

# STATE OF NEW YORK

4136--A

2019-2020 Regular Sessions

## IN ASSEMBLY

February 1, 2019

Introduced by M. of A. AUBRY -- read once and referred to the Committee on Correction -- recommitted to the Committee on Correction in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, the executive law, the tax law, the alcoholic beverage control law, the agriculture and markets law, the public health law, the town law, the education law, the general business law, the penal law, the civil rights law, the administrative code of the city of New York and the vehicle and traffic law, in relation to establishing a certificate of restoration to replace the certificate of good conduct and the certificate of relief from disabilities; and to repeal certain provisions of the correction law relating to certificates of good conduct

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

1 Section 1. Paragraph (a) of subdivision 1 of section 700 of the  
2 correction law, as amended by chapter 342 of the laws of 1972, is  
3 amended to read as follows:

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

7 § 2. Section 701 of the correction law, as amended by chapter 342 of  
8 the laws of 1972, subdivision 2 as amended by section 3 of subpart J of  
9 part II of chapter 55 of the laws of 2019, is amended to read as  
10 follows:

11 § 701. Certificate of [~~relief from disabilities~~] restoration. 1. A  
12 certificate of [~~relief from disabilities~~] restoration may be granted as  
13 provided in this article to relieve an eligible offender of any forfei-  
14 ture or disability, or to remove any bar to his employment, automat-  
15 ically imposed by law by reason of his conviction of the crime or of the

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

LBD08131-02-0

1 offense specified therein. Such certificate may be limited to one or  
2 more enumerated forfeitures, disabilities or bars, or may relieve the  
3 eligible offender of all forfeitures, disabilities and bars. [~~Provided,~~  
4 ~~however, that no such certificate shall apply, or be construed so as to~~  
5 ~~apply, to the right of such person to retain or to be eligible for~~  
6 ~~public office.~~]

7 2. Notwithstanding any other provision of law, except subdivision five  
8 of section twenty-eight hundred six of the public health law or para-  
9 graph (b) of subdivision two of section eleven hundred ninety-three of  
10 the vehicle and traffic law, a conviction of a crime or of an offense  
11 specified in a certificate of [~~relief from disabilities~~] restoration  
12 shall not cause automatic forfeiture of any license, other than a  
13 license issued pursuant to section 400.00 of the penal law to a person  
14 convicted of a class A-I felony or a violent felony offense, as defined  
15 in subdivision one of section 70.02 of the penal law, permit, employ-  
16 ment, or franchise, including the right to register for or vote at an  
17 election, or automatic forfeiture of any other right or privilege, held  
18 by the eligible offender and covered by the certificate. Nor shall such  
19 conviction be deemed to be a conviction within the meaning of any  
20 provision of law that imposes, by reason of a conviction, a bar to any  
21 employment, a disability to exercise any right, or a disability to apply  
22 for or to receive any license, permit, or other authority or privilege  
23 covered by the certificate; provided, however, that a conviction for a  
24 second or subsequent violation of any subdivision of section eleven  
25 hundred ninety-two of the vehicle and traffic law committed within the  
26 preceding ten years shall impose a disability to apply for or receive an  
27 operator's license during the period provided in such law; and provided  
28 further, however, that a conviction for a class A-I felony or a violent  
29 felony offense, as defined in subdivision one of section 70.02 of the  
30 penal law, shall impose a disability to apply for or receive a license  
31 or permit issued pursuant to section 400.00 of the penal law.

32 3. A certificate of [~~relief from disabilities~~] restoration shall not,  
33 however, in any way prevent any judicial, administrative, licensing or  
34 other body, board or authority from relying upon the conviction speci-  
35 fied therein as the basis for the exercise of its discretionary power to  
36 suspend, revoke, refuse to issue or refuse to renew any license, permit  
37 or other authority or privilege.

38 § 3. Section 702 of the correction law, as amended by chapter 342 of  
39 the laws of 1972, the section heading as amended by chapter 931 of the  
40 laws of 1976, subdivision 1 as amended by chapter 488 of the laws of  
41 2011, subdivision 3 as amended by section 64 of part A of chapter 56 of  
42 the laws of 2010 and subdivisions 4 and 6 as amended by section 32 of  
43 subpart B of part C of chapter 62 of the laws of 2011, is amended to  
44 read as follows:

45 § 702. Certificates of [~~relief from disabilities~~] restoration issued  
46 by courts. 1. Any court of this state [~~may, in its discretion,~~] shall,  
47 absent a finding that issuance of such certificate will jeopardize  
48 public safety, issue a certificate of [~~relief from disabilities~~] resto-  
49 ration at the time of sentencing to an eligible offender for a  
50 conviction that occurred in such court, if the court [~~either (a) imposed~~  
51 ~~a revocable sentence or (b)~~] imposed a sentence other than one executed  
52 by commitment to an institution under the jurisdiction of the state  
53 department of corrections and community supervision. Such certificate  
54 [~~may be~~] issued [~~(i)~~] at the time sentence is pronounced[, ~~in which case~~  
55 ~~it~~] may grant relief from forfeitures, as well as from disabilities[, ~~or~~  
56 ~~(ii) at any time thereafter, in which case it shall apply only to disa-~~

1 ~~bilities~~]. Where such court either imposes a revocable sentence or  
2 imposes a sentence other than one executed by commitment to an institu-  
3 tion under the jurisdiction of the state department of corrections and  
4 community supervision, the court, upon application and in accordance  
5 with subdivision two of this section, shall initially determine the  
6 fitness of an eligible offender for such certificate prior to or at the  
7 time sentence is pronounced. Where the court finds that issuance of the  
8 certificate at sentencing will jeopardize public safety, such certif-  
9 icate shall be issued as follows:

10 (a) for an offender who receives a revocable sentence, such offender  
11 shall be issued such certificate after serving one year of such revoca-  
12 ble sentence imposed by the court provided that such offender has not  
13 been convicted of a new crime during that time and is not the subject of  
14 an undisposed arrest. Such certificate shall apply only to disabilities.  
15 In order to receive such a certificate, the eligible offender must apply  
16 to the court in which they were sentenced.

17 (b) for an offender who receives a definite sentence of imprisonment,  
18 such offender shall be issued such certificate one year after release  
19 from incarceration provided that such offender has not been convicted of  
20 a new crime during that time and is not the subject of an undisposed  
21 arrest. Such certificate shall apply only to disabilities. In order to  
22 receive such a certificate, the eligible offender must apply to the  
23 court in which they were sentenced.

24 In calculating the one-year periods under paragraphs (a) and (b) of  
25 this subdivision, any period of time during which the person was incar-  
26 cerated for any reason between the time of conviction and the date on  
27 which the eligible offender becomes eligible for a certificate shall be  
28 excluded and such one-year period shall be extended by a period or peri-  
29 ods equal to the time served under such incarceration.

30 2. [~~Such~~] The relief granted by such certificate shall [~~not be issued~~  
31 ~~by the court unless the court is satisfied that.~~

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

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

36 [~~(c) The relief to be granted by the certificate is]~~ be consistent  
37 with the public interest.

38 3. [~~Where a certificate of relief from disabilities is not issued at~~  
39 ~~the time sentence is pronounced it shall only be issued thereafter upon~~  
40 ~~verified application to the court. The court may, for the purpose of~~  
41 ~~determining whether such certificate shall be issued, request its~~  
42 ~~probation service to conduct an investigation of the applicant, or if~~  
43 ~~the court has no probation service it may request the probation service~~  
44 ~~of the county court for the county in which the court is located to~~  
45 ~~conduct such investigation. Any probation officer requested to make an~~  
46 ~~investigation pursuant to this section shall prepare and submit to the~~  
47 ~~court a written report in accordance with such request.~~

48 4.] Where the court has imposed a revocable sentence and the certif-  
49 icate of [~~relief from disabilities~~] restoration is issued prior to the  
50 expiration or termination of the time which the court may revoke such  
51 sentence, the certificate shall be deemed to be a temporary certificate  
52 until such time as the court's authority to revoke the sentence has  
53 expired or is terminated. While temporary, such certificate (a) may be  
54 revoked by the court for violation of the conditions of the sentence,  
55 and (b) shall be revoked by the court if it revokes the sentence and  
56 commits the person to an institution under the jurisdiction of the state

1 department of corrections and community supervision. Any such revocation  
2 shall be upon notice and after an opportunity to be heard. If the  
3 certificate is not so revoked, it shall become a permanent certificate  
4 upon expiration or termination of the court's authority to revoke the  
5 sentence.

6 [5] 4. Any court that has issued a certificate of [~~relief from disa-~~  
7 ~~ilities~~] restoration may at any time issue a new certificate to enlarge  
8 the relief previously granted, provided, however, that the provisions of  
9 subdivisions one through [~~four~~] three of this section shall apply to the  
10 issuance of any such new certificate.

11 [~~6-~~] 5. Any written report submitted to the court [~~pursuant to~~] for  
12 the purposes of this section is confidential and may not be made avail-  
13 able to any person or public or private agency except where specifically  
14 required or permitted by statute or upon specific authorization of the  
15 court. However, upon the court's receipt of such report, the court shall  
16 provide a copy of such report, or direct that such report be provided to  
17 the applicant's attorney, or the applicant himself, if he or she has no  
18 attorney. In its discretion, the court may except from disclosure a part  
19 or parts of the report which are not relevant to the granting of a  
20 certificate, or sources of information which have been obtained on a  
21 promise of confidentiality, or any other portion thereof, disclosure of  
22 which would not be in the interest of justice. The action of the court  
23 excepting information from disclosure shall be subject to appellate  
24 review. The court, in its discretion, may hold a conference in open  
25 court or in chambers to afford an applicant an opportunity to controvert  
26 or to comment upon any portions of the report. The court may also  
27 conduct a summary hearing at the conference on any matter relevant to  
28 the granting of the application and may take testimony under oath.

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

32 § 703. Certificates of [~~relief from disabilities~~] restoration issued  
33 by the department of corrections and community supervision. 1. The  
34 department of corrections and community supervision shall [~~have the~~  
35 ~~power to~~] issue a certificate of [~~relief from disabilities~~] restoration  
36 to:

37 (a) any eligible offender who has been committed to an institution  
38 under the jurisdiction of the state department of corrections and commu-  
39 nity supervision who successfully earned merit time or a certificate of  
40 earned eligibility during their period of incarceration. Such certif-  
41 icate [~~may~~] shall be issued by the department at the time the offender  
42 is released from such institution under the department's supervision [~~or~~  
43 ~~otherwise or at any time thereafter~~]. If such eligible offender did not  
44 earn merit time or a certificate of earned eligibility, the board of  
45 parole shall issue such certificate at the time of such eligible  
46 offender's release to community supervision unless it is determined that  
47 the issuance of such certificate would jeopardize public safety. If such  
48 certificate is not issued upon such eligible offender's release to  
49 community supervision, such offender shall be issued a certificate by  
50 the board of parole after two years of unrevoked parole, conditional  
51 release or post-release supervision. Such individual shall apply to the  
52 board of parole in order to receive such certificate.

53 In calculating the two-year period under this paragraph, any period of  
54 time during which the person was incarcerated for any reason between the  
55 time of conviction and the date on which the eligible offender becomes  
56 eligible for a certificate shall be excluded and such two-year period

1 shall be extended by a period or periods equal to the time served under  
2 such incarceration;

3 (b) any eligible offender who resides within this state and whose  
4 judgment of conviction was rendered by a court in any other jurisdiction  
5 where such eligible offender applies for such certificate, is not incar-  
6 cerated at the time of the application and is not subject to an undis-  
7 posed arrest, unless the board of parole determines that the issuance of  
8 such certificate would jeopardize public safety. If a certificate of  
9 restoration is not issued at the time of the application, the board  
10 shall issue a certificate to such eligible offender one year after the  
11 date of the application where the judgment of conviction was for a  
12 misdemeanor and two years after the date of the application where the  
13 judgment of conviction was for a felony, provided that such offender has  
14 not been convicted of a new crime and is not the subject of an undis-  
15 posed arrest.

16 2. Where the department has issued a certificate of [~~relief from disa-~~  
17 ~~abilities~~] restoration, the department may at any time issue a new  
18 certificate enlarging the relief previously granted.

19 3. The relief granted by the department [~~shall not issue any~~] in a  
20 certificate of [~~relief from disabilities~~] restoration pursuant to  
21 [~~subdivisions~~] subdivision one or two[, ~~unless the department is satis-~~  
22 ~~fied that:~~

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

25 ~~(b) The relief to be granted by the certificate is] of this section~~  
26 shall be consistent with the rehabilitation of the eligible offender[~~+~~]  
27 and

28 [~~(c) The relief to be granted by the certificate is] be~~ consistent  
29 with the public interest.

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

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

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

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

56 § 5. Section 703-a of the correction law is REPEALED.

1 § 6. Section 703-b of the correction law is REPEALED.

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

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

11 2. A person who knowingly uses or attempts to use, a revoked certif-  
12 icate of [~~relief from disabilities~~] restoration in order to obtain or to  
13 exercise any right or privilege that he would not be entitled to obtain  
14 or to exercise without a valid certificate shall be guilty of a misde-  
15 meanor.

16 3. Where a certificate of restoration has been revoked, the offender  
17 shall be eligible for a new certificate in accordance with sections  
18 seven hundred two and seven hundred three of this article as applicable.

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

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

32 2. Any court or department issuing or revoking any certificate pursu-  
33 ant to this article shall immediately file a copy of the certificate, or  
34 of the order of revocation, with the New York state identification and  
35 intelligence system.

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

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

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

51 (c) If a person convicted of a felony or crime deemed hereby to be a  
52 felony is subsequently pardoned by the governor of the state where such  
53 conviction was had, or by the president of the United States, or shall  
54 receive a certificate of [~~relief from disabilities or a certificate of~~  
55 ~~good conduct~~] restoration pursuant to article twenty-three of the  
56 correction law for the purpose of removing the disability under this

1 section because of such conviction, the tax commission may, in its  
2 discretion, on application of such person and compliance with subdivi-  
3 sion two of this section, and on the submission to it of satisfactory  
4 evidence of good moral character and suitability, again register such  
5 person as a distributor under this article.

6 § 11. Subdivision 2 of section 102 of the alcoholic beverage control  
7 law, as amended by section 1 of part 00 of chapter 56 of the laws of  
8 2010, the opening paragraph as separately amended by section 3 of part  
9 LL of chapter 56 of the laws of 2010 and paragraph (g) as separately  
10 amended by chapter 232 of the laws of 2010, is amended to read as  
11 follows:

12 2. No person holding any license hereunder, other than a license to  
13 sell an alcoholic beverage at retail for off-premises consumption or a  
14 license or special license to sell an alcoholic beverage at retail for  
15 consumption on the premises where such license authorizes the sale of  
16 liquor, beer and/or wine on the premises of a catering establishment,  
17 hotel, restaurant, club, or recreational facility, shall knowingly  
18 employ in connection with his or her business in any capacity whatsoev-  
19 er, any person, who has been convicted of a felony, or any of the  
20 following offenses, who has not subsequent to such conviction received  
21 an executive pardon therefor removing any civil disabilities incurred  
22 thereby, a certificate of [~~relief from disabilities or a certificate of~~  
23 ~~good conduct~~] restoration pursuant to article twenty-three of the  
24 correction law, or other relief from disabilities provided by law, or  
25 the written approval of the state liquor authority permitting such  
26 employment, to wit:

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

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

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

31 (d) Unlawful entry of a building;

32 (e) Aiding escape from prison;

33 (f) Unlawfully possessing or distributing habit forming narcotic  
34 drugs;

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

39 (h) Vagrancy or prostitution; or

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

42 If, as hereinabove provided, the state liquor authority issues its  
43 written approval for the employment by a licensee, in a specified capac-  
44 ity, of a person previously convicted of a felony or any of the offenses  
45 above enumerated, such person, may, unless he or she is subsequently  
46 convicted of a felony or any of such offenses, thereafter be employed in  
47 the same capacity by any other licensee without the further written  
48 approval of the authority unless the prior approval given by the author-  
49 ity is terminated.

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

52 As used in this subdivision, "recreational facility" shall mean: (i)  
53 premises that are part of a facility the principal business of which  
54 shall be the providing of recreation in the form of golf, tennis, swim-  
55 ming, skiing or boating; and (ii) premises in which the principal busi-  
56 ness shall be the operation of a theatre, concert hall, opera house,

1 bowling establishment, excursion and sightseeing vessel, or accommo-  
2 dation of athletic events, sporting events, expositions and other simi-  
3 lar events or occasions requiring the accommodation of large gatherings  
4 of persons.

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

8 (d) A statement that such applicant or the applicant's spouse has not  
9 been convicted of a crime addressed by the provisions of section one  
10 hundred twenty-six of this article which would forbid the applicant  
11 (including any officers, directors, shareholders or partners listed in  
12 the statement of identity under paragraph (a) of this subdivision or the  
13 spouse of such person) or the applicant's spouse to traffic in alcoholic  
14 beverages, a statement whether or not the applicant (including any offi-  
15 cers, directors, shareholders or partners listed in the statement of  
16 identity under paragraph (a) of this subdivision or the spouse of any  
17 such person) or the applicant's spouse is an official described in  
18 section one hundred twenty-eight of this article, and a description of  
19 any crime that the applicant (including any officers, directors, share-  
20 holders or partners listed under paragraph (a) of this subdivision or  
21 the spouse of any such person) or the applicant's spouse has been  
22 convicted of and whether such person has received a pardon, certificate  
23 of [~~good conduct or certificate of relief from disabilities~~]  
24 restoration; provided, however, that no person shall be denied any  
25 license solely on the grounds that such person is the spouse of a person  
26 otherwise disqualified from holding a license under this chapter.

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

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

43 1-a. Notwithstanding the provision of subdivision one of this section,  
44 a corporation holding a license to traffic in alcoholic beverages shall  
45 not, upon conviction of a felony or any of the misdemeanors or offenses  
46 described in subdivision one of this section, be automatically forbidden  
47 to traffic in alcoholic beverages, but the application for a license by  
48 such a corporation shall be subject to denial, and the license of such a  
49 corporation shall be subject to revocation or suspension by the authori-  
50 ty pursuant to section one hundred eighteen of this [~~chapter~~] article,  
51 consistent with the provisions of article twenty-three-A of the  
52 correction law. For any felony conviction by a court other than a court  
53 of this state, the authority may request the department of corrections  
54 and community supervision to investigate and review the facts and  
55 circumstances concerning such a conviction, and such department shall,  
56 if so requested, submit its findings to the authority as to whether the

1 corporation has conducted itself in a manner such that discretionary  
2 review by the authority would not be inconsistent with the public inter-  
3 est. The department of corrections and community supervision may charge  
4 the licensee or applicant a fee equivalent to the expenses of an appro-  
5 priate investigation under this subdivision. For any conviction rendered  
6 by a court of this state, the authority may request the corporation, if  
7 the corporation is eligible for a certificate of [~~relief from disabili-~~  
8 ~~ties~~] restoration, to seek such a certificate [~~from the court which~~  
9 ~~rendered the conviction~~] in accordance with article twenty-three of the  
10 correction law and to submit such a certificate as part of the authori-  
11 ty's discretionary review process.

12 4. A copartnership or a corporation, unless each member of the part-  
13 nership, or each of the principal officers and directors of the corpo-  
14 ration, is a citizen of the United States or an alien lawfully admitted  
15 for permanent residence in the United States, not less than twenty-one  
16 years of age, and has not been convicted of any felony or any of the  
17 misdemeanors, specified in section eleven hundred forty-six of the  
18 former penal law as in force and effect immediately prior to September  
19 first, nineteen hundred sixty-seven, or of an offense defined in section  
20 230.20 or 230.40 of the penal law, or if so convicted has received,  
21 subsequent to such conviction, an executive pardon therefor removing  
22 this disability, a certificate of [~~good conduct granted by the depart-~~  
23 ~~ment of corrections and community supervision, or a certificate of~~  
24 ~~relief from disabilities~~] restoration granted by the department of  
25 corrections and community supervision or a court of this state pursuant  
26 to the provisions of article twenty-three of the correction law to  
27 remove the disability under this section because of such conviction;  
28 provided however that a corporation which otherwise conforms to the  
29 requirements of this section and chapter may be licensed if each of its  
30 principal officers and more than one-half of its directors are citizens  
31 of the United States or aliens lawfully admitted for permanent residence  
32 in the United States; and provided further that a corporation organized  
33 under the not-for-profit corporation law or the education law which  
34 otherwise conforms to the requirements of this section and chapter may  
35 be licensed if each of its principal officers and more than one-half of  
36 its directors are not less than twenty-one years of age and none of its  
37 directors are less than eighteen years of age; and provided further that  
38 a corporation organized under the not-for-profit corporation law or the  
39 education law and located on the premises of a college as defined by  
40 section two of the education law which otherwise conforms to the  
41 requirements of this section and chapter may be licensed if each of its  
42 principal officers and each of its directors are not less than eighteen  
43 years of age.

44 § 14. Subdivision 4 of section 96-z-3 of the agriculture and markets  
45 law, as amended by section 4 of part LL of chapter 56 of the laws of  
46 2010, is amended to read as follows:

47 (4) applicant, an officer, director, partner, or holder of ten per  
48 centum or more of the voting stock of an applicant has been convicted of  
49 a felony by a court of the United States or any state or territory ther-  
50 eof, without subsequent pardon by the governor or other appropriate  
51 authority of the state or jurisdiction in which such conviction  
52 occurred, or the receipt of a certificate of [~~relief from disabilities~~  
53 ~~or a certificate of good conduct~~] restoration pursuant to article twen-  
54 ty-three of the correction law,

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

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

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

15 (c) If a person convicted of a felony or crime deemed hereby to be a  
16 felony is subsequently pardoned by the governor of the state where such  
17 conviction was had, or by the president of the United States, or shall  
18 receive a certificate of [~~relief from disabilities or a certificate of~~  
19 ~~good conduct~~] restoration pursuant to article twenty-three of the  
20 correction law for the purpose of removing the disability under this  
21 section because of such conviction, the board may, in its discretion, on  
22 application of such person, and on the submission to it of satisfactory  
23 evidence, restore to such person the right to practice nursing home  
24 administration in this state.

25 § 17. Section 3454 of the public health law, as amended by section 22  
26 of part LL of chapter 56 of the laws of 2010, is amended to read as  
27 follows:

28 § 3454. Restoration of licenses after conviction of a felony. If a  
29 person convicted of a felony or crime deemed to be a felony is subse-  
30 quently pardoned by the governor of the state where such conviction was  
31 had or by the president of the United States, or shall receive a certifi-  
32 cate of [~~relief from disabilities or a certificate of good conduct~~]  
33 restoration pursuant to article twenty-three of the correction law to  
34 remove the disability under this section because of such conviction, the  
35 commissioner may, in his or her discretion, on application of such  
36 person, and on the submission to him or her of satisfactory evidence,  
37 restore to such person the right to practice in this state.

38 § 18. Paragraph (a) of subdivision 2 of section 3510 of the public  
39 health law, as added by chapter 175 of the laws of 2006, is amended to  
40 read as follows:

41 (a) No person convicted of a felony shall continue to hold a license  
42 to practice radiologic technology, unless he or she has been granted an  
43 executive pardon, a certificate of [~~relief from disabilities or a~~  
44 ~~certificate of good conduct~~] restoration for such felony and, the  
45 commissioner, in his or her discretion, restores the license after  
46 determining that the individual does not pose a threat to patient health  
47 and safety.

48 § 19. Paragraph b of subdivision 5 of section 84-a of the town law, as  
49 amended by section 10 of part LL of chapter 56 of the laws of 2010, is  
50 amended to read as follows:

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

53 STATEMENT OF ABSENTEE VOTER

54 I do declare that I will have been a citizen of the United States for  
55 thirty days, and will be at least eighteen years of age, on the date of  
56 the special town election; that I will have been a resident of this

1 state and of the town shown on the reverse side of this envelope for  
 2 thirty days next preceding the said election; that I am or on such date  
 3 will be, a registered voter of said town; that I will be unable to  
 4 appear personally on the day of said special town election at the poll-  
 5 ing place of the election district in which I am or will be a qualified  
 6 voter because of the reason stated on my application heretofore submit-  
 7 ted; that I have not qualified, or do I intend to vote, elsewhere than  
 8 as set forth on the reverse side of this envelope; that I have not  
 9 received or offered, do not expect to receive, have not paid, offered or  
 10 promised to pay, contributed, offered or promised to contribute to  
 11 another to be paid or used, any money or other valuable thing, as a  
 12 compensation or reward for the giving or withholding of a vote at this  
 13 special town election, and have not made any promise to influence the  
 14 giving or withholding of any such votes; that I have not made or become  
 15 directly or indirectly interested in any bet or wager depending upon the  
 16 result of this special town election; and that I have not been convicted  
 17 of bribery or any infamous crime, or, if so convicted, that I have been  
 18 pardoned or restored to all the rights of a citizen, without restriction  
 19 as to the right of suffrage, or received a certificate of [~~relief from~~  
 20 ~~disabilities or a certificate of good conduct~~] restoration pursuant to  
 21 article twenty-three of the correction law removing my disability to  
 22 register and vote or my maximum sentence of imprisonment has expired.

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

27 Date..... Signature of Voter.....

28 § 20. Paragraph b of subdivision 5 of section 175-b of the town law,  
 29 as amended by section 11 of part LL of chapter 56 of the laws of 2010,  
 30 is amended to read as follows:

31 b. On the reverse side of such envelope shall be printed the follow-  
 32 ing statement:

33 STATEMENT OF ABSENTEE VOTER

34 I do declare that I will have been a citizen of the United States for  
 35 thirty days, and will be at least eighteen years of age, on the date of  
 36 the district election; that I will have been a resident of this state  
 37 and of the district if any, shown on the reverse side of this envelope  
 38 for thirty days next preceding the said election and that I am or on  
 39 such date will be, a registered voter of said district; that I will be  
 40 unable to appear personally on the day of said district election at the  
 41 polling place of the said district in which I am or will be a qualified  
 42 voter because of the reason stated on my application heretofore submit-  
 43 ted; that I have not qualified, or do I intend to vote, elsewhere than  
 44 as set forth on the reverse side of this envelope; that I have not  
 45 received or offered, do not expect to receive, have not paid, offered or  
 46 promised to pay, contributed, offered or promised to contribute to  
 47 another to be paid or used, any money or other valuable thing, as a  
 48 compensation or reward for the giving or withholding of a vote at this  
 49 district election, and have not made any promise to influence the giving  
 50 or withholding of any such votes; that I have not made or become direct-  
 51 ly or indirectly interested in any bet or wager depending upon the  
 52 result of this district election; and that I have not been convicted of  
 53 bribery or any infamous crime, or, if so convicted, that I have been  
 54 pardoned or restored to all the rights of a citizen, without restriction  
 55 as to the right of suffrage, or received a certificate of [~~relief from~~  
 56 ~~disabilities or a certificate of good conduct~~] restoration pursuant to

1 article twenty-three of the correction law removing my disability to  
2 register and vote or my maximum sentence of imprisonment has expired.

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

7 Date.....Signature of Voter.....

8 § 21. Paragraph b of subdivision 5 of section 213-b of the town law,  
9 as amended by section 12 of part LL of chapter 56 of the laws of 2010,  
10 is amended to read as follows:

11 b. On the reverse side of such envelope shall be printed the follow-  
12 ing statement:

13 STATEMENT OF ABSENTEE VOTER

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

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

43 Date..... Signature of Voter .....

44 § 22. Paragraph b of subdivision 5 of section 2018-a of the education  
45 law, as amended by section 8 of part LL of chapter 56 of the laws of  
46 2010, is amended to read as follows:

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

49 STATEMENT OF ABSENTEE VOTER

50 I do declare that I am a citizen of the United States, and will be at  
51 least eighteen years of age, on the date of the school district  
52 election; that I will have been a resident of this state and of the  
53 school district and school election district, if any, shown on the

1 reverse side of this envelope for thirty days next preceding the said  
 2 election and duly registered in the school district and school election  
 3 district, if any, shown on the reverse side of this envelope and that I  
 4 am or on such date will be, a qualified voter of said school district;  
 5 that I will be unable to appear personally on the day of said school  
 6 district election at the polling place of the said district in which I  
 7 am or will be a qualified voter because of the reason stated on my  
 8 application heretofore submitted; that I have not qualified, or do I  
 9 intend to vote, elsewhere than as set forth on the reverse side of this  
 10 envelope; that I have not received or offered, do not expect to receive,  
 11 have not paid, offered or promised to pay, contributed, offered or prom-  
 12 ised to contribute to another to be paid or used, any money or other  
 13 valuable thing, as a compensation or reward for the giving or withhold-  
 14 ing of a vote at this school district election, and have not made any  
 15 promise to influence the giving or withholding of any such votes; that I  
 16 have not made or become directly or indirectly interested in any bet or  
 17 wager depending upon the result of this school district election; and  
 18 that I have not been convicted of bribery or any infamous crime, or, if  
 19 so convicted, that I have been pardoned or restored to all the rights of  
 20 a citizen, without restriction as to the right of suffrage, or received  
 21 a certificate of [~~relief from disabilities or a certificate of good~~  
 22 ~~conduct~~] restoration pursuant to article twenty-three of the correction  
 23 law removing my disability to register and vote or my maximum sentence  
 24 of imprisonment has expired.

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

29 Date.....Signature of Voter .....

30 § 23. Paragraph b of subdivision 6 of section 2018-b of the education  
 31 law, as amended by section 9 of part LL of chapter 56 of the laws of  
 32 2010, is amended to read as follows:

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

35 STATEMENT OF ABSENTEE VOTER

36 I do declare that I am a citizen of the United States, and will be at  
 37 least eighteen years of age on the date of the school district election;  
 38 that I will have been a resident of this state and of the school  
 39 district and school election district, if any, shown on the reverse side  
 40 of this envelope for thirty days next preceding the said election and  
 41 that I am or on such date will be, a qualified voter of said school  
 42 district; that I will be unable to appear personally on the day of said  
 43 school district election at the polling place of the said district in  
 44 which I am or will be a qualified voter because of the reason stated on  
 45 my application heretofore submitted; that I have not qualified, or do I  
 46 intend to vote, elsewhere than as set forth on the reverse side of this  
 47 envelope; that I have not received or offered, do not expect to receive,  
 48 have not paid, offered or promised to pay, contributed, offered or prom-  
 49 ised to contribute to another to be paid or used, any money or other  
 50 valuable thing, as a compensation or reward for the giving or withhold-  
 51 ing of a vote at this school district election, and have not made any  
 52 promise to influence the giving or withholding of any such votes; that I

1 have not made or become directly or indirectly interested in any bet or  
 2 wager depending upon the result of this school district election; and  
 3 that I have not been convicted of bribery or any infamous crime, or, if  
 4 so convicted, that I have been pardoned or restored to all the rights of  
 5 a citizen, without restriction as to the right of suffrage, or have  
 6 received a certificate of [~~relief from disabilities or a certificate of~~  
 7 ~~good conduct~~] restoration pursuant to article twenty-three of the  
 8 correction law removing my disability to vote or my maximum sentence of  
 9 imprisonment has expired.

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

14 Date.....Signature of Voter .....

15 § 24. Subdivision 2 of section 69-o of the general business law, as  
 16 amended by chapter 575 of the laws of 1993, is amended to read as  
 17 follows:

18 2. After the filing of an applicant's fingerprint cards, the secretary  
 19 of state shall forward such fingerprints to the division of criminal  
 20 justice services to be compared with the fingerprints on file with the  
 21 division of criminal justice services in order to ascertain whether the  
 22 applicant has been convicted of a felony involving fraud, bribery,  
 23 perjury or theft pursuant to article one hundred forty, one hundred  
 24 fifty-five, one hundred sixty, one hundred sixty-five, one hundred  
 25 seventy, one hundred seventy-five, one hundred seventy-six, one hundred  
 26 eighty, one hundred eighty-five, one hundred ninety, one hundred nine-  
 27 ty-five, two hundred or two hundred ten of the penal law; or has a crim-  
 28 inal action which has been pending for such a felony for under one year  
 29 without a final disposition unless adjourned in contemplation of  
 30 dismissal; provided, however, that for the purposes of this article,  
 31 none of the following shall be considered criminal convictions or  
 32 reported as such:

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

37 (b) A conviction the records of which have been expunged or sealed  
 38 pursuant to the applicable provisions of the laws of this state or of  
 39 any other jurisdiction; or

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

43 The division of criminal justice services shall retain the fingerprint  
 44 cards and return the report of such convictions or pending cases, if  
 45 any, to the secretary of state who shall retain them in a confidential  
 46 file for no more than one year, after which time such report shall be  
 47 destroyed.

48 The secretary of state shall deny the application of any individual  
 49 convicted of a felony involving fraud, bribery, perjury or theft pursu-  
 50 ant to article one hundred forty, one hundred fifty-five, one hundred  
 51 sixty, one hundred sixty-five, one hundred seventy, one hundred seven-  
 52 ty-five, one hundred seventy-six, one hundred eighty, one hundred eight-  
 53 y-five, one hundred ninety, one hundred ninety-five, two hundred or two

1 hundred ten of the penal law; or has a criminal action which has been  
2 pending for such a felony for under one year without a final disposition  
3 unless adjourned in contemplation of dismissal; provided, however, that  
4 for the purposes of this article, none of the following shall be consid-  
5 ered criminal convictions or reported as such:

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

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

13 (iii) A conviction for which [~~a certificate of relief from disabili-~~  
14 ~~ties or~~] a certificate of [~~good conduct~~] restoration has been issued  
15 pursuant to article twenty-three of the correction law.

16 § 25. Subdivision 1 of section 81 of the general business law, as  
17 amended by section 14 of part LL of chapter 56 of the laws of 2010, is  
18 amended to read as follows:

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

26 No holder of any unexpired license certificate issued pursuant to this  
27 article shall knowingly employ in connection with his or its business in  
28 any capacity whatsoever, any person who has been convicted of a felony  
29 or any of the offenses specified in subdivision two of section seventy-  
30 four of this article, and who has not subsequent to such conviction  
31 received executive pardon therefor removing this disability, or received  
32 a certificate of [~~relief from disabilities or a certificate of good~~  
33 ~~conduct~~] restoration pursuant to article twenty-three of the correction  
34 law to remove the disability under this section because of such a  
35 conviction, or any person whose private detective or investigator's  
36 license or bail enforcement agent's license was revoked or application  
37 for such license was denied by the department of state or by the author-  
38 ities of any other state or territory because of conviction of any of  
39 such offenses. Should the holder of an unexpired license certificate  
40 falsely state or represent that a person is or has been in his employ,  
41 such false statement or misrepresentation shall be sufficient cause for  
42 the revocation of such license. Any person falsely stating or represent-  
43 ing that he is or has been a detective or employed by a detective agency  
44 or that he is or has been a bail enforcement agent or employed by a bail  
45 enforcement agency shall be guilty of a misdemeanor.

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

49 5. Possession of a rifle or shotgun by a person other than a person  
50 who has been convicted of a class A-I felony or a violent felony  
51 offense, as defined in subdivision one of section 70.02 of this chapter,  
52 who has been convicted as specified in subdivision four of section  
53 265.01 of this article to whom a certificate of [~~good conduct~~] restora-  
54 tion has been issued [~~pursuant to section seven hundred three-b of the~~  
55 ~~correction law~~].

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

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

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

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

25 § 29. The closing paragraph of section 79-a of the civil rights law,  
26 as amended by chapter 687 of the laws of 1973, is amended to read as  
27 follows:

28 Nothing in this section shall be deemed to preclude the issuance of a  
29 certificate of [~~good conduct~~] restoration by the board of parole or  
30 sentencing court pursuant to law to a person who previously has been  
31 sentenced to imprisonment for life.

32 § 30. Paragraph (a) of subdivision 1 of section 20-438 of the adminis-  
33 trative code of the city of New York is amended to read as follows:

34 (a) Issuance of licenses to conduct games of chance. If such depart-  
35 ment shall determine that the applicant is duly qualified to be licensed  
36 to conduct games of chance under this subchapter; that the members of  
37 the applicant designated in the application to conduct games of chance  
38 are bona fide active members of the applicant and are persons of good  
39 moral character and have never been convicted of a crime, or, if  
40 convicted, have received a pardon or a certificate of [~~good conduct~~]  
41 restoration; that such games are to be conducted in accordance with the  
42 provisions of this subchapter and in accordance with the rules and regu-  
43 lations of the board and that the proceeds thereof are to be disposed of  
44 as provided by this subchapter; and if such department is satisfied that  
45 no commission, salary, compensation, reward or recompense whatever will  
46 be paid or given to any person holding, operating or conducting or  
47 assisting in the holding, operation and conduct of any such games except  
48 as in this subchapter otherwise provided; and that no prize will be  
49 given in excess of the sum or value of one hundred dollars in any single  
50 game and that the aggregate of all prizes given on one occasion, under  
51 said license shall not exceed the sum or value of one thousand dollars,  
52 the department shall issue a license to the applicant for the conduct of  
53 games of chance upon payment of a license fee of twenty-five dollars for  
54 each license period.

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

4 (a) Except as provided in paragraphs (b) and (d) of this subdivision,  
5 anything contained in this section or in a certificate of [~~relief from~~  
6 ~~disabilities or a certificate of good conduct~~] restoration issued pursu-  
7 ant to article twenty-three of the correction law to the contrary  
8 notwithstanding, a hospital operating certificate of a hospital under  
9 control of a controlling person as defined in paragraph (a) of subdivi-  
10 sion twelve of section twenty-eight hundred one-a of this article, or  
11 under control of any other entity, shall be revoked upon a finding by  
12 the department that such controlling person or any individual, member of  
13 a partnership or shareholder of a corporation to whom or to which an  
14 operating certificate has been issued, has been convicted of a class A,  
15 B or C felony, or a felony related in any way to any activity or program  
16 subject to the regulations, supervision, or administration of the  
17 department or of the office of temporary and disability assistance or in  
18 violation of the public officers law in a court of competent jurisdic-  
19 tion in the state, or of a crime outside the state which, if committed  
20 within the state, would have been a class A, B or C felony or a felony  
21 related in any way to any activity or program subject to the regu-  
22 lations, supervision, or administration of the department or of the  
23 office of temporary and disability assistance or in violation of the  
24 public officers law.

25 § 32. Paragraph (a) of subdivision 1 and paragraph (a) of subdivision  
26 2 of section 509-c of the vehicle and traffic law, paragraph (a) of  
27 subdivision 1 as amended by section 25 and paragraph (a) of subdivision  
28 2 as amended by section 26 of part LL of chapter 56 of the laws of 2010,  
29 are amended to read as follows:

30 (a) permanently, if that person has been convicted of or forfeited  
31 bond or collateral which forfeiture order has not been vacated or the  
32 subject of an order of remission upon a violation of section 130.30,  
33 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an  
34 offense committed under a former section of the penal law which would  
35 constitute a violation of the aforesaid sections of the penal law or any  
36 offense committed outside of this state which would constitute a  
37 violation of the aforesaid sections of the penal law, provided, however,  
38 the provisions of this paragraph shall not apply to convictions, suspen-  
39 sions or revocations or forfeitures of bonds for collateral upon any of  
40 the charges listed in this paragraph for violations which occurred prior  
41 to September first, nineteen hundred seventy-four committed by a person  
42 employed as a bus driver on September first, nineteen hundred seventy-  
43 four. However, such disqualification may be waived provided that five  
44 years have expired since the applicant was discharged or released from a  
45 sentence of imprisonment imposed pursuant to conviction of an offense  
46 that requires disqualification under this paragraph and that the appli-  
47 cant shall have been granted a certificate of [~~relief from disabilities~~  
48 ~~or a certificate of good conduct~~] restoration pursuant to article twen-  
49 ty-three of the correction law.

50 (a) permanently, if that person has been convicted of or forfeited  
51 bond or collateral which forfeiture order has not been vacated or the  
52 subject of an order of remission upon a violation committed prior to  
53 September fifteenth, nineteen hundred eighty-five, of section 130.30,  
54 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an  
55 offense committed under a former section of the penal law which would  
56 constitute a violation of the aforesaid sections of the penal law or any

1 offense committed outside of this state which would constitute a  
2 violation of the aforesaid sections of the penal law. However, such  
3 disqualification may be waived provided that five years have expired  
4 since the applicant was discharged or released from a sentence of impri-  
5 sonment imposed pursuant to conviction of an offense that requires  
6 disqualification under this paragraph and that the applicant shall have  
7 been granted a certificate of [~~relief from disabilities or a certificate~~  
8 ~~of good conduct~~] restoration pursuant to article twenty-three of the  
9 correction law.

10 § 33. Paragraph (a) and subparagraph (i) of paragraph (b) of subdivi-  
11 sion 1 and paragraphs (a) and (b) and subparagraph (i) of paragraph (c)  
12 of subdivision 2 of section 509-cc of the vehicle and traffic law, as  
13 added by chapter 675 of the laws of 1985, subparagraphs (i), (ii) and  
14 (iii) of paragraph (a) and subparagraph (i) of paragraph (b) of subdivi-  
15 sion 1 as amended by section 27 and paragraphs (a) and (b) and subpara-  
16 graph (i) of paragraph (c) of subdivision 2 as amended by section 28 of  
17 part LL of chapter 56 of the laws of 2010, are amended to read as  
18 follows:

19 (a) permanently, if that person

20 (i) has been convicted of or forfeited bond or collateral which  
21 forfeiture order has not been vacated or the subject of an order of  
22 remission upon a violation committed prior to September fifteenth, nine-  
23 teen hundred eighty-five, of section 130.30, 130.35, 130.45, 130.50,  
24 130.60, or 130.65 of the penal law, or an offense committed under a  
25 former section of the penal law which would constitute a violation of  
26 the aforesaid sections of the penal law or any offense committed outside  
27 of this state which would constitute a violation of the aforesaid  
28 sections of the penal law, provided, however, the provisions of this  
29 subparagraph shall not apply to convictions, suspensions or revocations  
30 or forfeitures of bonds for collateral upon any of the charges listed in  
31 this subparagraph for violations which occurred prior to September  
32 first, nineteen hundred seventy-four committed by a person employed as a  
33 bus driver on September first, nineteen hundred seventy-four. However,  
34 such disqualification may be waived provided that five years have  
35 expired since the applicant was discharged or released from a sentence  
36 of imprisonment imposed pursuant to conviction of an offense that  
37 requires disqualification under this paragraph and that the applicant  
38 shall have been granted a certificate of [~~relief from disabilities or a~~  
39 ~~certificate of good conduct~~] restoration pursuant to article twenty-  
40 three of the correction law. When the certificate is issued by a court  
41 for a conviction which occurred in this state, it shall only be issued  
42 by the court having jurisdiction over such conviction. Such certificate  
43 shall specifically indicate that the authority granting such certificate  
44 has considered the bearing, if any, the criminal offense or offenses for  
45 which the person was convicted will have on the applicant's fitness or  
46 ability to operate a bus transporting school children to the applicant's  
47 prospective employment, prior to granting such a certificate; or

48 (ii) has been convicted of an offense listed in paragraph (a) of  
49 subdivision four of this section that was committed on or after Septem-  
50 ber fifteenth, nineteen hundred eighty-five. However, such disqualifica-  
51 tion may be waived by the commissioner provided that five years have  
52 expired since the applicant was discharged or released from a sentence  
53 of imprisonment imposed pursuant to conviction of an offense that  
54 requires disqualification under this paragraph and that the applicant  
55 shall have been granted a certificate of [~~relief from disabilities or a~~  
56 ~~certificate of good conduct~~] restoration pursuant to article twenty-

1 three of the correction law. When the certificate is issued by a court  
2 for a conviction which occurred in this state, it shall only be issued  
3 by the court having jurisdiction over such conviction. Such certificate  
4 shall specifically indicate that the authority granting such certificate  
5 has considered the bearing, if any, the criminal offense or offenses for  
6 which the person was convicted will have on the applicant's fitness or  
7 ability to operate a bus transporting school children, prior to granting  
8 such a certificate; or

9 (iii) has been convicted of an offense listed in paragraph (b) of  
10 subdivision four of this section that was committed on or after Septem-  
11 ber fifteenth, nineteen hundred eighty-five. However, such disqualifica-  
12 tion shall be waived provided that five years have expired since the  
13 applicant discharged or released from a sentence of imprisonment imposed  
14 pursuant to conviction of an offense that requires disqualification  
15 under this paragraph and that the applicant shall have been granted a  
16 certificate of [~~relief from disabilities or a certificate of good~~  
17 ~~conduct~~] restoration pursuant to article twenty-three of the correction  
18 law. When the certificate is issued by a court for a conviction which  
19 occurred in this state, it shall only be issued by the court having  
20 jurisdiction over such conviction. Such certificate shall specifically  
21 indicate that the authority granting such certificate has considered the  
22 bearing, if any, the criminal offense or offenses for which the person  
23 was convicted will have on the applicant's fitness or ability to operate  
24 a bus transporting school children, prior to granting such a certifi-  
25 cate. Provided, however, that at the discretion of the commissioner,  
26 the certificate of relief from disabilities may remove disqualification  
27 at any time; or

28 (i) has been convicted within the preceding five years of an offense  
29 listed in paragraph (c) of subdivision four of this section that was  
30 committed on or after September fifteenth, nineteen hundred eighty-five.  
31 However, such disqualification shall be waived provided that the appli-  
32 cant has been granted a certificate of [~~relief from disabilities or a~~  
33 ~~certificate of good conduct~~] restoration pursuant to article twenty-  
34 three of the correction law. When the certificate is issued by a court  
35 for a conviction which occurred in this state, it shall only be issued  
36 by the court having jurisdiction over such conviction. Such certificate  
37 shall specifically indicate that the authority granting such certificate  
38 has considered the bearing, if any, the criminal offense or offenses for  
39 which the person was convicted will have on the applicant's fitness or  
40 ability to operate a bus transporting school children, prior to granting  
41 such a certificate;

42 (a) permanently, if that person has been convicted of an offense list-  
43 ed in paragraph (a) of subdivision four of this section. However, such  
44 disqualification may be waived by the commissioner provided that five  
45 years have expired since the applicant was discharged or released from a  
46 sentence of imprisonment imposed pursuant to conviction of an offense  
47 that requires disqualification under this paragraph and that the appli-  
48 cant shall have been granted a certificate of [~~relief from disabilities~~  
49 ~~or a certificate of good conduct~~] restoration pursuant to article twen-  
50 ty-three of the correction law. When the certificate is issued by a  
51 court for a conviction which occurred in this state, it shall only be  
52 issued by the court having jurisdiction over such conviction. Such  
53 certificate shall specifically indicate that the authority granting such  
54 certificate has considered the bearing, if any, the criminal offense or  
55 offenses for which the person was convicted will have on the applicant's  
56 fitness or ability to operate a bus transporting school children to the

1 applicant's prospective employment, prior to granting such a certifi-  
2 cate.

3 (b) permanently, if that person has been convicted of an offense list-  
4 ed in paragraph (b) of subdivision four of this section. However, such  
5 disqualification shall be waived provided that five years have expired  
6 since the applicant was incarcerated pursuant to a sentence of imprison-  
7 ment imposed on conviction of an offense that requires disqualification  
8 under this paragraph and that the applicant shall have been granted a  
9 certificate of [~~relief from disabilities or a certificate of good~~  
10 ~~conduct~~] restoration pursuant to article twenty-three of the correction  
11 law. When the certificate is issued by a court for a conviction which  
12 occurred in this state, it shall only be issued by the court having  
13 jurisdiction over such conviction. Such certificate shall specifically  
14 indicate that the authority granting such certificate has considered the  
15 bearing, if any, the criminal offense or offenses for which the person  
16 was convicted will have on the applicant's fitness or ability to operate  
17 a bus transporting school children, prior to granting such a certifi-  
18 cate. Provided, however, that at the discretion of the commissioner the  
19 certificate of [~~relief from disabilities or a certificate of good~~  
20 ~~conduct~~] restoration pursuant to article twenty-three of the correction  
21 law may remove disqualification at any time.

22 (i) has been convicted within the preceding five years of an offense  
23 listed in paragraph (c) of subdivision four of this section. However,  
24 notwithstanding the provisions of subdivision three of section seven  
25 hundred one of the correction law [~~Such~~], such disqualification shall  
26 be waived provided that the applicant has been granted a certificate of  
27 [~~relief from disabilities or a certificate of good conduct~~] restoration  
28 pursuant to article twenty-three of the correction law. When the certifi-  
29 cate is issued by a court for a conviction which occurred in this  
30 state, it shall only be issued by the court having jurisdiction over  
31 such conviction. Such certificate shall specifically indicate that the  
32 authority granting such certificate has considered the bearing, if any,  
33 the criminal offense or offenses for which the person was convicted will  
34 have on the applicant's fitness or ability to operate a bus transporting  
35 school children, prior to granting such a certificate.

36 § 34. Subparagraph (iii) of paragraph d of subdivision 6 of section  
37 510 of the vehicle and traffic law, as amended by section 29 of part LL  
38 of chapter 56 of the laws of 2010, is amended to read as follows:

39 (iii) after such documentation, if required, is accepted, that such  
40 person is granted a certificate of [~~relief from disabilities or a~~  
41 ~~certificate of good conduct~~] restoration pursuant to article twenty-  
42 three of the correction law by the court in which such person was last  
43 penalized.

44 § 35. Subparagraph (iii) of paragraph (c) of subdivision 2 of section  
45 510-a of the vehicle and traffic law, as amended by section 30 of part  
46 LL of chapter 56 of the laws of 2010, is amended to read as follows:

47 (iii) after such documentation, if required, is accepted, that such  
48 person is granted a certificate of [~~relief from disabilities or a~~  
49 ~~certificate of good conduct~~] restoration pursuant to article twenty-  
50 three of the correction law by the court in which such person was last  
51 penalized.

52 § 36. Subdivision 5 of section 530 of the vehicle and traffic law, as  
53 amended by section 31 of part LL of chapter 56 of the laws of 2010, is  
54 amended to read as follows:

55 (5) A restricted use license or privilege shall be valid for the oper-  
56 ation of any motor vehicle, except a vehicle for hire as a taxicab,

1 livery, coach, limousine, van or wheelchair accessible van or tow truck  
2 as defined in this chapter subject to the conditions set forth herein,  
3 which the holder would otherwise be entitled to operate had his drivers  
4 license or privilege not been suspended or revoked. Notwithstanding  
5 anything to the contrary in a certificate of [~~relief from disabilities~~  
6 ~~or a certificate of good conduct~~] restoration issued pursuant to article  
7 twenty-three of the correction law, a restricted use license shall not  
8 be valid for the operation of a commercial motor vehicle. A restricted  
9 use license shall not be valid for the operation of a vehicle for hire  
10 as a taxicab, livery, coach, limousine, van or wheelchair accessible van  
11 or tow truck where the holder thereof had his or her drivers license  
12 suspended or revoked and (i) such suspension or revocation is mandatory  
13 pursuant to the provisions of subdivision two or two-a of section five  
14 hundred ten of this title; or (ii) any such suspension is permissive for  
15 habitual or persistent violations of this chapter or any local law  
16 relating to traffic as set forth in paragraph d or i of subdivision  
17 three of section five hundred ten of this title; or (iii) any such  
18 suspension is permissive and has been imposed by a magistrate, justice  
19 or judge of any city, town or village, any supreme court justice, any  
20 county judge, or judge of a district court. Except for a commercial  
21 motor vehicle as defined in subdivision four of section five hundred  
22 one-a of this title, the restrictions on types of vehicles which may be  
23 operated with a restricted license contained in this subdivision shall  
24 not be applicable to a restricted license issued to a person whose  
25 license has been suspended pursuant to paragraph three of subdivision  
26 four-e of section five hundred ten of this title.

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

31 (ii) that such person is granted a certificate of [~~relief from disa-~~  
32 ~~bilities or a certificate of good conduct~~] restoration pursuant to arti-  
33 cle twenty-three of the correction law.

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

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

41 (iii) after such documentation is accepted, that such person is grant-  
42 ed a certificate of [~~relief from disabilities or a certificate of good~~  
43 ~~conduct~~] restoration pursuant to article twenty-three of the correction  
44 law.

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

48 (1) Notwithstanding anything to the contrary contained in a certif-  
49 icate of [~~relief from disabilities or a certificate of good conduct~~]  
50 restoration issued pursuant to article twenty-three of the correction  
51 law, where a suspension or revocation, other than a revocation required  
52 to be issued by the commissioner, is mandatory pursuant to paragraph (a)  
53 or (b) of this subdivision, the magistrate, justice or judge shall issue  
54 an order suspending or revoking such license upon sentencing, and the  
55 license holder shall surrender such license to the court. Except as

1 hereinafter provided, such suspension or revocation shall take effect  
2 immediately.

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

7 (iii) after such documentation is accepted, that such person is grant-  
8 ed a certificate of [~~relief from disabilities or a certificate of good~~  
9 ~~conduct~~] restoration pursuant to article twenty-three of the correction  
10 law.

11 § 41. Item (iii) of clause c of subparagraph 1 of paragraph (d) of  
12 subdivision 2 of section 1194 of the vehicle and traffic law, as amended  
13 by section 37 of part LL of chapter 56 of the laws of 2010, is amended  
14 to read as follows:

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

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

22 (g) Notwithstanding anything to the contrary contained in a certif-  
23 icate of [~~relief from disabilities or a certificate of good conduct~~]  
24 restoration issued pursuant to article twenty-three of the correction  
25 law, any conditional license or privilege issued to a person convicted  
26 of a violation of any subdivision of section eleven hundred ninety-two  
27 of this article shall not be valid for the operation of any commercial  
28 motor vehicle. In addition, no such conditional license or privilege  
29 shall be valid for the operation of a taxicab as defined in this chap-  
30 ter.

31 § 43. Whenever the term "certificate of good conduct" or "certificate  
32 of relief from disabilities" or any equivalent expression thereof is  
33 used in any provision of law, either such term shall be deemed to mean  
34 and refer to a certificate of restoration as established in this act.

35 § 44. Any certificate of relief from disabilities or certificate of  
36 good conduct issued prior to the effective date of this act shall be  
37 deemed the equivalent of a certificate of restoration and shall remain  
38 in full force and effect on and after the effective date of this act.  
39 Nothing in this act shall be read to invalidate a certificate of relief  
40 from disabilities or a certificate of good conduct issued prior to the  
41 effective date of this act.

42 § 45. This act shall take effect on the ninetieth day after it shall  
43 have become a law, provided that the amendments to subdivision 5 of  
44 section 530 of the vehicle and traffic law made by section thirty-six of  
45 this act shall not affect the expiration of such subdivision and shall  
46 be deemed to expire therewith.