

STATE OF NEW YORK

4592

2019-2020 Regular Sessions

IN ASSEMBLY

February 4, 2019

Introduced by M. of A. AUBRY -- read once and referred to the Committee on Codes

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

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

Section 1. Section 700 of the correction law, as amended by chapter 342 of the laws of 1972, is amended to read as follows:

§ 700. Definitions [~~and rules of construction~~]. [~~1.~~] As used in this article the following terms have the following meanings:

[~~(a)~~] 1. "Eligible offender" shall mean a person who has been convicted of a crime or of an offense[, ~~but who has not been convicted more than once of a felony~~].

[~~(b)~~] 2. "Felony" means a conviction of a felony in this state, or of an offense in any other jurisdiction for which a sentence to a term of imprisonment in excess of one year, or a sentence of death, was authorized.

[~~(c)~~] 3. "Revocable sentence" means a suspended sentence or a sentence upon which execution was suspended pursuant to the penal law in effect prior to September first, nineteen hundred sixty-seven; or a sentence of probation or of conditional discharge imposed pursuant to the penal law in effect after September first, nineteen hundred sixty-seven.

[~~2. For the purposes of this article the following rules of construction shall apply:~~

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

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~~(a) Two or more convictions of felonies charged in separate counts of one indictment or information shall be deemed to be one conviction;~~

~~(b) Two or more convictions of felonies charged in two or more indictments or informations, filed in the same court prior to entry of judgment under any of them, shall be deemed to be one conviction; and~~

~~(c) A plea or a verdict of guilty upon which sentence or the execution of sentence has been suspended or upon which a sentence of probation, conditional discharge, or unconditional discharge has been imposed shall be deemed to be a conviction.]~~

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

§ 701. Certificate of ~~[relief from disabilities]~~ restoration. 1. A certificate of ~~[relief from disabilities]~~ restoration may be granted as provided in this article to relieve an eligible offender of any forfeiture or disability, or to remove any bar to his or her employment, automatically imposed by law by reason of his or her conviction of the crime or of the offense specified therein. Such certificate may be limited to one or more enumerated forfeitures, disabilities or bars, or may relieve the eligible offender of all forfeitures, disabilities and bars. Provided, however, that no such certificate shall apply, or be construed so as to apply, to the right of such person to retain or to be eligible for public office.

2. Notwithstanding any other provision of law, except subdivision five of section twenty-eight hundred six of the public health law or paragraph (b) of subdivision two of section eleven hundred ninety-three of the vehicle and traffic law, a conviction of a crime or of an offense specified in a certificate of ~~[relief from disabilities]~~ restoration shall not cause automatic forfeiture of any license, other than a license issued pursuant to section 400.00 of the penal law to a person convicted of a class A-I felony or a violent felony offense, as defined in subdivision one of section 70.02 of the penal law, permit, employment, or franchise, including the right to register for or vote at an election, or automatic forfeiture of any other right or privilege, held by the eligible offender and covered by the certificate. Nor shall such conviction be deemed to be a conviction within the meaning of any provision of law that imposes, by reason of a conviction, a bar to any employment, a disability to exercise any right, or a disability to apply for or to receive any license, permit, or other authority or privilege covered by the certificate; provided, however, that a conviction for a second or subsequent violation of any subdivision of section eleven hundred ninety-two of the vehicle and traffic law committed within the preceding ten years shall impose a disability to apply for or receive an operator's license during the period provided in such law; and provided further, however, that a conviction for a class A-I felony or a violent felony offense, as defined in subdivision one of section 70.02 of the penal law, shall impose a disability to apply for or receive a license or permit issued pursuant to section 400.00 of the penal law. A certificate of ~~[relief from a disability]~~ restoration imposed pursuant to subparagraph (v) of paragraph b of subdivision two and paragraphs i and j of subdivision six of section five hundred ten of the vehicle and traffic law may only be issued upon a determination that compelling circumstances warrant such relief.

3. A certificate of ~~[relief from disabilities]~~ restoration shall not, however, in any way prevent any judicial, administrative, licensing or other body, board or authority from ~~[relying upon]~~ considering the

conviction specified therein as the basis for the exercise of its discretionary power to suspend, revoke, refuse to issue or refuse to renew any license, permit or other authority or privilege in accordance with the provisions of article twenty-three-A of this chapter.

4. Notwithstanding any other section of law, a certificate of good conduct or a certificate of relief from disabilities shall be construed to mean a certificate of restoration. Any certificate of relief from disabilities or certificate of good conduct issued prior to the effective date of this subdivision shall be deemed the equivalent of a certificate of restoration and shall remain in full force and effect on and after such effective date. Nothing in the chapter of the laws of two thousand nineteen that added this subdivision shall be read to invalidate a certificate of relief from disabilities or a certificate of good conduct issued prior to the effective date of this subdivision on or after such effective date.

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

§ 702. Certificates of [~~relief from disabilities~~] restoration issued by courts. 1. Any court of this state may, in its discretion, issue a certificate of [~~relief from disabilities~~] restoration to an eligible offender for a conviction that occurred in such court, if the court either (a) imposed a revocable sentence or (b) imposed a sentence other than one executed by commitment to an institution under the jurisdiction of the state department of corrections and community supervision. Such certificate may be issued (i) at the time sentence is pronounced, in which case it may grant relief from forfeitures, as well as from disabilities[~~r~~] or (ii) at any time thereafter, in which case it shall apply only to disabilities. Where such court either imposes a revocable sentence or imposes a sentence other than one executed by commitment to an institution under the jurisdiction of the state department of corrections and community supervision, the court, upon application and in accordance with subdivision two of this section, shall initially determine the fitness of an eligible offender for such certificate prior to or at the time sentence is pronounced.

2. Such certificate shall [~~not~~] be issued by the court [~~unless~~] when the court is satisfied that:

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

(b) The relief to be granted by the certificate is consistent with the rehabilitation of the eligible offender; and

(c) The relief to be granted by the certificate is consistent with the public interest.

3. Where a certificate of [~~relief from disabilities~~] restoration is not issued at the time sentence is pronounced it shall only be issued thereafter upon verified application to the court. The court may, for the purpose of determining whether such certificate shall be issued, request its probation service to conduct an investigation of the applicant, or if the court has no probation service it may request the probation service of the county court for the county in which the court is located to conduct such investigation. Any probation officer requested to make an investigation pursuant to this section shall

1 prepare and submit to the court a written report in accordance with such
2 request.

3 4. Where the court has imposed a revocable sentence and the certif-
4 icate of [~~relief from disabilities~~] restoration is issued prior to the
5 expiration or termination of the time which the court may revoke such
6 sentence, the certificate shall be deemed to be a temporary certificate
7 until such time as the court's authority to revoke the sentence has
8 expired or is terminated. While temporary, such certificate (a) may be
9 revoked by the court for violation of the conditions of the sentence,
10 and (b) shall be revoked by the court if it revokes the sentence and
11 commits the person to an institution under the jurisdiction of the state
12 department of corrections and community supervision. Any such revocation
13 shall be upon notice and after an opportunity to be heard. If the
14 certificate is not so revoked, it shall become a permanent certificate
15 upon expiration or termination of the court's authority to revoke the
16 sentence.

17 5. Any court that has issued a certificate of [~~relief from disabili-~~
18 ~~ties~~] restoration may at any time issue a new certificate to enlarge the
19 relief previously granted, provided, however, that the provisions of
20 subdivisions one through four of this section shall apply to the issu-
21 ance of any such new certificate.

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

40 § 4. Section 703 of the correction law, as amended by section 34 of
41 subpart B of part C of chapter 62 of the laws of 2011, is amended to
42 read as follows:

43 § 703. Certificates of [~~relief from disabilities~~] restoration issued
44 by the department of corrections and community supervision. 1. The
45 department of corrections and community supervision shall have the power
46 to issue a certificate of [~~relief from disabilities~~] restoration to:

47 (a) any eligible offender who has been committed to an institution
48 under the jurisdiction of the state department of corrections and commu-
49 nity supervision. Such certificate may be issued by the department at
50 the time the offender is released from such institution under the
51 department's supervision or otherwise or at any time thereafter, upon
52 application of the offender;

53 (b) any eligible offender who resides within this state and whose
54 judgment of conviction was rendered by a court in any other jurisdic-
55 tion.

2. Where the department has issued a certificate of [~~relief from disabilities~~] restoration, the department may at any time issue a new certificate enlarging the relief previously granted.

3. The department shall [~~not~~] issue [~~any~~] a certificate of [~~relief from disabilities pursuant to subdivisions one or two, unless~~] restoration when the department is satisfied that:

(a) The person to whom it is to be granted is an eligible offender, as defined in section seven hundred of this article;

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

(c) The relief to be granted by the certificate is consistent with the public interest[~~-~~]; and

(d) Two years have elapsed since release from custody for persons with a prior felony conviction sentenced pursuant to section 70.04, 70.06, 70.07, 70.08 or 70.10 of the penal law.

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

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

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

7. Presumption based on federal recommendation. Where a certificate of [~~relief from disabilities~~] restoration is sought pursuant to paragraph (b) of subdivision one of this section on a judgment of conviction rendered by a federal district court in this state and the department is in receipt of a written recommendation in favor of the issuance of such certificate from the chief probation officer of the district, the department shall issue the requested certificate, unless it finds that the requirements of paragraphs (a), (b) and (c) of subdivision three of this section have not been satisfied; or that the interests of justice would not be advanced by the issuance of the certificate.

§ 5. Sections 703-a and 703-b of the correction law are REPEALED.

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

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

2. A person who knowingly uses or attempts to use, a revoked certificate of [~~relief from disabilities~~] restoration in order to obtain or to exercise any right or privilege that he would not be entitled to obtain or to exercise without a valid certificate shall be guilty of a misdemeanor.

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

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

2. Any court or department issuing or revoking any certificate pursuant to this article shall immediately file a copy of the certificate, or of the order of revocation, with the New York state identification and intelligence system.

§ 8. Paragraph (h) of 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, is amended to read as follows:

(h) vagrancy or prostitution, and who has not subsequent to such conviction received an executive pardon therefor or a certificate of restoration, 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.

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

3. Upon a showing by the attorney general in an application for an injunction that any person engaged in solicitation has been convicted in this state or elsewhere of a felony or of a misdemeanor involving the misappropriation, misapplication or misuse of the money or property of another, and who has not, subsequent to such conviction, received executive pardon therefor or a certificate of ~~[relief from disabilities]~~ restoration or a certificate of good conduct pursuant to article twenty-three of the correction law, the supreme court, after a hearing, may enjoin such person from engaging in any solicitation.

§ 10. Clause 1 of paragraph (c) of subdivision 2 of section 435 of the executive law, as amended by chapter 371 of the laws of 1974, is amended to read as follows:

(1) a person convicted of a crime who has not received a pardon, ~~[a certificate of]~~ or a certificate of restoration, good conduct, or ~~[a certificate of]~~ relief from disabilities;

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

(c) If a person convicted of a felony or crime deemed hereby to be a felony is subsequently pardoned by the governor of the state where such conviction was had, or by the president of the United States, or shall receive a certificate of restoration, a certificate of relief from disabilities or a certificate of good conduct pursuant to article twenty-three of the correction law for the purpose of removing the disability under this section because of such conviction, the tax commission may, in its discretion, on application of such person and compliance with subdivision two of this section, and on the submission to it of satis-

1 factory evidence of good moral character and suitability, again register
2 such person as a distributor under this article.

3 § 12. Paragraph (a) of subdivision 1 of section 509-c of the vehicle
4 and traffic law, as amended by section 25 of part LL of chapter 56 of
5 the laws of 2010, is amended to read as follows:

6 (a) permanently, if that person has been convicted of or forfeited
7 bond or collateral which forfeiture order has not been vacated or the
8 subject of an order of remission upon a violation of section 130.30,
9 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an
10 offense committed under a former section of the penal law which would
11 constitute a violation of the aforesaid sections of the penal law or any
12 offense committed outside of this state which would constitute a
13 violation of the aforesaid sections of the penal law, provided, however,
14 the provisions of this paragraph shall not apply to convictions, suspen-
15 sions or revocations or forfeitures of bonds for collateral upon any of
16 the charges listed in this paragraph for violations which occurred prior
17 to September first, nineteen hundred seventy-four committed by a person
18 employed as a bus driver on September first, nineteen hundred seventy-
19 four. However, such disqualification may be waived provided that five
20 years have expired since the applicant was discharged or released from a
21 sentence of imprisonment imposed pursuant to conviction of an offense
22 that requires disqualification under this paragraph and that the appli-
23 cant shall have been granted a certificate of restoration, a certificate
24 of relief from disabilities or a certificate of good conduct pursuant to
25 article twenty-three of the correction law.

26 § 13. Subparagraph (i) of paragraph (a) of subdivision 1 of section
27 509-cc of the vehicle and traffic law, as amended by section 27 of part
28 LL of chapter 56 of the laws of 2010, is amended to read as follows:

29 (i) has been convicted of or forfeited bond or collateral which
30 forfeiture order has not been vacated or the subject of an order of
31 remission upon a violation committed prior to September fifteenth, nine-
32 teen hundred eighty-five, of section 130.30, 130.35, 130.45, 130.50,
33 130.60, or 130.65 of the penal law, or an offense committed under a
34 former section of the penal law which would constitute a violation of
35 the aforesaid sections of the penal law or any offense committed outside
36 of this state which would constitute a violation of the aforesaid
37 sections of the penal law, provided, however, the provisions of this
38 subparagraph shall not apply to convictions, suspensions or revocations
39 or forfeitures of bonds for collateral upon any of the charges listed in
40 this subparagraph for violations which occurred prior to September
41 first, nineteen hundred seventy-four committed by a person employed as a
42 bus driver on September first, nineteen hundred seventy-four. However,
43 such disqualification may be waived provided that five years have
44 expired since the applicant was discharged or released from a sentence
45 of imprisonment imposed pursuant to conviction of an offense that
46 requires disqualification under this paragraph and that the applicant
47 shall have been granted a certificate of restoration, a certificate of
48 relief from disabilities or a certificate of good conduct pursuant to
49 article twenty-three of the correction law. When the certificate is
50 issued by a court for a conviction which occurred in this state, it
51 shall only be issued by the court having jurisdiction over such
52 conviction. Such certificate shall specifically indicate that the
53 authority granting such certificate has considered the bearing, if any,
54 the criminal offense or offenses for which the person was convicted will
55 have on the applicant's fitness or ability to operate a bus transporting

1 school children to the applicant's prospective employment, prior to
2 granting such a certificate; or

3 § 14. Subparagraph (iii) of paragraph d of subdivision 6 of section
4 510 of the vehicle and traffic law, as amended by section 29 of part LL
5 of chapter 56 of the laws of 2010, is amended to read as follows:

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

11 § 15. Subparagraph (iii) of paragraph c of subdivision 2 of section
12 510-a of the vehicle and traffic law, as amended by section 30 of part
13 LL of chapter 56 of the laws of 2010, is amended to read as follows:

14 (iii) after such documentation, if required, is accepted, that such
15 person is granted a certificate of restoration, a certificate of relief
16 from disabilities or a certificate of good conduct pursuant to article
17 twenty-three of the correction law by the court in which such person was
18 last penalized.

19 § 16. Subdivision 2 of section 102 of the alcoholic beverage control
20 law, as amended by section 1 of part 00 of chapter 56 of the laws of
21 2010, the opening paragraph as separately amended by section 3 of part
22 LL of chapter 56 of the laws of 2010 and paragraph (g) as separately
23 amended by chapter 232 of the laws of 2010, is amended to read as
24 follows:

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

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

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

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

44 (d) Unlawful entry of a building;

45 (e) Aiding escape from prison;

46 (f) Unlawfully possessing or distributing habit forming narcotic
47 drugs;

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

52 (h) Vagrancy or prostitution; or

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

55 If, as hereinabove provided, the state liquor authority issues its
56 written approval for the employment by a licensee, in a specified capac-

ity, of a person previously convicted of a felony or any of the offenses above enumerated, such person, may, unless he or she is subsequently convicted of a felony or any of such offenses, thereafter be employed in the same capacity by any other licensee without the further written approval of the authority unless the prior approval given by the authority is terminated.

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

As used in this subdivision, "recreational facility" shall mean: (i) premises that are part of a facility the principal business of which shall be the providing of recreation in the form of golf, tennis, swimming, skiing or boating; and (ii) premises in which the principal business shall be the operation of a theatre, concert hall, opera house, bowling establishment, excursion and sightseeing vessel, or accommodation of athletic events, sporting events, expositions and other similar events or occasions requiring the accommodation of large gatherings of persons.

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

(d) A statement that such applicant or the applicant's spouse has not been convicted of a crime addressed by the provisions of section one hundred twenty-six of this article which would forbid the applicant (including any officers, directors, shareholders or partners listed in the statement of identity under paragraph (a) of this subdivision or the spouse of such person) or the applicant's spouse to traffic in alcoholic beverages, a statement whether or not the applicant (including any officers, directors, shareholders or partners listed in the statement of identity under paragraph (a) of this subdivision or the spouse of any such person) or the applicant's spouse is an official described in section one hundred twenty-eight of this article, and a description of any crime that the applicant (including any officers, directors, shareholders or partners listed under paragraph (a) of this subdivision or the spouse of any such person) or the applicant's spouse has been convicted of and whether such person has received a pardon, certificate of restoration, certificate of good conduct or certificate of relief from disabilities; provided, however, that no person shall be denied any license solely on the grounds that such person is the spouse of a person otherwise disqualified from holding a license under this chapter.

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

1. Except as provided in subdivision one-a of this section, a person who has been convicted of a felony or any of the misdemeanors mentioned in section eleven hundred forty-six of the former penal law as in force and effect immediately prior to September first, nineteen hundred sixty-seven, or of an offense defined in section 230.20 or 230.40 of the penal law, unless subsequent to such conviction such person shall have received an executive pardon therefor removing this disability, a certificate of restoration or good conduct granted by the department of corrections and community supervision, or a certificate of relief from disabilities granted by the department of corrections and community supervision or a court of this state pursuant to the provisions of article twenty-three of the correction law to remove the disability under this section because of such conviction.

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

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

1 principal officers and each of its directors are not less than eighteen
2 years of age.

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

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

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

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

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

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

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

41 § 3454. Restoration of licenses after conviction of a felony. If a
42 person convicted of a felony or crime deemed to be a felony is subse-
43 quently pardoned by the governor of the state where such conviction was
44 had or by the president of the United States, or shall receive a certif-
45 icate of restoration, a certificate of relief from disabilities or a
46 certificate of good conduct pursuant to article twenty-three of the
47 correction law to remove the disability under this section because of
48 such conviction, the commissioner may, in his or her discretion, on
49 application of such person, and on the submission to him or her of
50 satisfactory evidence, restore to such person the right to practice in
51 this state.

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

55 (a) No person convicted of a felony shall continue to hold a license
56 to practice radiologic technology, unless he or she has been granted an

1 executive pardon, a certificate of restoration, a certificate of relief
2 from disabilities or a certificate of good conduct for such felony and,
3 the commissioner, in his or her discretion, restores the license after
4 determining that the individual does not pose a threat to patient health
5 and safety.

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

9 (1) a person convicted of a crime who has not received a pardon, a
10 certificate of restoration, a certificate of good conduct or a certif-
11 icate of relief from disabilities;

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

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

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

37 (a) Issuance of licenses to conduct bingo. If the governing body of
38 the municipality determines that the applicant is duly qualified to be
39 licensed to conduct bingo under this article; that the member or members
40 of the applicant designated in the application to conduct bingo are bona
41 fide active members of the applicant and are persons of good moral char-
42 acter and have never been convicted of a crime or, if convicted, have
43 received a pardon [~~or~~] a certificate of restoration, a certificate of
44 good conduct or a certificate of relief from disabilities pursuant to
45 article twenty-three of the correction law; that such games of bingo are
46 to be conducted in accordance with the provisions of this article and in
47 accordance with the rules and regulations of the commission, and that
48 the proceeds thereof are to be disposed of as provided by this article,
49 and if the governing body is satisfied that no commission, salary,
50 compensation, reward or recompense what so ever will be paid or given to
51 any person holding, operating or conducting or assisting in the holding,
52 operation and conduct of any such games of bingo except as in this arti-
53 cle otherwise provided; and that no prize will be offered and given in
54 excess of the sum or value of five thousand dollars in any single game
55 and that the aggregate of all prizes offered and given in all of such
56 games conducted on a single occasion, under said license shall not

1 exceed the sum or value of fifteen thousand dollars, then the munici-
2 pality shall issue a license to the applicant for the conduct of bingo
3 upon payment of a license fee of eighteen dollars and seventy-five cents
4 for each bingo occasion; provided, however, that the governing body
5 shall refuse to issue a license to an applicant seeking to conduct bingo
6 in premises of a licensed commercial lessor where such governing body
7 determines that the premises presently owned or occupied by such appli-
8 cant are in every respect adequate and suitable for conducting bingo
9 games.

10 § 27. Paragraph (a) of subdivision 9 of section 476 of the general
11 municipal law, as amended by section 16 of part LL of chapter 56 of the
12 laws of 2010, is amended to read as follows:

13 (a) a person convicted of a crime who has not received a pardon or a
14 certificate of restoration, good conduct or a certificate of relief from
15 disabilities pursuant to article twenty-three of the correction law;

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

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

21 STATEMENT OF ABSENTEE VOTER

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

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

52 Date..... Signature of Voter.....

53 § 29. Paragraph b of subdivision 5 of section 213-b of the town law,
54 as amended by section 12 of part LL of chapter 56 of the laws of 2010,
55 is amended to read as follows:

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

STATEMENT OF ABSENTEE VOTER

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

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

Date..... Signature of Voter
§ 30. Paragraph b of subdivision 5 of section 2018-a of the education law, as amended by section 8 of part LL of chapter 56 of the laws of 2010, is amended to read as follows:

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

STATEMENT OF ABSENTEE VOTER

I do declare that I am a citizen of the United States, and will be at least eighteen years of age, on the date of the school district election; that I will have been a resident of this state and of the school district and school election district, if any, shown on the reverse side of this envelope for thirty days next preceding the said election and duly registered in the school district and school election district, if any, shown on the reverse side of this envelope and that I am or on such date will be, a qualified voter of said school district; that I will be unable to appear personally on the day of said school district election at the polling place of the said district in which I am or will be a qualified voter because of the reason stated on my application heretofore submitted; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this

1 envelope; that I have not received or offered, do not expect to receive,
2 have not paid, offered or promised to pay, contributed, offered or prom-
3 ised to contribute to another to be paid or used, any money or other
4 valuable thing, as a compensation or reward for the giving or withhold-
5 ing of a vote at this school district election, and have not made any
6 promise to influence the giving or withholding of any such votes; that I
7 have not made or become directly or indirectly interested in any bet or
8 wager depending upon the result of this school district election; and
9 that I have not been convicted of bribery or any infamous crime, or, if
10 so convicted, that I have been pardoned or restored to all the rights of
11 a citizen, without restriction as to the right of suffrage, or received
12 a certificate of restoration, a certificate of relief from disabilities
13 or a certificate of good conduct pursuant to article twenty-three of the
14 correction law removing my disability to register and vote or my maximum
15 sentence of imprisonment has expired.

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

20 Date.....Signature of Voter

21 § 31. Paragraph b of subdivision 6 of section 2018-b of the education
22 law, as amended by section 9 of part LL of chapter 56 of the laws of
23 2010, is amended to read as follows:

24 b. On the reverse side of such envelope shall be printed the following
25 statement:

26 STATEMENT OF ABSENTEE VOTER

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

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

5 Date.....Signature of Voter

6 § 32. Subdivision 2 of section 69-o of the general business law, as
7 amended by chapter 575 of the laws of 1993, is amended to read as
8 follows:

9 2. (a) After the filing of an applicant's fingerprint cards, the
10 secretary of state shall forward such fingerprints to the division of
11 criminal justice services to be compared with the fingerprints on file
12 with the division of criminal justice services in order to ascertain
13 whether the applicant has been convicted of a felony involving fraud,
14 bribery, perjury or theft pursuant to article one hundred forty, one
15 hundred fifty-five, one hundred sixty, one hundred sixty-five, one
16 hundred seventy, one hundred seventy-five, one hundred seventy-six, one
17 hundred eighty, one hundred eighty-five, one hundred ninety, one hundred
18 ninety-five, two hundred or two hundred ten of the penal law; or has a
19 criminal action which has been pending for such a felony for under one
20 year without a final disposition unless adjourned in contemplation of
21 dismissal; provided, however, that for the purposes of this article,
22 none of the following shall be considered criminal convictions or
23 reported as such:

24 ~~[(a)]~~ (i) A conviction which has been vacated and replaced by a youth-
25 ful offender finding pursuant to article seven hundred twenty of the
26 criminal procedure law, or the applicable provisions of law of any other
27 jurisdiction; or

28 ~~[(b)]~~ (ii) A conviction the records of which have been expunged or
29 sealed pursuant to the applicable provisions of the laws of this state
30 or of any other jurisdiction; or

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

34 (b) The division of criminal justice services shall retain the finger-
35 print cards and return the report of such convictions or pending cases,
36 if any, to the secretary of state who shall retain them in a confiden-
37 tial file for no more than one year, after which time such report shall
38 be destroyed.

39 (c) The secretary of state shall deny the application of any individ-
40 ual convicted of a felony involving fraud, bribery, perjury or theft
41 pursuant to article one hundred forty, one hundred fifty-five, one
42 hundred sixty, one hundred sixty-five, one hundred seventy, one hundred
43 seventy-five, one hundred seventy-six, one hundred eighty, one hundred
44 eighty-five, one hundred ninety, one hundred ninety-five, two hundred or
45 two hundred ten of the penal law; or has a criminal action which has
46 been pending for such a felony for under one year without a final dispo-
47 sition unless adjourned in contemplation of dismissal; provided, howev-
48 er, that for the purposes of this article, none of the following shall
49 be considered criminal convictions or reported as such:

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

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

4 (iii) A conviction for which a certificate of restoration, relief from
5 disabilities or a certificate of good conduct has been issued pursuant
6 to article twenty-three of the correction law.

7 § 33. Subdivision 2 of section 74 of the general business law, as
8 amended by chapter 680 of the laws of 1967, paragraph (g) as amended by
9 chapter 232 of the laws of 2010 and paragraph (h) as amended by section
10 13 of part LL of chapter 56 of the laws of 2010, is amended to read as
11 follows:

12 2. Except as hereinafter in this subdivision provided, no such license
13 shall be issued to any person who has been convicted in this state or
14 any other state or territory of a felony, or any of the following
15 offenses, to wit: (a) illegally using, carrying or possessing a pistol
16 or other dangerous weapon; (b) making or possessing burglar's instru-
17 ments; (c) buying or receiving or criminally possessing stolen property;
18 (d) unlawful entry of a building; (e) aiding escape from prison; (f)
19 unlawfully possessing or distributing habit forming narcotic drugs; (g)
20 violating subdivision six of section seven hundred twenty-two of the
21 former penal law as in force and effect immediately prior to September
22 first, nineteen hundred sixty-seven, or violating section 165.25 or
23 165.30 of the penal law; (h) violating section seven hundred forty-two,
24 section seven hundred forty-three, or section seven hundred forty-five
25 of the said former penal law, or violating any section contained in
26 article two hundred fifty of the penal law. Except as hereinafter in
27 this subdivision provided, no license shall be issued to any person
28 whose license has been previously revoked by the department of state or
29 the authorities of any other state or territory because of conviction of
30 any of the offenses specified in this section. The provisions of this
31 subdivision shall not prevent the issuance of a license to any person
32 who, subsequent to his conviction, shall have received executive pardon
33 therefor removing this disability, or who has received a certificate of
34 restoration, a certificate of relief from disabilities or a certificate
35 of good conduct pursuant to article twenty-three of the correction law
36 to remove the disability under this section because of such conviction
37 or previous license revocation occasioned thereby.

38 § 34. Subdivision 1 of section 81 of the general business law, as
39 amended by section 14 of part LL of chapter 56 of the laws of 2010, is
40 amended to read as follows:

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

48 No holder of any unexpired license certificate issued pursuant to this
49 article shall knowingly employ in connection with his or its business in
50 any capacity whatsoever, any person who has been convicted of a felony
51 or any of the offenses specified in subdivision two of section seventy-
52 four of this article, and who has not subsequent to such conviction
53 received executive pardon therefor removing this disability, or received
54 a certificate of restoration, relief from disabilities or a certificate
55 of good conduct pursuant to article twenty-three of the correction law
56 to remove the disability under this section because of such a

1 conviction, or any person whose private detective or investigator's
2 license or bail enforcement agent's license was revoked or application
3 for such license was denied by the department of state or by the author-
4 ities of any other state or territory because of conviction of any of
5 such offenses. Should the holder of an unexpired license certificate
6 falsely state or represent that a person is or has been in his employ,
7 such false statement or misrepresentation shall be sufficient cause for
8 the revocation of such license. Any person falsely stating or represent-
9 ing that he is or has been a detective or employed by a detective agency
10 or that he is or has been a bail enforcement agent or employed by a bail
11 enforcement agency shall be guilty of a misdemeanor.

12 § 35. Paragraph 4 of subsection (d) of section 2108 of the insurance
13 law, as amended by section 18 of part LL of chapter 56 of the laws of
14 2010, is amended to read as follows:

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

22 § 36. Subdivision 6 of section 369 of the banking law, as amended by
23 chapter 164 of the laws of 2003 and paragraph (b) as amended by section
24 6 of part LL of chapter 56 of the laws of 2010, is amended to read as
25 follows:

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

erprints 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.

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

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

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

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

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

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

§ 40. The closing paragraph of subdivision 4 of section 79-a of the civil rights law, as amended by section 7 of part LL of chapter 56 of the laws of 2010, is amended to read as follows:

5. Nothing in this section shall be deemed to preclude the issuance of a certificate of relief from disabilities, certificate of restoration or a certificate of good conduct pursuant to article twenty-three of the correction law to a person who previously has been sentenced to imprisonment for life.

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

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 restoration, 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. 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.

§ 42. Paragraph (a) of subdivision 1 of section 20-438 of the administrative code of the city of New York is amended to read as follows:

(a) Issuance of licenses to conduct games of chance. If such department shall determine that the applicant is duly qualified to be licensed to conduct games of chance under this subchapter; that the members of the applicant designated in the application to conduct 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 or a certificate of restoration or a certificate of good conduct; that such games are to be conducted in accordance with the provisions of this subchapter and in accordance with the rules and regulations of the board and that the proceeds thereof are to be disposed of as provided by this subchapter; and if such department is satisfied that no commission, salary, compensation, reward or recompense whatever will be paid or given to any person holding, operating or conducting or assisting in the holding, operation and conduct of any such games except as in this subchapter otherwise provided; and that no prize will be given in excess of the sum or value of one hundred dollars in any single game and that the aggregate of all prizes given on one occasion, under said license shall not exceed the sum or value of one thousand dollars, the 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.

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

(a) Except as provided in paragraphs (b) and (d) of this subdivision, anything contained in this section or in a certificate of restoration, relief from disabilities or a certificate of good conduct issued pursuant to article twenty-three of the correction law to the contrary notwithstanding, a hospital operating certificate of a hospital under control of a controlling person as defined in paragraph (a) of subdivision twelve of section twenty-eight hundred one-a of this article, or under control of any other entity, shall be revoked upon a finding by

1 the department that such controlling person or any individual, member of
2 a partnership or shareholder of a corporation to whom or to which an
3 operating certificate has been issued, has been convicted of a class A,
4 B or C felony, or a felony related in any way to any activity or program
5 subject to the regulations, supervision, or administration of the
6 department or of the office of temporary and disability assistance or in
7 violation of the public officers law in a court of competent jurisdic-
8 tion in the state, or of a crime outside the state which, if committed
9 within the state, would have been a class A, B or C felony or a felony
10 related in any way to any activity or program subject to the regu-
11 lations, supervision, or administration of the department or of the
12 office of temporary and disability assistance or in violation of the
13 public officers law.

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

17 (5) A restricted use license or privilege shall be valid for the oper-
18 ation of any motor vehicle, except a vehicle for hire as a taxicab,
19 livery, coach, limousine, van or wheelchair accessible van or tow truck
20 as defined in this chapter subject to the conditions set forth herein,
21 which the holder would otherwise be entitled to operate had his drivers
22 license or privilege not been suspended or revoked. Notwithstanding
23 anything to the contrary in a certificate of restoration, relief from
24 disabilities or a certificate of good conduct issued pursuant to article
25 twenty-three of the correction law, a restricted use license shall not
26 be valid for the operation of a commercial motor vehicle. A restricted
27 use license shall not be valid for the operation of a vehicle for hire
28 as a taxicab, livery, coach, limousine, van or wheelchair accessible van
29 or tow truck where the holder thereof had his or her drivers license
30 suspended or revoked and (i) such suspension or revocation is mandatory
31 pursuant to the provisions of subdivision two or two-a of section five
32 hundred ten of this title; or (ii) any such suspension is permissive for
33 habitual or persistent violations of this chapter or any local law
34 relating to traffic as set forth in paragraph d or i of subdivision
35 three of section five hundred ten of this title; or (iii) any such
36 suspension is permissive and has been imposed by a magistrate, justice
37 or judge of any city, town or village, any supreme court justice, any
38 county judge, or judge of a district court. Except for a commercial
39 motor vehicle as defined in subdivision four of section five hundred
40 one-a of this title, the restrictions on types of vehicles which may be
41 operated with a restricted license contained in this subdivision shall
42 not be applicable to a restricted license issued to a person whose
43 license has been suspended pursuant to paragraph three of subdivision
44 four-e of section five hundred ten of this title.

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

49 (ii) that such person is granted a certificate of restoration, relief
50 from disabilities or a certificate of good conduct pursuant to article
51 twenty-three of the correction law.

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

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

4 (1) Notwithstanding anything to the contrary contained in a certifi-
5 cate of restoration, relief from disabilities or a certificate of good
6 conduct issued pursuant to article twenty-three of the correction law,
7 where a suspension or revocation, other than a revocation required to be
8 issued by the commissioner, is mandatory pursuant to paragraph (a) or
9 (b) of this subdivision, the magistrate, justice or judge shall issue an
10 order suspending or revoking such license upon sentencing, and the
11 license holder shall surrender such license to the court. Except as
12 hereinafter provided, such suspension or revocation shall take effect
13 immediately.

14 § 47. Item (iii) of clause (e) of subparagraph 12 of paragraph (b) of
15 subdivision 2 of section 1193 of the vehicle and traffic law, as amended
16 by section 33 of part LL of chapter 56 of the laws of 2010, is amended
17 to read as follows:

18 (iii) after such documentation is accepted, that such person is grant-
19 ed a certificate of restoration, relief from disabilities or a certifi-
20 cate of good conduct pursuant to article twenty-three of the correction
21 law.

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

26 (iii) after such documentation is accepted, that such person is grant-
27 ed a certificate of restoration, relief from disabilities or a certifi-
28 cate of good conduct pursuant to article twenty-three of the correction
29 law.

30 § 49. Item (iii) of clause c of subparagraph 1 of paragraph (d) of
31 subdivision 2 of section 1194 of the vehicle and traffic law, as amended
32 by section 37 of part LL of chapter 56 of the laws of 2010, is amended
33 to read as follows:

34 (iii) after such documentation is accepted, that such person is grant-
35 ed a certificate of restoration, relief from disabilities or a certifi-
36 cate of good conduct pursuant to article twenty-three of the correction
37 law by the court in which such person was last penalized.

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

41 (g) Notwithstanding anything to the contrary contained in a certifi-
42 cate of restoration, relief from disabilities or a certificate of good
43 conduct issued pursuant to article twenty-three of the correction law,
44 any conditional license or privilege issued to a person convicted of a
45 violation of any subdivision of section eleven hundred ninety-two of
46 this article shall not be valid for the operation of any commercial
47 motor vehicle. In addition, no such conditional license or privilege
48 shall be valid for the operation of a taxicab as defined in this chap-
49 ter.

50 § 51. This act shall take effect on the one hundred eightieth day
51 after it shall have become a law provided, however, that the amendments
52 to subdivision 5 of section 530 of the vehicle and traffic law made by
53 section forty-four of this act shall not affect the expiration of such
54 subdivision and shall be deemed to expire therewith.