county comprehensive plan to the county legislative body for its adoption.

6. Whenever a comprehensive plan, or one or more parts thereof, shall have been adopted as hereinbefore provided, no street, square, park or other public way, ground, open space or other public place, public building, structure or public utility (whether publicly or privately owned) shall be constructed or authorized in any portion of the county in respect to which said plan or part thereof has been adopted, until the location, character and extent thereof shall have been submitted to and approved by the county planning commission as conforming to the general intent and purpose of the comprehensive plan. The county planning commission shall make rules relating to such matters, which shall provide for notice to all parties interested, including units of local government which may be affected thereby, and including the office of parks, recreation and historic preservation if the matter submitted relates to any portion of the county within two hundred feet of any state park or parkway. If the matter submitted relates to the territory of any unit of local government which has adopted a plan of development prior to the adoption of the comprehensive plan, such plan shall not be superseded except by a two-thirds vote of the whole number of members of the county planning commission.

§ 4. Section 10 of the statute of local governments is amended by adding a new subdivision 6-a to read as follows:

6-a. In the case of a county, when authorized by local law adopted by the legislative body of any city, town or village of the county and in accordance with an intermunicipal agreement entered into between the local governments in a manner prescribed by statute, the power to adopt, amend, repeal, and/or enforce zoning and other land use regulations in all or part of such city, village or town, provided however, an intermunicipal agreement entered into with a county to allow such county to adopt, amend, repeal, and/or enforce zoning and other land use regulations within a village would require the authorization from the legislative body of such village.

§ 5. Section four of this act shall take effect immediately after it is enacted by the legislature with the approval of the governor in accordance with paragraph one of subdivision (b) of section two of article nine of the constitution, and provided that it is re-enacted by the legislature and approved by the governor in the next calendar year in accordance with such paragraph. After such re-enactment by the legislature and approval by the governor of section four of this act in accordance with article nine of the constitution, sections one, two, and three of this act shall take effect immediately after such date; provided, further, that the governor's office shall notify the legislative bill drafting commission upon the occurrence of the enactment of this legislation provided for in this section in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

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

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

PART EE

Section 1. The general municipal law is amended by adding a new article 12-I to read as follows:

ARTICLE 12-I

COUNTY-WIDE SHARED SERVICES PANELS

Section 239-bb. County-wide shared services panels.

§ 239-bb. County-wide shared services panels. 1. Definitions. The following terms shall have the following meanings for the purposes of this article:

a. "County" shall mean any county not wholly contained within a city.

b. "County CEO" shall mean the county executive, county manager or other chief executive of the county, or, where none, the chair of the county legislative body.

c. "Panel" shall mean a county-wide shared services panel established pursuant to subdivision two of this section.

d. "Plan" shall mean a county-wide shared services property tax savings plan.

2. County-wide shared services panels. a. There shall be a county-wide shared services panel in each county consisting of the county CEO, and one representative from each city, town and village in the county. The chief executive officer of each town, city and village shall be the representative to a panel and shall be the mayor, if a city or a village, or shall be the supervisor, if a town. The county CEO shall serve as chair. All panels established in each county pursuant to part BBB of chapter fifty-nine of the laws of two thousand seventeen, and prior to the enactment of this article, shall continue in satisfaction of this section in such form as they were established, provided that the county CEO may alter the membership of the panel consistent with paragraph b of this subdivision.

b. The county CEO may invite any school district, board of cooperative educational services, fire district, fire protection district, or special improvement district in the county to join a panel. Upon such invitation, the governing body of such school district, board of cooperative educational services, fire district, fire protection district, or other special district may accept such invitation by selecting a representative of such governing body, by majority vote, to serve as a member of the panel. Such school district, board of cooperative educational services, fire district, fire protection district or other special district shall maintain such representation until the panel either approves a plan or transmits a statement to the secretary of state on the reason the panel did not approve a plan, pursuant to paragraph d of subdivision seven of this section. Upon approval of a plan or a transmission of a statement to the secretary of state that a panel did not approve a plan in any calendar year, the county CEO may, but need not, invite any school district, board of cooperative educational services, fire district, fire protection district or special improvement district in the county to join a panel thereafter convened.

c. Notwithstanding any provision of the education law, or any other provision of law, rule or regulation, to the contrary, any school district or board of cooperative educational services may join a panel established pursuant to the provisions of this section, and may further participate in any of the activities of such panel, with any participating county, town, city, village, fire district, fire protection district, special improvement district, school district, or board of cooperative educational services participating in such panels.

3. Each county CEO shall, after satisfying the requirements of part BBB of chapter fifty-nine of the laws of two thousand seventeen, revise and update a previously approved plan or develop a new plan. Such plans shall contain new, recurring property tax savings resulting from actions such as, but not limited to, the elimination of duplicative services; shared service arrangements including, joint purchasing, shared highway equipment, shared storage facilities, shared plowing services, and energy and insurance purchasing cooperatives; reducing back office administrative overhead; and better-coordinating services. The secretary of state may provide guidance on the form and structure of such plans.

4. While developing a plan, the county CEO shall regularly consult with, and take recommendations from, the representatives: on the panel; of each collective bargaining unit of the county and the cities, towns, and villages; and of each collective bargaining unit of any participating school district, board of cooperative educational services, fire district, fire protection district, or special improvement district.

5. The county CEO, the county legislative body and a panel shall accept input from the public, civic, business, labor and community leaders on any proposed plan. The county CEO shall cause to be conducted a minimum of three public hearings prior to submission of a plan to a vote of a panel. All such public hearings shall be conducted within the county, and public notice of all such hearings shall be provided at least one week prior in the manner prescribed in subdivision one of section one hundred four of the public officers law. Civic, business, labor, and community leaders, as well as members of the public, shall be permitted to provide public testimony at any such hearings.

6. a. The county CEO shall submit each plan, accompanied by a certification as to the accuracy of the savings contained therein, to the county legislative body at least forty-five days prior to a vote by the panel.

b. The county legislative body shall review and consider each plan submitted in accordance with paragraph a of this subdivision. A majority of the members of such body may issue an advisory report on each plan, making recommendations as deemed necessary. The county CEO may modify a plan based on such recommendations, which shall include an updated certification as to the accuracy of the savings contained therein.

7. a. A panel shall duly consider any plan properly submitted to the panel by the county CEO and may approve such plan by a majority vote of the panel. Each member of a panel may, prior to the panel-wide vote, cause to be removed from a plan any proposed action affecting the unit of government represented by the respective member. Written notice of such removal shall be provided to the county CEO prior to a panel-wide vote on a plan.

b. Plans approved by a panel shall be transmitted to the secretary of state no later than thirty days from the date of approval by a panel accompanied by a certification as to the accuracy of the savings accompanied therein, and shall be publicly disseminated to residents of the county in a concise, clear, and coherent manner using words with common and everyday meaning.

c. The county CEO shall conduct a public presentation of any approved plan no later than thirty days from the date of approval by a panel. Public notice of such presentation shall be provided at least one week prior in the manner prescribed in subdivision one of section one hundred four of the public officers law.

d. Beginning in two thousand twenty, by January fifteenth following any calendar year during which a panel did not approve a plan and transmit such plan to the secretary of state pursuant to paragraph b of this subdivision, such panel shall release to the public and transmit to the secretary of state a statement explaining why the panel did not approve a plan that year, including, for each vote on a plan, the vote taken by each panel member and an explanation by each panel member of their vote.

8. The secretary of state may solicit, and the panels shall provide at her or his request, advice, guidance and recommendations concerning matters related to the operations of local governments and shared services initiatives, including, but not limited to, making recommendations regarding grant proposals incorporating elements of shared services, government dissolutions, government and service consolidations, or property taxes and such other grants where the secretary deems the input of the panels to be in the best interest of the public. The panel shall advance such advice, guidance or recommendations by a vote of the majority of the members present at such meeting.

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

§ 3. This act shall take effect immediately.

PART FF

Section 1. Subdivision 7 of section 2046-c of the public authorities law, as added by chapter 632 of the laws of the 1982, is amended to read as follows:

7. There shall be an annual independent audit of the accounts and business practices of the agency performed by independent outside auditors [~~nominated by the director of the division of the budget~~]. Any such auditor shall serve no more than three consecutive years.

§ 2. This act shall take effect immediately.

PART GG

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

1. Proprietary vocational school supervision account (20452).
2. Local government records management account (20501).
3. Child health plus program account (20810).
4. EPIC premium account (20818).
5. Education - New (20901).
6. VLT - Sound basic education fund (20904).
7. Sewage treatment program management and administration fund (21000).
8. Hazardous bulk storage account (21061).
9. Federal grants indirect cost recovery account (21065).
10. Low level radioactive waste account (21066).
11. Recreation account (21067).
12. Public safety recovery account (21077).
13. Environmental regulatory account (21081).
14. Natural resource account (21082).
15. Mined land reclamation program account (21084).
16. Great lakes restoration initiative account (21087).
17. Environmental protection and oil spill compensation fund (21200).
18. Public transportation systems account (21401).
19. Metropolitan mass transportation (21402).
20. Operating permit program account (21451).
21. Mobile source account (21452).
22. Statewide planning and research cooperative system account (21902).
23. New York state thruway authority account (21905).
24. Mental hygiene program fund account (21907).
25. Mental hygiene patient income account (21909).
26. Financial control board account (21911).

27. Regulation of racing account (21912).
28. New York Metropolitan Transportation Council account (21913).
29. State university dormitory income reimbursable account (21937).
30. Criminal justice improvement account (21945).
31. Environmental laboratory reference fee account (21959).
32. Clinical laboratory reference system assessment account (21962).
33. Indirect cost recovery account (21978).
34. High school equivalency program account (21979).
35. Multi-agency training account (21989).
36. Interstate reciprocity for post-secondary distance education account (23800).
37. Bell jar collection account (22003).
38. Industry and utility service account (22004).
39. Real property disposition account (22006).
40. Parking account (22007).
41. Courts special grants (22008).
42. Asbestos safety training program account (22009).
43. Batavia school for the blind account (22032).
44. Investment services account (22034).
45. Surplus property account (22036).
46. Financial oversight account (22039).
47. Regulation of Indian gaming account (22046).
48. Rome school for the deaf account (22053).
49. Seized assets account (22054).
50. Administrative adjudication account (22055).
51. Federal salary sharing account (22056).
52. New York City assessment account (22062).
53. Cultural education account (22063).
54. Local services account (22078).
55. DHCR mortgage servicing account (22085).
56. Housing indirect cost recovery account (22090).
57. DHCR-HCA application fee account (22100).
58. Low income housing monitoring account (22130).
59. Corporation administration account (22135).
60. Montrose veteran's home account (22144).
61. Deferred compensation administration account (22151).
62. Rent revenue other New York City account (22156).
63. Rent revenue account (22158).
64. Tax revenue arrearage account (22168).
65. Youth facility per diem account (22186).
66. State university general income offset account (22654).
67. Lake George park trust fund account (22751).
68. State police motor vehicle law enforcement account (22802).
69. Highway safety program account (23001).
70. DOH drinking water program account (23102).
71. NYCCC operating offset account (23151).
72. Commercial gaming revenue account (23701).
73. Commercial gaming regulation account (23702).
74. Highway use tax administration account (23801).
75. Fantasy sports administration account (24951).
76. Highway and bridge capital account (30051).
77. Aviation purpose account (30053).
78. State university residence hall rehabilitation fund (30100).
79. State parks infrastructure account (30351).
80. Clean water/clean air implementation fund (30500).
81. Hazardous waste remedial cleanup account (31506).

82. Youth facilities improvement account (31701).
83. Housing assistance fund (31800).
84. Housing program fund (31850).
85. Highway facility purpose account (31951).
86. Information technology capital financing account (32215).
87. New York racing account (32213).
88. Capital miscellaneous gifts account (32214).
89. New York environmental protection and spill remediation account (32219).
90. Mental hygiene facilities capital improvement fund (32300).
91. Correctional facilities capital improvement fund (32350).
92. New York State Storm Recovery Capital Fund (33000).
93. OGS convention center account (50318).
94. Empire Plaza Gift Shop (50327).
95. Centralized services fund (55000).
96. Archives records management account (55052).
97. Federal single audit account (55053).
98. Civil service EHS occupational health program account (55056).
99. Banking services account (55057).
100. Cultural resources survey account (55058).
101. Neighborhood work project account (55059).
102. Automation & printing chargeback account (55060).
103. OFT NYT account (55061).
104. Data center account (55062).
105. Intrusion detection account (55066).
106. Domestic violence grant account (55067).
107. Centralized technology services account (55069).
108. Labor contact center account (55071).
109. Human services contact center account (55072).
110. Tax contact center account (55073).
111. Executive direction internal audit account (55251).
112. CIO Information technology centralized services account (55252).
113. Health insurance internal service account (55300).
114. Civil service employee benefits division administrative account (55301).
115. Correctional industries revolving fund (55350).
116. Employees health insurance account (60201).
117. Medicaid management information system escrow fund (60900).
118. Department of law civil recoveries account.

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

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

§ 1-b. The state comptroller is hereby authorized and directed to loan money in accordance with the provisions set forth in subdivision 5 of

section 4 of the state finance law to any fund within the special revenue, capital projects, proprietary or fiduciary funds for the purpose of payment of any fringe benefit or indirect cost liabilities or obligations incurred.

§ 2. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2019, up to the unencumbered balance or the following amounts:

Economic Development and Public Authorities:

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

2. $2,500,000 from the miscellaneous special revenue fund, cable television account (21971), to the general fund.

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

4. $14,810,000 from the miscellaneous special revenue fund, code enforcement account (21904), to the general fund.

5. $3,000,000 from the general fund to the miscellaneous special revenue fund, tax revenue arrearage account (22168).

Education:

1. $2,294,000,000 from the general fund to the state lottery fund, education account (20901), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.

2. $906,800,000 from the general fund to the state lottery fund, VLT education account (20904), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.

3. $140,040,000 from the general fund to the New York state commercial gaming fund, commercial gaming revenue account (23701), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 97-nnnn of the state finance law that are in excess of the amounts deposited in such fund for purposes pursuant to section 1352 of the racing, pari-mutuel wagering and breeding law.

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

5. $300,000 from the New York state local government records management improvement fund, local government records management account (20501), to the New York state archives partnership trust fund, archives partnership trust maintenance account (20351).

6. $900,000 from the general fund to the miscellaneous special revenue fund, Batavia school for the blind account (22032).

7. $900,000 from the general fund to the miscellaneous special revenue fund, Rome school for the deaf account (22053).

8. $343,400,000 from the state university dormitory income fund (40350) to the miscellaneous special revenue fund, state university dormitory income reimbursable account (21937).

9. $20,000,000 from any of the state education department special revenue and internal service funds to the miscellaneous special revenue fund, indirect cost recovery account (21978).

10. $8,318,000 from the general fund to the state university income fund, state university income offset account (22654), for the state's share of repayment of the STIP loan.

11. $44,000,000 from the state university income fund, state university hospitals income reimbursable account (22656) to the general fund for hospital debt service for the period April 1, 2018 through March 31, 2019.

12. $4,300,000 from the miscellaneous special revenue fund, office of the professions account (22051), to the miscellaneous capital projects fund, office of the professions electronic licensing account (32200).

Environmental Affairs:

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

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

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

4. $1,000,000 from any of the office of parks, recreation and historic preservation special revenue federal funds to the miscellaneous capital projects fund, I love NY water account (32212).

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

6. $6,500,000 from the general fund to the hazardous waste remedial fund, hazardous waste oversight and assistance account (31505).

7. An amount up to or equal to the cash balance within the special revenue-other waste management & cleanup account (21053) to the capital projects fund (30000).

Family Assistance:

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

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

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

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

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

6. $7,400,000 from any of the office of children and family services, office of temporary and disability assistance, department of labor, and

department of health special revenue federal funds to the office of children and family services miscellaneous special revenue fund, multi-agency training contract account (21989).

7. $205,000,000 from the miscellaneous special revenue fund, youth facility per diem account (22186), to the general fund.

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

9. $5,000,000 from the miscellaneous special revenue fund, state central registry (22028), to the general fund.

General Government:

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

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

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

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

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

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

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

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

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

10. $21,778,000 from the general fund to the centralized services fund, COPS account (55013).

11. $13,960,000 from the general fund to the agencies internal service fund, central technology services account (55069), for the purpose of enterprise technology projects.

12. $5,500,000 from the miscellaneous special revenue fund, technology financing account (22207) to the internal service fund, data center account (55062).

13. $12,500,000 from the internal service fund, human services telecom account (55063) to the internal service fund, data center account (55062).

14. $300,000 from the internal service fund, learning management systems account (55070) to the internal service fund, data center account (55062).

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

16. $12,000,000 from the miscellaneous special revenue fund, parking services account (22007), to the centralized services, building support services account (55018).

17. $6,000,000 from the general fund to the internal service fund, business services center account (55022).

Health:

1. A transfer from the general fund to the combined gifts, grants and bequests fund, breast cancer research and education account (20155), up

to an amount equal to the monies collected and deposited into that account in the previous fiscal year.

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

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

4. $33,134,000 from the HCRA resources fund (20800) to the miscellaneous special revenue fund, empire state stem cell trust fund account (22161).

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

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

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

8. $91,304,000 from the HCRA resources fund (20800) to the capital projects fund (30000).

9. $6,550,000 from the general fund to the medical marihuana trust fund, health operation and oversight account (23755).

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

Labor:

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

2. $11,700,000 from the unemployment insurance interest and penalty fund, unemployment insurance special interest and penalty account (23601), to the general fund.

3. $5,000,000 from the miscellaneous special revenue fund, workers' compensation account (21995), to the training and education program occupation safety and health fund, OSHA-training and education account (21251) and occupational health inspection account (21252).

Mental Hygiene:

1. $10,000,000 from the general fund, to the miscellaneous special revenue fund, federal salary sharing account (22056).

2. $1,800,000,000 from the general fund to the miscellaneous special revenue fund, mental hygiene patient income account (21909).

3. $2,200,000,000 from the general fund to the miscellaneous special revenue fund, mental hygiene program fund account (21907).

4. $100,000,000 from the miscellaneous special revenue fund, mental hygiene program fund account (21907), to the general fund.

5. $100,000,000 from the miscellaneous special revenue fund, mental hygiene patient income account (21909), to the general fund.

6. $3,800,000 from the general fund, to the agencies internal service fund, civil service EHS occupational health program account (55056).

7. $15,000,000 from the chemical dependence service fund, substance abuse services fund account (22700), to the capital projects fund (30000).

8. $3,000,000 from the chemical dependence service fund, substance abuse services fund account (22700), to the mental hygiene capital improvement fund (32305).

9. $3,000,000 from the chemical dependence service fund, substance abuse services fund account (22700), to the general fund.

Public Protection:

1. $1,350,000 from the miscellaneous special revenue fund, emergency management account (21944), to the general fund.

2. $2,087,000 from the general fund to the miscellaneous special revenue fund, recruitment incentive account (22171).

3. $20,773,000 from the general fund to the correctional industries revolving fund, correctional industries internal service account (55350).

4. $60,000,000 from any of the division of homeland security and emergency services special revenue federal funds to the general fund.

5. $8,600,000 from the miscellaneous special revenue fund, criminal justice improvement account (21945), to the general fund.

6. $115,420,000 from the state police motor vehicle law enforcement and motor vehicle theft and insurance fraud prevention fund, state police motor vehicle enforcement account (22802), to the general fund for state operation expenses of the division of state police.

7. $118,500,000 from the general fund to the correctional facilities capital improvement fund (32350).

8. $5,000,000 from the general fund to the dedicated highway and bridge trust fund (30050) for the purpose of work zone safety activities provided by the division of state police for the department of transportation.

9. $10,000,000 from the miscellaneous special revenue fund, statewide public safety communications account (22123), to the capital projects fund (30000).

10. $9,830,000 from the miscellaneous special revenue fund, legal services assistance account (22096), to the general fund.

11. $1,000,000 from the general fund to the agencies internal service fund, neighborhood work project account (55059).

12. $7,980,000 from the miscellaneous special revenue fund, fingerprint identification & technology account (21950), to the general fund.

13. $1,100,000 from the state police motor vehicle law enforcement and motor vehicle theft and insurance fraud prevention fund, motor vehicle theft and insurance fraud account (22801), to the general fund.

Transportation:

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

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

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

4. $265,900,000 from the general fund to the dedicated highway and bridge trust fund (30050).

5. $244,250,000 from the general fund to the MTA financial assistance fund, mobility tax trust account (23651).

6. $5,000,000 from the miscellaneous special revenue fund, transportation regulation account (22067) to the dedicated highway and bridge

trust fund (30050), for disbursements made from such fund for motor carrier safety that are in excess of the amounts deposited in the dedicated highway and bridge trust fund (30050) for such purpose pursuant to section 94 of the transportation law.

7. $3,000,000 from the miscellaneous special revenue fund, traffic adjudication account (22055), to the general fund.

8. $17,421,000 from the mass transportation operating assistance fund, metropolitan mass transportation operating assistance account (21402), to the capital projects fund (30000).

9. $5,000,000 from the miscellaneous special revenue fund, transportation regulation account (22067) to the general fund, for disbursements made from such fund for motor carrier safety that are in excess of the amounts deposited in the general fund for such purpose pursuant to section 94 of the transportation law.

Miscellaneous:

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

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

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

4. $18,550,000 from the general fund, community projects account GG (10256), to the general fund, state purposes account (10050).

5. $100,000,000 from any special revenue federal fund to the general fund, state purposes account (10050).

§ 3. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, on or before March 31, 2019:

1. Upon request of the commissioner of environmental conservation, up to $12,531,400 from revenues credited to any of the department of environmental conservation special revenue funds, including $4,000,000 from the environmental protection and oil spill compensation fund (21200), and $1,819,600 from the conservation fund (21150), to the environmental conservation special revenue fund, indirect charges account (21060).

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

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

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

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

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

§ 4. On or before March 31, 2019, the comptroller is hereby authorized and directed to deposit earnings that would otherwise accrue to the general fund that are attributable to the operation of section 98-a of the state finance law, to the agencies internal service fund, banking services account (55057), for the purpose of meeting direct payments from such account.

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

§ 6. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget and upon consultation with the state university chancellor or his or her designee, on or before March 31, 2019, up to $16,000,000 from the state university income fund general revenue account (22653) to the state general fund for debt service costs related to campus supported capital project costs for the NY-SUNY 2020 challenge grant program at the University at Buffalo.

§ 7. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget and upon consultation with the state university chancellor or his or her designee, on or before March 31, 2019, up to $6,500,000 from the state university income fund general revenue account (22653) to the state general fund for debt service costs related to campus supported capital project costs for the NY-SUNY 2020 challenge grant program at the University at Albany.

§ 8. Notwithstanding any law to the contrary, the state university chancellor or his or her designee is authorized and directed to transfer estimated tuition revenue balances from the state university collection fund (61000) to the state university income fund, state university general revenue offset account (22655) on or before March 31, 2019.

§ 9. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $1,000,778,300 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2018 through June 30, 2019 to support operations at the state university.

§ 10. Notwithstanding any law to the contrary, and in accordance with section 4 of the state financial law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $20,000,000 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2018 to June 30, 2019 to support operations at the state university in accordance with the maintenance of effort pursuant to clause (v) of subparagraph (4) of paragraph h of subdivision 2 of section 355 of the education law.

§ 11. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the state university chancellor or his or her designee, up to $126,000,000 from the state university

income fund, state university hospitals income reimbursable account (22656), for services and expenses of hospital operations and capital expenditures at the state university hospitals; and the state university income fund, Long Island veterans' home account (22652) to the state university capital projects fund (32400) on or before June 30, 2019.

§ 12. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller, after consultation with the state university chancellor or his or her designee, is hereby authorized and directed to transfer moneys, in the first instance, from the state university collection fund, Stony Brook hospital collection account (61006), Brooklyn hospital collection account (61007), and Syracuse hospital collection account (61008) to the state university income fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals. Notwithstanding any law to the contrary, the comptroller is also hereby authorized and directed, after consultation with the state university chancellor or his or her designee, to transfer moneys from the state university income fund to the state university income fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to pay hospital operating costs or to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals on or before March 31, 2019.

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

§ 14. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer monies, upon request of the director of the budget, on or before March 31, 2019, from and to any of the following accounts: the miscellaneous special revenue fund, patient income account (21909), the miscellaneous special revenue fund, mental hygiene program fund account (21907), the miscellaneous special revenue fund, federal salary sharing account (22056), or the general fund in any combination, the aggregate of which shall not exceed $350 million.

§ 15. Subdivision 5 of section 97-f of the state finance law, as amended by chapter 18 of the laws of 2003, is amended to read as follows:

5. The comptroller shall from time to time, but in no event later than the fifteenth day of each month, pay over for deposit in the mental hygiene [~~**patient income**~~] **general fund state operations** account all moneys in the mental health services fund in excess of the amount of money required to be maintained on deposit in the mental health services fund. The amount required to be maintained in such fund shall be (i) twenty percent of the amount of the next payment coming due relating to the mental health services facilities improvement program under any

agreement between the facilities development corporation and the New York state medical care facilities finance agency multiplied by the number of months from the date of the last such payment with respect to payments under any such agreement required to be made semi-annually, plus (ii) those amounts specified in any such agreement with respect to payments required to be made other than semi-annually, including for variable rate bonds, interest rate exchange or similar agreements or other financing arrangements permitted by law. Prior to making any such payment, the comptroller shall make and deliver to the director of the budget and the chairmen of the facilities development corporation and the New York state medical care facilities finance agency, a certificate stating the aggregate amount to be maintained on deposit in the mental health services fund to comply in full with the provisions of this subdivision.

§ 16. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $800 million from the unencumbered balance of any special revenue fund or account, agency fund or account, internal service fund or account, enterprise fund or account, or any combination of such funds and accounts, to the general fund. The amounts transferred pursuant to this authorization shall be in addition to any other transfers expressly authorized in the 2018-19 budget. Transfers from federal funds, debt service funds, capital projects funds, the community projects fund, or funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

§ 17. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $100 million from any non-general fund or account, or combination of funds and accounts, to the miscellaneous special revenue fund, technology financing account (22207), the miscellaneous capital projects fund, information technology capital financing account (32215), or the centralized technology services account (55069), for the purpose of consolidating technology procurement and services. The amounts transferred to the miscellaneous special revenue fund, technology financing account (22207) pursuant to this authorization shall be equal to or less than the amount of such monies intended to support information technology costs which are attributable, according to a plan, to such account made in pursuance to an appropriation by law. Transfers to the technology financing account shall be completed from amounts collected by non-general funds or accounts pursuant to a fund deposit schedule or permanent statute, and shall be transferred to the technology financing account pursuant to a schedule agreed upon by the affected agency commissioner. Transfers from funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

§ 18. Notwithstanding any other law to the contrary, up to $145 million of the assessment reserves remitted to the chair of the workers' compensation board pursuant to subdivision 6 of section 151 of the workers' compensation law shall, at the request of the director of the budget, be transferred to the state insurance fund, for partial payment and

partial satisfaction of the state's obligations to the state insurance fund under section 88-c of the workers' compensation law.

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

§ 20. Notwithstanding any provision of law to the contrary, as deemed feasible and advisable by its trustees, the power authority of the state of New York is authorized and directed to transfer to the state treasury to the credit of the general fund $20,000,000 for the state fiscal year commencing April 1, 2018, the proceeds of which will be utilized to support energy-related state activities.

§ 21. Notwithstanding any provision of law, rule or regulation to the contrary, the New York state energy research and development authority is authorized and directed to make the following contributions to the state treasury to the credit of the general fund on or before March 31, 2019: (a) $913,000; and (b) $23,000,000 from proceeds collected by the authority from the auction or sale of carbon dioxide emission allowances allocated by the department of environmental conservation.

§ 22. Subdivision 5 of section 97-rrr of the state finance law, as amended by section 21 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

5. Notwithstanding the provisions of section one hundred seventy-one-a of the tax law, as separately amended by chapters four hundred eighty-one and four hundred eighty-four of the laws of nineteen hundred eighty-one, and notwithstanding the provisions of chapter ninety-four of the laws of two thousand eleven, or any other provisions of law to the contrary, during the fiscal year beginning April first, two thousand [~~seventeen~~] **eighteen**, the state comptroller is hereby authorized and directed to deposit to the fund created pursuant to this section from amounts collected pursuant to article twenty-two of the tax law and pursuant to a schedule submitted by the director of the budget, up to [~~$2,679,997,000~~] **$2,409,909,000**, as may be certified in such schedule as necessary to meet the purposes of such fund for the fiscal year beginning April first, two thousand [~~seventeen~~] **eighteen**.

§ 23. Notwithstanding any law to the contrary, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2019, the following amounts from the following special revenue accounts to the capital projects fund (30000), for the purposes of reimbursement to such fund for expenses related to the maintenance and preservation of state assets:

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

2. $1,478,000 from the miscellaneous special revenue fund, helen hayes hospital account (22140).
3. $366,000 from the miscellaneous special revenue fund, New York city veterans' home account (22141).
4. $513,000 from the miscellaneous special revenue fund, New York state home for veterans' and their dependents at oxford account (22142).
5. $159,000 from the miscellaneous special revenue fund, western New York veterans' home account (22143).
6. $323,000 from the miscellaneous special revenue fund, New York state for veterans in the lower-hudson valley account (22144).
7. $2,550,000 from the miscellaneous special revenue fund, patron services account (22163).
8. $830,000 from the miscellaneous special revenue fund, long island veterans' home account (22652).
9. $5,379,000 from the miscellaneous special revenue fund, state university general income reimbursable account (22653).
10. $112,556,000 from the miscellaneous special revenue fund, state university revenue offset account (22655).
11. $557,000 from the miscellaneous special revenue fund, state university of New York tuition reimbursement account (22659).
12. $41,930,000 from the state university dormitory income fund, state university dormitory income fund (40350).
13. $1,000,000 from the miscellaneous special revenue fund, litigation settlement and civil recovery account (22117).

§ 24. Subdivisions 2 and 4 of section 97-rrr of the state finance law, subdivision 2 as amended by section 45 of part H of chapter 56 of the laws of 2000 and subdivision 4 as added by section 22-b of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

2. Such fund shall consist of all monies credited or transferred thereto from the general fund or from any other fund or sources pursuant to law**, and include an amount equal to fifty percent of any estimated cash-basis surplus in the general fund, as certified by the director of the budget on or before the twenty-fifth day of March of each fiscal year. Upon request of the director of the budget, the state comptroller shall transfer such surplus amount from the general fund to the debt reduction reserve fund. The director of the budget shall calculate the surplus as the excess of estimated aggregate receipts above the estimated aggregate disbursements at the end of the fiscal year. Notwithstanding paragraph (a) of subdivision four of section seventy-two of this article, the state comptroller shall retain any balance of monies in the debt reduction reserve fund at the end of any fiscal year in such fund**.

4. Any amounts disbursed from such fund shall be excluded from the calculation of annual spending growth in state operating funds [~~**until June 30, 2019**~~].

§ 25. Subdivision 6 of section 4 of the state finance law, as amended by section 24 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

6. Notwithstanding any law to the contrary, at the beginning of the state fiscal year, the state comptroller is hereby authorized and directed to receive for deposit to the credit of a fund and/or an account such monies as are identified by the director of the budget as having been intended for such deposit to support disbursements from such fund and/or account made in pursuance of an appropriation by law. As soon as practicable upon enactment of the budget, the director of the budget shall, but not less than three days following preliminary submission to the chairs of the senate finance committee and the assem-

bly ways and means committee, file with the state comptroller an identification of specific monies to be so deposited. Any subsequent change regarding the monies to be so deposited shall be filed by the director of the budget, as soon as practicable, but not less than three days following preliminary submission to the chairs of the senate finance committee and the assembly ways and means committee.

All monies identified by the director of the budget to be deposited to the credit of a fund and/or account shall be consistent with the intent of the budget for the then current state fiscal year as enacted by the legislature.

[~~The provisions of this subdivision shall expire on March thirty-first, two thousand eighteen.~~]

§ 26. Subdivision 4 of section 40 of the state finance law, as amended by section 25 of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

4. Every appropriation made from a fund or account to a department or agency shall be available for the payment of prior years' liabilities in such fund or account for fringe benefits, indirect costs, and telecommunications expenses and expenses for other centralized services fund programs without limit. Every appropriation shall also be available for the payment of prior years' liabilities other than those indicated above, but only to the extent of one-half of one percent of the total amount appropriated to a department or agency in such fund or account.

[~~The provisions of this subdivision shall expire March thirty-first, two thousand eighteen.~~]

§ 27. Notwithstanding any provision of law to the contrary, in the event that federal legislation, federal regulatory actions, federal executive actions or federal judicial actions reduce federal financial participation in Medicaid funding to New York state or its subdivisions by $850 million or more in state fiscal years 2018-19 through 2019-20, the director of the division of the budget shall notify the temporary president of the senate and the speaker of the assembly in writing that the federal actions will reduce expected funding to New York state. The director of the division of the budget shall prepare a plan that shall be submitted to the legislature, which shall (a) specify the total amount of the reduction in federal financial participation in Medicaid, (b) itemize the specific programs and activities that will be affected by the reduction in federal financial participation in Medicaid, and (c) identify the general fund and state special revenue fund appropriations and related disbursements that shall be reduced, and in what program areas, provided, however, that such reductions to appropriations and disbursements shall be applied equally and proportionally to the programs affected by the reduction in federal financial participation in Medicaid. Upon such submission, the legislature shall have 90 days after such submission to either prepare its own plan, which may be adopted by concurrent resolution passed by both houses, or if after 90 days the legislature fails to adopt their own plan, the reductions to the general fund and state special revenue fund appropriations and related disbursements identified in the division of the budget plan will go into effect automatically.

§ 28. Notwithstanding any provision of law to the contrary, in the event that federal legislation, federal regulatory actions, federal executive actions or federal judicial actions reduce federal financial participation or other federal aid in funding to New York state that affects the state operating funds financial plan by $850 million or more in state fiscal years 2018-19 through 2019-20, exclusive of any cuts to

Medicaid, the director of the division of the budget shall notify the temporary president of the senate and the speaker of the assembly in writing that the federal actions will reduce expected funding to New York state. The director of the division of the budget shall prepare a plan that shall be submitted to the legislature, which shall (a) specify the total amount of the reduction in federal aid, (b) itemize the specific programs and activities that will be affected by the federal reductions, exclusive of Medicaid, and (c) identify the general fund and state special revenue fund appropriations and related disbursements that shall be reduced, and in what program areas, provided, however, that such reductions to appropriations and disbursements shall be applied equally and proportionally. Upon such submission, the legislature shall have 90 days after such submission to either prepare its own plan, which may be adopted by concurrent resolution passed by both houses, or if after 90 days the legislature fails to adopt their own plan, the reductions to the general fund and state special revenue fund appropriations and related disbursements identified in the division of the budget plan will go into effect automatically.

§ 28-a. The state finance law is amended by adding a new section 28 to read as follows:

§ 28. Reductions to enacted appropriations. 1. Notwithstanding any other provision of law to the contrary, to maintain a balanced budget in the event that the annual estimate for tax receipts for fiscal year two thousand eighteen-nineteen is reduced by five hundred million dollars or more compared to estimate in the fiscal year two thousand eighteen-nineteen Executive Budget Financial Plan, the appropriations and related cash disbursements for all general fund and state special revenue fund aid to localities appropriations shall be uniformly reduced by the percentage set forth in a written allocation plan prepared by the director of the budget, provided, however, that the uniform percentage reduction shall not exceed three percent. The following types of appropriations shall be exempt from uniform reduction: (a) public assistance payments for families and individuals and payments for eligible aged, blind and disabled persons related to supplemental social security; (b) any reductions that would violate federal law; (c) payments of debt service and related expenses for which the state is constitutionally obligated to pay debt service or is contractually obligated to pay debt service, subject to an appropriation, including where the state has a contingent contractual obligation; (d) payments the state is obligated to make pursuant to court orders or judgments; (e) payments for CUNY senior colleges; (f) school aid; (g) Medicaid; and (h) payments from the community projects fund.

2. Reductions under this section shall commence within ten days following the publication of a financial plan required under sections twenty-two or twenty-three of this article stating that the annual estimate for tax receipts for fiscal year two thousand eighteen-nineteen is reduced by five hundred million dollars or more compared to estimate in the fiscal year two thousand eighteen-nineteen Executive Budget Financial Plan. Such reductions shall be uniformly reduced in accordance with a written allocation plan prepared by the director of the budget, which shall be filed with the state comptroller, the chairman of the senate finance committee and the chairman of the assembly ways and means committee. Such written allocation plan shall include a summary of the methodology for calculating the percentage reductions to the payments from non-exempt appropriations and cash disbursements and the reasons for any exemptions, and a detailed schedule of the reductions and

exemptions. The director of the budget shall prepare appropriately reduced certificates, which shall be filed with the state comptroller, the chair of the senate finance committee and the chair of the assembly ways and means committee.

3. On March thirty-first, two thousand nineteen, the director of the budget shall calculate the difference, if any, between the annual estimate in tax receipts contained in the fiscal year 2019 Executive Budget Financial Plan and actual tax collections for fiscal year two thousand eighteen-nineteen. If actual tax receipts for fiscal year two thousand eighteen-nineteen were not less than five hundred million dollars below the annual estimate in tax receipts contained in the Executive Budget Financial Plan for fiscal year two thousand eighteen-nineteen, then the amounts withheld under this section shall be payable as soon as practicable thereafter in the fiscal year two thousand twenty-twenty-one.

4. Notwithstanding any inconsistent provision of law, rule or regulation, the effectiveness of the provisions of sections twenty-eight hundred seven and thirty-six hundred fourteen of the public health law, section eighteen of chapter two of the laws of nineteen hundred eighty-eight, and 18 NYCRR § 505.14(h), as they relate to time frames for notice, approval or certification of rates of payment, are hereby suspended and without force or effect for purposes of implementing the provisions of this act.

§ 29. Section 8-b of the state finance law, as added by chapter 169 of the laws of 1994, is amended to read as follows:

§ 8-b. Additional duties of the comptroller. 1. The comptroller is hereby authorized and directed to assess fringe benefit and central service agency indirect costs on all non-general funds, and on the general fund upon request and at the sole discretion of the director of the budget, and to [~~bill~~] charge such assessments [~~on~~] to such funds. Such fringe benefit and indirect costs [~~billings~~] assessments shall be based on rates provided to the comptroller by the director of the budget. Copies of such rates shall be provided to the legislative fiscal committees.

2. Receipts derived from such indirect costs assessments, paid pursuant to appropriations, shall be [~~deposited to the indirect costs recovery account~~] refunded to the originating general fund appropriations, or as directed by the director of the budget, in consultation with the comptroller. Receipts derived from the fringe benefit assessments, paid pursuant to appropriations, shall be [~~deposited to the fringe benefit escrow account. If any of the fringe benefit escrow accounts have available balances, such balances may be applied to other categories in the general state charges schedule as determined by the director of the budget~~] refunded to any originating general state charge appropriation, pursuant to a schedule submitted by the director of the budget to the comptroller.

§ 30. Notwithstanding any other law, rule, or regulation to the contrary, the state comptroller is hereby authorized and directed to use any balance remaining in the mental health services fund debt service appropriation, after payment by the state comptroller of all obligations required pursuant to any lease, sublease, or other financing arrangement between the dormitory authority of the state of New York as successor to the New York state medical care facilities finance agency, and the facilities development corporation pursuant to chapter 83 of the laws of 1995 and the department of mental hygiene for the purpose of making payments to the dormitory authority of the state of New York for the amount of the earnings for the investment of monies deposited in the

mental health services fund that such agency determines will or may have to be rebated to the federal government pursuant to the provisions of the internal revenue code of 1986, as amended, in order to enable such agency to maintain the exemption from federal income taxation on the interest paid to the holders of such agency's mental services facilities improvement revenue bonds. Annually on or before each June 30th, such agency shall certify to the state comptroller its determination of the amounts received in the mental health services fund as a result of the investment of monies deposited therein that will or may have to be rebated to the federal government pursuant to the provisions of the internal revenue code of 1986, as amended.

§ 31. Subdivision 1 of section 47 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 24 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

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

§ 32. Subdivision 1 of section 16 of part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 25 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed [~~seven~~] eight billion [~~seven hundred forty-one~~] eighty-two million [~~one~~] eight hundred ninety-nine thousand dollars [~~$7,741,199,000~~] $8,082,899,000, and shall include all bonds, notes and other obligations issued pursuant to chapter 56 of the laws of 1983, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the correctional facilities capital improvement fund to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the department of corrections and community supervision from the correctional facilities capital improvement fund for capital projects. The aggregate amount of bonds, notes or

other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from appropriations or reappropriations made to the department of corrections and community supervision; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than [~~seven~~] eight billion [~~seven hundred forty-one~~] eighty-two million [~~one~~] eight hundred ninety-nine thousand dollars [~~$7,741,199,000~~] $8,082,899,000, only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

§ 33. Paragraph (a) of subdivision 2 of section 47-e of the private housing finance law, as amended by section 26 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

(a) Subject to the provisions of chapter fifty-nine of the laws of two thousand, in order to enhance and encourage the promotion of housing programs and thereby achieve the stated purposes and objectives of such housing programs, the agency shall have the power and is hereby authorized from time to time to issue negotiable housing program bonds and notes in such principal amount as shall be necessary to provide sufficient funds for the repayment of amounts disbursed (and not previously reimbursed) pursuant to law or any prior year making capital appropriations or reappropriations for the purposes of the housing program; provided, however, that the agency may issue such bonds and notes in an aggregate principal amount not exceeding $5,691,399,000 five billion [~~three~~] six hundred [~~eighty-four~~] ninety-one million [~~one~~] three hundred ninety-nine thousand dollars, plus a principal amount of bonds issued to fund the debt service reserve fund in accordance with the debt service reserve fund requirement established by the agency and to fund any other reserves that the agency reasonably deems necessary for the security or marketability of such bonds and to provide for the payment of fees and other charges and expenses, including underwriters' discount, trustee and rating agency fees, bond insurance, credit enhancement and liquidity enhancement related to the issuance of such bonds and notes. No reserve fund securing the housing program bonds shall be entitled or eligible to receive state funds apportioned or appropriated to maintain or restore such reserve fund at or to a particular level, except to the extent of any deficiency resulting directly or indirectly from a failure of the state to appropriate or pay the agreed amount under any of the contracts provided for in subdivision four of this section.

§ 34. Subdivision (b) of section 11 of chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, as amended by section 27 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

(b) Any service contract or contracts for projects authorized pursuant to sections 10-c, 10-f, 10-g and 80-b of the highway law and section 14-k of the transportation law, and entered into pursuant to subdivision (a) of this section, shall provide for state commitments to provide annually to the thruway authority a sum or sums, upon such terms and conditions as shall be deemed appropriate by the director of the budget, to fund, or fund the debt service requirements of any bonds or any obligations of the thruway authority issued to fund or to reimburse the state for funding such projects having a cost not in excess of [~~$9,699,586,000~~] $10,186,939,000 cumulatively by the end of fiscal year [~~2017-18~~] 2018-19.

§ 35. Subdivision 1 of section 1689-i of the public authorities law, as amended by section 28 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

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

§ 36. Subdivision (a) of section 27 of part Y of chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, as amended by section 29 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding any provisions of law to the contrary, the urban development corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~$173,600,000~~] $220,100,000 two hundred twenty million one hundred thousand dollars, excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital projects including IT initiatives for the division of state police, debt service and leases; and to reimburse the state general fund for disbursements made therefor. Such bonds and notes of such authorized issuer shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuer for debt service and related expenses pursuant to any service contract executed pursuant to subdivision (b) of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 37. Section 44 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 30 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

§ 44. Issuance of certain bonds or notes. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and

the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, the clarkson-trudeau partnership, the New York genome center, the cornell university college of veterinary medicine, the olympic regional development authority, projects at nano Utica, onondaga county revitalization projects, Binghamton university school of pharmacy, New York power electronics manufacturing consortium, regional infrastructure projects, **high tech innovation and economic development infrastructure program,** high technology manufacturing projects in Chautauqua and Erie county, an industrial scale research and development facility in Clinton county, upstate revitalization initiative projects, **downstate revitalization initiative** market New York projects, fairground buildings, equipment or facilities used to house and promote agriculture, the state fair, the empire state trail, the moynihan station development project, the Kingsbridge armory project, strategic economic development projects, the cultural, arts and public spaces fund, water infrastructure in the city of Auburn and town of Owasco, a life sciences laboratory public health initiative, not-for-profit pounds, shelters and humane societies, arts and cultural facilities improvement program, restore New York's communities initiative, heavy equipment, economic development and infrastructure projects, [~~and~~] other state costs associated with such projects **and Roosevelt Island operating corporation capital projects**. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~six~~] **eight** billion [~~seven~~] **one** hundred [~~eight~~] **fifty-eight** million [~~two~~] **five** hundred [~~fifty-seven~~] **ninety** thousand dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the corporation in undertaking the financing for project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, the clarkson-trudeau partnership, the New York genome center, the cornell university college of veterinary medicine, the olympic regional development authority, projects at nano Utica, onondaga county revitalization projects, Binghamton university school of pharmacy, New York power electronics manufacturing consortium, regional

infrastructure projects, high technology manufacturing projects in Chautauqua and Erie county, an industrial scale research and development facility in Clinton county, upstate revitalization initiative projects, market New York projects, fairground buildings, equipment or facilities used to house and promote agriculture, the state fair, the empire state trail, the moynihan station development project, the Kingsbridge armory project, strategic economic development projects, the cultural, arts and public spaces fund, water infrastructure in the city of Auburn and town of Owasco, a life sciences laboratory public health initiative, not-for-profit pounds, shelters and humane societies, arts and cultural facilities improvement program, restore New York's communities initiative, heavy equipment, economic development and infrastructure projects, and other state costs associated with such projects, the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the corporation agree, so as to annually provide to the dormitory authority and the corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service contract entered into pursuant to this section shall provide that the obligation of the state to pay the amount therein provided shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of monies available and that no liability shall be incurred by the state beyond the monies available for such purpose, subject to annual appropriation by the legislature. Any such contract or any payments made or to be made thereunder may be assigned and pledged by the dormitory authority and the corporation as security for its bonds and notes, as authorized by this section.

§ 38. Subdivisions 1 and 3 of section 1285-p of the public authorities law, as amended by section 31 of part XXX of chapter 59 of the laws of 2017, are amended to read as follows:

1. Subject to chapter fifty-nine of the laws of two thousand, but notwithstanding any other provisions of law to the contrary, in order to assist the corporation in undertaking the administration and the financing of the design, acquisition, construction, improvement, installation, and related work for all or any portion of any of the following environmental infrastructure projects and for the provision of funds to the state for any amounts disbursed therefor: (a) projects authorized under the environmental protection fund, or for which appropriations are made to the environmental protection fund including, but not limited to municipal parks and historic preservation, stewardship, farmland protection, non-point source, pollution control, Hudson River Park, land acquisition, and waterfront revitalization; (b) department of environmental conservation capital appropriations for Onondaga Lake for certain water quality improvement projects in the same manner as set forth in paragraph (d) of subdivision one of section 56-0303 of the environmental conservation law; (c) for the purpose of the administration, management, maintenance, and use of the real property at the western New York nuclear service center; (d) department of environmental conservation capital appropriations for the administration, design, acquisition, construction, improvement, installation, and related work on department of environmental conservation environmental infrastructure projects; (e) office of parks, recreation and historic preservation appropriations or reappropriations from the state parks infrastructure fund; (f) capital

grants for the cleaner, greener communities program; (g) capital costs of water quality infrastructure projects and (h) capital costs of clean water infrastructure projects the director of the division of budget and the corporation are each authorized to enter into one or more service contracts, none of which shall exceed twenty years in duration, upon such terms and conditions as the director and the corporation may agree, so as to annually provide to the corporation in the aggregate, a sum not to exceed the annual debt service payments and related expenses required for any bonds and notes authorized pursuant to section twelve hundred ninety of this title. Any service contract entered into pursuant to this section shall provide that the obligation of the state to fund or to pay the amounts therein provided for shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of moneys available for such purposes, subject to annual appropriation by the legislature. Any such service contract or any payments made or to be made thereunder may be assigned and pledged by the corporation as security for its bonds and notes, as authorized pursuant to section twelve hundred ninety of this title.

3. The maximum amount of bonds that may be issued for the purpose of financing environmental infrastructure projects authorized by this section shall be [~~four~~] five billion [~~nine~~] two hundred [~~fifty-one~~] ninety-six million [~~seven~~] one hundred sixty thousand dollars, exclusive of bonds issued to fund any debt service reserve funds, pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay bonds or notes previously issued. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision one of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

§ 39. Subdivision 1 of section 45 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 32 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

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

§ 40. Subdivision (a) of section 48 of part K of chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, as amended by section 33 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000 but notwithstanding the provisions of section 18 of the urban development corporation act, the corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~$250,000,000~~] $253,000,000 two-hundred fifty-three million dollars excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital costs related to homeland security and training facilities for the division of state police, the division of military and naval affairs, and any other state agency, including the reimbursement of any disbursements made from the state capital projects fund, and is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~$654,800,000~~] $744,800,000, seven hundred forty-four million eight hundred thousand dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing improvements to State office buildings and other facilities located statewide, including the reimbursement of any disbursements made from the state capital projects fund. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision (b) of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

§ 41. Subdivision 1 of section 386-b of the public authorities law, as amended by section 34 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

1. Notwithstanding any other provision of law to the contrary, the authority, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of financing peace bridge projects and capital costs of state and local highways, parkways, bridges, the New York state thruway, Indian reservation roads, and facilities, and transportation infrastructure projects including aviation projects, non-MTA mass transit projects, and rail service preservation projects, including work appurtenant and ancillary thereto. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed four billion [~~three~~] four hundred [~~sixty-four~~] eighty million dollars [~~$4,364,000,000~~] $4,480,000,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the authority, the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the authority, the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such

effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 42. Paragraph (c) of subdivision 19 of section 1680 of the public authorities law, as amended by section 35 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, the dormitory authority shall not issue any bonds for state university educational facilities purposes if the principal amount of bonds to be issued when added to the aggregate principal amount of bonds issued by the dormitory authority on and after July first, nineteen hundred eighty-eight for state university educational facilities will exceed twelve billion [~~three~~] nine hundred [~~forty-three~~] forty-eight million eight hundred sixty-four thousand dollars $12,948,864,000; provided, however, that bonds issued or to be issued shall be excluded from such limitation if: (1) such bonds are issued to refund state university construction bonds and state university construction notes previously issued by the housing finance agency; or (2) such bonds are issued to refund bonds of the authority or other obligations issued for state university educational facilities purposes and the present value of the aggregate debt service on the refunding bonds does not exceed the present value of the aggregate debt service on the bonds refunded thereby; provided, further that upon certification by the director of the budget that the issuance of refunding bonds or other obligations issued between April first, nineteen hundred ninety-two and March thirty-first, nineteen hundred ninety-three will generate long term economic benefits to the state, as assessed on a present value basis, such issuance will be deemed to have met the present value test noted above. For purposes of this subdivision, the present value of the aggregate debt service of the refunding bonds and the aggregate debt service of the bonds refunded, shall be calculated by utilizing the true interest cost of the refunding bonds, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding bonds from the payment dates thereof to the date of issue of the refunding bonds to the purchase price of the refunding bonds, including interest accrued thereon prior to the issuance thereof. The maturity of such bonds, other than bonds issued to refund outstanding bonds, shall not exceed the weighted average economic life, as certified by the state university construction fund, of the facilities in connection with which the bonds are issued, and in any case not later than the earlier of thirty years or the expiration of the term of any lease, sublease or other agreement relating thereto; provided that no note, including renewals thereof, shall mature later than five years after the date of issuance of such note. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the state university of New York, and the state university construction fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

§ 43. Paragraph (c) of subdivision 14 of section 1680 of the public authorities law, as amended by section 36 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, (i) the dormitory authority shall not deliver a series of bonds for city university community college facilities, except to refund or to be substituted for or in lieu of other bonds in relation to city

university community college facilities pursuant to a resolution of the dormitory authority adopted before July first, nineteen hundred eighty-five or any resolution supplemental thereto, if the principal amount of bonds so to be issued when added to all principal amounts of bonds previously issued by the dormitory authority for city university community college facilities, except to refund or to be substituted in lieu of other bonds in relation to city university community college facilities will exceed the sum of four hundred twenty-five million dollars and (ii) the dormitory authority shall not deliver a series of bonds issued for city university facilities, including community college facilities, pursuant to a resolution of the dormitory authority adopted on or after July first, nineteen hundred eighty-five, except to refund or to be substituted for or in lieu of other bonds in relation to city university facilities and except for bonds issued pursuant to a resolution supplemental to a resolution of the dormitory authority adopted prior to July first, nineteen hundred eighty-five, if the principal amount of bonds so to be issued when added to the principal amount of bonds previously issued pursuant to any such resolution, except bonds issued to refund or to be substituted for or in lieu of other bonds in relation to city university facilities, will exceed [~~seven~~] **eight** billion [~~nine~~] **three** hundred [~~eighty-one~~] **fourteen** million [~~nine~~] **six** hundred [~~sixty-eight~~] **ninety-one** thousand dollars **$8,314,691,000**. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the city university, and the fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

§ 44. Subdivision 10-a of section 1680 of the public authorities law, as amended by section 37 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

10-a. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any other provision of the law to the contrary, the maximum amount of bonds and notes to be issued after March thirty-first, two thousand two, on behalf of the state, in relation to any locally sponsored community college, shall be nine hundred [~~fourteen~~] **fifty-three** million [~~five~~] **two** hundred [~~ninety~~] **sixty-five** thousand dollars **$953,265,000**. Such amount shall be exclusive of bonds and notes issued to fund any reserve fund or funds, costs of issuance and to refund any outstanding bonds and notes, issued on behalf of the state, relating to a locally sponsored community college.

§ 45. Subdivision 1 of section 17 of part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 38 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed [~~six~~] **seven** hundred [~~eighty-two~~] **sixty-nine** million [~~nine~~] **six** hundred fifteen thousand dollars [~~($682,915,000)~~] **($769,615,000)**, which authorization increases the aggregate principal amount of bonds, notes and other obligations authorized by section 40 of chapter 309 of the laws of 1996, and shall include all bonds, notes and other obligations issued pursuant to chapter 211 of the laws of 1990, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for depos-

it in the youth facilities improvement fund, to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the office of children and family services from the youth facilities improvement fund for capital projects. The aggregate amount of bonds, notes and other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from appropriations or reappropriations made to the office of children and family services; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than [~~six~~] **seven** hundred [~~eighty-two~~] **sixty-nine** million [~~nine~~] **six** hundred fifteen thousand dollars [~~($682,915,000)~~] **($769,615,000)**, only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

§ 46. Paragraph b of subdivision 2 of section 9-a of section 1 of chapter 392 of the laws of 1973, constituting the New York state medical care facilities finance agency act, as amended by section 39 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

b. The agency shall have power and is hereby authorized from time to time to issue negotiable bonds and notes in conformity with applicable provisions of the uniform commercial code in such principal amount as, in the opinion of the agency, shall be necessary, after taking into account other moneys which may be available for the purpose, to provide sufficient funds to the facilities development corporation, or any successor agency, for the financing or refinancing of or for the design, construction, acquisition, reconstruction, rehabilitation or improvement of mental health services facilities pursuant to paragraph a of this subdivision, the payment of interest on mental health services improvement bonds and mental health services improvement notes issued for such purposes, the establishment of reserves to secure such bonds and notes, the cost or premium of bond insurance or the costs of any financial mechanisms which may be used to reduce the debt service that would be payable by the agency on its mental health services facilities improvement bonds and notes and all other expenditures of the agency incident to and necessary or convenient to providing the facilities development corporation, or any successor agency, with funds for the financing or refinancing of or for any such design, construction, acquisition, reconstruction, rehabilitation or improvement and for the refunding of mental hygiene improvement bonds issued pursuant to section 47-b of the private

housing finance law; provided, however, that the agency shall not issue mental health services facilities improvement bonds and mental health services facilities improvement notes in an aggregate principal amount exceeding eight billion [~~three~~] seven hundred [~~ninety-two~~] fifty-eight million [~~eight~~] seven hundred [~~fifteen~~] eleven thousand dollars, excluding mental health services facilities improvement bonds and mental health services facilities improvement notes issued to refund outstanding mental health services facilities improvement bonds and mental health services facilities improvement notes; provided, however, that upon any such refunding or repayment of mental health services facilities improvement bonds and/or mental health services facilities improvement notes the total aggregate principal amount of outstanding mental health services facilities improvement bonds and mental health facilities improvement notes may be greater than eight billion [~~three~~] seven hundred [~~ninety-two~~] fifty-eight million [~~eight~~] seven hundred [~~fifteen~~] eleven thousand dollars $8,758,711,000 only if, except as hereinafter provided with respect to mental health services facilities bonds and mental health services facilities notes issued to refund mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law, the present value of the aggregate debt service of the refunding or repayment bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds to be refunded or repaid. For purposes hereof, the present values of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the authority including estimated accrued interest from the sale thereof. Such bonds, other than bonds issued to refund outstanding bonds, shall be scheduled to mature over a term not to exceed the average useful life, as certified by the facilities development corporation, of the projects for which the bonds are issued, and in any case shall not exceed thirty years and the maximum maturity of notes or any renewals thereof shall not exceed five years from the date of the original issue of such notes. Notwithstanding the provisions of this section, the agency shall have the power and is hereby authorized to issue mental health services facilities improvement bonds and/or mental health services facilities improvement notes to refund outstanding mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law and the amount of bonds issued or outstanding for such purposes shall not be included for purposes of determining the amount of bonds issued pursuant to this section. The director of the budget shall allocate the aggregate principal authorized to be issued by the agency among the office of mental health, office for people with developmental disabilities, and the office of alcoholism and substance abuse services, in consultation with their respective commissioners to finance bondable appropriations previously approved by the legislature.

§ 47. Subdivision 1 of section 1680-r of the public authorities law, as amended by section 41 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the capital restructuring financing program for health care and related facilities licensed pursuant to the public health law or the mental hygiene law and other state costs associated with such capital projects, the health care facility transformation programs, and the essential health care provider program. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [~~two~~] three billion [~~seven hundred million~~] dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 48. Section 50 of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as added by section 42 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

§ 50. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs undertaken by or on behalf of special act school districts, state-supported schools for the blind and deaf, approved private special education schools, non-public schools, community centers, day care facilities, and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed fifty-five million dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the urban development corporation in undertaking the financing for project costs undertaken by or on behalf of special act school districts, state-supported schools for the blind and deaf and approved private special education schools, non-

public schools, community centers, day care facilities, and other state costs associated with such capital projects, the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the urban development corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the urban development corporation agree, so as to annually provide to the dormitory authority and the urban development corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service contract entered into pursuant to this section shall provide that the obligation of the state to pay the amount therein provided shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of monies available and that no liability shall be incurred by the state beyond the monies available for such purpose, subject to annual appropriation by the legislature. Any such contract or any payments made or to be made thereunder may be assigned and pledged by the dormitory authority and the urban development corporation as security for its bonds and notes, as authorized by this section.

§ 49. Subdivision (a) of section 28 of part Y of chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, as amended by section 42-a of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding any provisions of law to the contrary, one or more authorized issuers as defined by section 68-a of the state finance law are hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [~~$47,000,000~~] $67,000,000, sixty-seven million dollars excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital projects for public protection facilities in the Division of Military and Naval Affairs, debt service and leases; and to reimburse the state general fund for disbursements made therefor. Such bonds and notes of such authorized issuer shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuer for debt service and related expenses pursuant to any service contract executed pursuant to subdivision (b) of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 50. Subdivision 1 of section 49 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 42-b of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the state and municipal facilities program and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section

shall not exceed one billion nine hundred [~~twenty-five~~] **thirty-eight** million **five hundred thousand** dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 51. Subdivision 1 of section 51 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 42-c of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the nonprofit infrastructure capital investment program and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed one hundred twenty million dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 52. Paragraph (b) of subdivision 4 of section 72 of the state finance law, as amended by section 43 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

(b) On or before the beginning of each quarter, the director of the budget may certify to the state comptroller the estimated amount of monies that shall be reserved in the general debt service fund for the payment of debt service and related expenses payable by such fund during each month of the state fiscal year, excluding payments due from the revenue bond tax fund. Such certificate may be periodically updated, as necessary. Notwithstanding any provision of law to the contrary, the state comptroller shall reserve in the general debt service fund the amount of monies identified on such certificate as necessary for the payment of debt service and related expenses during the current or next succeeding quarter of the state fiscal year. Such monies reserved shall not be available for any other purpose. Such certificate shall be reported to the chairpersons of the Senate Finance Committee and the Assembly Ways and Means Committee. The provisions of this paragraph shall expire June thirtieth, two thousand twenty.

§ 53. The opening paragraph of paragraph (a) and paragraph (g) of subdivision 2 of section 56 of the state finance law, as amended by section 48 of part XXX of chapter 59 of the laws of 2017, are amended to read as follows:

Refunding bonds shall be issued only when the comptroller shall have certified that, as a result of the refunding, there will be a debt service savings to the state on a present value basis as a result of the refunding transaction and that either (i) the refunding will benefit state taxpayers over the life of the refunding bonds by achieving an actual debt service savings each year or state fiscal year during the term to maturity of the refunding bonds when debt service on the refunding bonds is expected to be paid from legislative appropriations or (ii) debt service on the refunding bonds shall be payable in annual installments of principal and interest which result in substantially level or declining debt service payments pursuant to paragraph (b) of subdivision two of section fifty-seven of this article. Such certification by the comptroller shall be conclusive as to matters contained therein after the refunding bonds have been issued.

(g) Any refunding bonds issued pursuant to this section shall be paid in annual installments which shall, so long as any refunding bonds are outstanding, be made in each year or state fiscal year in which installments were due on the bonds to be refunded and shall be in an amount which shall result in annual debt service payments which shall be less in each year or state fiscal year than the annual debt service payments on the bonds to be refunded unless debt service on the refunding bonds is payable in annual installments of principal and interest which will result in substantially level or declining debt service payments pursuant to paragraph (b) of subdivision two of section fifty-seven of this article.

§ 54. Subdivisions 1, 2 and 6 of section 57 of the state finance law, as amended by section 49 of part XXX of chapter 59 of the laws of 2017, are amended to read as follows:

1. Whenever the legislature, after authorization of a bond issue by the people at a general election, as provided by section eleven of article seven of the state constitution, or as provided by section three of article eighteen of the state constitution, shall have authorized, by one or more laws, the creation of a state debt or debts, bonds of the state, to the amount of the debt or debts so authorized, shall be issued and sold by the state comptroller. Any appropriation from the proceeds of the sale of bonds, pursuant to this section, shall be deemed to be an authorization for the creation of a state debt or debts to the extent of such appropriation. The state comptroller may issue and sell a single series of bonds pursuant to one or more such authorizations and for one or more duly authorized works or purposes. As part of the proceedings for each such issuance and sale of bonds, the state comptroller shall designate the works or purposes for which they are issued. It shall not be necessary for him to designate the works or purposes for which the bonds are issued on the face of the bonds. The proceeds from the sale of bonds for more than one work or purpose shall be separately accounted for according to the works or purposes designated for such sale by the comptroller and the proceeds received for each work or purpose shall be expended only for such work or purpose. The bonds shall bear interest at such rate or rates as in the judgment of the state comptroller may be sufficient or necessary to effect a sale of the bonds, and such interest shall be payable at least semi-annually, in the case of bonds with a fixed interest rate, and at least annually, in the case of bonds with an

interest rate that varies periodically, in the city of New York unless annual payments of principal and interest result in substantially level or declining debt service payments over the life of an issue of bonds pursuant to paragraph (b) of subdivision two of this section or unless accrued interest is contributed to a sinking fund in accordance with subdivision three of section twelve of article seven of the state constitution, in which case interest shall be paid at such times and at such places as shall be determined by the state comptroller prior to issuance of the bonds.

2. Such bonds, or the portion thereof at any time issued, shall be made payable (a) in equal annual principal installments or (b) in annual installments of principal and interest which result in substantially level or declining debt service payments, over the life of the bonds, the first of which annual installments shall be payable not more than one year from the date of issue and the last of which shall be payable at such time as the comptroller may determine but not more than forty years or state fiscal years after the date of issue, not more than fifty years after the date of issue in the case of housing bonds, and not more than twenty-five years in the case of urban renewal bonds. Where bonds are payable pursuant to paragraph (b) of this subdivision, except for the year or state fiscal year of initial issuance if less than a full year of debt service is to become due in that year or state fiscal year, either (i) the greatest aggregate amount of debt service payable in any year or state fiscal year shall not differ from the lowest aggregate amount of debt service payable in any other year or state fiscal year by more than five percent or (ii) the aggregate amount of debt service in each year or state fiscal year shall be less than the aggregate amount of debt service in the immediately preceding year or state fiscal year. For purposes of this subdivision, debt service shall include all principal, redemption price, sinking fund installments or contributions, and interest scheduled to become due. For purposes of determining whether debt service is level or declining on bonds issued with a variable rate of interest pursuant to paragraph b of subdivision four of this section, the comptroller shall assume a market rate of interest as of the date of issuance. Where the comptroller determines that interest on any bonds shall be compounded and payable at maturity, such bonds shall be payable only in accordance with paragraph (b) of this subdivision unless accrued interest is contributed to a sinking fund in accordance with subdivision three of section twelve of article seven of the state constitution. In no case shall any bonds or portion thereof be issued for a period longer than the probable life of the work or purpose, or part thereof, to which the proceeds of the bonds are to be applied, or in the alternative, the weighted average period of the probable life of the works or purposes to which the proceeds of the bonds are to be applied taking into consideration the respective amounts of bonds issued for each work or purpose, as may be determined under section sixty-one of this article and in accordance with the certificate of the commissioner of general services, and/or the commissioner of transportation, state architect, state commissioner of housing and urban renewal, or other authority, as the case may be, having charge by law of the acquisition, construction, work or improvement for which the debt was authorized. Such certificate shall be filed in the office of the state comptroller and shall state the group, or, where the probable lives of two or more separable parts of the work or purposes are different, the groups, specified in such section, for which the amount or amounts, shall be provided by the issuance and sale of bonds. Weighted average period of probable life shall

be determined by computing the sum of the products derived from multiplying the dollar value of the portion of the debt contracted for each work or purpose (or class of works or purposes) by the probable life of such work or purpose (or class of works or purposes) and dividing the resulting sum by the dollar value of the entire debt after taking into consideration any original issue discount. Any costs of issuance financed with bond proceeds shall be prorated among the various works or purposes. Such bonds, or the portion thereof at any time sold, shall be of such denominations, subject to the foregoing provisions, as the state comptroller may determine. Notwithstanding the foregoing provisions of this subdivision, the comptroller may issue all or a portion of such bonds as serial debt, term debt or a combination thereof, maturing as required by this subdivision, provided that the comptroller shall have provided for the retirement each year or state fiscal year, or otherwise have provided for the payment of, through sinking fund installment payments or otherwise, a portion of such term bonds in an amount meeting the requirements of paragraph (a) or (b) of this subdivision or shall have established a sinking fund and provided for contributions thereto as provided in subdivision eight of this section and section twelve of article seven of the state constitution.

6. Except with respect to bonds issued in the manner provided in paragraph (c) of subdivision seven of this section, all bonds of the state of New York which the comptroller of the state of New York is authorized to issue and sell, shall be executed in the name of the state of New York by the manual or facsimile signature of the state comptroller and his seal (or a facsimile thereof) shall be thereunto affixed, imprinted, engraved or otherwise reproduced. In case the state comptroller who shall have signed and sealed any of the bonds shall cease to hold the office of state comptroller before the bonds so signed and sealed shall have been actually countersigned and delivered by the fiscal agent or trustee, such bonds may, nevertheless, be countersigned and delivered as herein provided, and may be issued as if the state comptroller who signed and sealed such bonds had not ceased to hold such office. Any bond of a series may be signed and sealed on behalf of the state of New York by such person as at the actual time of the execution of such bond shall hold the office of comptroller of the state of New York, although at the date of the bonds of such series such person may not have held such office. The coupons to be attached to the coupon bonds of each series shall be signed by the facsimile signature of the state comptroller of the state of New York or by any person who shall have held the office of state comptroller of the state of New York on or after the date of the bonds of such series, notwithstanding that such person may not have been such state comptroller at the date of any such bond or may have ceased to be such state comptroller at the date when any such bond shall be actually countersigned and delivered. The bonds of each series shall be countersigned with the manual signature of an authorized employee of the fiscal agent or trustee of the state of New York. No bond and no coupon thereunto appertaining shall be valid or obligatory for any purpose until such manual countersignature of an authorized employee of the fiscal agent or trustee of the state of New York shall have been duly affixed to such bond.

§ 55. Section 62 of the state finance law, as amended by section 51 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

§ 62. Replacement of lost certificates. The comptroller, who may act through his duly authorized fiscal agent or trustee appointed pursuant

to section sixty-five of this article, may issue to the lawful owner of any certificate or bond issued by him in behalf of this state, which he or such duly authorized fiscal agent or trustee is satisfied, by due proof filed in his office or with such duly authorized fiscal agent or trustee, has been lost or casually destroyed, a new certificate or bond, corresponding in date, number and amount with the certificate or bond so lost or destroyed, and expressing on its face that it is a renewed certificate or bond. No such renewed certificate or bond shall be issued unless sufficient security is given to satisfy the lawful claim of any person to the original certificate or bond, or to any interest therein. The comptroller shall report annually to the legislature the number and amount of all renewed certificates or bonds so issued. If the renewed certificate is issued by the state's duly authorized fiscal agent or trustee and such agent or trustee agrees to be responsible for any loss suffered as a result of unauthorized payment, the security shall be provided to and approved by the fiscal agent or trustee and no additional approval by the comptroller or the attorney general shall be required.

§ 56. Section 65 of the state finance law, as amended by section 52 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

§ 65. Appointment of fiscal agent or trustee; powers and duties. 1. Notwithstanding any other provisions of this chapter, the comptroller, on behalf of the state, may contract from time to time for a period or periods not exceeding ten years each, except in the case of a bank or trust company agreeing to act as issuing, paying and/or tender agent with respect to a particular issue of variable interest rate bonds in which case the comptroller, on behalf of the state, may contract for a period not to exceed the term of such particular issue of bonds, with one or more banks or trust companies located in the city of New York, to act as fiscal agent, trustee, or agents of the state, and for the maintenance of an office for the registration, conversion, reconversion and transfer of the bonds and notes of the state, including the preparation and substitution of new bonds and notes, for the payment of the principal thereof and interest thereon, for related services, and to otherwise effectuate the powers and duties of a fiscal agent or trustee on behalf of the state in all such respects as may be determined by the comptroller for such bonds and notes, and for the payment by the state of such compensation therefor as the comptroller may determine. Any such fiscal agent or trustee may, where authorized pursuant to the terms of its contract, accept delivery of obligations purchased by the state and of securities deposited with the state pursuant to sections one hundred five and one hundred six of this chapter and hold the same in safekeeping, make delivery to purchasers of obligations sold by the state, and accept deposit of such proceeds of sale without securing the same. Any such contract may also provide that such fiscal agent or trustee may, upon the written instruction of the comptroller, deposit any obligations or securities which it receives pursuant to such contract, in an account with a federal reserve bank, to be held in such account in the form of entries on the books of the federal reserve bank, and to be transferred in the event of any assignment, sale, redemption, maturity or other disposition of such obligations or securities, by entries on the books of the federal reserve bank. Any such bank or trust company shall be responsible to the people of this state for the faithful and safe conduct of the business of said office, for the fidelity and integrity of its officers and agents employed in such office, and for all loss or

damage which may result from any failure to discharge their duties, and for any improper and incorrect discharge of those duties, and shall save the state free and harmless from any and all loss or damage occasioned by or incurred in the performance of such services. Any such contract may be terminated by the comptroller at any time. In the event of any change in any office maintained pursuant to any such contract, the comptroller shall give public notice thereof in such form as he may determine appropriate.

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

§ 57. Subdivision 2 of section 365 of the public authorities law, as amended by section 54 of part XXX of chapter 59 of the laws of 2017, is amended to read as follows:

2. The notes and bonds shall be authorized by resolution of the board, shall bear such date or dates and mature at such time or times, in the case of notes and any renewals thereof within five years after their respective dates and in the case of bonds not exceeding forty years from their respective dates, as such resolution or resolutions may provide. The notes and bonds shall bear interest at such rate or rates, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption as such resolution or resolutions may provide. Bonds and notes shall be sold by the authority, at public or private sale, at such price or prices as the authority may determine. Bonds and notes of the authority shall not be sold by the authority at private sale unless such sale and the terms thereof have been approved in writing by the comptroller, where such sale is not to the comptroller, or by the director of the budget, where such sale is to the comptroller.

§ 58. Section 55 of chapter 59 of the laws of 2017 relating to providing for the administration of certain funds and accounts related to the 2017-18 budget and authorizing certain payments and transfers, is amended to read as follows:

§ 55. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2017; provided, however, that the provisions of sections one, two, three, four, five, six, seven, eight, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, [~~twenty-one,~~] twenty-two, twenty-two-e and twenty-two-f of this act shall expire March 31, 2018 when upon such date the provisions of such sections shall be deemed repealed; and provided, further, that section twenty-two-c of this act shall expire March 31, 2021.

§ 59. Paragraph (b) of subdivision 3 and clause (B) of subparagraph (iii) of paragraph (j) of subdivision 4 of section 1 of part D of chapter 63 of the laws of 2005, relating to the composition and responsibil-

ities of the New York state higher education capital matching grant board, as amended by section 45 of part UU of chapter 54 of the laws of 2016, are amended to read as follows:

(b) Within amounts appropriated therefor, the board is hereby authorized and directed to award matching capital grants totaling [~~240~~] two hundred seventy million dollars. Each college shall be eligible for a grant award amount as determined by the calculations pursuant to subdivision five of this section. In addition, such colleges shall be eligible to compete for additional funds pursuant to paragraph (h) of subdivision four of this section.

(B) The dormitory authority shall not issue any bonds or notes in an amount in excess of [~~240~~] two hundred seventy million dollars for the purposes of this section; excluding bonds or notes issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Except for purposes of complying with the internal revenue code, any interest on bond proceeds shall only be used to pay debt service on such bonds.

§ 60. Subdivision 1 of section 1680-n of the public authorities law, as added by section 46 of part T of chapter 57 of the laws of 2007, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the acquisition of state buildings and other facilities. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed one hundred [~~forty~~] sixty-five million dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 61. Subdivision 1 of section 386-a of the public authorities law, as amended by section 46 of part I of chapter 60 of the laws of 2015, is amended to read as follows:

1. Notwithstanding any other provision of law to the contrary, the authority, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of assisting the metropolitan transportation authority in the financing of transportation facilities as defined in subdivision seventeen of section twelve hundred sixty-one of this chapter. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed one billion [~~five~~] six hundred [~~twenty~~] ninety-four million dollars [~~($1,520,000,000)~~] $1,694,000,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the authority, the dormitory authority and the urban development corporation shall not

be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the authority, the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 62. Subdivision 1 of section 1680-k of the public authorities law, as added by section 5 of part J-1 of chapter 109 of the laws of 2006, is amended to read as follows:

1. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any provisions of law to the contrary, the dormitory authority is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed forty million **seven hundred fifteen thousand** dollars excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing the construction of the New York state agriculture and markets food laboratory. Eligible project costs may include, but not be limited to the cost of design, financing, site investigations, site acquisition and preparation, demolition, construction, rehabilitation, acquisition of machinery and equipment, and infrastructure improvements. Such bonds and notes of such authorized issuers shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuers for debt service and related expenses pursuant to any service contract executed pursuant to subdivision two of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

§ 63. Subdivisions 13-d and 13-e of section 5 of section 1 of chapter 359 of the laws of 1968, constituting the facilities development corporation act, subdivision 13-d as amended by chapter 166 of the laws of 1991 and subdivision 13-e as amended by chapter 90 of the laws of 1989, is amended to read as follows:

13-d. **1.** Subject to the terms and conditions of any lease, sublease, loan or other financing agreement with the medical care facilities finance agency in accordance with subdivision 13-c of this section, to make loans to voluntary agencies for the purpose of financing or refinancing the design, construction, acquisition, reconstruction, rehabilitation and improvement of mental hygiene facilities owned or leased by such voluntary agencies provided, however, that with respect to such facilities which are leased by a voluntary agency, the term of repayment of such loan shall not exceed the term of such lease including any option to renew such lease. Notwithstanding any other provisions of law, such loans may be made jointly to one or more voluntary agencies which own and one or more voluntary agencies which will operate any such mental hygiene facility.

2. Subject to the terms and conditions of any lease, sublease, loan or other financing agreement with the medical care facilities finance agency, to make grants to voluntary agencies or provide proceeds of mental health services facilities bonds or notes to the department to make grants to voluntary agencies or to reimburse disbursements made there-

for, in each case, for the purpose of financing or refinancing the design, construction, acquisition, reconstruction, rehabilitation and improvement of mental hygiene facilities owned or leased by such voluntary agencies.

13-e. To receive from the comptroller state aid payments pledged or agreed to be paid by any voluntary agency in accordance with any lease, sublease, loan**,** or other financing agreement **or grant agreement** entered into with such voluntary agency **by the corporation or, in the case of grants made to voluntary agencies by the department pursuant to subdivision 13-d, by the department**. Such pledges may be made from sources of state aid including but not limited to payments made pursuant to: articles nineteen, twenty-five and forty-one of the mental hygiene law.

§ 64. Paragraph a of subdivision 4 of section 9 of section 1 of chapter 359 of the laws of 1968, constituting the facilities development corporation act, as amended by chapter 90 of the laws of 1989, is amended to read as follows:

4. Agreements. a. Upon certification by the director of the budget of the availability of required appropriation authority, the corporation, or any successor agency, is hereby authorized and empowered to enter into leases, subleases, loans and other financing agreements with the state housing finance agency and/or the state medical care facilities finance agency, and to enter into such amendments thereof as the directors of the corporation, or any successor agency, may deem necessary or desirable, which shall provide for (i) the financing or refinancing of or the design, construction, acquisition, reconstruction, rehabilitation or improvement of one or more mental hygiene facilities or for the refinancing of any such facilities for which bonds have previously been issued and are outstanding, and the purchase or acquisition of the original furnishings, equipment, machinery and apparatus to be used in such facilities upon the completion of work, (ii) the leasing to the state housing finance agency or the state medical care facilities finance agency of all or any portion of one or more existing mental hygiene facilities and one or more mental hygiene facilities to be designed, constructed, acquired, reconstructed, rehabilitated or improved, or of real property related to the work to be done, including real property originally acquired by the appropriate commissioner or director of the department in the name of the state pursuant to article seventy-one of the mental hygiene law, (iii) the subleasing of such facilities and property by the corporation upon completion of design, construction, acquisition, reconstruction, rehabilitation or improvement, such leases, subleases, loans or other financing agreements to be upon such other terms and conditions as may be agreed upon, including terms and conditions relating to length of term, maintenance and repair of mental hygiene facilities during any such term, and the annual rentals to be paid for the use of such facilities, property, furnishings, equipment, machinery and apparatus, and (iv) the receipt and disposition, including loans **or grants** to voluntary agencies, of proceeds of mental health service facilities bonds or notes issued pursuant to section nine-a of the New York state medical care facilities finance agency act. For purposes of the design, construction, acquisition, reconstruction, rehabilitation or improvement work required by the terms of any such lease, sublease or agreement, the corporation shall act as agent for the state housing finance agency or the state medical care facilities finance agency. In the event that the corporation enters into an agreement for the financing of any of the aforementioned facilities with the state housing finance agency or the state medical care

facilities finance agency, or in the event that the corporation enters into an agreement for the financing or refinancing of any of the aforementioned facilities with one or more voluntary agencies, it shall act on its own behalf and not as agent. The appropriate commissioner or director of the department on behalf of the department shall approve any such lease, sublease, loan or other financing agreement and shall be a party thereto. All such leases, subleases, loans or other financing agreements shall be approved prior to execution by no less than three directors of the corporation.

§ 65. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2018; provided, however, that the provisions of sections one, two, three, four, five, six, seven, eight, twelve, thirteen, fourteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-seven, twenty-eight, and twenty-eight-a of this act shall expire March 31, 2019 when upon such date the provisions of such sections shall be deemed repealed.

PART HH

Section 1. Paragraph (a) of subdivision 1 of section 125.25 of the penal law, as amended by chapter 791 of the laws of 1967, is amended to read as follows:

(a) The defendant acted under the influence of extreme emotional disturbance for which there was a reasonable explanation or excuse, the reasonableness of which is to be determined from the viewpoint of a person in the defendant's situation under the circumstances as the defendant believed them to be. **For purposes of determining whether the defendant acted under the influence of extreme emotional disturbance, the explanation or excuse for such extreme emotional disturbance is not reasonable if it resulted from the discovery of, knowledge about, or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression, or sexual orientation. Nothing in this paragraph shall preclude the jury from considering all relevant facts to determine the defendant's actual belief.** Nothing contained in this paragraph shall constitute a defense to a prosecution for, or preclude a conviction of, manslaughter in the first degree or any other crime; or

§ 2. This act shall take effect immediately.

PART II

Section 1. The social services law is amended by adding a new section 131-y to read as follows:

§ 131-y. Placement of sex offenders. Notwithstanding any inconsistent provision of law, neither the office of temporary and disability assistance, nor a social services official acting on his or her own or as an agent pursuant to this title, shall permit or cause the placement of any sex offender who has been assigned a level-two or level-three designation pursuant to article six-C of the correction law into any temporary emergency housing or homeless shelters used to house families with children.

§ 2. Subdivision 14 of section 259-c of the executive law, as amended by section 38-b of subpart A of part C of chapter 62 of the laws of 2011, is amended to read as follows:

14. [~~notwithstanding~~] **Notwithstanding** any other provision of law to the contrary, where a person serving a sentence for an offense defined

in article one hundred thirty, one hundred thirty-five or two hundred sixty-three of the penal law or section 255.25, 255.26 or 255.27 of the penal law and the victim of such offense was under the age of eighteen at the time of such offense or such person has been designated a level three sex offender pursuant to subdivision six of section one hundred sixty-eight-l of the correction law, is released on parole or conditionally released pursuant to subdivision one or two of this section, the board shall require, as a mandatory condition of such release, that such sentenced offender shall refrain from knowingly entering into or upon any school grounds, as that term is defined in subdivision fourteen of section 220.00 of the penal law, or any other facility or institution primarily used for the care or treatment of persons under the age of eighteen while one or more of such persons under the age of eighteen are present[~~, provided however, that~~]. Moreover, where a person serving a sentence for an offense defined in article one hundred thirty, one hundred thirty-five or two hundred sixty-three of the penal law or section 255.25, 255.26 or 255.27 of the penal law and the victim of such offense was under the age of thirteen at the time of such offense, is released on parole or conditionally released pursuant to subdivision one or two of this section, the board shall further require, as a mandatory condition of such release, that such sentenced offender shall refrain from knowingly entering within one thousand feet of any facility or institution where pre-kindergarten or kindergarten instruction is provided. However, when such sentenced offender is a registered student or participant or an employee of such facility or institution or entity contracting therewith or has a family member enrolled in such facility or institution, such sentenced offender may, with the written authorization of his or her parole officer and the superintendent or chief administrator of such facility, institution or grounds, enter such facility, institution or upon such grounds for the limited purposes authorized by the parole officer and superintendent or chief officer. Nothing in this subdivision shall be construed as restricting any lawful condition of supervision that may be imposed on such sentenced offender.

§ 3. Paragraph (a) of subdivision 4-a of section 65.10 of the penal law, as amended by chapter 67 of the laws of 2008, is amended to read as follows:

(a) When imposing a sentence of probation or conditional discharge upon a person convicted of an offense defined in article one hundred thirty, two hundred thirty-five or two hundred sixty-three of this chapter, or section 255.25, 255.26 or 255.27 of this chapter, and the victim of such offense was under the age of eighteen at the time of such offense or such person has been designated a level three sex offender pursuant to subdivision six of section [~~168-l~~] one hundred sixty-eight-l of the correction law, the court shall require, as a mandatory condition of such sentence, that such sentenced offender shall refrain from knowingly entering into or upon any school grounds, as that term is defined in subdivision fourteen of section 220.00 of this chapter, or any other facility or institution primarily used for the care or treatment of persons under the age of eighteen while one or more of such persons under the age of eighteen are present[~~, provided however, that~~]. Moreover, where a person serving a sentence for an offense defined in article one hundred thirty, one hundred thirty-five or two hundred sixty-three of this chapter or section 255.25, 255.26 or 255.27 of this chapter and the victim of such offense was under the age of thirteen at the time of such offense, is released on parole or conditionally released pursuant to subdivision one or two of this section, the state

board of parole shall further require, as a mandatory condition of such release, that such sentenced offender shall refrain from knowingly entering within one thousand feet of any facility or institution where pre-kindergarten or kindergarten instruction is provided. However, when such sentenced offender is a registered student or participant or an employee of such facility or institution or entity contracting therewith or has a family member enrolled in such facility or institution, such sentenced offender may, with the written authorization of his or her probation officer or the court and the superintendent or chief administrator of such facility, institution or grounds, enter such facility, institution or upon such grounds for the limited purposes authorized by the probation officer or the court and superintendent or chief officer. Nothing in this subdivision shall be construed as restricting any lawful condition of supervision that may be imposed on such sentenced offender.

§ 4. The executive law is amended by adding a new section 259-f to read as follows:

§ 259-f. Quarterly reports of schools. 1. On a quarterly basis, the commissioner of education shall provide to the commissioner an updated list of every elementary school and secondary school in the state and of every other facility or institution where pre-kindergarten or kindergarten instruction is provided.

2. The commissioner shall distribute the information received pursuant to subdivision one of this section to the board and to the director of probation and correctional alternatives.

3. On or before February first each year, the commissioner shall notify the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, and the minority leader of the assembly on the compliance with this section.

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

PART JJ

Section 1. Paragraph (i) of subdivision 3 of section 130.05 of the penal law, as added by section 2 of part G of chapter 501 of the laws of 2012, is amended and a new paragraph (j) is added to read as follows:

(i) a resident or inpatient of a residential facility operated, licensed or certified by (i) the office of mental health; (ii) the office for people with developmental disabilities; or (iii) the office of alcoholism and substance abuse services, and the actor is an employee of the facility not married to such resident or inpatient. For purposes of this paragraph, "employee" means either: an employee of the agency operating the residential facility, who knows or reasonably should know that such person is a resident or inpatient of such facility and who provides direct care services, case management services, medical or other clinical services, habilitative services or direct supervision of the residents in the facility in which the resident resides; or an officer or other employee, consultant, contractor or volunteer of the residential facility, who knows or reasonably should know that the person is a resident of such facility and who is in direct contact with residents or inpatients; provided, however, that the provisions of this paragraph shall only apply to a consultant, contractor or volunteer providing services pursuant to a contractual arrangement with the agency operating the residential facility or, in the case of a volunteer, a written agreement with such facility, provided that the person received written notice concerning the provisions of this paragraph; provided further,

however, "employee" shall not include a person with a developmental disability who is or was receiving services and is also an employee of a service provider and who has sexual contact with another service recipient who is a consenting adult who has consented to such contact[~~.~~]; or

(j) detained or otherwise in the custody of a police officer, peace officer, or other law enforcement official and the actor is a police officer, peace officer or other law enforcement official who either: (i) is detaining or maintaining custody of such person; or (ii) knows, or reasonably should know, that at the time of the offense, such person was detained or in custody.

§ 2. Subdivision 4 of section 130.10 of the penal law, as amended by chapter 205 of the laws of 2011, is amended to read as follows:

4. In any prosecution under this article in which the victim's lack of consent is based solely on his or her incapacity to consent because he or she was less than seventeen years old, mentally disabled, a client or patient and the actor is a health care provider, detained or otherwise in custody of law enforcement under the circumstances described in paragraph (j) of subdivision three of section 130.05 of this article, or committed to the care and custody or supervision of the state department of corrections and community supervision or a hospital and the actor is an employee, it shall be a defense that the defendant was married to the victim as defined in subdivision four of section 130.00 of this article.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law.

PART KK

Section 1. Subdivision 4 of section 7 of the correction law is REPEALED.

§ 2. Subdivisions 1 and 6 of section 8 of the correction law, as amended by section 6 of subpart A of part C of chapter 62 of the laws of 2011, are amended to read as follows:

1. Any applicant for employment with the department as a correction officer [~~at a facility of the department~~], institution safety officer, parole officer, or warrant and transfer officer shall be tested in accordance with the requirements of this section.

6. Notwithstanding any other provision of law, the results of the tests administered pursuant to this section shall be used solely for the qualification of a candidate for correction officer, institution safety officer, parole officer, or warrant and transfer officer and the validation of the psychological instruments utilized. For all other purposes, the results of the examination shall be confidential and the records sealed by the department of corrections and community supervision, and not be available to any other agency or person except by authorization of the applicant or, upon written notice by order of a court of this state or the United States.

§ 3. Subdivisions 2 and 3 of section 10 of the correction law are REPEALED and subdivision 4 is renumbered subdivision 2.

§ 4. Section 22-a of the correction law, as added by chapter 134 of the laws of 1984, is amended to read as follows:

§ 22-a. Qualification for employment as a correction officer, institution safety officer, parole officer, or warrant and transfer officer.

1. The commissioner shall not appoint any person as a correction officer, institution safety officer, parole officer or warrant and transfer officer, unless such person has attained his or her twenty-first birthday.

2. The commissioner shall not appoint any person as a correction officer or warrant and transfer officer, unless such person is a high school graduate or a holder of a high school equivalency diploma issued by an education department of any of the states of the United States or a holder of a comparable diploma issued by any commonwealth, territory or possession of the United States or by the canal zone or a holder of a report from the United States armed forces certifying his or her successful completion of the tests of general educational development, high school level. In addition, the diploma issued to the high school graduate must be from an accredited public or private school recognized by the education department. Diplomas issued through a home study course and not by an appropriate educational authority will not be accepted.

3. The commissioner shall not appoint any person as a parole officer, unless such person possesses a baccalaureate degree conferred by a post-secondary institution accredited by an accrediting agency recognized by the Unites States department of education. Parole officer selection shall be based on definite qualifications as to character, ability and training with an emphasis on capacity and ability to provide a balanced approach to influencing human behavior and to use judgement in the enforcement of the rules and regulations of community supervision. Parole officers shall be persons likely to exercise a strong and helpful influence upon persons placed under their supervision while retaining the goal of protecting society.

4. There are no specific education requirements for the position of institution safety officer.

5. No person, on or after the effective date of this section, may be appointed to the position of a correction officer [~~in any~~], institution **safety officer, parole officer, or warrant and transfer officer** in the department who has been convicted of a felony or of any offense in any other jurisdiction which if committed in this state would constitute a felony. The commissioner may in his discretion, bar the appointment of a person, on or after the effective date of this section, to the position of correction officer [~~in any~~], institution **safety officer, parole officer, or warrant and transfer officer,** in the department, who has been convicted of a misdemeanor or of any offense in any other jurisdiction which if committed in this state would constitute a misdemeanor where he has determined that the employment of such person is not in the best interest of the department**, who is not fit physically, or who, after a thorough investigation, is determined to not be of good moral character**. Notwithstanding the foregoing provisions of this section, no person shall be disqualified pursuant to this section unless he shall have first been furnished a written statement of the reasons for such disqualification and afforded an opportunity by the commissioner, or his designee, to make an explanation and to submit facts in opposition thereto.

6. Notwithstanding any other provision of law, the commissioner, in his or her discretion may terminate the employment of any employee who is convicted of a crime whenever the commissioner determines that the continued employment of such person would not be in the best interest of the department. Notwithstanding the foregoing, no employee shall be terminated pursuant to this section unless he or she shall first have been furnished with a written statement of the reasons for such determination and afforded an opportunity by the commissioner, or his or her designee, to make an explanation and to submit facts in opposition thereto.

§ 5. The correction law is amended by adding a new section 12 to read as follows:

§ 12. Commissioner's authority to discipline certain serious misconduct. 1. Acts of misconduct. Notwithstanding any other provision of law, when an employee is alleged to have committed an act of serious misconduct consisting of any of the following: an act of excessive use of force; an act of false reporting regarding one or more acts of excessive use of force; an intentional failure to report an excessive use of force act; the use or possession of a controlled substance or marihuana as defined in articles two hundred twenty and two hundred twenty-one of the penal law or synthetic cannabinoids as defined in section eight hundred twelve of title twenty-one of the United States code; the introduction of a controlled substance, marihuana or other significantly incapacitating substance to a department facility; or an inappropriate sexual relationship or contact with an inmate or parolee; then the disciplinary process that may be applied to such employee shall not be governed by any collective bargaining agreement or by section seventy-five of the civil service law, but shall be governed by the provisions of this section.

2. Disciplinary action. A person described in paragraph (a), (b) or (c) of this subdivision shall not be removed or otherwise subjected to any disciplinary penalty provided in this section except for serious misconduct, as set forth in subdivision one of this section, after a hearing upon stated charges pursuant to this section.

(a) a person holding a position by permanent appointment in the competitive class of the classified civil service; or

(b) a person holding a position by permanent appointment or employment in the classified service of the state, who was honorably discharged or released under honorable circumstances from the armed forces of the United States having served therein as such member in time of war as defined in section eighty-five of the civil service law, or who is an exempt volunteer firefighter as defined in the general municipal law, except when a person described in this paragraph holds the position of private secretary, cashier or deputy of any official or department; or

(c) an employee holding a position in the non-competitive class other than a position designated in the rules of the state civil service commission as confidential or requiring the performance of functions influencing policy, who since his or her last entry into service has completed at least five years of continuous service in the non-competitive class in a position or positions not so designated in the rules as confidential or requiring the performance of functions influencing policy.

3. Procedure. An employee as described in subdivision two of this section who at the time of questioning appears to be a potential subject of disciplinary action for an act of serious misconduct shall have a right to representation by his or her certified or recognized employee organization under article fourteen of the civil service law and shall be notified in advance, in writing, of such right. An employee as described in subdivision two of this section who is designated managerial or confidential under article fourteen of the civil service law, shall have, at the time of questioning, where it appears that such employee is a potential subject of disciplinary action for an act of serious misconduct, a right to representation and shall be notified in advance, in writing, of such right. If representation is requested, a reasonable period of time shall be afforded to obtain such representation. If the employee is unable to obtain representation within a

reasonable period of time, then the department may proceed with questioning the employee. A hearing officer appointed under this section shall determine if a reasonable period of time was or was not afforded. In the event the hearing officer finds that a reasonable period of time was not afforded then any and all statements obtained from said questioning, as well as any evidence or information obtained as a result of said questioning shall be excluded. A person against whom removal or other disciplinary action is proposed shall be provided written notice and shall be furnished a copy of the charges preferred against him or her and shall be allowed at least eight days for answering the same in writing. The hearing upon such charges shall be held by a hearing officer, selected by the commissioner or his or her designee. The hearing officer shall be vested with all the powers of the commissioner and shall make a record of such hearing, which shall, along with his or her recommendation, be referred to the commissioner for review and final determination. The person holding such hearing shall, upon the request of the employee against whom charges are preferred, permit him or her to be represented by counsel, or by a representative of a recognized or certified employee organization, and shall allow him or her to summon witnesses on his or her behalf. The burden of proving serious misconduct shall be upon the department. Compliance with technical rules of evidence shall not be required.

4. Suspension pending determination of charges; penalties. Pending the hearing and determination of charges of serious misconduct, the employee against whom such charges have been preferred may be suspended without pay. If the employee is found guilty of the charges, the recommended penalty or punishment may consist of any combination of the following:

(a) a letter of reprimand;

(b) removal from work location and transfer;

(c) a fine to be deducted from the salary or wages of such employee;

(d) probation for a specified period, provided any further violation can lead to termination;

(e) suspension without pay;

(f) demotion in grade and title; or

(g) dismissal from the service and loss of accumulated leave credits.

Provided, however, that the time during the pendency of the hearing, in which an employee is suspended without pay, may be considered as part of the penalty.

The final determination of the commissioner on the recommendation from the hearing officer shall be made within ten business days of receipt of such recommendation. If the employee is acquitted of all charges, he or she shall be restored to his or her position with full pay for the period of suspension less the amount of any unemployment insurance benefits that may have been received.

If such employee is found guilty of one or more of the charges, a copy of the charges, his or her written answer, a transcript of the hearing, and the final determination of the commissioner shall be filed in the bureau of labor relations and the employee's personnel file. A copy of the transcript of the hearing shall, upon request of the affected employee, be furnished to him or her without charge.

5. Appeal. When an employee believes he or she is aggrieved by a penalty of fine, probation, suspension, demotion or dismissal from service imposed pursuant to this section, he or she may make an application to the appropriate court in accordance with the provision of article seventy-eight of the civil practice law and rules.

§ 6. Paragraph (h) of subdivision 4 of section 50 of the civil service law, as added by chapter 790 of the laws of 1958, is amended and a new paragraph (i) is added to read as follows:

(h) who has been dismissed from private employments because of habitually poor performance[~~.~~]**; or**

(i) who has been disciplined for an act of serious misconduct as set forth in subdivision one of section twelve of the correction law.

§ 7. Subdivision 1 of section 61 of the civil service law, as added by chapter 790 of the laws of 1958, is amended to read as follows:

1. Appointment or promotion from eligible lists. Appointment or promotion from an eligible list to a position in the competitive class shall be made by the selection of one of the three persons certified by the appropriate civil service commission as standing highest on such eligible list who are willing to accept such appointment or promotion; provided, however, that the state or a municipal commission may provide, by rule, that where it is necessary to break ties among eligibles having the same final examination ratings in order to determine their respective standings on the eligible list, appointment or promotion may be made by the selection of any eligible whose final examination rating is equal to or higher than the final examination rating of the third highest standing eligible willing to accept such appointment or promotion**; provided, further, that an individual's name shall be suspended from the eligible list pending the outcome of the review of the applicant's qualifications pursuant to subdivision four of section fifty of this article**. Appointments and promotions shall be made from the eligible list most nearly appropriate for the position to be filled.

§ 8. Subdivision 1 of section 112 of the correction law, as amended by section 19 of subpart A of part C of chapter 62 of the laws of 2011, is amended to read as follows:

1. The commissioner [~~**of corrections and community supervision**~~] shall have the superintendence, management and control of the correctional facilities in the department and of the inmates confined therein, and of all matters relating to the government, discipline, policing, contracts and fiscal concerns thereof. He or she shall have the power and it shall be his or her duty to inquire into all matters connected with said correctional facilities. He or she shall make such rules and regulations, not in conflict with the statutes of this state, for the government of the officers and other employees of the department assigned to said facilities, and in regard to the duties to be performed by them, and for the government and discipline of each correctional facility, as he or she may deem proper, and shall cause such rules and regulations to be recorded by the superintendent of the facility, and a copy thereof to be furnished to each employee assigned to the facility. **With due consideration for overall safety and security, he or she shall also have the power to place reasonable limits or restrictions on the size of any container or bag an employee may wish to bring into a correctional facility or community supervision office when reporting for duty, including but not limited to reasonable limits or restrictions on the size or type of lunch container or bag, as well as reasonable limits or restrictions on items that can pose a threat or be used as a weapon.** He or she shall also prescribe a system of accounts and records to be kept at each correctional facility, which system shall be uniform at all of said facilities, and he or she shall also make rules and regulations for a record of photographs and other means of identifying each inmate received into said facilities. He or she shall appoint and remove, subject to the civil service law and rules, subordinate officers and

other employees of the department who are assigned to correctional facilities.

§ 9. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that the amendments to subdivisions 1 and 6 of section 8 of the correction law made by section two of this act shall not affect the expiration of such section and shall be deemed to expire therewith; provided, further, that sections four and five of this act shall take effect upon the expiration of the current collective bargaining agreement that governs impacted employees of the department of corrections and community supervision, provided that the commissioner of corrections and community supervision shall notify the legislative bill drafting commission upon the expiration of the current collective bargaining agreement that governs impacted employees of the department of corrections and community supervision in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law. Provided further, that notwithstanding any other provision of law to the contrary, once these provisions take effect they cannot be abrogated, amended, enhanced or modified in any way by future collective bargain.

PART LL

Section 1. Paragraph (b) of subdivision 2 of section 1676 of the public authorities law is amended by adding a new undesignated paragraph to read as follows:

An authorized agency as defined by subdivision ten of section three hundred seventy-one of the social services law, or a local probation department as defined by sections two hundred fifty-five and two hundred fifty-six of the executive law for the provision of detention facilities certified by the office of children and family services or by such office in conjunction with the state commission of correction or for the provision of residential facilities licensed by the office of children and family services including all necessary and usual attendant and related facilities and equipment.

§ 2. Subdivision 1 of section 1680 of the public authorities law is amended by adding a new undesignated paragraph to read as follows:

An authorized agency as defined by subdivision ten of section three hundred seventy-one of the social services law, or a local probation department as defined by sections two hundred fifty-five and two hundred fifty-six of the executive law for the provision of detention facilities certified by the office of children and family services or by such office in conjunction with the state commission of correction or for the provision of residential facilities licensed by the office of children and family services including all necessary and usual attendant and related facilities and equipment.

§ 3. Subdivision 2 of section 1680 of the public authorities law is amended by adding a new paragraph k to read as follows:

k. (1) For purposes of this section, the following provisions shall apply to the powers in connection with the provision of detention facilities certified by the office of children and family services or by such office in conjunction with the state commission of correction or for the provision of residential facilities licensed by the office of children and family services including all necessary and usual attendant and related facilities and equipment.

(2) Notwithstanding any other provision of law, any entity as listed above shall have full power and authority to enter into such agreements with the dormitory authority as are necessary to finance and/or construct detention or residential facilities described above, including without limitation, the provision of fees and amounts necessary to pay debt service on any obligations issued by the dormitory authority for same, and to assign and pledge to the dormitory authority, any and all public funds to be apportioned or otherwise made payable by the United States, any agency thereof, the state, any agency thereof, a political subdivision, as defined in section one hundred of the general municipal law, any social services district in the state or any other governmental entity in an amount sufficient to make all payments required to be made by any such entity as listed above pursuant to any lease, sublease or other agreement entered into between any such entity as listed above and the dormitory authority. All state and local officers are hereby authorized and required to pay all such funds so assigned and pledged to the dormitory authority or, upon the direction of the dormitory authority, to any trustee of any dormitory authority bond or note issued, pursuant to a certificate filed with any such state or local officer by the dormitory authority pursuant to the provisions of this section.

§ 4. This act shall take effect immediately.

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

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