STATE OF NEW YORK

S. 1505--C A. 2005--C

SENATE - ASSEMBLY

January 18, 2019

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

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

AN ACT intentionally omitted (Part A); intentionally omitted (Part B); intentionally omitted (Part C); intentionally omitted (Part D); to amend the civil service law, in relation to protection of the personal privacy of public employees (Part E); to amend the civil service law, in relation to the expiration of public arbitration panels (Part F); intentionally omitted (Part G); intentionally omitted (Part H); intentionally omitted (Part I); to amend the real property tax law, in relation to a class one reassessment exemption in a special assessing unit that is not a city (Part J); intentionally omitted (Part K); to amend chapter 22 of the laws of 2014, relating to expanding opportunities for service-disabled veteran-owned business enterprises, in relation to extending the provisions thereof (Part L); intentionally omitted (Part M); intentionally omitted (Part N); to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to the effectiveness thereof; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relat-

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

LBD12570-06-9

ing to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to the effectiveness thereof; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to the effectiveness thereof; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to the effectiveness thereof; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to the effectiveness thereof; to amend chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 62 of the laws of 2011, amending the correction law and the executive law relating to merging the department of correctional services and division of parole into the department of corrections and community supervision, in relation to the effectiveness thereof; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law of such chapter; to amend chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the civil practice law and rules and general filing fee provision and inmate property claims exhaustion requirement of the court of claims act of such chapter; to amend chapter 222 of the laws of 1994 constituting the family protection and domestic violence intervention act of 1994, in relation to extending the expiration of certain provisions of the criminal procedure law requiring the arrest of certain persons engaged in family violence; to amend chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, in relation to extending the expiration thereof; to amend chapter 688 of the laws of

2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, in relation to the effectiveness thereof; to amend chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, in relation to the effectiveness of such chapter; to amend chapter 152 of the laws of 2001 amending the military law relating to military funds of the organized militia, in relation to the effectiveness thereof; to amend chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to the effectiveness thereof; and to amend chapter 55 of the laws of 2018 amending the criminal procedure law relating to pre-criminal proceeding settlements in the city of New York, in relation to the effectiveness thereof (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); to amend the criminal procedure law, in relation to admissibility of a victim's sexual conduct in a sex offense (Part R); intentionally omitted (Part S); intentionally omitted (Part T); intentionally omitted (Part U); intentionally omitted (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); to amend the workers' compensation law, in relation to extending the board's authority to resolve medical bill disputes and simplify the process (Part CC); to amend section 14 of part J of chapter 62 of the laws of 2003, amending the county law and other laws relating to fees collected, in relation to certain fees collected by the office of court administration (Part DD); intentionally omitted (Part EE); authorizing the alienation of certain parklands in the town of Hastings, county of Oswego (Part FF); to amend the state finance law, in relation to authorizing use of centralized services by public authorities and public benefit corporations to acquire energy products as centralized services from the office of general services; to amend chapter 410 of the laws of 2009, amending the state finance law relating to authorizing the aggregate purchases of energy for state agencies, institutions, local governments, public authorities and public benefit corporations, in relation to the effectiveness thereof; and to amend part C of chapter 97 of the laws of 2011, amending the state finance law and other laws relating to providing certain centralized service to political subdivisions and extending the authority of the commissioner of general services to aggregate purchases of energy for state agencies and political subdivisions, in relation to the effectiveness thereof (Part GG); to amend the public buildings law, in relation to increasing the maximum contract amount during construction emergencies; and to amend chapter 674 of the laws of 1993, amending the public buildings law relating to value limitations on contracts, in relation to extending such provisions thereof (Part HH); to amend the banking law, in relation to licensing considerations for check cashers (Subpart A); to amend the education law, in relation to eligibility for serving on a New York city community district education council and city-wide council (Subpart B); to amend the executive law, in relation to licensing considerations for bingo suppliers (Subpart C); to amend the executive law, in relation to licensing consider-

ations for notary publics (Subpart D); to amend the general municipal law, in relation to licensing considerations for suppliers of games of chance, for games of chance licensees, for bingo licensees, and for lessors of premises to bingo licensees (Subpart E); to amend the insurance law, in relation to licensing considerations for insurer adjusters and for employment with insurance adjusters; and to repeal certain provisions of such law relating thereto (Subpart F); to amend the real property law, in relation to licensing considerations for real estate brokers or real estate salesmen (Subpart G); to amend the social services law, in relation to participation as employer in subsidized employer programs (Subpart H); to amend the vehicle and traffic law, in relation to eligibility for employment by a driver's school (Subpart I); to amend the correction law, in relation to a certificate of relief from a disability; and to repeal certain provisions of the vehicle and traffic law, relating to mandatory suspension of drivers' licenses for certain offenses (Subpart J); to amend the public officers law, in relation to prohibiting disclosure of law enforcement booking information and photographs (Subpart K); to amend the executive law and the judiciary law, in relation to exclusion of undisposed cases from criminal history record searches (Subpart L); directs the commissioner of the division of criminal justice services to seal certain records of any action or proceeding terminated in favor of the accused or convictions for certain traffic violations; and to amend the judiciary law, in relation to certain reports of criminal history record searches (Subpart M); to amend the executive law and the judiciary law, in relation to preventing employment discrimination against persons whose criminal charges have been adjourned in contemplation of dismissal (Subpart N); to amend the executive law, in relation to preventing employment discrimination against persons whose criminal charges have been adjourned in contemplation of dismissal (Subpart O); intentionally omitted (Subpart P) (Part II); intentionally omitted (Part JJ); to amend the penal law and the correction law, in relation to shock incarceration (Part KK); intentionally omitted (Part LL); intentionally omitted (Part MM); intentionally omitted (Part NN); to amend the penal law and the criminal procedure law, in relation to reducing certain sentences of imprisonment for misdemeanors to three hundred sixty-four days (Part OO); to amend the civil practice law and rules, the county law and the general municipal law, in relation to restricting forfeiture actions and creating greater accountability for seized assets; and to amend the criminal procedure law and the penal law, in relation to reporting certain demographic data (Part PP); intentionally omitted (Part QQ); to amend the executive law, in relation to requiring reports on the use of force (Part RR); to amend the civil practice law and rules, in relation to authorizing the Suffolk county clerk to charge a block fee (Part SS); in relation to the closure of correctional facilities; and providing for the repeal of such provisions upon expiration thereof (Part TT); intentionally omitted (Part UU); to amend chapter 507 of the laws of 2009, amending the real property actions and proceedings law and other laws relating to home mortgage loans, in relation to making provisions permanent relating to notice of foreclosure and mandatory settlement conferences in residential foreclosure actions (Part VV); to amend the penal law, in relation to sentencing in domestic violence cases (Part WW); to amend the election law, in relation to authorizing computer generated registration lists; in relation to the list of supplies to be delivered to poll sites (Part XX); to amend

the election law, in relation to time allowed for employees to vote (Part YY); to amend the executive law, in relation to requiring the establishment and regular updating of a model law enforcement use of force policy suitable for adoption by any law enforcement agency in the state (Part ZZ); to amend the election law, in relation to prohibiting certain loans to be made to candidates or political committees (Part AAA); to amend the election law, in relation to providing uniform polling hours during primary elections (Part BBB); and to amend the election law, in relation to enacting the Voter Enfranchisement Modernization Act of 2019; in relation to establishing the electronic personal voter registration process (Part CCC)

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

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2019-2020 state fiscal year. Each component is wholly contained within a Part identified as Parts A through CCC. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Intentionally Omitted

PART B

Intentionally Omitted

PART C

Intentionally Omitted

PART D

Intentionally Omitted

PART E

Section 1. Paragraphs (f) and (g) of subdivision 1 of section 209-a of the civil service law, as amended by chapter 244 of the laws of 2007, are amended to read as follows:

(f) to utilize any state funds appropriated for any purpose to train managers, supervisors or other administrative personnel regarding methods to discourage union organization or to discourage an employee from participating in a union organizing drive; [~~or~~] (g) to fail to permit or refuse to afford a public employee the right, upon the employee's demand, to representation by a representative of the employee organization, or the designee of such organization, which has been certified or

recognized under this article when at the time of questioning by the employer of such employee it reasonably appears that he or she may be the subject of a potential disciplinary action. If representation is requested, and the employee is a potential target of disciplinary action at the time of questioning, a reasonable period of time shall be afforded to the employee to obtain such representation. It shall be an affirmative defense to any improper practice charge under paragraph (g) of this subdivision that the employee has the right, pursuant to statute, interest arbitration award, collectively negotiated agreement, policy or practice, to present to a hearing officer or arbitrator evidence of the employer's failure to provide representation and to obtain exclusion of the resulting evidence upon demonstration of such failure. Nothing in this section shall grant an employee any right to representation by the representative of an employee organization in any criminal investigation**; or (h) to disclose home addresses, personal telephone numbers, personal cell phone numbers, personal e-mail addresses of a public employee, as the term "public employee" is defined in subdivision seven of section two hundred one of this article, except (i) where required pursuant to the provisions of this article, and (ii) to the extent compelled to do so by lawful service of process, subpoena, court order, or as otherwise required by law. This paragraph shall not prohibit other provisions of law regarding work-related, publicly available information such as title, salary, and dates of employment**.

§ 2. Subdivision 1 of section 208 of the civil service law is amended by adding a new paragraph (d) to read as follows:

(d) Unless otherwise specified by a collective bargaining agreement, upon the request of the employee organization, not more than quarterly, the employer shall provide the employee organization the name, address, job title, employing agency or department or other operating unit and work location of all employees of a bargaining unit.

§ 3. This act shall take effect immediately.

PART F

Section 1. Paragraph (d) of subdivision 4 of section 209 of the civil service law, as amended by section 1 of part L of chapter 57 of the laws of 2016, is amended to read as follows:

(d) The provisions of this subdivision shall expire July first, two thousand [~~nineteen~~] twenty-four.

§ 2. Paragraph (f) of subdivision 6 of section 209 of the civil service law, as amended by section 2 of part L of chapter 57 of the laws of 2016, is amended to read as follows:

(f) The provisions of this subdivision shall expire July first, two thousand [~~nineteen~~] twenty-four.

§ 3. This act shall take effect immediately.

PART G

Intentionally Omitted

PART H

Intentionally Omitted

PART I

Intentionally Omitted

PART J

Section 1. The real property tax law is amended by adding a new section 485-u to read as follows:

§ 485-u. Class one reassessment exemption. 1. Applicability. A special assessing unit that is not a city may, by local law, opt to provide a class one reassessment exemption as provided in this section. Such exemption shall apply in the same manner and to the same extent to county, town, special district and school district taxes levied on the assessment roll prepared by such special assessing unit.

2. Eligibility. The assessor shall, for the two thousand twenty--two thousand twenty-one final assessment roll and for the subsequent four years, apply an exemption as provided in this section to each property classified in class one pursuant to article eighteen of this chapter.

3. Exemption calculation. (a) (i) The assessor shall calculate the exemption as a percentage of the exemption base. The exemption base shall be the amount by which the assessment of a property on the two thousand twenty--two-thousand twenty-one tentative assessment roll issued on or about January 2, 2019 exceeds the equalized assessment on the two thousand nineteen--two thousand twenty final assessment roll. The assessor shall determine the equalized assessment on the two thousand nineteen--two thousand twenty final assessment roll by multiplying a property's effective full value on the two thousand nineteen--two thousand twenty final assessment roll by the class one level of assessment on the two thousand twenty--two thousand twenty-one final assessment roll. The assessor shall determine a property's effective full value on the two thousand nineteen--two thousand twenty final assessment roll by dividing the assessment on the two thousand nineteen--two thousand twenty final assessment roll by the class one level of assessment on the two thousand nineteen--two thousand twenty final assessment roll. Such exemption base shall not include assessment increases due to a physical improvement or a removal or reduction of an exemption on property.

(ii) Any increase in the assessment of a property due to an increase in a property's full value or physical changes subsequent to the two thousand twenty--two thousand twenty-one final assessment roll shall not be eligible for the exemption. If any portion of a property is fully or partially removed from the assessment roll subsequent to the two thousand twenty--two thousand twenty-one final assessment roll by reason of fire, demolition, destruction or new exemption, the assessor shall reduce the exemption for any remaining portion in the same proportion the assessment is reduced for such fire, demolition, destruction or new exemption.

(b) The exemption shall be eighty per centum of the exemption base on the two thousand twenty--two thousand twenty-one final assessment roll, sixty per centum of the exemption base on the two thousand twenty-one--two thousand twenty-two final assessment roll, forty per centum of the exemption base on the two thousand twenty-two--two thousand twenty-three final assessment roll, twenty per centum of the exemption base on the two thousand twenty-three--two thousand twenty-four final assessment roll and zero per centum of the exemption base on the two thousand twenty-four--two thousand twenty-five final assessment roll.

4. Entering of exemption on assessment roll. The assessor shall enter in a separate column on the assessment roll the value of any exemption provided by this section.

§ 2. Severability. If any provision of this act or if any application thereof to any person or circumstances is held invalid, the remainder of this act and the application of the provision to other persons and circumstances shall not be affected thereby.

§ 3. This act shall take effect immediately.

PART K

Intentionally Omitted

PART L

Section 1. Section 4 of chapter 22 of the laws of 2014, relating to expanding opportunities for service-disabled veteran-owned business enterprises, is amended to read as follows:

§ 4. This act shall take effect immediately; provided, however, that sections one, one-a and two of this act shall expire and be deemed repealed March 31, [~~2019~~] **2024**; and provided, further, however, that the amendments to subdivisions 7 and 15 of section 310 of the executive law made by section three of this act shall not affect the expiration of such section and shall be deemed to expire therewith.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2019.

PART M

Intentionally Omitted

PART N

Intentionally Omitted

PART O

Section 1. Section 2 of chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, as amended by section 1 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall remain in effect until September 1, [~~2019~~] **2020**.

§ 2. Section 3 of chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, as amended by section 2 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

§ 3. This act shall take effect on the first day of November next succeeding the date on which it shall have become a law, and shall remain in effect until the first day of September, [~~2019~~] **2020**, when it shall expire and be deemed repealed.

§ 3. Section 3 of chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, as amended by

section 3 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

§ 3. This act shall take effect 60 days after it shall have become a law and shall remain in effect until September 1, [~~2019~~] 2020.

§ 4. Section 20 of chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, as amended by section 4 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

§ 20. This act shall take effect immediately except that section thirteen of this act shall expire and be of no further force or effect on and after September 1, [~~2019~~] 2020 and shall not apply to persons committed to the custody of the department after such date, and provided further that the commissioner of corrections and community supervision shall report each January first and July first during such time as the earned eligibility program is in effect, to the chairmen of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the standards in effect for earned eligibility during the prior six-month period, the number of inmates subject to the provisions of earned eligibility, the number who actually received certificates of earned eligibility during that period of time, the number of inmates with certificates who are granted parole upon their first consideration for parole, the number with certificates who are denied parole upon their first consideration, and the number of individuals granted and denied parole who did not have earned eligibility certificates.

§ 5. Subdivision (q) of section 427 of chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, as amended by section 5 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

(q) the provisions of section two hundred eighty-four of this act shall remain in effect until September 1, [~~2019~~] 2020 and be applicable to all persons entering the program on or before August 31, [~~2019~~] 2020.

§ 6. Section 10 of chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, as amended by section 6 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

§ 10. This act shall take effect 30 days after it shall have become a law and shall remain in effect until September 1, [~~2019~~] 2020, and provided further that the commissioner of correctional services shall report each January first, and July first, to the chairman of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the number of eligible inmates in each facility under the custody and control of the commissioner who have applied for participation in any program offered under the provisions of work release, furlough, or leave, and the number of such inmates who have been approved for participation.

§ 7. Subdivision (c) of section 46 of chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, as amended by section 7 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

(c) sections forty-one and forty-two of this act shall expire September 1, [~~2019~~] 2020; provided, that the provisions of section forty-two

of this act shall apply to inmates entering the work release program on or after such effective date; and

§ 8. Subdivision h of section 74 of chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, as amended by section 8 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

h. Section fifty-two of this act shall be deemed to have been in full force and effect on and after April 1, 1995; provided, however, that the provisions of section 189 of the correction law, as amended by section fifty-five of this act, subdivision 5 of section 60.35 of the penal law, as amended by section fifty-six of this act, and section fifty-seven of this act shall expire September 1, [~~2019~~] 2020, when upon such date the amendments to the correction law and penal law made by sections fifty-five and fifty-six of this act shall revert to and be read as if the provisions of this act had not been enacted; provided, however, that sections sixty-two, sixty-three and sixty-four of this act shall be deemed to have been in full force and effect on and after March 1, 1995 and shall be deemed repealed April 1, 1996 and upon such date the provisions of subsection (e) of section 9110 of the insurance law and subdivision 2 of section 89-d of the state finance law shall revert to and be read as set out in law on the date immediately preceding the effective date of sections sixty-two and sixty-three of this act;

§ 9. Subdivision (c) of section 49 of subpart A of part C of chapter 62 of the laws of 2011 amending the correction law and the executive law relating to merging the department of correctional services and division of parole into the department of corrections and community supervision, as amended by section 9 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

(c) that the amendments to subdivision 9 of section 201 of the correction law as added by section thirty-two of this act shall remain in effect until September 1, [~~2019~~] 2020, when it shall expire and be deemed repealed;

§ 10. Subdivision (aa) of section 427 of chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, as amended by section 10 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

(aa) the provisions of sections three hundred eighty-two, three hundred eighty-three and three hundred eighty-four of this act shall expire on September 1, [~~2019~~] 2020;

§ 11. Section 12 of chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, as amended by section 11 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

§ 12. This act shall take effect immediately, except that the provisions of sections one through ten of this act shall remain in full force and effect until September 1, [~~2019~~] 2020 on which date those provisions shall be deemed to be repealed.

§ 12. Subdivision (p) of section 406 of chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, as amended by section 12 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

(p) The amendments to section 1809 of the vehicle and traffic law made by sections three hundred thirty-seven and three hundred thirty-eight of this act shall not apply to any offense committed prior to such effective date; provided, further, that section three hundred forty-one of

this act shall take effect immediately and shall expire November 1, 1993 at which time it shall be deemed repealed; sections three hundred forty-five and three hundred forty-six of this act shall take effect July 1, 1991; sections three hundred fifty-five, three hundred fifty-six, three hundred fifty-seven and three hundred fifty-nine of this act shall take effect immediately and shall expire June 30, 1995 and shall revert to and be read as if this act had not been enacted; section three hundred fifty-eight of this act shall take effect immediately and shall expire June 30, 1998 and shall revert to and be read as if this act had not been enacted; section three hundred sixty-four through three hundred sixty-seven of this act shall apply to claims filed on or after such effective date; sections three hundred sixty-nine, three hundred seventy-two, three hundred seventy-three, three hundred seventy-four, three hundred seventy-five and three hundred seventy-six of this act shall remain in effect until September 1, [~~2010~~] 2020, at which time they shall be deemed repealed; provided, however, that the mandatory surcharge provided in section three hundred seventy-four of this act shall apply to parking violations occurring on or after said effective date; and provided further that the amendments made to section 235 of the vehicle and traffic law by section three hundred seventy-two of this act, the amendments made to section 1809 of the vehicle and traffic law by sections three hundred thirty-seven and three hundred thirty-eight of this act and the amendments made to section 215-a of the labor law by section three hundred seventy-five of this act shall expire on September 1, [~~2010~~] 2020 and upon such date the provisions of such subdivisions and sections shall revert to and be read as if the provisions of this act had not been enacted; the amendments to subdivisions 2 and 3 of section 400.05 of the penal law made by sections three hundred seventy-seven and three hundred seventy-eight of this act shall expire on July 1, 1992 and upon such date the provisions of such subdivisions shall revert and shall be read as if the provisions of this act had not been enacted; the state board of law examiners shall take such action as is necessary to assure that all applicants for examination for admission to practice as an attorney and counsellor at law shall pay the increased examination fee provided for by the amendment made to section 465 of the judiciary law by section three hundred eighty of this act for any examination given on or after the effective date of this act notwithstanding that an applicant for such examination may have prepaid a lesser fee for such examination as required by the provisions of such section 465 as of the date prior to the effective date of this act; the provisions of section 306-a of the civil practice law and rules as added by section three hundred eighty-one of this act shall apply to all actions pending on or commenced on or after September 1, 1991, provided, however, that for the purposes of this section service of such summons made prior to such date shall be deemed to have been completed on September 1, 1991; the provisions of section three hundred eighty-three of this act shall apply to all money deposited in connection with a cash bail or a partially secured bail bond on or after such effective date; and the provisions of sections three hundred eighty-four and three hundred eighty-five of this act shall apply only to jury service commenced during a judicial term beginning on or after the effective date of this act; provided, however, that nothing contained herein shall be deemed to affect the application, qualification, expiration or repeal of any provision of law amended by any section of this act and such provisions shall be applied or qualified or shall expire or be deemed repealed in

the same manner, to the same extent and on the same date as the case may be as otherwise provided by law;

§ 13. Subdivision 8 of section 1809 of the vehicle and traffic law, as amended by section 13 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

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

§ 14. Section 6 of chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, as amended by section 14 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

§ 6. This act shall take effect on the first day of April next succeeding the date on which it shall have become a law; provided, however, that effective immediately, the addition, amendment or repeal of any rule or regulation necessary for the implementation of the foregoing sections of this act on their effective date is authorized and directed to be made and completed on or before such effective date and shall remain in full force and effect until the first day of September, [~~2019~~] 2020 when upon such date the provisions of this act shall be deemed repealed.

§ 15. Paragraph a of subdivision 6 of section 76 of chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, as amended by section 15 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

a. sections forty-three through forty-five of this act shall expire and be deemed repealed on September 1, [~~2019~~] 2020;

§ 16. Section 4 of part D of chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, as amended by section 16 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

§ 4. This act shall take effect 120 days after it shall have become a law and shall remain in full force and effect until September 1, [~~2019~~] 2020, when upon such date it shall expire.

§ 17. Subdivision 2 of section 59 of chapter 222 of the laws of 1994, constituting the family protection and domestic violence intervention act of 1994, as amended by section 17 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

2. Subdivision 4 of section 140.10 of the criminal procedure law as added by section thirty-two of this act shall take effect January 1, 1996 and shall expire and be deemed repealed on September 1, [~~2019~~] 2020.

§ 18. Section 5 of chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, as amended by section 18 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

§ 5. This act shall take effect immediately and shall apply to all criminal actions and proceedings commenced prior to the effective date of this act but still pending on such date as well as all criminal actions and proceedings commenced on or after such effective date and its provisions shall expire on September 1, [~~2019~~] 2020, when upon such date the provisions of this act shall be deemed repealed.

§ 19. Subdivision d of section 74 of chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, as amended by section 19 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

d. Sections one-a through twenty, twenty-four through twenty-eight, thirty through thirty-nine, forty-two and forty-four of this act shall be deemed repealed on September 1, [~~2019~~] 2020;

§ 20. Section 2 of chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, as amended by section 20 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

§ 2. This act shall take effect immediately, except that the provisions of this act shall be deemed to have been in full force and effect since July 1, 1992 and the provisions of this act shall expire September 1, [~~2019~~] 2020 when upon such date the provisions of this act shall be deemed repealed.

§ 21. Section 3 of chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, as amended by section 21 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

§ 3. This act shall take effect immediately, except that section one of this act shall take effect on the first of January next succeeding the date on which it shall have become a law, and shall remain in effect until the first of September, [~~2019~~] 2020, upon which date this act shall be deemed repealed and have no further force and effect; provided that section one of this act shall only take effect with respect to any compacting state which has enacted an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act and provided further that with respect to any such compacting state, upon the effective date of section one of this act, section 259-m of the executive law is hereby deemed REPEALED and section 259-mm of the executive law, as added by section one of this act, shall take effect; and provided further that with respect to any state which has not enacted an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act, section 259-m of the executive law shall take effect and the provisions of section one of this act, with respect to any such state, shall have no force or effect until such time as such state shall adopt an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act in which case, with respect to such state, effective immediately, section 259-m of the executive law is deemed repealed and section 259-mm of the executive law, as added by section one of this act, shall take effect.

§ 22. Section 8 of part H of chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, as amended by section 22 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

§ 8. This act shall take effect immediately; provided, however that sections five and six of this act shall expire and be deemed repealed September 1, [~~2019~~] 2020.

§ 23. Section 3 of part C of chapter 152 of the laws of 2001 amending the military law relating to military funds of the organized militia, as amended by section 3 of part O of chapter 55 of the laws of 2018, is amended to read as follows:

§ 3. This act shall take effect immediately; provided however that the amendments made to subdivision 1 of section 221 of the military law by section two of this act shall expire and be deemed repealed September 1, [~~2019~~] **2020**.

§ 24. Section 5 of chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, as amended by section 24 of part A of chapter 55 of the laws of 2017, is amended to read as follows:

§ 5. This act shall take effect immediately and shall remain in full force and effect until September 1, [~~2019~~] **2020**, and provided further that the commissioner of correctional services shall report each January first and July first during such time as this legislation is in effect, to the chairmen of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the number of individuals who are released to community treatment facilities during the previous six-month period, including the total number for each date at each facility who are not residing within the facility, but who are required to report to the facility on a daily or less frequent basis.

§ 25. Section 2 of part F of chapter 55 of the laws of 2018, amending the criminal procedure law relating to pre-criminal proceeding settlements in the city of New York, is amended to read as follows:

§ 2. This act shall take effect immediately and shall remain in full force and effect until March 31, [~~2019~~] **2020**, when it shall expire and be deemed repealed.

§ 26. This act shall take effect immediately, provided however that section twenty-five of this act shall be deemed to have been in full force and effect on and after March 31, 2019.

PART P

Intentionally Omitted

PART Q

Intentionally Omitted

PART R

Section 1. Section 60.42 of the criminal procedure law, as added by chapter 230 of the laws of 1975 and subdivision 3 as amended by chapter 264 of the laws of 2003, is amended to read as follows:

§ 60.42 Rules of evidence; admissibility of evidence of victim's sexual conduct in sex offense cases.

Evidence of a victim's sexual conduct shall not be admissible in a prosecution for an offense or an attempt to commit an offense defined in article one hundred thirty **or in section 230.34** of the penal law unless such evidence:

1. proves or tends to prove specific instances of the victim's prior sexual conduct with the accused; or

2. proves or tends to prove that the victim has been convicted of an offense under section 230.00 of the penal law within three years prior to the sex offense which is the subject of the prosecution; or

3. rebuts evidence introduced by the people of the victim's failure to engage in sexual intercourse, oral sexual conduct, anal sexual conduct or sexual contact during a given period of time; or

4. rebuts evidence introduced by the people which proves or tends to prove that the accused is the cause of pregnancy or disease of the victim, or the source of semen found in the victim; or

5. is determined by the court after an offer of proof by the accused outside the hearing of the jury, or such hearing as the court may require, and a statement by the court of its findings of fact essential to its determination, to be relevant and admissible in the interests of justice.

§ 2. This act shall take effect immediately.

PART S

Intentionally Omitted

PART T

Intentionally Omitted

PART U

Intentionally Omitted

PART V

Intentionally Omitted

PART W

Intentionally Omitted

PART X

Intentionally Omitted

PART Y

Intentionally Omitted

PART Z

Intentionally Omitted

PART AA

Intentionally Omitted

PART BB

Intentionally Omitted

PART CC

Section 1. Section 13-b of the workers' compensation law, as amended by chapter 1068 of the laws of 1960, the section heading, subdivisions 1 and 2 as amended by chapter 473 of the laws of 2000 and subdivision 3 as amended by section 85 of part A of chapter 58 of the laws of 2010, is amended to read as follows:

§ 13-b. Authorization of [~~physicians~~] providers, medical bureaus and laboratories by the chair. 1. [~~Upon the recommendation of the medical society of the county in which the physician's office is located or of a board designated by such county society or of a board representing duly licensed physicians of any other school of medical practice in such county, the chair may authorize physicians licensed to practice medicine in the state of New York to render medical care under this chapter and to perform independent medical examinations in accordance with subdivision four of section thirteen-a of this article. If, within sixty days after the chair requests such recommendations the medical society of such county or board fails to act, or if there is no such society in such county, the chair shall designate a board of three outstanding physicians, who shall make the requisite recommendations.~~

~~No such authorization shall be made in the absence of a recommendation of the appropriate society or board or of a review and recommendation by the medical appeals unit.~~] No person shall render medical care or conduct independent medical examinations under this chapter without such authorization by the chair[~~, provided, that: (a)~~]. As used in this title, the following definitions shall have the following meanings unless their context requires otherwise:

(a) "Acupuncturist" shall mean licensed as having completed a formal course of study and having passed an examination in accordance with the education law, the regulations of the commissioner of education, and the requirements of the board of regents. Acupuncturists are required by the education law to advise, in writing, each patient of the importance of consulting with a physician for the condition or conditions necessitating acupuncture care, as prescribed by the education law.

(b) "Chair" of the board shall mean either the chair or the chair's designee.

(c) "Chiropractor" shall mean licensed and having completed two years of preprofessional college study and a four-year resident program in chiropractic in accordance with the education law, and consistent with the licensing requirements of the commissioner of education.

(d) "Dentist" shall mean licensed and having completed a four-year course of study leading to a D.D.S. or D.D.M. degree, or an equivalent degree, in accordance with the education law and the licensing requirements of the commissioner of education.

(e) "Employer" shall mean a self-insured employer or, if insured, the insurance carrier.

(f) "Independent medical examination" shall mean an examination performed by a physician, podiatrist, chiropractor or psychologist, authorized under this section to perform such examination, for the purpose of examining or evaluating injury or illness pursuant to paragraph (b) of subdivision four of section thirteen-a and section one hundred thirty-seven of this chapter and as more fully set forth in regulation.

(g) "Nurse practitioner" shall mean a licensed registered professional nurse certified pursuant to section sixty-nine hundred ten of the education law acting within their lawful scope of practice.

(h) "Occupational therapist" shall mean licensed as having at least a bachelor's or master's degree in occupational therapy from a registered

program with the education department or receipt of a diploma or degree resulting from completion of not less than four years of postsecondary study, which includes the professional study of occupational therapy in accordance with the education law and the regulations of the commissioner of education.

(i) "Physical therapist" shall mean licensed in accordance with the education law and the licensing requirements of the commissioner of education.

(j) "Physician" shall mean licensed with a degree of doctor of medicine, M.D., or doctor of osteopathic medicine, D.O., or an equivalent degree in accordance with the education law and the licensing requirements of the state board of medicine and the regulations of the commissioner of education.

(k) "Physician assistant" shall mean a licensed provider who is licensed as a physician assistant pursuant to section sixty-five hundred forty-one of the education law.

(l) "Podiatrist" shall mean a doctor of podiatric medicine licensed as having received a doctoral degree in podiatric medicine in accordance with the regulations of the commissioner of education and the education law, and must satisfactorily meet all other requirements of the state board for podiatric medicine.

(m) "Provider" shall mean a duly licensed acupuncturist, chiropractor, nurse practitioner, occupational therapist, physical therapist, physician, physician assistant, podiatrist, psychologist, or social worker authorized by the chair.

(n) "Psychologist" shall mean licensed as having received a doctoral degree in psychology from a program of psychology registered with the state education department or the substantial equivalent thereof in accordance with the education law, the requirements of the state board for psychology, and the regulations of the commissioner of education.

(o) "Social worker" shall mean a licensed clinical social worker. A licensed clinical social worker has completed a master's degree of social work that includes completion of a core curriculum of at least twelve credit hours of clinical courses or the equivalent post-graduate clinical coursework, in accordance with the education law and the regulations of the commissioner of education.

2. Any [~~physician~~] provider licensed [~~to practice medicine~~] pursuant to the education law to provide medical care and treatment in the state of New York may render emergency [~~medical~~] care and treatment in an emergency hospital or urgent care setting providing emergency treatment under this chapter without authorization by the chair under this section; [~~and~~

~~(b)~~] (a) Such licensed [~~physician~~] provider as identified in this subdivision who is [~~a member of a constituted medical staff of any hospital~~] on staff at any hospital or urgent care center providing emergency treatment may [~~render~~] continue such medical care under this chapter while an injured employee remains a patient in such hospital or urgent care setting; and

[~~(c)~~] (b) Under the [~~active and personal~~] direct supervision of an authorized [~~physician~~] provider, medical care may be rendered by a registered nurse or other person trained in laboratory or diagnostic techniques within the scope of such person's specialized training and qualifications. This supervision shall be evidenced by signed records of instructions for treatment and signed records of the patient's condition and progress. Reports of such treatment and supervision shall be made by

such [~~physician~~] provider to the chair [~~on such forms and~~] in the format prescribed by the chair at such times as the chair may require.

[~~(d) Upon the referral which may be directive as to treatment of an authorized physician physical therapy care may be rendered by a duly licensed physical therapist. Where physical therapy care is rendered records of the patient's condition and progress, together with records of instruction for treatment, if any, shall be maintained by the physical therapist and physician. Said records shall be submitted to the chair on such forms and at such times as the chair may require.~~

~~(e) Upon the prescription or referral of an authorized physician occupational therapy care may be rendered by a duly licensed occupational therapist. Where occupational therapy care is rendered records of the patient's condition and progress, together with records of instruction for treatment, if any shall be maintained by the occupational therapist and physician. Said records shall be submitted to the chair on forms and at such times as the chair may require.~~

~~(f)~~] (c) Where it would place an unreasonable burden upon the employer or carrier to arrange for, or for the claimant to attend, an independent medical examination by an authorized [~~physician~~] provider, the employer or carrier shall arrange for such examination to be performed by a qualified [~~physician~~] provider in a medical facility convenient to the claimant.

[~~2.~~] (d) Upon the prescription or referral of an authorized physician, physician assistant, podiatrist, or nurse practitioner acting within the scope of his or her practice, care or treatment may be rendered to an injured employee by an authorized physical therapist, occupational therapist or acupuncturist provided the conditions and the treatment performed are among the conditions that the physical therapist, occupational therapist or acupuncturist is authorized to treat pursuant to the education law or the regulations of the commissioner of education. Where any such care or treatment is rendered, records of the patient's condition and progress, together with records of instruction for treatment, if any, shall be maintained by the physical therapist, occupational therapist or acupuncturist rendering treatment and by the referring physician, physician assistant, podiatrist, or nurse practitioner. Said records shall be submitted to the chair on forms and at such times as the chair may require.

(e) A record, report or opinion of a physical therapist, occupational therapist, acupuncturist or physician assistant shall not be considered as evidence of the causal relationship of any condition to a work related accident or occupational disease under this chapter. Nor may a record, report or opinion of a physical therapist, occupational therapist or acupuncturist be considered evidence of disability. Nor may a record, report or opinion of a physician assistant be considered evidence of the presence of a permanent or initial disability or the degree thereof.

(f) An independent medical examination performed in accordance with section one hundred thirty-seven of this chapter, may only be performed by a physician, podiatrist, chiropractor or psychologist authorized to perform such examinations by the chair, or as specified in regulation, when qualified by the board.

3. A [~~physician licensed to practice medicine in the state of New York who is~~] provider properly licensed or certified pursuant to the regulations of the commissioner of education and the requirements of the education law desirous of being authorized to render medical care under this chapter and/or to conduct independent medical examinations in

accordance with paragraph (b) of subdivision four of section thirteen-a and section one hundred thirty-seven of this chapter shall file an application for authorization under this chapter with the [~~medical society in the county in which his or her office is located, or with a board designated by such society, or with a board designated by the chair as provided in this section. In such application the applicant shall state his or her training and qualifications, and shall agree to limit his or her professional activities under this chapter to such medical care and independent medical examinations, as his or her experience and training qualify him or her to render. The applicant shall further agree to refrain~~] chair or chair's designee. Prior to receiving authorization, a physician must, together with submission of an application to the chair, submit such application to the medical society of the county in which the physician's office is located or of a board designated by such county society or of a board representing duly licensed physicians of any other school of medical practice in such county, and such medical society shall submit the recommendation to the board. In the event such county society or board fails to take action upon a physician's completed and signed application within forty-five days, the chair may complete review of the application without such approval. Upon approval of the application by the chair or the chair's designee, the applicant shall further agree to refrain from subsequently treating for remuneration, as a private patient, any person seeking medical treatment, or submitting to an independent medical examination, in connection with, or as a result of, any injury compensable under this chapter, if he or she has been removed from the list of [~~physicians~~] providers authorized to render medical care or to conduct independent medical examinations under this chapter, or if the person seeking such treatment, or submitting to an independent medical examination, has been transferred from his or her care in accordance with the provisions of this chapter. This agreement shall run to the benefit of the injured person so treated or examined, and shall be available to him or her as a defense in any action by such [~~physician~~] provider for payment for treatment rendered by a [~~physician~~] provider after he or she has been removed from the list of [~~physicians~~] providers authorized to render medical care or to conduct independent medical examinations under this chapter, or after the injured person was transferred from his or her care in accordance with the provisions of this chapter. [~~The medical society or the board designated by it, or the board as otherwise provided under this section, if it deems such licensed physician duly qualified, shall recommend to the chair that such physician be authorized to render medical care and/or conduct independent medical examinations under this chapter, and such recommendation and authorization shall specify the character of the medical care or independent medical examination which such physician is qualified and authorized to render under this chapter. Such recommendations shall be advisory to the chair only and shall not be binding or conclusive upon him or her. The licensed physician may present to the medical society or board, evidences of additional qualifications at any time subsequent to his or her original application. If the medical society or board fails to recommend to the chair that a physician be authorized to render medical care and/or to conduct independent medical examinations under this chapter, the physician may appeal to the medical appeals unit. The medical society or the board designated by it, or the board as otherwise provided under this section, may upon its own initiative, or shall upon request of the chair, review at any time the qualifications of any physician as to the character of the medical care or independent medical~~

~~examinations which such physician has theretofore been authorized to render under this chapter and may recommend to the chair that such physician be authorized to render medical care or to conduct independent medical examinations thereafter of the character which such physician is then qualified to render. On such advisory recommendation the chair may review and after reasonable investigation may revise the authorization of a physician in respect to the character of medical care and/or to conduct independent medical examinations which he or she is authorized to render. If the medical society or board recommends to the chair that a physician be authorized to render medical care and/or to conduct independent medical examinations under this chapter of a character different from the character of medical care or independent medical examinations he or she has been theretofore authorized to render, such physician may appeal from such recommendation to the medical appeals unit.~~

[~~3.~~] 4. Laboratories and bureaus engaged in x-ray diagnosis or treatment or in physiotherapy or other therapeutic procedures and which participate in the diagnosis or treatment of injured [~~workmen~~] workers under this chapter shall be operated or supervised by [~~qualified physicians duly~~] providers authorized under this chapter and shall be subject to the provisions of section thirteen-c of this article. The person in charge of diagnostic clinical laboratories duly authorized under this chapter shall possess the qualifications established by the public health and health planning council for approval by the state commissioner of health or, in the city of New York, the qualifications approved by the board of health of said city and shall maintain the standards of work required for such approval.

§ 2. Section 13-d of the workers' compensation law, as amended by chapter 459 of the laws of 1944, the section heading, subdivision 1 and subdivision 2 as amended by chapter 473 of the laws of 2000, paragraphs (a) and (b) of subdivision 2 as amended and subdivision 5 as added by chapter 6 of the laws of 2007, subdivision 4 as amended by chapter 1068 of the laws of 1960, is amended to read as follows:

§ 13-d. Removal of [~~physicians~~] providers from lists of those authorized to render medical care or to conduct independent medical examinations. 1. The medical society of the county in which the physician's office is located at the time or a board designated by such county society or a board representing duly licensed physicians of any other school of medical practice in such county shall investigate, hear and make findings with respect to all charges as to professional or other misconduct of any authorized physician as herein provided under rules and procedure to be prescribed by the medical appeals unit, and shall report evidence of such misconduct, with their findings and recommendation with respect thereto, to the chair. Failure to commence such investigation within sixty days from the date the charges are referred to the society by the chair or submit findings and recommendations relating to the charges within one hundred eighty days from the date the charges are referred shall empower the chair to appoint, as a hearing officer, a member of the board, employee, or other qualified hearing officer to hear and report on the charges to the chair. A qualified hearing officer, who is neither a member of the board, or employee thereof shall be paid at a reasonable per diem rate to be fixed by the chair.

Such investigation, hearing, findings, recommendation and report may be made by the society or board of an adjoining county upon the request of the medical society of the county in which the alleged misconduct or infraction of this chapter occurred, subject to the time limit and conditions set forth herein. The medical appeals unit shall review the

findings and recommendation of such medical society or board, or hearing officer appointed by the chair upon application of the accused physician and may reopen the matter and receive further evidence. The findings, decision and recommendation of such society, board or hearing officer appointed by the chair or medical appeals unit shall be advisory to the chair only, and shall not be binding or conclusive upon him or her.

2. The chair shall remove from the list of [~~physicians~~] **providers** authorized to render medical care under this chapter, or to conduct independent medical examinations in accordance with paragraph (b) of subdivision four of section thirteen-a of this article, the name of any [~~physician~~] **provider** who he or she shall find after reasonable investigation is disqualified because such [~~physician~~] **provider**:

(a) has been guilty of professional or other misconduct or incompetency in connection with rendering medical services under the law; or

(b) has exceeded the limits of his or her professional competence in rendering medical care or in conducting independent medical examinations under the law, or has made materially false statements regarding his or her qualifications in his or her application for the recommendation of the medical society or board as provided in section thirteen-b of this article; or

(c) has failed to transmit copies of medical reports to claimant's attorney or licensed representative as provided in subdivision (f) of section thirteen of this article; or has failed to submit full and truthful medical reports of all his or her findings to the employer, and directly to the chair or the board within the time limits provided in subdivision four of section thirteen-a of this article with the exception of injuries which do not require (1) more than ordinary first aid or more than two treatments by a [~~physician~~] **provider** or person rendering first aid, or (2) loss of time from regular duties of one day beyond the working day or shift; or

(d) knowingly made a false statement or representation as to a material fact in any medical report made pursuant to this chapter or in testifying or otherwise providing information for the purposes of this chapter; or

(e) has solicited, or has employed another to solicit for himself or herself or for another, professional treatment, examination or care of an injured employee in connection with any claim under this chapter; or

(f) has refused to appear before, to testify, to submit to a deposition, or to answer upon request of, the chair, board, medical appeals unit or any duly authorized officer of the state, any legal question, or to produce any relevant book or paper concerning his or her conduct under any authorization granted to him or her under this chapter; or

(g) has directly or indirectly requested, received or participated in the division, transference, assignment, rebating, splitting or refunding of a fee for, or has directly or indirectly requested, received or profited by means of a credit or other valuable consideration as a commission, discount or gratuity in connection with the furnishing of medical or surgical care, an independent medical examination, diagnosis or treatment or service, including X-ray examination and treatment, or for or in connection with the sale, rental, supplying or furnishing of clinical laboratory services or supplies, X-ray laboratory services or supplies, inhalation therapy service or equipment, ambulance service, hospital or medical supplies, physiotherapy or other therapeutic service or equipment, artificial limbs, teeth or eyes, orthopedic or surgical appliances or supplies, optical appliances, supplies or equipment, devices for aid of hearing, drugs, medication or medical supplies, or

any other goods, services or supplies prescribed for medical diagnosis, care or treatment, under this chapter; except that reasonable payment, not exceeding the technical component fee permitted in the medical fee schedule, established under this chapter for X-ray examinations, diagnosis or treatment, may be made by a [~~physician~~] **provider** duly authorized as a roentgenologist to any hospital furnishing facilities and equipment for such examination, diagnosis or treatment, provided such hospital does not also submit a charge for the same services. Nothing contained in this paragraph shall prohibit such [~~physicians~~] **providers** who practice as partners, in groups or as a professional corporation or as a university faculty practice corporation from pooling fees and moneys received, either by the partnership, professional corporation, university faculty practice corporation or group by the individual members thereof, for professional services furnished by any individual professional member, or employee of such partnership, corporation or group, nor shall the professionals constituting the partnerships, corporations, or groups be prohibited from sharing, dividing or apportioning the fees and moneys received by them or by the partnership, corporation or group in accordance with a partnership or other agreement.

3. Any person who violates or attempts to violate, and any person who aids another to violate or attempts to induce him **or her** to violate the provisions of paragraph (g) of subdivision two of this section shall be guilty of a misdemeanor.

4. Nothing in this section shall be construed as limiting in any respect the power or duty of the [~~chairman~~] **chair** to investigate instances of misconduct, either before or after investigation by a medical society or board as herein provided, or to temporarily suspend the authorization of any [~~physician~~] **provider** that he **or she** may believe to be guilty of such misconduct.

5. Whenever the department of health **or the department of education** shall conduct an investigation with respect to charges of professional or other misconduct by a [~~physician~~] **provider** which results in a report, determination or consent order that includes a finding of professional or other misconduct or incompetency by such [~~physician~~] **provider**, the chair shall have full power and authority to temporarily suspend, revoke or otherwise limit the authorization under this chapter of any [~~physician~~] **provider** upon such finding by the department of health **or the department of education** that the [~~physician~~] **provider** has been guilty of professional or other misconduct. The recommendations of the department of health **or the department of education** shall be advisory to the chair only and shall not be binding or conclusive upon the chair.

§ 3. Section 13-g of the workers' compensation law, as added by chapter 258 of the laws of 1935, subdivision 1 as amended by chapter 674 of the laws of 1994, subdivisions 2 and 3 as amended by section 4 of part GG of chapter 57 of the laws of 2013, subdivision 4 as amended by section 3 of part D of chapter 55 of the laws of 2015, subdivision 5 as amended by chapter 578 of the laws of 1959 and subdivision 6 as amended by chapter 639 of the laws of 1996, is amended to read as follows:

§ 13-g. Payment of bills for medical care. (1) Within forty-five days after a bill **for medical care or supplies delivered pursuant to section thirteen of this article** has been rendered to the employer [~~by the hospital, physician or self-employed physical or occupational therapist who has rendered treatment pursuant to a referral from the injured employee's authorized physician or authorized podiatrist for treatment to the injured employee~~], such employer must pay the bill or notify the [~~hospital, physician or self-employed physical or occupational therapist~~

~~in writing~~] medical care provider or supplier in the format prescribed by the chair that the bill is not being paid and explain the reasons for non-payment. In the event that the employer fails to make payment or notify the [~~hospital, physician or self-employed physical or occupational therapist~~] medical care provider or supplier within such forty-five day period that payment is not being made, the [~~hospital, physician, self-employed physical therapist or self-employed occupational therapist~~] medical care provider or supplier may notify the board in the format prescribed by the chair [~~in writing~~] that the bill has not been paid and request that the board make an award for payment of such bill. The board or the chair may make an award not in excess of the established fee schedules for any such bill or part thereof which remains unpaid after said forty-five day period or thirty days after all other questions duly and timely raised in accordance with the provisions of this chapter, relating to the employer's liability for the payment of such amount, shall have been finally determined adversely to the employer, whichever is later, in accordance with rules promulgated by the chair, and such award may be collected in like manner as an award of compensation. The chair shall assess the sum of fifty dollars against the employer for each such award made by the board, which sum shall be paid into the state treasury.

In the event that the employer has provided an explanation in writing why the bill has not been paid, in part or in full, within the aforesaid time period, and the parties can not agree as to the value of medical aid rendered under this chapter, such value shall be decided by arbitration [~~if requested by the hospital, physician or self-employed physical or occupational therapist, in accordance with the provisions of subdivision two or subdivision three of this section, as appropriate, and~~] as set forth in rules and regulations promulgated by the chair.

Where a [~~physician, physical or occupational therapist~~] bill for medical care or supplies has been determined to be due and owing in accordance with the provisions of this section the board shall include in the amount of the award interest of not more than one and one-half [~~per cent~~] percent (1 1/2%) per month payable to the [~~physician, physical or occupational therapist~~] medical care provider or supplier, in accordance with the rules and regulations promulgated by the board. Interest shall be calculated from the forty-fifth day after the bill was rendered or from the thirtieth day after all other questions duly and timely raised in accordance with the provisions of this chapter, relating to the employer's liability for the payment of such amount, shall have been finally determined adversely to the employer, whichever is later, in accordance with rules promulgated by the chair.

(2) [~~(a)~~] If the parties fail to agree to the value of medical aid rendered under this chapter [~~and the amount of the disputed bill is one thousand dollars or less, or if the amount of the disputed medical bill exceeds one thousand dollars and the health care provider expressly so requests~~], such value shall be decided by a single arbitrator process, pursuant to rules promulgated by the chair. The chair shall appoint a physician who is a member in good standing of the medical society of the state of New York to determine the value of such disputed medical bill. Where the physician whose charges are being arbitrated is a member in good standing of the New York osteopathic society, the value of such disputed bill shall be determined by a member in good standing of the New York osteopathic society appointed by the chair. Where the physician whose charges are being arbitrated is a member in good standing of the New York homeopathic society, the value of such disputed bill shall be

determined by a member in good standing of the New York homeopathic society appointed by the chair. Where the value of [~~physical therapy services or occupational therapy services is~~] **any other authorized provider's services are** at issue, such value shall be determined by a member in good standing of [~~a~~] **one or more** recognized professional [~~association~~] **associations** representing its respective profession in the state of New York appointed by the chair. Decisions rendered under the single arbitrator process shall be conclusive upon the parties as to the value of the services in dispute.

[~~(b) If the parties fail to agree as to the value of medical aid rendered under this chapter and the amount of the disputed bill exceeds one thousand dollars, such value shall be decided by an arbitration committee unless the health care provider expressly requests a single arbitrator process in accordance with paragraph (a) of this subdivision. The arbitration committee shall consist of one physician designated by the president of the medical society of the county in which the medical services were rendered, one physician who is a member of the medical society of the state of New York, appointed by the employer or carrier, and one physician, also a member of the medical society of the state of New York, appointed by the chair of the workers' compensation board. If the physician whose charges are being arbitrated is a member in good standing of the New York osteopathic society or the New York homeopathic society, the members of such arbitration committee shall be physicians of such organization, one to be appointed by the president of that organization, one by the employer or carrier and the third by the chair of the workers' compensation board. Where the value of physical therapy services is at issue and the amount of the disputed bill exceeds one thousand dollars, the arbitration committee shall consist of a member in good standing of a recognized professional association representing physical therapists in the state of New York appointed by the president of such organization, a physician designated by the employer or carrier and a physician designated by the chair of the workers' compensation board provided however, that the chair finds that there are a sufficient number of physical therapy arbitrations in a geographical area comprised of one or more counties to warrant a committee so comprised. In all other cases where the value of physical therapy services is at issue and the amount of the disputed bill exceeds one thousand dollars, the arbitration committee shall be similarly selected and identical in composition, provided that the physical therapist member shall serve without remuneration, and provided further that in the event a physical therapist is not available, the committee shall be comprised of three physicians designated in the same manner as in cases where the value of medical aid is at issue.~~

~~(c) Where the value of occupational therapy services is at issue the arbitration committee shall consist of a member in good standing of a recognized professional association representing occupational therapists in the state of New York appointed by the president of such organization; a physician designated by the employer or carrier and a physician designated by the chair of the workers' compensation board provided, however, that the chair finds that there are a sufficient number of occupational therapy arbitrations in a geographical area comprised of one or more counties to warrant a committee so comprised. In all other cases where the value of occupational therapy services is at issue and the amount of the disputed bill exceeds one thousand dollars, the arbitration committee shall be similarly selected and identical in composition, provided that the occupational therapist member shall serve with-~~

~~out remuneration, and provided further that in the event an occupational therapist is not available, the committee shall be comprised of three physicians designated in the same manner as in cases where the value of medical aid is at issue. The majority decision of any such arbitration committee shall be conclusive upon the parties as to the value of the services in dispute.~~

~~(3) (a) If an employer shall have notified the hospital in writing, as provided in subdivision one of this section, why the bill has not been paid, in part or in full, and the amount of the disputed bill is one thousand dollars or less, or where the amount of the disputed medical bill exceeds one thousand dollars and the hospital expressly so requests, such value shall be decided by a single arbitrator process, pursuant to rules promulgated by the chair. The chair shall appoint a physician in good standing licensed to practice in New York state to determine the value of such disputed bill. Decisions rendered under the administrative resolution procedure shall be conclusive upon the parties as to the value of the services in dispute.~~

~~(b) If an employer shall have notified the hospital in writing, as provided in subdivision one of this section, why the bill has not been paid, in part or in full, and the amount of the disputed bill exceeds one thousand dollars, the value of such bill shall be determined by an arbitration committee appointed by the chair for that purpose, which committee shall consider all of the charges of the hospital, unless the hospital expressly requests a single arbitrator process pursuant to paragraph (a) of this subdivision. The committee shall consist of three physicians. One member of the committee may be nominated by the chair upon recommendation of the president of the hospital association of New York state and one member may be nominated by the employer or insurance carrier. The majority decision of any such committee shall be conclusive upon the parties as to the value of the services rendered. The chair may make reasonable rules and regulations consistent with the provisions of this section.~~

~~(4)~~] **(3)** A provider **or supplier** initiating [~~an arbitration, including~~] a single arbitrator process, pursuant to this section shall not pay a fee to cover the costs related to the conduct of such arbitration. [~~Each member of an arbitration committee for medical bills, and each member of an arbitration committee for hospital bills shall be entitled to receive and shall be paid a fee for each day's attendance at an arbitration session in any one count in an amount fixed by the chair of the workers' compensation board.~~

~~(5)~~] **(4)** In claims where the employer has failed to secure compensation to his employees as required by section fifty of this chapter, the board may make an award for the value of medical [~~and podiatry~~] services**, supplies** or treatment rendered to such employees, in accordance with the schedules of fees and charges prepared and established under the provisions of [~~section thirteen, subdivision a, and section thirteen-k, subdivision two, of~~] this chapter[~~, and for the reasonable value of hospital care in accordance with the charges currently in force in hospitals in the same community for cases coming within the provisions of this chapter~~]. Such award shall be made to the [~~physician, podiatrist, or hospital~~] **medical care provider or supplier** entitled thereto. A default in the payment of such award may be enforced in the manner provided for the enforcement of compensation awards as set forth in section twenty-six of this [~~chapter~~] **article**.

In all cases coming under this subdivision the payment of the claim [~~of the physician, podiatrist, or hospital for medical, podiatry, or~~

~~surgical services or treatment~~] for medical care or supplies shall be subordinate to that of the claimant or his or her beneficiaries.

[~~(6) Notwithstanding any inconsistent provision of law, arbitration regarding payments for inpatient hospital services for any patient discharged on or after January first, nineteen hundred ninety-one and prior to December thirty-first, nineteen hundred ninety-six shall be resolved in accordance with paragraph (d) of subdivision three of section twenty-eight hundred seven-c of the public health law.~~]

§ 4. Subdivisions 1 and 2 and paragraph (b) of subdivision 3 of section 13-k of the workers' compensation law, subdivision 1 as added by chapter 787 of the laws of 1952 and subdivision 2 and paragraph (b) of subdivision 3 as amended by chapter 473 of the laws of 2000, are amended to read as follows:

1. When the term "chairman" is hereinafter used, it shall be deemed to mean the [~~chairman~~] chair of the [~~workmen's~~] workers' compensation board of the state of New York.

2. An employee injured under circumstances which make such injury compensable under this article, when care is required for an injury to the foot which injury or resultant condition therefrom may lawfully be treated by a duly registered and licensed podiatrist of the state of New York, may select to treat him or her any podiatrist authorized by the chair to render [~~podiatry~~] podiatric medical care, as hereinafter provided. If the injury or condition is one which is without the limits prescribed by the education law for [~~podiatry~~] podiatric medical care and treatment, or the injuries involved affect other parts of the body in addition to the foot, the said podiatrist must so advise the said injured employee and instruct him or her to consult a physician of said employee's choice for appropriate care and treatment. Such physician shall thenceforth have overall supervision of the treatment of said patient including the future treatment to be administered to the patient by the podiatrist. If for any reason during the period when [~~podiatry~~] podiatric medical treatment and care is required, the employee wishes to transfer his or her treatment and care to another authorized podiatrist he or she may do so, in accordance with rules prescribed by the chair, provided however that the employer shall be liable for the proper fees of the original podiatrist for the care and treatment he or she shall have rendered. [~~A podiatrist licensed and registered to practice podiatry in the state of New York who is desirous of being authorized to render podiatry care under this section and/or to conduct independent medical examinations in accordance with paragraph (b) of subdivision three of this section shall file an application for authorization under this section with the podiatry practice committee. In such application he or she shall agree to refrain from subsequently treating for remuneration, as a private patient, any person seeking podiatry treatment, or submitting to an independent medical examination, in connection with, or as a result of, any injury compensable under this chapter, if he or she has been removed from the list of podiatrists authorized to render podiatry care or to conduct independent medical examinations under this chapter, or if the person seeking such treatment has been transferred from his or her care in accordance with the provisions of this section. This agreement shall run to the benefit of the injured person so treated or examined, and shall be available to him or her as a defense in any action by such podiatrist for payment for treatment rendered by a podiatrist after he or she has been removed from the list of podiatrists authorized to render podiatry care or to conduct independent medical examinations under this section, or after the injured person was trans-~~

~~ferred from his or her care in accordance with the provisions of this section. The podiatry practice committee if it deems such licensed podiatrist duly qualified shall recommend to the chair that such podiatrist be authorized to render podiatry care and/or to conduct independent medical examinations under this section. Such recommendation shall be advisory to the chair only and shall not be binding or conclusive upon him or her.~~] The chair shall prepare and establish a schedule for the state, or schedules limited to defined localities, of charges and fees for [~~podiatry~~] **podiatric medical** treatment and care, to be determined in accordance with and to be subject to change pursuant to rules promulgated by the chair. Before preparing such schedule for the state or schedules for limited localities the chair shall request the [~~podiatry~~] **podiatric medicine** practice committee to submit to him or her a report on the amount of remuneration deemed by such committee to be fair and adequate for the types of [~~podiatry~~] **podiatric medical** care to be rendered under this chapter, but consideration shall be given to the view of other interested parties. The amounts payable by the employer for such treatment and services shall be the fees and charges established by such schedule.

(b) Upon receipt of the notice provided for by paragraph (a) of this subdivision, the employer, the carrier and the claimant each shall be entitled to have the claimant examined by a qualified podiatrist authorized by the chair in accordance with [~~subdivision two of this~~] section **thirteen-b** and section one hundred thirty-seven of this chapter, at a medical facility convenient to the claimant and in the presence of the claimant's podiatrist, and refusal by the claimant to submit to such independent medical examination at such time or times as may reasonably be necessary in the opinion of the board shall bar the claimant from recovering compensation for any period during which he or she has refused to submit to such examination.

§ 5. Subdivisions 1 and 2 and paragraph (b) of subdivision 3 of section 13-l of the workers' compensation law, subdivision 1 as added by chapter 940 of the laws of 1973 and subdivision 2 and paragraph (b) of subdivision 3 as amended by chapter 473 of the laws of 2000, are amended to read as follows:

1. Where the term "chairman" is hereinafter used, it shall be deemed to mean the [~~chairman~~] **chair** of the [~~workmen's~~] **workers'** compensation board of the state of New York.

2. An employee injured under circumstances which make such injury compensable under this article, when care is required for an injury which consists solely of a condition which may lawfully be treated by a chiropractor as defined in section sixty-five hundred fifty-one of the education law may select to treat him or her, any duly registered and licensed chiropractor of the state of New York, authorized by the chair to render chiropractic care as hereinafter provided. If the injury or condition is one which is outside the limits prescribed by the education law for chiropractic care and treatment, the said chiropractor must so advise the said injured employee and instruct him or her to consult a physician of said employee's choice for appropriate care and treatment. Such physician shall thenceforth have supervision of the treatment of said condition including the future treatment to be administered to the patient by the chiropractor. [~~A chiropractor licensed and registered to practice chiropractic in the state of New York, who is desirous of being authorized to render chiropractic care under this section and/or to conduct independent medical examinations in accordance with paragraph (b) of subdivision three of this section shall file an application for~~

~~authorization under this section with the chiropractic practice commit-~~
~~tee. In such application he or she shall agree to refrain from subse-~~
~~quently treating for remuneration, as a private patient, any person~~
~~seeking chiropractic treatment, or submitting to an independent medical~~
~~examination, in connection with, or as a result of, any injury compensa-~~
~~ble under this chapter, if he or she has been removed from the list of~~
~~chiropractors authorized to render chiropractic care or to conduct inde-~~
~~pendent medical examinations under this chapter, or if the person seek-~~
~~ing such treatment has been transferred from his or her care in accord-~~
~~ance with the provisions of this section. This agreement shall run to~~
~~the benefit of the injured person so treated, or examined, and shall be~~
~~available to him or her as a defense in any action by such chiropractor~~
~~for payment rendered by a chiropractor after he or she has been removed~~
~~from the list of chiropractors authorized to render chiropractic care or~~
~~to conduct independent medical examinations under this section, or after~~
~~the injured person was transferred from his or her care in accordance~~
~~with the provisions of this section. The chiropractic practice committee~~
~~if it deems such licensed chiropractor duly qualified shall recommend to~~
~~the chair that such be authorized to render chiropractic care and/or to~~
~~conduct independent medical examinations under this section. Such recom-~~
~~mendations shall be advisory to the chair only and shall not be binding~~
~~or conclusive upon him or her.~~] The chair shall prepare and establish a schedule for the state, or schedules limited to defined localities of charges and fees for chiropractic treatment and care, to be determined in accordance with and to be subject to change pursuant to rules promulgated by the chair. Before preparing such schedule for the state or schedules for limited localities the chair shall request the chiropractic practice committee to submit to him or her a report on the amount of remuneration deemed by such committee to be fair and adequate for the types of chiropractic care to be rendered under this chapter, but consideration shall be given to the view of other interested parties, the amounts payable by the employer for such treatment and services shall be the fees and charges established by such schedule.

(b) Upon receipt of the notice provided for by paragraph (a) of this subdivision, the employer, the carrier, and the claimant each shall be entitled to have the claimant examined by a qualified chiropractor authorized by the chair in accordance with [~~subdivision two of this~~] section **thirteen-b** and section one hundred thirty-seven of this chapter at a medical facility convenient to the claimant and in the presence of the claimant's chiropractor, and refusal by the claimant to submit to such independent medical examination at such time or times as may reasonably be necessary in the opinion of the board shall bar the claimant from recovering compensation, for any period during which he or she has refused to submit to such examination.

§ 6. Subdivisions 1, 2 and 3 and paragraph (b) of subdivision 4 of section 13-m of the workers' compensation law, subdivisions 1 and 2 as added by chapter 589 of the laws of 1989 and subdivision 3 and paragraph (b) of subdivision 4 as amended by chapter 473 of the laws of 2000, are amended to read as follows:

1. Where the term "chairman" is hereinafter used, it shall be deemed to mean the [~~chairman~~] **chair** of the workers' compensation board of the state of New York.

2. (a) An injured employee, injured under circumstances which make such injury compensable under this article, may lawfully be treated[~~, upon the referral of an authorized physician,~~] by a psychologist, duly registered and licensed by the state of New York, authorized by the

[~~chairman~~] **chair** to render psychological care pursuant to [~~this~~] section **thirteen-b of this article**. Such services shall be within the scope of such psychologist's specialized training and qualifications as defined in article one hundred fifty-three of the education law.

(b) Medical bureaus, medical centers jointly operated by labor and management representatives, hospitals and health maintenance organizations, authorized to provide medical care pursuant to section thirteen-c of this [~~chapter~~] **article**, may provide psychological services when required[~~, upon the referral of an authorized physician, provided such care is rendered by a duly registered, licensed and authorized psychologist, as required by this section~~].

(c) A psychologist rendering service pursuant to this section shall maintain records of the patient's psychological condition and treatment, and such records or reports shall be submitted to the [~~chairman~~] **chair** on such forms and at such times as the [~~chairman~~] **chair** may require.

3. [~~A psychologist, licensed and registered to practice psychology in the state of New York, who is desirous of being authorized to render psychological care under this section and/or to conduct independent medical examinations in accordance with paragraph (b) of subdivision four of this section shall file an application for authorization under this section with the psychology practice committee. The applicant shall agree to refrain from subsequently treating for remuneration, as a private patient, any person seeking psychological treatment, or submitting to an independent medical examination, in connection with, or as a result of, any injury compensable under this chapter, if he or she has been removed from the list of psychologists authorized to render psychological care under this chapter. This agreement shall run to the benefit of the injured person so treated, and shall be available as a defense in any action by such psychologist for payment for treatment rendered by such psychologist after being removed from the list of psychologists authorized to render psychological care or to conduct independent medical examinations under this section. The psychology practice committee if it deems such licensed psychologist duly qualified shall recommend to the chair that such person be authorized to render psychological care and/or to conduct independent medical examinations under this section. Such recommendations shall be only advisory to the chair and shall not be binding or conclusive.~~] The chair shall prepare and establish a schedule for the state or schedules limited to defined localities of charges and fees for psychological treatment and care, to be determined in accordance with and be subject to change pursuant to rules promulgated by the chair. Before preparing such schedule for the state or schedules for limited localities the chair shall request the psychology practice committee to submit to such chair a report on the amount of remuneration deemed by such committee to be fair and adequate for the types of psychological care to be rendered under this chapter, but consideration shall be given to the view of other interested parties. The amounts payable by the employer for such treatment and services shall be the fees and charges established by such schedule.

(b) Upon receipt of the notice provided for by paragraph (a) of this subdivision, the employer, the carrier, and the claimant each shall be entitled to have the claimant examined by a qualified psychologist, authorized by the chair in accordance with [~~subdivision three of this~~] section **thirteen-b** and section one hundred thirty-seven of this chapter, at a medical facility convenient to the claimant and in the presence of the claimant's psychologist, and refusal by the claimant to submit to such independent medical examination at such time or times as may

reasonably be necessary in the opinion of the board shall bar the claimant from recovering compensation, for any period during which he or she has refused to submit to such examination.

§ 7. Section 54-b of the workers' compensation law, as amended by chapter 6 of the laws of 2007, is amended to read as follows:

§ 54-b. Enforcement on failure to pay award or judgment. In case of default by a carrier or self-insured employer in the payment of any compensation due under an award for the period of thirty days after payment is due and payable, or in the case of failure by a carrier or self-insured employer to make full payment of an award for medical care **or supplies** issued by the board or the chair pursuant to section thirteen-g of this chapter, the chair in any such case or on the chair's consent any party to an award may file with the county clerk for the county in which the injury occurred or the county in which the carrier or self-insured employer has his or her principal place of business, (1) a certified copy of the decision of the board awarding compensation or ending, diminishing or increasing compensation previously awarded, from which no appeal has been taken within the time allowed therefor, or if an appeal has been taken by a carrier or self-insured employer who has not complied with the provisions of section fifty of this article, where he or she fails to deposit with the chair the amount of the award as security for its payment within ten days after the same is due and payable, or (2) a certified copy of the award for medical care **or supplies** issued pursuant to section thirteen-g of this chapter, and thereupon judgment must be entered in the supreme court by the clerk of such county in conformity therewith immediately upon such filing. If the payment in default be an installment, the board may declare the entire award due and judgment may be entered in accordance with the provisions of this section. Such judgment shall be entered in the same manner, have the same effect and be subject to the same proceedings as though rendered in a suit duly heard and determined by the supreme court, except that no appeal may be taken therefrom. The court shall vacate or modify such judgment to conform to any later award or decision of the board upon presentation of a certified copy of such award or decision. The award may be so compromised by the board as in the discretion of the board may best serve the interest of the persons entitled to receive the compensation or benefits. Where an award has been made against a carrier or self-insured employer in accordance with the provisions of subdivision nine of section fifteen, or of section twenty-five-a of this chapter, such an award may be similarly compromised by the board, upon notice to a representative of the fund to which the award is payable, but if there be no representative of any such fund, notice shall be given to such representative as may be designated by the chair of the board; and notwithstanding any other provision of law, such compromise shall be effective without the necessity of any approval by the state comptroller. Neither the chair nor any party in interest shall be required to pay any fee to any public officer for filing or recording any paper or instrument or for issuing a transcript of any judgment executed in pursuance of this section. The carrier or self-insured employer shall be liable for all costs and attorneys fees necessary to enforce the award. For the purposes of this section, the term "carrier" shall include the state insurance fund and any stock corporation, mutual corporation or reciprocal insurer authorized to transact the business of workers' compensation insurance in this state.

§ 8. Subdivisions 5 and 6 of section 13-a of the workers' compensation law, subdivision 5 as amended by chapter 6 of the laws of 2007 and as

further amended by section 104 of part A of chapter 62 of the laws of 2011 and subdivision 6 as amended by chapter 635 of the laws of 1996, are amended to read as follows:

(5) No claim for specialist consultations, surgical operations, physiotherapeutic or occupational therapy procedures, x-ray examinations or special diagnostic laboratory tests costing more than one thousand dollars shall be valid and enforceable, as against such employer, unless such special services shall have been authorized by the employer or by the board, or unless such authorization has been unreasonably withheld, or withheld for a period of more than thirty calendar days from receipt of a request for authorization, or unless such special services are required in an emergency, provided, however, that the basis for a denial of such authorization by the employer must be based on a conflicting second opinion rendered by a physician authorized by the board. The board, with the approval of the superintendent of financial services, shall issue and maintain a list of pre-authorized procedures under this section. **Such list of pre-authorized procedures shall be issued and maintained for the purpose of expediting authorization of treatment of injured workers. Such list of pre-authorized procedures shall not prohibit varied treatment when the treating provider demonstrates the appropriateness and medical necessity of such treatment.**

(6) **(a)** Any interference by any person with the selection by an injured employee of an authorized physician to treat him, except when the selection is made pursuant to article ten-A of this chapter, and the improper influencing or attempt by any person improperly to influence the medical opinion of any physician who has treated or examined an injured employee, shall be a misdemeanor; provided, however, that it shall not constitute interference or improper influence if, in the presence of such injured employee's physician, an employer, his carrier or agent should recommend or provide information concerning rehabilitation services or the availability thereof to an injured employee or his family.

(b) Except as otherwise permitted by law, an employer, carrier, or third-party administrator shall not interfere or attempt to interfere with the selection by an injured employee of, or treatment by, an authorized medical provider, including by directing or attempting to direct that the injured employee seek treatment from a specific provider or type of provider selected by the employer, carrier, or third-party administrator. It shall not constitute improper interference under this paragraph if the direction or attempt to direct the injured employee to receive treatment from a specific provider or type of provider originates from the authorized medical provider while in the course of providing treatment to the injured employee.

(i) Notwithstanding any other provision in this chapter, the chair shall by regulation establish a performance standard concerning the subject of any penalty imposed under this paragraph against an employer, carrier or third-party administrator. The performance standard established by the chair shall be used to measure compliance with this paragraph by employers, carriers and third-party administrators. The chair shall apply the performance standard based on multiple factors, including but not limited to, findings of improper interference submitted as complaints to the board's monitoring unit, unreasonable objections to medical care, unwarranted objections to variances, medical billing disputes, case delays brought about by employers, carriers and third-party administrators, and the unreasonable denial of medical care.

(ii) Upon validating an allegation that the employer, carrier or third-party administrator has failed to meet the promulgated performance standard, a penalty shall be assessed by the board upon notice to the employer, carrier or third-party administrator. The board shall impose such penalty against the carrier, employer or third-party administrator in the amount of fifty dollars per violation identified in subparagraph (i) of this paragraph. The penalties for violations identified in subparagraph (i) of this paragraph, may be aggregated into a single penalty upon a finding that an employer, carrier or third-party administrator has interfered with an injured employee's necessary medical treatment and care. Such aggregate penalty or assessment shall be based upon the number of violations as multiplied against the applicable penalty or assessment, but may be negotiated by the chair's designee in full satisfaction of the penalty or assessment. Any aggregate penalty or assessment issued under this paragraph shall be issued administratively, and the chair shall, by regulation, specify the method of review or redetermination, and the presentment of evidence and objections shall occur solely upon the documentation. Any final determination shall be subject to review under section twenty-three of this article but penalties may not be subject to a stay. A final determination that an employer, carrier or third-party administrator has engaged in a pattern of interference with an injured worker's access to medically necessary medical care shall result in the imposition of an aggregate penalty and publication of notice of such finding on the board's web page.

§ 9. This act shall take effect January 1, 2020.

PART DD

Section 1. Section 14 of part J of chapter 62 of the laws of 2003 amending the county law and other laws relating to fees collected, as amended by section 7 of part K of chapter 56 of the laws of 2010, is amended to read as follows:

§ 14. Notwithstanding the provisions of any other law: (a) the fee collected by the office of court administration for the provision of criminal history searches and other searches for data kept electronically by the unified court system shall be [~~sixty-five~~] ninety-five dollars; (b) [~~thirty-five~~] sixty-five dollars of each such fee collected shall be deposited in the indigent legal services fund established by section 98-b of the state finance law, as added by section twelve of this act, (c) nine dollars of each such fee collected shall be deposited in the legal services assistance fund established by section 98-c of the state finance law, as added by section nineteen of this act, (d) sixteen dollars of each such fee collected shall be deposited to the judiciary data processing offset fund established by section 94-b of the state finance law, and (e) the remainder shall be deposited in the general fund.

§ 2. This act shall take effect immediately.

PART EE

Intentionally Omitted

PART FF

Section 1. Subject to the provisions of this act, the town of Hastings, county of Oswego, acting by and through its governing body and

upon such terms and conditions as determined by such body, is hereby authorized to discontinue as parklands and to alienate the lands described in section three of this act, to the New York Division of State Police for the construction of a Division of State Police station.

§ 2. The authorization contained in section one of this act shall take effect only upon the condition that the town of Hastings shall dedicate an amount equal to or greater than the fair market value of the parklands being discontinued towards the acquisition of new parklands and/or capital improvements to existing park and recreational facilities.

§ 3. The parklands authorized by section one of this act to be alienated as parkland are described as follows: All that tract or parcel of land situate in the Town of Hastings, County of Oswego and State of New York, being part of Lot No. 28 and being part of Lot No. 29 in Township No. 13 of Scriba's Patent, and being part of the lands conveyed from F. Don Sweet to the Town of Hastings by deed dated April 16, 1969 and recorded at the Oswego County Clerk's Office on April 16, 1969 in Book of Deeds 712 at Page 116 and being more particularly described as follows:

Beginning at the southwesterly corner of lands of the Town of Hastings (712/116), being a point on the southerly bounds of Lot No. 28, also being the centerline of Wilson Road per deed (712/116), said point being easterly a distance of 645 feet, more or less, from the nominal centerline intersection of Wilson Road and U.S. Route No. 11;

Thence running N. 28° 53' 09" E. along the easterly bounds of The Town of Hastings (712/141) a distance of 435.60 feet to a point; thence S. 61° 57' 15" E. a distance of 300.00 feet to a point; thence S. 28° 53' 09" W. a distance of 435.60 feet to the southerly bounds of Lot No. 29; thence N. 61° 57' 15" W. a distance of 300.00 feet to the point and place of beginning containing 3.0 acres of land, more or less.

Subject to any and all easements and restrictions of record and the highway rights of the public and the Town of Hastings in and to the portion of Wilson Road lying within the bounds of the above described parcel.

§ 4. In the event that the Town of Hastings received any funding support or assistance from the federal government for the purchase, maintenance or improvement of the parklands set forth in section three of this act, the discontinuance and alienation of such parkland authorized by the provisions of this act shall not occur until the Town of Hastings has complied with any federal requirements pertaining to the alienation or conversion of parklands, including satisfying the secretary of the interior that the alienation or conversion complies with all conditions which the secretary of the interior deems necessary to assure the substitution of other lands shall be equivalent in fair market value and usefulness to the lands being alienated or converted.

§ 5. This act shall take effect immediately.

PART GG

Section 1. Subdivisions 3 and 5 of section 97-g of the state finance law, subdivision 3 as amended by section 62 of part HH of chapter 57 of the laws of 2013 and subdivision 5 as amended by section 1 of subpart A of part C of chapter 97 of the laws of 2011, are amended to read as follows:

3. Moneys of the fund shall be available to the commissioner of general services for the purchase of food, supplies and equipment for state agencies, and for the purpose of furnishing or providing centralized

services to or for state agencies; provided further that such moneys shall be available to the commissioner of general services for purposes pursuant to items (d) and (f) of subdivision four of this section to or for political subdivisions**, public authorities, and public benefit corporations**. Beginning the first day of April, two thousand two, moneys in such fund shall also be transferred by the state comptroller to the revenue bond tax fund account of the general debt service fund in amounts equal to those required for payments to authorized issuers for revenue bonds issued pursuant to article five-C and article five-F of this chapter for the purpose of lease purchases and installment purchases by or for state agencies and institutions for personal or real property purposes.

5. The amount expended from such fund for the above-stated purposes shall be charged against the agency [~~or~~]**,** political [~~subdivisions~~] **subdivision, public authority or public benefit corporation** above receiving such food, supplies, equipment and services and all payments received therefor shall be credited to such fund.

§ 2. Section 3 of chapter 410 of the laws of 2009, amending the state finance law relating to authorizing the aggregate purchases of energy for state agencies, institutions, local governments, public authorities and public benefit corporations, as amended by section 1 of part G of chapter 55 of the laws of 2014, is amended to read as follows:

§ 3. This act shall take effect immediately and shall expire and be deemed repealed July 31, [~~2019~~] **2029**.

§ 3. Section 9 of subpart A of part C of chapter 97 of the laws of 2011, amending the state finance law and other laws relating to providing certain centralized service to political subdivisions and extending the authority of the commissioner of general services to aggregate purchases of energy for state agencies and political subdivisions, as amended by section 2 of part G of chapter 55 of the laws of 2014, is amended to read as follows:

§ 9. This act shall take effect immediately, provided, however that:

1. sections [~~one,~~] four, five, six and seven of this act shall expire and be deemed repealed July 31, [~~2019~~] **2024**;

2. the amendments to subdivision 4 of section 97-g of the state finance law made by section two of this act shall survive the expiration and reversion of such subdivision as provided in section 3 of chapter 410 of the laws of 2009, as amended;

3. sections four, five, six and seven of this act shall apply to any contract let or awarded on or after such effective date**;**

4. section one of this act shall expire and be deemed repealed July 31, 2029.

§ 4. The office of general services shall submit to the governor, the temporary president of the senate and the speaker of the assembly a report on the office's aggregate electric procurement program on or before January 1, 2029. The report shall include, but not be limited to, agencies participating in the program, the addresses of those facilities receiving the electricity and each facility's electric usage and cost saving for each month of participation in the program as compared to the electricity cost if purchased from the facility's local utility.

§ 5. This act shall take effect immediately.

PART HH

Section 1. Subdivision 2 of section 9 of the public buildings law, as amended by section 2 of part M of chapter 55 of the laws of 2015, is amended to read as follows:

2. Notwithstanding any other provision of this law or any general or special law, where there is a construction emergency, as defined by subdivision one of this section, the commissioner of general services may, upon written notice of such construction emergency from an authorized officer of the department or agency having jurisdiction of the property, let emergency contracts for public work or the purchase of supplies, materials or equipment without complying with formal competitive bidding requirements, provided that all such contracts shall be subject to the approval of the attorney general and the comptroller and that no such contract shall exceed [~~six~~] **one million five** hundred thousand dollars. Such emergency contracts shall be let only for work necessary to remedy or ameliorate a construction emergency.

§ 2. Section 3 of chapter 674 of the laws of 1993, amending the public buildings law relating to value limitations on contracts, as amended by section 1 of part L of chapter 55 of the laws of 2017, is amended to read as follows:

§ 3. This act shall take effect immediately and shall remain in full force and effect only until June 30, [~~2019~~] **2022**.

§ 3. This act shall take effect immediately.

PART II

Section 1. This Part enacts into law major components of legislation that remove unnecessary barriers to reentry of people with criminal histories into society. This Part removes mandatory bars on licensing and employment for people with criminal convictions in the categories enumerated therein and replace them with individualized review processes using the factors set out in article 23-A of the correction law. This Part removes mandatory drivers license suspension for non-driving drug offenses. This Part prohibits disclosure of mugshots and arrest information by amending the freedom of information law. This Part also amends provisions of law to enact into law major components of legislation to prevent the use in a civil context, of past arrest information that did not result in a conviction because no disposition has been reported, or the case has been adjourned in contemplation of dismissal, or because arrest and arraignment charges were not followed by a corresponding conviction on those charges. This information would still be able to be seen and used by law enforcement and in criminal proceedings. Finally, this Part establishes compassionate parole for incarcerated individuals over the age of 55 who have incapacitating medical conditions exacerbated by age. Each component is wholly contained with a Subpart identified as Subparts A through P. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section three of this Part sets forth the general effective date of this Part.

SUBPART A

Section 1. Subdivision 6 of section 369 of the banking law, as amended by chapter 164 of the laws of 2003, paragraph (b) as amended by section

6 of part LL of chapter 56 of the laws of 2010, is amended to read as follows:

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

§ 2. This act shall take effect immediately.

SUBPART B

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

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

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

(ii) conviction of a crime, [~~if such crime is directly related to his or her service upon such city-wide council or community district education council~~] **provided that any such conviction shall be considered in accordance with article twenty-three-A of the correction law**.

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

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

A person [~~who has been convicted of a felony, or has been removed from a community school board, community district education council, or the city-wide council on special education, the city-wide council on English language learners, or the city-wide council on high schools for any of the following shall~~] **may** be permanently ineligible for appointment to any community district education council **for any of the following**: (a) an act of malfeasance directly related to his or her service on the city-wide council on special education, the city-wide council on English language learners, the city-wide council on high schools, community school board or community district education council; or (b) conviction of a crime, [~~if such crime is directly related to his or her service upon the city-wide council on special education, the city-wide council on English language learners, the city-wide council on high schools, community school board or community district education council~~] **provided that any such conviction shall be considered in accordance with article twenty-three-A of the correction law**.

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

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

SUBPART C

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

(1) a person convicted of a crime [~~who has not received a pardon, a certificate of good conduct or a certificate of relief from disabilities~~] **if there is a direct relationship between one or more of the previous criminal offenses and the integrity and safety of bingo,**

considering the factors set forth in article twenty-three-A of the correction law;

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

§ 2. This act shall take effect immediately.

SUBPART D

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

1. The secretary of state may appoint and commission as many notaries public for the state of New York as in his or her judgment may be deemed best, whose jurisdiction shall be co-extensive with the boundaries of the state. The appointment of a notary public shall be for a term of four years. An application for an appointment as notary public shall be in form and set forth such matters as the secretary of state shall prescribe. Every person appointed as notary public must, at the time of his or her appointment, be a citizen of the United States and either a resident of the state of New York or have an office or place of business in New York state. A notary public who is a resident of the state and who moves out of the state but still maintains a place of business or an office in New York state does not vacate his or her office as a notary public. A notary public who is a nonresident and who ceases to have an office or place of business in this state, vacates his or her office as a notary public. A notary public who is a resident of New York state and moves out of the state and who does not retain an office or place of business in this state shall vacate his or her office as a notary public. A non-resident who accepts the office of notary public in this state thereby appoints the secretary of state as the person upon whom process can be served on his or her behalf. Before issuing to any applicant a commission as notary public, unless he or she be an attorney and counsellor at law duly admitted to practice in this state or a court clerk of the unified court system who has been appointed to such position after taking a civil service promotional examination in the court clerk series of titles, the secretary of state shall satisfy himself or herself that the applicant is of good moral character, has the equivalent of a common school education and is familiar with the duties and responsibilities of a notary public; provided, however, that where a notary public applies, before the expiration of his or her term, for reappointment with the county clerk or where a person whose term as notary public shall have expired applies within six months thereafter for reappointment as a notary public with the county clerk, such qualifying requirements may be waived by the secretary of state, and further, where an application for reappointment is filed with the county clerk after the expiration of the aforementioned renewal period by a person who failed or was unable to re-apply by reason of his or her induction or enlistment in the armed forces of the United States, such qualifying requirements may also be waived by the secretary of state, provided such application for reappointment is made within a period of one year after the military discharge of the applicant under conditions other than dishonorable. In any case, the appointment or reappointment of any

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

§ 2. This act shall take effect immediately.

SUBPART E

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 5. This act shall take effect immediately.

SUBPART F

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

§ 2. This act shall take effect immediately.

SUBPART G

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

§ 440-a. License required for real estate brokers and salesmen. No person, co-partnership, limited liability company or corporation shall

engage in or follow the business or occupation of, or hold himself or itself out or act temporarily or otherwise as a real estate broker or real estate salesman in this state without first procuring a license therefor as provided in this article. No person shall be entitled to a license as a real estate broker under this article, either as an individual or as a member of a co-partnership, or as a member or manager of a limited liability company or as an officer of a corporation, unless he or she is twenty years of age or over, a citizen of the United States or an alien lawfully admitted for permanent residence in the United States. No person shall be entitled to a license as a real estate salesman under this article unless he or she is over the age of eighteen years. No person shall be entitled to a license as a real estate broker or real estate salesman under this article who has been convicted in this state or elsewhere of a [~~felony, of a sex offense, as defined in subdivision two of section one hundred sixty-eight-a of the correction law or any offense committed outside of this state which would constitute a sex offense, or a sexually violent offense, as defined in subdivision three of section one hundred sixty-eight-a of the correction law or any offense committed outside this state which would constitute a sexually violent offense, and who has not subsequent to such conviction received executive pardon therefor or a certificate of relief from disabilities or a certificate of good conduct pursuant to article twenty-three of the correction law, to remove the disability under this section because of such conviction~~] **crime, unless the secretary makes a finding in conformance with all applicable statutory requirements, including those contained in article twenty-three-A of the correction law, that such convictions do not constitute a bar to licensure**. No person shall be entitled to a license as a real estate broker or real estate salesman under this article who does not meet the requirements of section 3-503 of the general obligations law.

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

§ 2. This act shall take effect immediately.

SUBPART H

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

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

Employers who submit false information under this section shall be subject to criminal prosecution for filing a false instrument.

§ 2. This act shall take effect immediately.

SUBPART I

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

9. Employees. [~~No licensee shall knowingly employ, in connection with a driving school in any capacity whatsoever, any person who has been convicted of a felony, or of any crime involving violence, dishonesty, deceit, indecency, degeneracy or moral turpitude~~] A licensee may employ, in connection with a driving school a person who has been convicted of a crime, in accordance with article twenty-three-A of the correction law.

§ 2. This act shall take effect immediately.

SUBPART J

Section 1. Subparagraphs (v), (vi) and (vii) of paragraph b of subdivision 2 of section 510 of the vehicle and traffic law are REPEALED.

§ 2. Paragraphs i and j of subdivision 6 of section 510 of the vehicle and traffic law are REPEALED.

§ 3. Subdivision 2 of section 701 of the correction law, as amended by chapter 235 of the laws of 2007, is amended to read as follows:

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 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 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.~~]

§ 4. This act shall take effect immediately.

SUBPART K

Section 1. Legislative findings. The legislature finds that law enforcement booking information and photographs, otherwise known as "mugshots," are published on the internet and other public platforms with impunity. An individual's mugshot is displayed publicly even if the arrest does not lead to a conviction, or the conviction is later expunged, sealed, or pardoned. This practice presents an unacceptable invasion of the individual's personal privacy. While there is a well-established Constitutional right for the press and the public to publish government records which are in the public domain or that have been lawfully accessed, arrest and booking information have not been found by courts to have the same public right of access as criminal court proceedings or court filings. Therefore, each state can set access to this information through its Freedom of Information laws. The federal government has already limited access to booking photographs through privacy formulations in its Freedom of Information Act, and the legislature hereby declares that New York will follow the same principle to protect its residents from this unwarranted invasion of personal privacy, absent a specific law enforcement purpose, such as disclosure of a photograph to alert victims or witnesses to come forward to aid in a criminal investigation.

§ 2. Paragraph (b) of subdivision 2 of section 89 of the public officers law, as amended by section 11 of part U of chapter 61 of the laws of 2011, is amended to read as follows:

(b) An unwarranted invasion of personal privacy includes, but shall not be limited to:

i. disclosure of employment, medical or credit histories or personal references of applicants for employment;

ii. disclosure of items involving the medical or personal records of a client or patient in a medical facility;

iii. sale or release of lists of names and addresses if such lists would be used for solicitation or fund-raising purposes;

iv. disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the agency requesting or maintaining it;

v. disclosure of information of a personal nature reported in confidence to an agency and not relevant to the ordinary work of such agency;

vi. information of a personal nature contained in a workers' compensation record, except as provided by section one hundred ten-a of the workers' compensation law; [~~or~~]

vii. disclosure of electronic contact information, such as an e-mail address or a social network username, that has been collected from a taxpayer under section one hundred four of the real property tax law**; or**

viii. disclosure of law enforcement booking information about an individual, including booking photographs, unless public release of such information will serve a specific law enforcement purpose and disclosure is not precluded by any state or federal laws.

§ 3. This act shall take effect immediately.

SUBPART L

Section 1. The executive law is amended by adding a new section 845-c to read as follows:

§ 845-c. Criminal history record searches; undisposed cases. 1. When, pursuant to statute or the regulations of the division, the division conducts a search of its criminal history records and returns a report thereon, all references to undisposed cases contained in such criminal history record shall be excluded from such report.

2. For purposes of this section, "undisposed case" shall mean a criminal action or proceeding identified in the division's criminal history record repository, for which there is no record of an unexecuted warrant of arrest, superior court warrant of arrest, or bench warrant, and for which no record of conviction or imposition of sentence or other final disposition, other than the issuance of an apparently unexecuted warrant, has been recorded and with respect to which no entry has been made in the division's criminal history records for a period of at least five years preceding the issuance of such report. When a criminal action in the division's criminal history record repository becomes an undisposed case pursuant to this section, and the action involves class A charges, charges under article one hundred twenty-five of the penal law, or felony charges under article one hundred thirty of the penal law, the division shall notify the district attorney in the county which has jurisdiction. If the district attorney notifies the division that such case is pending and should not meet the definition of an undisposed case, the case shall not be excluded from such report. If the division does not receive a response from the district attorney within six months of providing notice, the case shall be excluded from such report.

3. The provisions of subdivision one of this section shall not apply to criminal history record information: (a) provided by the division to qualified agencies pursuant to subdivision six of section eight hundred thirty-seven of this article, or to federal or state law enforcement agencies, for criminal justice purposes; (b) prepared solely for a bona fide research purpose; or (c) prepared for the internal record keeping or case management purposes of the division.

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

(x) Take such actions and adopt such measures as may be necessary to ensure that no written or electronic report of a criminal history record search conducted by the office of court administration, other than a search conducted solely for the internal recordkeeping or case management purposes of the judiciary or for a bona fide research purpose, contains information relating to an undisposed case. For purposes of this paragraph, "undisposed case" shall mean a criminal action or proceeding, or an arrest incident, appearing in the criminal history records of the office of court administration for which no conviction, imposition of sentence, order of removal or other final disposition, other than the issuance of an apparently unexecuted warrant, has been recorded and with respect to which no entry has been made in such records for a period of at least five years preceding the issuance of such report. Nothing contained in this paragraph shall be deemed to permit or require the release, disclosure or other dissemination by the office of court administration of criminal history record information that has been sealed in accordance with law.

§ 3. This act shall take effect on the three hundred sixty-fifth day after it shall have become a law and shall apply to searches of criminal history records conducted on or after such date. Prior to such effective date, the division of criminal justice services, in consultation with the state administrator of the unified court system as well as any other public or private agency, shall undertake such measures as may be neces-

sary and appropriate to update its criminal history records with respect to criminal cases and arrest incidents for which no final disposition has been reported.

SUBPART M

Section 1. The commissioner of the division of criminal justice services shall direct that records of any action or proceeding terminated in favor of the accused, as defined by section 160.50 of the criminal procedure law, before November 1, 1991 maintained by the division of criminal justice services be sealed in the manner provided for by section 160.50 of the criminal procedure law.

§ 2. The commissioner of the division of criminal justice services shall direct that records of any action or proceeding terminated by a conviction for a traffic infraction or a violation, other than a violation of loitering as described in paragraph (d) of subdivision 1 of section 160.10 of the criminal procedure law or the violation of operating a motor vehicle while ability impaired as described in subdivision 1 of section 1192 of the vehicle and traffic law before November 1, 1991 maintained by the division of criminal justice services be sealed in the manner provided for by section 160.55 of the criminal procedure law.

§ 3. Subdivision 2 of section 212 of the judiciary law is amended by adding a new paragraph (y) to read as follows:

(y) Take such actions and adopt such measures as may be necessary to ensure that no written or electronic report of a criminal history record search conducted by the office of court administration, other than a search conducted solely for the internal recordkeeping or case management purposes of the judiciary or for a bona fide research purpose, contains information about any action or proceeding terminated prior to November first, nineteen ninety-one in favor of the accused, as defined by section 160.50 of the criminal procedure law, or sealed in the manner provided by section 160.55 of the criminal procedure law.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, section one of this act shall be deemed to have been in full force and effect on the same date as chapter 877 of the laws of 1976 took effect; provided, further, however, section two of this act shall be deemed to have been in full force and effect on the same date as chapter 182 of the laws of 1980 took effect.

SUBPART N

Section 1. The executive law is amended by adding a new section 845-d to read as follows:

§ 845-d. Criminal record searches: reports for civil purposes. 1. When, pursuant to statute or the regulations of this division, the division conducts a search of its criminal history records for civil purposes, and returns a report therein, it shall only report any criminal convictions, and any criminal arrests and accompanying criminal actions which are pending.

2. The provisions of subdivision one of this section shall not apply to criminal history records: (a) provided by the division to qualified agencies as defined in subdivision nine of section eight hundred thirty-five of this article; (b) provided to federal or state law enforcement agencies; (c) prepared solely for a bona fide research purpose; or

(d) prepared for the internal record keeping or case management purposes of the division.

3. Nothing in this section shall authorize the division to provide criminal history information that is not otherwise authorized by law or that is sealed pursuant to section 160.50, 160.55, 160.58 or 160.59 of the criminal procedure law.

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

(z) take such actions and adopt such measures as may be necessary to ensure that a certificate of disposition or a written or electronic report of a criminal history search conducted for the public by the office of court administration contains only records of convictions, if any, and information about pending cases. This limitation shall not apply to searches conducted for the internal recordkeeping or case management purposes of the judiciary, or produced to the court, the people, and defense counsel in a criminal proceeding, or for a bona fide research purpose, or, where appropriate, to the defendant or defendant's designated agent.

§ 3. This act shall take effect on the three hundred sixty-fifth day after it shall have become a law.

SUBPART O

Section 1. This Subpart amends the human rights law to specify that considering arrests that are followed by an order adjourning the criminal action in contemplation of dismissal, which adjournments are not convictions or admissions of guilt under section 170.55 of the criminal procedure law, is an unlawful discriminatory practice for civil purposes. This Subpart amends the human rights law to clarify as well that adjourning the criminal action in contemplation of dismissal is not a pending arrest for purposes of this Subpart, unless the case has been restored to the calendar. This Subpart also amends the same section of the law to add housing and volunteer positions to employment and licensing to the civil purposes for which past arrest information that did not result in a conviction or violation can be used.

§ 2. Subdivision 16 of section 296 of the executive law, as amended by section 48-a of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

16. It shall be an unlawful discriminatory practice, unless specifically required or permitted by statute, for any person, agency, bureau, corporation or association, including the state and any political subdivision thereof, to make any inquiry about, whether in any form of application or otherwise, or to act upon adversely to the individual involved, any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by an order adjourning the criminal action in contemplation of dismissal, pursuant to section 170.55, 170.56, 210.46, 210.47, or 215.10 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law or by a conviction which is sealed pursuant to section 160.59 or 160.58 of the criminal procedure law, in connection with the licensing, housing, employment, including volunteer positions, or providing of credit or insurance to such individual;

provided, further, that no person shall be required to divulge information pertaining to any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, **or by an order adjourning the criminal action in contemplation of dismissal, pursuant to section 170.55 or 170.56, 210.46, 210.47 or 215.10 of the criminal procedure law,** or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 or 160.59 of the criminal procedure law. **An individual required or requested to provide information in violation of this subdivision may respond as if the arrest, criminal accusation, or disposition of such arrest or criminal accusation did not occur.** The provisions of this subdivision shall not apply to the licensing activities of governmental bodies in relation to the regulation of guns, firearms and other deadly weapons or in relation to an application for employment as a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of the criminal procedure law; provided further that the provisions of this subdivision shall not apply to an application for employment or membership in any law enforcement agency with respect to any arrest or criminal accusation which was followed by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 or 160.59 of the criminal procedure law. **For purposes of this subdivision, an action which has been adjourned in contemplation of dismissal, pursuant to section 170.55 or 170.56, 210.46, 210.47 or 215.10 of the criminal procedure law, shall not be considered a pending action, unless the order to adjourn in contemplation of dismissal is revoked and the case is restored to the calendar for further prosecution.**

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

SUBPART P

Intentionally omitted

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

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

PART JJ

Intentionally Omitted

PART KK

Section 1. Section 60.05 of the penal law is amended by adding a new subdivision 8 to read as follows:

8. Shock incarceration participation. (a) When the court imposes a determinate sentence of imprisonment pursuant to subdivision three of section 70.02 of this chapter or subdivision six of section 70.06 of this chapter upon a person who stands convicted either of burglary in the second degree as defined in subdivision two of section 140.25 of this chapter or robbery in the second degree as defined in subdivision one of section 160.10 of this chapter, or an attempt thereof, upon motion of the defendant, the court may issue an order directing that the department of corrections and community supervision enroll the defendant in the shock incarceration program as defined in article twenty-six-A of the correction law, provided that the defendant is an eligible inmate, as described in subdivision one of section eight hundred sixty-five of the correction law. Notwithstanding the foregoing provisions of this subdivision, any defendant to be enrolled in such program pursuant to this subdivision shall be governed by the same rules and regulations promulgated by the department of corrections and community supervision, including without limitation those rules and regulations establishing requirements for completion and such rules and regulations governing discipline and removal from the program.

(b) Paragraph (b) of subdivision seven of section 60.04 of this article shall apply in the event an inmate designated by court order for enrollment in the shock incarceration program requires a degree of medical care or mental health care that cannot be provided at a shock incarceration facility.

§ 2. Subdivision 1 of section 865 of the correction law, as amended by chapter 377 of the laws of 2010, is amended to read as follows:

1. "Eligible inmate" means a person sentenced to an indeterminate term of imprisonment who will become eligible for release on parole within three years or sentenced to a determinate term of imprisonment who will become eligible for conditional release within three years, who has not reached the age of fifty years, who has not previously been convicted of a violent felony as defined in article seventy of the penal law, or a felony in any other jurisdiction which includes all of the essential elements of any such violent felony, upon which an indeterminate or determinate term of imprisonment was imposed and who was between the ages of sixteen and fifty years at the time of commission of the crime upon which his or her present sentence was based. Notwithstanding the foregoing, no person who is convicted of any of the following crimes shall be deemed eligible to participate in this program: (a) a violent felony offense as defined in article seventy of the penal law[~~,~~]**~~;~~ provided, however, that a person who is convicted of burglary in the second degree as defined in subdivision two of section 140.25 of the penal law, or robbery in the second degree as defined in subdivision one of section 160.10 of the penal law, or an attempt thereof, is eligible to participate,** (b) an A-I felony offense, (c) any homicide offense as defined in article one hundred twenty-five of the penal law, (d) any felony sex offense as defined in article one hundred thirty of the penal law and (e) any escape or absconding offense as defined in article two hundred five of the penal law.

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

PART LL

Intentionally Omitted

PART MM

Intentionally Omitted

PART NN

Intentionally Omitted

PART OO

Section 1. Subdivisions 1 and 3 of section 70.15 of the penal law, subdivision 1 as amended by chapter 291 of the laws of 1993, are amended to read as follows:

1. Class A misdemeanor. A sentence of imprisonment for a class A misdemeanor shall be a definite sentence. When such a sentence is imposed the term shall be fixed by the court, and shall not exceed [~~one year; provided, however, that a sentence of imprisonment imposed upon a conviction of criminal possession of a weapon in the fourth degree as defined in subdivision one of section 265.01 must be for a period of no less than one year when the conviction was the result of a plea of guilty entered in satisfaction of an indictment or any count thereof charging the defendant with the class D violent felony offense of criminal possession of a weapon in the third degree as defined in subdivision four of section 265.02, except that the court may impose any other sentence authorized by law upon a person who has not been previously convicted in the five years immediately preceding the commission of the offense for a felony or a class A misdemeanor defined in this chapter, if the court having regard to the nature and circumstances of the crime and to the history and character of the defendant, finds on the record that such sentence would be unduly harsh and that the alternative sentence would be consistent with public safety and does not deprecate the seriousness of the crime~~] **three hundred sixty-four days**.

3. Unclassified misdemeanor. A sentence of imprisonment for an unclassified misdemeanor shall be a definite sentence. When such a sentence is imposed the term shall be fixed by the court, and shall be in accordance with the sentence specified in the law or ordinance that defines the crime **but, in any event, it shall not exceed three hundred sixty-four days**.

§ 2. Section 70.15 of the penal law is amended by adding a new subdivision 1-a to read as follows:

1-a. (a) Notwithstanding the provisions of any other law, whenever the phrase "one year" or "three hundred sixty-five days" or "365 days" or any similar phrase appears in any provision of this chapter or any other law in reference to the definite sentence or maximum definite sentence of imprisonment that is imposed, or has been imposed, or may be imposed after enactment of this subdivision, for a misdemeanor conviction in this state, such phrase shall mean, be interpreted and be applied as three hundred sixty-four days.

(b) The amendatory provisions of this subdivision are ameliorative and shall apply to all persons who are sentenced before, on or after the effective date of this subdivision, for a crime committed before, on or after the effective date of this subdivision.

(c) Any sentence for a misdemeanor conviction imposed prior to the effective date of this subdivision that is a definite sentence of imprisonment of one year, or three hundred sixty-five days, shall, by operation of law, be changed to, mean and be interpreted and applied as a sentence of three hundred sixty-four days. In addition to any other right of a person to obtain a record of a proceeding against him or her, a person so sentenced prior to the effective date of this subdivision shall be entitled to obtain, from the criminal court or the clerk thereof, a certificate of conviction, as described in subdivision one of section 60.60 of the criminal procedure law, setting forth such sentence as the sentence specified in this paragraph.

(d) Any sentence for a misdemeanor conviction imposed prior to the effective date of this subdivision that is other than a definite sentence of imprisonment of one year may be set aside, upon motion of the defendant under section 440.20 of the criminal procedure law based on a showing that the judgment and sentence under the law in effect at the time of conviction imposed prior to the effective date of this subdivision is likely to result in severe collateral consequences, in order to permit the court to resentence the defendant in accordance with the amendatory provisions of this subdivision.

(e) Resentence by operation of law is without prejudice to an individual seeking further relief pursuant to paragraph (i) of subdivision one of section 440.10 of the criminal procedure law. Nothing in this section is intended to diminish or abrogate any rights or remedies otherwise available to the individual.

§ 3. Paragraph (i) of subdivision 1 of section 440.10 of the criminal procedure law, as amended by chapter 368 of the laws of 2015, the opening paragraph as amended by chapter 189 of the laws of 2018, is amended and a new paragraph (j) is added to read as follows:

(i) The judgment is a conviction where the arresting charge was under section 240.37 (loitering for the purpose of engaging in a prostitution offense, provided that the defendant was not alleged to be loitering for the purpose of patronizing a person for prostitution or promoting prostitution) or 230.00 (prostitution) or 230.03 (prostitution in a school zone) of the penal law, and the defendant's participation in the offense was a result of having been a victim of sex trafficking under section 230.34 of the penal law, sex trafficking of a child under section 230.34-a of the penal law, labor trafficking under section 135.35 of the penal law, aggravated labor trafficking under section 135.37 of the penal law, compelling prostitution under section 230.33 of the penal law, or trafficking in persons under the Trafficking Victims Protection Act (United States Code, title 22, chapter 78); provided that

(i) a motion under this paragraph shall be made with due diligence, after the defendant has ceased to be a victim of such trafficking or compelling prostitution crime or has sought services for victims of such trafficking or compelling prostitution crime, subject to reasonable concerns for the safety of the defendant, family members of the defendant, or other victims of such trafficking or compelling prostitution crime that may be jeopardized by the bringing of such motion, or for other reasons consistent with the purpose of this paragraph; and

(ii) official documentation of the defendant's status as a victim of trafficking, compelling prostitution or trafficking in persons at the

time of the offense from a federal, state or local government agency shall create a presumption that the defendant's participation in the offense was a result of having been a victim of sex trafficking, compelling prostitution or trafficking in persons, but shall not be required for granting a motion under this paragraph[~~.~~]; or

(j) The judgment is a conviction for a class A or unclassified misdemeanor entered prior to the effective date of this paragraph and satisfies the ground prescribed in paragraph (h) of this subdivision. There shall be a rebuttable presumption that a conviction by plea to such an offense was not knowing, voluntary and intelligent, based on severe or ongoing collateral consequences, including potential or actual immigration consequences, and there shall be a rebuttable presumption that a conviction by verdict constitutes cruel and unusual punishment under section five of article one of the state constitution based on such consequences.

§ 4. Section 440.10 of the criminal procedure law is amended by adding a new subdivision 9 to read as follows:

9. Upon granting of a motion pursuant to paragraph (j) of subdivision one of this section, the court may either:

(a) With the consent of the people, vacate the judgment or modify the judgment by reducing it to one of conviction for a lesser offense; or

(b) Vacate the judgment and order a new trial wherein the defendant enters a plea to the same offense in order to permit the court to resentence the defendant in accordance with the amendatory provisions of subdivision one-a of section 70.15 of the penal law.

§ 5. This act shall take effect immediately.

PART PP

Section 1. The opening paragraph and paragraph (a) of subdivision 1 of section 1311 of the civil practice law and rules, the opening paragraph as amended by chapter 655 of the laws of 1990 and paragraph (a) as added by chapter 669 of the laws of 1984, are amended to read as follows:

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

(a) Actions relating to post-conviction forfeiture crimes. An action relating to a post-conviction forfeiture crime must be grounded upon a conviction of a felony defined in subdivision five of section one thousand three hundred ten of this article[~~, or upon criminal activity arising from a common scheme or plan of which such a conviction is a part,~~] or upon a count of an indictment or information alleging a felony which was dismissed at the time of a plea of guilty to a felony in satisfaction of such count. A court may not grant forfeiture until such conviction has occurred. However, an action may be commenced, and a court may grant a provisional remedy provided under this article, prior to such conviction having occurred. An action under this paragraph must be dismissed at any time after sixty days of the commencement of the action unless the conviction upon which the action is grounded has occurred, or an indictment or information upon which the asserted conviction is to be based is pending in a superior court. An action under this paragraph shall be stayed during the pendency of a criminal action which is related to it; provided, however, that such stay shall not prevent the granting or continuance of any provisional remedy provided under this article or any other provisions of law.

§ 2. The civil practice law and rules is amended by adding a new section 1311-b to read as follows:

§ 1311-b. Money judgment. If a claiming authority obtains a forfeiture judgment against a defendant for the proceeds, substituted proceeds, instrumentality of a crime or real property instrumentality of a crime, but is unable to locate all or part of any such property, the claiming authority may apply to the court for a money judgment against the defendant in the amount of the value of the forfeited property that cannot be located. The defendant shall have the right to challenge the valuation of any property that is the basis for such an application. The claiming authority shall have the burden of establishing the value of the property under this section by a preponderance of the evidence.

§ 3. Subdivisions 1, 3 and 4 of section 1312 of the civil practice law and rules, subdivision 1 as added by chapter 669 of the laws of 1984, subdivision 3 as amended and subdivision 4 as added by chapter 655 of the laws of 1990, are amended to read as follows:

1. The provisional remedies of attachment, injunction, receivership and notice of pendency provided for herein, shall be available in all actions to recover property [~~or for a money judgment~~] under this article.

3. A court may grant an application for a provisional remedy when it determines that: (a) there is a substantial probability that the claiming authority will **be able to demonstrate at trial that the property is the proceeds, substituted proceeds, instrumentality of the crime or real property instrumentality of the crime, that the claiming authority will** prevail on the issue of forfeiture**,** and that failure to enter the order may result in the property being destroyed, removed from the jurisdiction of the court, or otherwise be unavailable for forfeiture; (b) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order may operate; and (c) in an action relating to real property, that entry of the requested order will not substantially diminish, impair, or terminate the lawful property interest in such real property of any person or persons other than the defendant or defendants.

4. Upon motion of any party against whom a provisional remedy granted pursuant to this article is in effect, the court may issue an order modifying or vacating such provisional remedy if necessary to permit the

moving party to obtain funds for the payment of reasonable living expenses, other costs or expenses related to the maintenance, operation, or preservation of property which is the subject of any such provisional remedy or reasonable and bona fide attorneys' fees and expenses for the representation of the defendant in the forfeiture proceeding or in a related criminal matter relating thereto, payment for which is not otherwise available from assets of the defendant which are not subject to such provisional remedy. Any such motion shall be supported by an affidavit establishing the unavailability of other assets of the moving party which are not the subject of such provisional remedy for payment of such expenses or fees. **That funds sought to be released under this subdivision are alleged to be the proceeds, substituted proceeds, instrumentality of a crime or real property instrumentality of a crime shall not be a factor for the court in considering and determining a motion made pursuant to this subdivision.**

§ 4. The opening paragraph of subdivision 2 of section 1349 of the civil practice law and rules, as added by chapter 655 of the laws of 1990, is amended to read as follows:

If any other provision of law expressly governs the manner of disposition of property subject to the judgment or order of forfeiture, that provision of law shall be controlling**, with the exception that, notwithstanding the provisions of any other law, all forfeited monies and proceeds from forfeited property shall be deposited into and disbursed from an asset forfeiture escrow fund established pursuant to section six-v of the general municipal law, which shall govern the maintenance of such monies and proceeds from forfeited property**. Upon application by a claiming agent for reimbursement of moneys directly expended by a claiming agent in the underlying criminal investigation for the purchase of contraband which were converted into a non-monetary form or which have not been otherwise recovered, the court shall direct such reimbursement from money forfeited pursuant to this article. Upon application of the claiming agent, the court may direct that any vehicles, vessels or aircraft forfeited pursuant to this article be retained by the claiming agent for law enforcement purposes, unless the court determines that such property is subject to a perfected lien, in which case the court may not direct that the property be retained unless all such liens on the property to be retained have been satisfied or pursuant to the court's order will be satisfied. In the absence of an application by the claiming agent, the claiming authority may apply to the court to retain such property for law enforcement purposes. Upon such application, the court may direct that such property be retained by the claiming authority for law enforcement purposes, unless the court determines that such property is subject to a perfected lien. If not so retained, the judgment or order shall direct the claiming authority to sell the property in accordance with article fifty-one of this chapter, and that the proceeds of such sale and any other moneys realized as a consequence of any forfeiture pursuant to this article **shall be deposited to an asset forfeiture escrow fund established pursuant to section six-v of the general municipal law and** shall be apportioned and paid in the following descending order of priority:

§ 5. Section 1349 of the civil practice law and rules is amended by adding a new subdivision 5 to read as follows:

5. Monies and proceeds from the sale of property realized as a consequence of any forfeiture distributed to the claiming agent or claiming authority of any county, town, city, or village of which the claiming agent or claiming authority is a part, shall be deposited to an asset

forfeiture escrow fund established pursuant to section six-v of the general municipal law.

§ 6. Subdivision 2 of section 700 of the county law is amended to read as follows:

2. Within thirty days after the receipt of any fine, penalty, recovery upon any recognizance, monies and proceeds from the sale of property realized as a consequence of any forfeiture, or other money belonging to the county, the district attorney or the claiming authority shall pay the same to the county treasurer. Not later than the first day of February in each year, the district attorney shall make in duplicate a verified true statement of all such moneys received and paid to the county treasurer during the preceding calendar year and at that time shall pay to the county treasurer any balance due. One statement shall be furnished to the county treasurer [~~and the other~~], one to the clerk of the board of supervisors and one to the state comptroller. A district attorney who is not re-elected shall make and file the verified statement and pay any balance of such moneys to the county treasurer within thirty days after the expiration of his term.

§ 7. The general municipal law is amended by adding a new section 6-v to read as follows:

§ 6-v. Asset forfeiture escrow fund. 1. As used in this section:

a. The term "governing board", insofar as it is used in reference to a village, shall mean the board of trustees thereof; insofar as it is used in reference to a town, shall mean the town board thereof; insofar as it is used in reference to a county, shall mean the board of supervisors or the county legislature thereof, as applicable; insofar as it is used in reference to a city, shall mean the "legislative body" thereof, as that term is defined in subdivision seven of section two of the municipal home rule law.

b. The term "chief fiscal officer" shall mean:

(i) In the case of counties operating under (1) an alternative form of county government or charter enacted as a state statute or adopted under the alternative county government law or by local law, the official designated in such statute, consolidated law or local law as the chief fiscal officer, or, if no such designation is made therein, the official possessing powers and duties similar to those of a county treasurer under the county law as shall be designated by local law.

(2) In the case of counties not operating under an alternative form of county government or charter enacted as a state statute or adopted under the alternative county government law or by local law, the treasurer, except that, in the case of counties having a comptroller, it shall mean the comptroller.

(ii) In the case of cities, the comptroller; if a city does not have a comptroller, the treasurer; if a city has neither a comptroller nor a treasurer, such official possessing powers and duties similar to those of a city treasurer as the finance board shall, by resolution, designate. A certified copy of such designation shall be filed with the state comptroller and shall be a public record.

(iii) In the case of towns, the town supervisor; if a town has more than one supervisor, the presiding supervisor.

(iv) In the case of villages, the village treasurer.

c. The term "claiming authority" shall mean the district attorney having jurisdiction over the offense or the attorney general for purpose of those crimes for which the attorney general has criminal jurisdiction in a case where the underlying criminal charge has been, is being or could have been brought by the attorney general, or the appropriate

corporation counsel or county attorney, where such corporation counsel or county attorney may act as a claiming authority only with the consent of the district attorney or the attorney general, as appropriate.

d. The term "claiming agent" shall mean and shall include all persons described in subdivision thirty-four of section 1.20 of the criminal procedure law, and sheriffs, undersheriffs and deputy sheriffs of counties within the city of New York.

2. The governing board shall authorize the establishment of an asset forfeiture escrow fund for any claiming agent or claiming authority as is deemed necessary for the monies and proceeds of sale of property realized as a consequence of any forfeiture. The separate identity of such fund shall be maintained.

3. There shall be paid into the asset forfeiture escrow fund all proceeds realized as a consequence of any forfeiture action. Such funds shall include, but are not limited to, all funds and any property (real, personal, tangible and/or intangible) that are forfeited pursuant to agreement or otherwise prior to, in lieu of or after the lodging of criminal charges, pre-indictment, post-indictment, or after conviction by plea or trial. Such funds shall also include funds that are forfeited in compromise of charges that are never brought.

4. The monies and proceeds in the asset forfeiture escrow fund shall be deposited and secured in the manner provided by section ten of this article. All monies and proceeds so deposited in such fund shall be kept in a separate bank account. The chief fiscal officer may invest the moneys in such fund in the manner provided in section eleven of this article. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of such fund. The separate identity of such fund shall be maintained, whether its assets consist of cash, investments, or both.

5. Every claim for the payment of money from the asset forfeiture escrow fund shall specify the purpose of the requested payment and must be accompanied by a written certification that the expenditure is in compliance with all applicable laws. Payments from such fund shall be made by the chief fiscal officer subject to the required certification and the determination of fund sufficiency.

6. The chief fiscal officer, at the termination of each fiscal year, shall render a detailed report of the operation and condition of the asset forfeiture escrow fund to the governing board and the state comptroller. Such report shall be subject to examination and audit. The chief fiscal officer may account for such fund separate and apart from all other funds of the village, town, county, and city.

§ 8. Section 1352 of the civil practice law and rules, as added by chapter 669 of the laws of 1984, is amended to read as follows:

§ 1352. Preservation of other rights and remedies. The remedies provided for in this article are not intended to substitute for or limit or [~~supercede~~] supersede the lawful authority of any public officer or agency or other person to enforce any other right or remedy provided for by law. The exercise of such lawful authority in the forfeiture of property alleged to be the proceeds, substitute proceeds, instrumentality of a crime or real property instrumentality of crime must include the provision of a prompt opportunity to be heard for the owner of seized property in order to ensure the legitimacy and the necessity of its continued retention by law enforcement, as well as clear notice of deadlines for accomplishing the return of such property.

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

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

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

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

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

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

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

PART QQ

Intentionally Omitted

PART RR

Section 1. The executive law is amended by adding a new section 837-t to read as follows:

§ 837-t. Use of force reporting. 1. The chief of every police department, each county sheriff, and the superintendent of state police shall report to the division, in a form and manner as defined in regulations by the division, any instance or occurrence in which a police officer, as defined in subdivision thirty-four of section 1.20 of the criminal procedure law, or a peace officer, as defined in section 2.10 of the criminal procedure law, employs the use of force as follows:

a. brandishes, uses or discharges a firearm at or in the direction of another person; or

b. uses a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air; or

c. displays, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray or tear gas; or

d. brandishes, uses or deploys an impact weapon, including, but not limited to, a baton or billy; or

e. brandishes, uses or deploys an electronic control weapon, including, but not limited to, an electronic stun gun, flash bomb or long range acoustic device; or

f. engages in conduct which results in the death or serious bodily injury of another person. Serious bodily injury is defined as bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss of impairment of the function of a bodily member, organ or mental faculty.

2. On an annual basis, the commissioner shall conspicuously publish on the department's website a comprehensive report including the use of force information received under subdivision one of this section during the preceding year. Such reports shall not identify the names of the individuals involved, but for each event reported, shall list the date of the event, the location disaggregated by county and law enforcement agencies involved, the town or city, and any additional relevant location information, a description of the circumstances of the event, and the race, sex, ethnicity, age, or, if unknown, approximate age of all persons engaging in the use of force or suffering such injury.

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

PART SS

Section 1. Subdivision (a) of section 8019 of the civil practice law and rules, as amended by chapter 773 of the laws of 1965, is amended to read as follows:

(a) Application. The fees of a county clerk specified in this article shall supersede the fees allowed by any other statute for the same services, except in so far as the administrative code of the city of New York sets forth different fees for the city register of the city of New York and the county clerk of Richmond, and except that such fees do not include the block fees as set out in the Nassau county administrative code or the tax map number verification fees on instruments presented for recording or filing as set out in the Suffolk county administrative code, which are to be charged in addition to the fees specified in this article. This subdivision does not apply to the fees specified in subdivision (f) of section 8021.

§ 2. Subparagraph (b) of paragraph 1 of subdivision (f) of section 8021 of the civil practice law and rules, as amended by chapter 784 of the laws of 1983, is amended to read as follows:

(b) if the real estate is in the city of New York or the [~~county~~] counties of Suffolk or Nassau, any block fees allowed by the administrative code of the city of New York or the Nassau county administrative code or any tax map number verification fees on instruments presented for recording or filing allowed by the Suffolk county administrative code;

§ 3. This act shall take effect immediately.

PART TT

Section 1. Notwithstanding the provisions of sections 79-a and 79-b of the correction law, the governor is authorized to close two correctional facilities of the department of corrections and community supervision, in state fiscal year 2019-2020, as he determines to be necessary for the cost-effective and efficient operation of the correctional system, provided that the governor provides at least 90 days notice prior to any such closures to the temporary president of the senate and the speaker of the assembly.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2019 and shall expire and be deemed repealed March 31, 2020.

PART UU

Intentionally Omitted

PART VV

Section 1. Subdivisions a and e of section 25 of chapter 507 of the laws of 2009, amending the real property actions and proceedings law and other laws relating to home mortgage loans, as amended by chapter 29 of the laws of 2014, are amended to read as follows:

a. Sections one, one-a, two and three of this act shall take effect on the thirtieth day after this act shall have become a law and shall apply to notices required on or after such date; [~~provided, however, that section one-a of this act shall expire and be deemed repealed 10 years after such effective date;~~]

e. Section nine of this act shall take effect on the sixtieth day after this act shall have become a law and shall apply to legal actions filed on or after such date; [~~provided, however that the amendments to subdivision (a) of rule 3408 of the civil practice law and rules made by such section shall expire and be deemed repealed 10 years after such effective date;~~]

§ 2. This act shall take effect immediately.

PART WW

Section 1. Subdivision 1 of section 60.12 of the penal law, as amended by a chapter of the laws of 2019, amending the penal law and the criminal procedure law relating to sentencing and resentencing in domestic violence cases, as proposed in legislative bills numbers S. 1077 and A. 3974, is amended to read as follows:

1. Notwithstanding any other provision of law, where a court is imposing sentence upon a person pursuant to section 70.00, 70.02, 70.06 or subdivision two or three of section 70.71 of this title, other than for an offense defined in section 125.26, 125.27, subdivision five of section 125.25, or article 490 of this chapter, or for an offense which would require such person to register as a sex offender pursuant to article six-C of the correction law, an attempt or conspiracy to commit any such offense, and is authorized or required pursuant to sections 70.00, 70.02, 70.06 or subdivision two or three of section 70.71 of this title to impose a sentence of imprisonment, the court, upon a determination following a hearing that (a) at the time of the instant offense, the defendant was a victim of domestic violence subjected to substantial

physical, sexual or psychological abuse inflicted by a member of the same family or household as the defendant as such term is defined in subdivision one of section 530.11 of the criminal procedure law; (b) such abuse was a significant contributing factor to the defendant's criminal behavior; (c) having regard for the nature and circumstances of the crime and the history, character and condition of the defendant, that a sentence of imprisonment pursuant to section 70.00, 70.02 [~~or~~], 70.06 **or subdivision two or three of section 70.71** of this title would be unduly harsh may instead impose a sentence in accordance with this section.

A court may determine that such abuse constitutes a significant contributing factor pursuant to paragraph (b) of this subdivision regardless of whether the defendant raised a defense pursuant to article thirty-five, article forty, or subdivision one of section 125.25 of this chapter.

At the hearing to determine whether the defendant should be sentenced pursuant to this section, the court shall consider oral and written arguments, take testimony from witnesses offered by either party, and consider relevant evidence to assist in making its determination. Reliable hearsay shall be admissible at such hearings.

§ 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2019, amending the penal law and the criminal procedure law relating to sentencing and resentencing in domestic violence cases, as proposed in legislative bills numbers S. 1077 and A. 3974, takes effect.

PART XX

Section 1. Section 1-104 of the election law is amended by adding a new subdivision 38 to read as follows:

38. "Computer generated registration list" means a printed or electronic list of voters in alphabetical order for a single election district or poll site, generated from a computer registration file for each election and containing for each voter listed, a facsimile of the signature of the voter. Such a list may be in a single volume or in more than one volume. The list may be utilized in place of registration poll records, to establish a person's eligibility to vote in the polling place on election day.

(a) The state board of elections shall promulgate minimum security standards for any electronic device, and any network or system to which the electronic device is connected, that is used to store or otherwise access a computer generated registration list, and shall also promulgate a list of devices that are approved for use. No local board of elections shall be permitted to use such a device unless the state board of elections has previously approved the device for use and has certified that the network or system to which the electronic device is connected is compliant with the minimum security standards.

(b) The minimum security standards for such devices shall be commensurate with the level of security risk applicable to such devices and shall specifically take into account any security risk associated with voting equipment-related supply chains in addition to any other applicable security risk.

(c) The state board of elections shall promulgate minimum redundancy procedures to ensure a list of registration records is available that provides necessary information in a compressed format to ensure voting continues if the electronic computer generated registration system

becomes unavailable for any poll site or election district that utilizes such an electronic computer generated registration list.

§ 2. Subdivision 1 of section 4-128 of the election law, as amended by chapter 125 of the laws of 2011, is amended to read as follows:

1. The board of elections of each county shall provide the requisite number of official and facsimile ballots, two cards of instruction to voters in the form prescribed by the state board of elections, at least one copy of the instruction booklet for inspectors, a sufficient number of maps, street finders or other descriptions of all of the polling places and election districts within the political subdivision in which the polling place is located to enable the election inspectors and poll clerks to determine the correct election district and polling place for each street address within the political subdivision in which the polling place is located, distance markers, tally sheets and return blanks, pens, [~~black ink, or ball point pens with black ink,~~] pencils [~~having black lead~~], **or other appropriate marking devices,** envelopes for the ballots of voters whose registration poll records are not in the ledger or whose names are not [~~on~~] **in** the computer generated registration list, envelopes for returns, identification buttons, badges or emblems for the inspectors and clerks in the form prescribed by the state board of elections and such other articles of stationery as may be necessary for the proper conduct of elections, except that when a town, city or village holds an election not conducted by the board of elections, the clerk of such town, city or village, shall provide such official and facsimile ballots and the necessary blanks, supplies and stationery for such election.

§ 3. Subdivision c of section 4-132 of the election law, as amended by chapter 164 of the laws of 1985, is amended to read as follows:

c. A booth or device in each election district for the use of voters marking ballots. Such booth or device shall be so constructed as to permit the voter to mark his **or her** ballot in secrecy and shall be furnished at all times with [~~a pencil having black lead only~~] **an appropriate marking device**.

§ 4. Section 4-134 of the election law, the section heading as amended by chapter 373 of the laws of 1978, subdivisions 1 and 3 as amended by chapter 163 of the laws of 2010, subdivision 2 as amended by chapter 425 of the laws of 1986, and subdivisions 5 and 6 as amended by chapter 635 of the laws of 1990, is amended to read as follows:

§ 4-134. Preparation and delivery of ballots, supplies and equipment for use at elections. 1. The board of elections shall deliver, at its office, to the clerk of each town or city in the county, except the cities of New York, Buffalo and Rochester and to the clerk of each village in the county in which elections are conducted by the board of elections, by the Saturday before the primary, general, village or other election for which they are required: the official and sample ballots; ledgers prepared for delivery in the manner provided in subdivision two of this section and containing the registration poll records of all persons entitled to vote at such election in such town, city or village, or computer generated registration lists containing the names of all persons entitled to vote at such election in such town, city or village; challenge reports prepared as directed by this chapter; sufficient applications for registration by mail; sufficient ledger seals and other supplies and equipment required by this article to be provided by the board of elections for each polling place in such town, city or village. The town, city or village clerk shall call at the office of such board of elections at such time and receive such ballots, supplies and equip-

ment. In the cities of New York, Buffalo and Rochester the board of elections shall cause such ballots, supplies and equipment to be delivered to the board of inspectors of each election district approximately one-half hour before the opening of the polls for voting, and shall take receipts therefor.

2. The board of elections shall provide for each election district a ledger or ledgers containing the registration poll records or [~~printed~~] lists with computer generated facsimile signatures, of all persons entitled to vote in such election district at such election. Such ledgers shall be labelled, sealed, locked and transported in locked carrying cases. After leaving the board of elections no such carrying case shall be unlocked except at the time and in the manner provided in this chapter.

3. [~~Any envelope containing absentee voters' ballots on which the blanks have not been properly filled in shall be stamped to indicate the defect and shall be preserved by the board for at least one year after the receipt thereof.~~

~~4.~~] Each kind of official ballot shall be arranged in a package in the consecutive order of the numbers printed on the stubs thereof beginning with number one. All official and sample ballots for each election district shall be in separate sealed packages, clearly marked on the outside thereof, with the number and kind of ballots contained therein and indorsed with the designation of the election district for which they were prepared. The other supplies provided for each election district also shall be [~~inclosed~~] **enclosed** in a sealed package, or packages, with a label on the outside thereof showing the contents of each package.

[~~5. Each town, city and village clerk receiving such packages shall cause all~~] **4. All** such packages so received and marked for any election district [~~to~~] **shall** be delivered unopened and with the seals thereof unbroken to the inspectors of election of such election districts at least [~~one-half~~] **one** hour before the opening of the polls of such election therein, [~~and~~] **who** shall [~~take~~] **give** a receipt therefor specifying the number and kind of packages delivered. [~~At the same time each such clerk shall cause to be delivered to such inspectors the equipment described in subdivision two of this section and shall cause a receipt to be taken therefor.~~

~~6.~~] **5.** Town, city and village clerks required to provide official and sample ballots, registration records, seals, supplies and equipment, as described in this section, for town, city and village elections not conducted by the board of elections, shall in like manner, deliver them to the inspectors or presiding officers of the election at each polling place at which such meetings and elections are held, respectively, in like sealed packages marked on the outside in like manner, and shall take receipts therefor in like manner.

§ 5. Subdivision 1 of section 5-302 of the election law, as separately amended by chapter 164 and chapter 558 of the laws of 1985, is amended to read as follows:

1. Before placing the registration poll record in the poll ledger **or in the computer generated registration list**, the board shall enter in the space provided therefor [~~on the back of such registration poll record~~] the name of the party designated by the voter on his application form, provided such party continues to be a party as defined in this law. If such party ceases to be a party at any time, either before or after such enrollment is so entered, the enrollment of such voter shall be deemed to be blank and shall be entered as such until such voter

files an application for change of enrollment pursuant to the provisions of this chapter. [~~In the city of New York the board shall also affix a gummed sticker of a different color for each party in a place on such registration poll record immediately adjacent to such entry.~~] The board shall enter the date of such entry and affix initials thereto in the space provided.

§ 6. Paragraph c of subdivision 3 of section 5-506 of the election law, as amended by chapter 659 of the laws of 1994, is amended to read as follows:

c. The computer generated registration list prepared for each election in each election district shall be [~~printed by a printer~~] **prepared in a manner** which meets or exceeds standards for clarity and speed of [~~reproduction~~] **production** established by the state board of elections, shall be in a form approved by such board, shall include the names of all voters eligible to vote in such election and shall be in alphabetical order, except that, at a primary election, the names of the voters enrolled in each political party may be placed in a separate part of the list or in a separate list, as the board of elections in its discretion, may determine. Such list shall contain, adjacent to each voter's name, **or in a space so designated,** at least the following: street address, date of birth, party enrollment, year of registration, a computer reproduced facsimile of the voter's signature or an indication that the voter is unable to sign his name, a place for the voter to sign his name at such election and a place for the inspectors to mark the voting machine number, the public counter number [~~and~~] **if any, or** the number of any paper ballots given the voter.

§ 7. Subdivision 2 of section 8-202 of the election law, as amended by chapter 164 of the laws of 2010, is amended to read as follows:

2. The exterior of any ballot scanner, ballot marking device and privacy booth and every part of the polling place shall be in plain view of the election inspectors and watchers. The ballot scanners, ballot marking devices, and privacy booths shall be placed at least four feet from the table used by the inspectors in charge of the poll [~~books~~] **ledger or computer generated registration list**. The guard-rail shall be at least three feet from the machine and the table used by the inspectors. The election inspectors shall not themselves be, or allow any other person to be, in any position or near any position, that will permit one to see or ascertain how a voter votes, or how he or she has voted nor shall they permit any other person to be less than three feet from the ballot scanner, ballot marking device, or privacy booth while occupied. The election inspectors or clerks attending the ballot scanner, ballot marking device, or privacy booth shall regularly inspect the face of the ballot scanner, ballot marking device, or the interior of the privacy booth to see that the ballot scanner, ballot marking device, or privacy booth has not been damaged or tampered with. During elections the door or other covering of the counter compartment of the machine shall not be unlocked or opened except by a member of the board of elections, a voting machine custodian or any other person upon the specific instructions of the board of elections.

§ 8. Subdivisions 2, 2-a, 3, 4 and 5 of section 8-302 of the election law, subdivision 2-a as added by chapter 179 of the laws of 2005, subdivisions 3 and 4 as amended by chapter 200 of the laws of 1996, the opening paragraph of paragraph (e) of subdivision 3 as amended by chapter 125 of the laws of 2011 and subparagraph (ii) of paragraph (e) of subdivision 3 as separately amended by chapters 3 and 6 of the laws of 2019, are amended to read as follows:

2. The voter shall give [~~his~~] **the voter's** name and [~~his~~] **the voter's** residence address to the inspectors. An inspector shall then loudly and distinctly announce the name and residence of the voter.

2-a. (a) If a voter's name appears in the **ledger or** computer generated registration list with a notation indicating that the voter's identity was not yet verified as required by the federal Help America Vote Act, the inspector shall require that the voter produce one of the following types of identification before permitting the voter to cast his or her vote on the voting machine:

(i) a driver's license or department of motor vehicles non-driver photo ID card or other current and valid photo identification;

(ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter.

(b) If the voter produces an identification document listed in paragraph (a) of this subdivision, the inspector shall indicate so in the **ledger or** computer generated registration list, the voter will be deemed verified as required by the federal Help America Vote Act and the voter shall be permitted to cast his or her vote on the voting machine.

(c) If the voter does not produce an identification document listed in paragraph (a) of this subdivision, the voter shall only be entitled to vote by affidavit ballot unless a court order provides otherwise.

3. (a) If an applicant is challenged, the board, without delay, shall either enter his name in the second section of the challenge report together with the other entries required to be made in such section opposite the applicant's name or make an entry next to [~~his~~] **the voter's** name [~~on~~] **in** the computer generated registration list or in the place provided [~~at the end of~~] **in** the computer generated registration list.

(b) A person who claims to have moved to a new address within the election district in which he **or she** is registered to vote shall be permitted to vote in the same manner as other voters unless challenged on other grounds. The inspectors shall enter the names and new addresses of all such persons in either the first section of the challenge report or in the place provided [~~at the end of~~] **in** the computer generated registration list and shall also enter the new address next to such person's address on such computer generated registration list. When the registration poll records of persons who have voted from new addresses within the same election district are returned to the board of elections, such board shall change the addresses on the face of such registration poll records without completely obliterating the old addresses and shall enter such new addresses and the new addresses for any such persons whose names were [~~on~~] **in** computer generated registration lists into its computer records for such persons.

(c) A person who claims a changed name shall be permitted to vote in the same manner as other voters unless challenged on other grounds. The inspectors shall either enter the names of all such persons in the first section of the challenge report or in the place provided [~~at the end of~~] **in** the computer generated registration list, in the form in which they are registered, followed in parentheses by the name as changed or enter the name as changed next to such voter's name on the computer generated registration list. The voter shall sign first on the registration poll record or [~~on~~] **in** the computer generated registration list, the name under which the voter is registered and, immediately above it, the new name, provided that [~~on~~] **in** such [~~a computer generated~~] registration list, the new name may be signed in the place provided [~~at the end of such list~~]. When the registration poll record of a person who has voted

under a new name is returned to the board of elections, such board shall change [~~his~~] the voter's name on the face of each [~~of his~~] registration [~~records~~] record without completely obliterating the old one, and thereafter such person shall vote only under his or her new name. If a voter has signed a new name [~~on~~] in a computer generated registration list, such board shall enter such voter's new name and new signature in such voter's computer record.

(d) If an applicant requests assistance in voting and qualifies therefor, the board shall provide assistance as directed by this chapter, and shall without delay either enter such applicant's name and the other entries required in the third section of the challenge report or make an entry next to such applicant's name [~~on~~] in the computer generated registration list or in the place provided [~~at the end of the computer generated~~] in such registration list.

(e) Whenever a voter presents himself or herself and offers to cast a ballot, and he or she claims to live in the election district in which he or she seeks to vote but no registration poll record can be found for him or her in the poll ledger or his or her name does not appear [~~on~~] in the computer generated registration list or his or her signature does not appear next to his or her name [~~on~~] in such [~~computer generated~~] registration list or his or her registration poll record or the computer generated registration list does not show him or her to be enrolled in the party in which he or she claims to be enrolled, a poll clerk or election inspector shall consult a map, street finder or other description of all of the polling places and election districts within the political subdivision in which said election district is located and if necessary, contact the board of elections to obtain the relevant information and advise the voter of the correct polling place and election district for the residence address provided by the voter to such poll clerk or election inspector. Thereafter, such voter shall be permitted to vote in said election district only as hereinafter provided:

(i) He or she may present a court order requiring that he or she be permitted to vote. At a primary election, such a court order must specify the party in which the voter is permitted to vote. [~~He~~] The voter shall be required to sign [~~his~~] their full name on top of the first page of such order, together with [~~his~~] the voter's registration serial number, if any, and [~~his~~] the voter's name and the other entries required shall then be entered without delay in the fourth section of the challenge report or in the place provided [~~at the end of~~] in the computer generated registration list, or, if such person's name appears on [~~the computer generated~~] such registration list, the board of elections may provide a place to make such entry next to his or her name on such list. The voter shall then be permitted to vote in the manner otherwise prescribed for voters whose registration poll records are found in the ledger or whose names are found on the computer generated registration list; or

(ii) He or she may swear to and subscribe an affidavit stating that he or she has duly registered to vote, the address in such election district from which he or she registered, that he or she remains a duly qualified voter in such election district, that his or her registration poll record appears to be lost or misplaced or that his or her name and/or his or her signature was omitted from the computer generated registration list or such record indicates the voter already voted when he or she did not do so or that he or she has moved within New York state since he or she last registered, the address from which he or she

was previously registered and the address at which he or she currently resides, and at a primary election, the party in which he or she is enrolled. The inspectors of election shall offer such an affidavit to each such voter whose residence address is in such election district. Each such affidavit shall be in a form prescribed by the state board of elections, shall be printed on an envelope of the size and quality used for an absentee ballot envelope, and shall contain an acknowledgment that the affiant understands that any false statement made therein is perjury punishable according to law. Such form prescribed by the state board of elections shall request information required to register such voter should the county board determine that such voter is not registered and shall constitute an application to register to vote. The voter's name and the entries required shall then be entered without delay and without further inquiry in the fourth section of the challenge report or in the place provided [~~at the end of~~] **in** the computer generated registration list, with the notation that the voter has executed the affidavit hereinabove prescribed, or, if such person's name appears [~~on the computer generated~~] **in such** registration list, the board of elections may provide a place to make such entry next to his or her name [~~on~~] **in** such list. The voter shall then, without further inquiry, be permitted to vote an affidavit ballot provided for by this chapter. Such ballot shall thereupon be placed in the envelope containing his or her affidavit, and the envelope sealed and returned to the board of elections in the manner provided by this chapter for protested official ballots, including a statement of the number of such ballots.

4. At a primary election, a voter whose registration poll record is in the ledger **or computer generated registration list** shall be permitted to vote only in the primary of the party in which such record shows [~~him~~] **the voter** to be enrolled unless [~~he~~] **the voter** shall present a court order pursuant to the provisions of subparagraph (i) of paragraph (e) of subdivision three of this section requiring that [~~he~~] **the voter** be permitted to vote in the primary of another party, or unless [~~he~~] **the voter** shall present a certificate of enrollment issued by the board of elections, not earlier than one month before such primary election, pursuant to the provisions of this chapter which certifies that [~~he~~] **the voter** is enrolled in a party other than the one in which such record shows [~~him~~] **the voter** to be enrolled, or unless he **or she** shall subscribe an affidavit pursuant to the provisions of subparagraph (ii) of paragraph (e) of subdivision three of this section.

5. Except for voters unable to sign their names, no person shall be permitted to vote without first identifying himself **or herself** as required by this chapter.

§ 9. Subdivisions 1, 2 and 3 of section 8-304 of the election law, subdivisions 1 and 2 as amended by chapter 425 of the laws of 1986, are amended to read as follows:

1. A person before being allowed to vote shall be required, except as provided in this chapter, to sign his **or her** name on the back of his **or her** registration poll record on the first line reserved for his **or her** signature at the time of election which is not filled with a previous signature, or [~~on the line of~~] **in the space provided in** the computer generated registration list reserved for [~~his~~] **the voter's** signature. The two inspectors in charge shall satisfy themselves by a comparison of this signature with [~~his~~] **the voter's** registration signature and by comparison of [~~his~~] **the voter's** appearance with the descriptive material on the face of the registration poll record that [~~he~~] **the voter** is the person registered. If they are so satisfied they shall enter the other

information required for the election on the same line with the voter's latest signature, shall sign their names or initials in the spaces provided therefor, and shall permit the applicant to vote. Any inspector or inspectors not satisfied shall challenge the applicant forthwith.

2. If a person who alleges [~~his~~] an inability to sign his or her name presents himself or herself to vote, the board of inspectors shall permit [~~him~~] such person to vote, unless challenged on other grounds, provided [~~he~~] the voter had been permitted to register without signing [~~his~~] the voter's name. The board shall enter the words "Unable to Sign" in the space on [~~his~~] the voter's registration poll record reserved for [~~his~~] the voter's signature or on the line [~~of~~] or space the computer generated registration list reserved for [~~his~~] the voter's signature at such election. If [~~his~~] the voter's signature appears upon [~~his~~] the voter's registration record or [~~upon~~] in the computer generated registration list the board shall challenge [~~him~~] the voter forthwith, except that if such a person claims that he or she is unable to sign his or her name by reason of a physical disability incurred since [~~his~~] the voter's registration, the board, if convinced of the existence of such disability, shall permit him or her to vote, shall enter the words "Unable to Sign" and a brief description of such disability in the space reserved for [~~his~~] the voter's signature at such election. At each subsequent election, if such disability still exists, [~~he~~] the voter shall be entitled to vote without signing [~~his~~] their name and the board of inspectors, without further notation, shall enter the words "Unable to Sign" in the space reserved for [~~his~~] the voter's signature at such election.

3. The voter's facsimile signature [~~made by him upon registration and his signature made at subsequent elections~~] shall be effectively concealed from the voter by a blotter or [~~piece of opaque paper~~] other means until after the voter shall have completed [~~his~~] the signature.

§ 10. Subdivision 3 of section 8-306 of the election law, as amended by chapter 154 of the laws of 1991, is amended to read as follows:

3. Any voter who requires assistance to vote by reason of blindness, disability or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of the employer or officer or agent of the voter's union. A voter entitled to assistance in voting who does not select a particular person may be assisted by two election inspectors not of the same political faith. The inspectors or person assisting a voter shall enter the voting machine or booth with [~~him~~] the voter, help [~~him~~] the voter in the preparation of [~~his~~] the voter's ballot and, if necessary, in the return of the voted ballot to the inspectors for deposit in the ballot box. The inspectors shall enter in the [~~remarks space on the registration poll card of an assisted voter, or next to the name of~~] space provided for such voter [~~on~~] in the computer generated registration list, the name of each officer or person rendering such assistance.

§ 11. Subdivision 2 of section 8-508 of the election law, as amended by chapter 200 of the laws of 1996, paragraph (b) as amended by chapter 6 of the laws of 2019, is amended to read as follows:

2. (a) The first section of such report shall be reserved for the inspectors of election to enter the name, address and registration serial number of each person who claims a change in name, or a change of address within the election district, together with the new name or address of each such person. In lieu of preparing section one of the challenge list, the board of elections may provide, next to the name of each voter [~~on~~] in the computer generated registration list, a place for the inspectors of election to record the information required to be

entered in such section one, or provide [~~at the end of such computer generated~~] elsewhere in such registration list, a place for the inspectors of election to enter such information.

(b) The second section of such report shall be reserved for the board of inspectors to enter the name, address and registration serial number of each person who is challenged at the time of voting together with the reason for the challenge. If no voters are challenged, the board of inspectors shall enter the words "No Challenges" across the space reserved for such names. In lieu of preparing section two of the challenge report, the board of elections may provide, next to the name of each voter [~~on~~] in the computer generated registration list, a place for the inspectors of election to record the information required to be entered in such section two, or provide [~~at the end of such computer generated~~] elsewhere in such registration list, a place for the inspectors of election to enter such information.

(c) The third section of such report shall be reserved for the board of inspectors to enter the name, address and registration serial number of each voter given assistance, together with the reason the voter was allowed assistance, the name of the person giving such assistance and his address if not an inspector. If no voters are given assistance, the board of inspectors shall enter the words "No Assistance" across the space reserved for such names. In lieu of providing section three of the challenge report, the board of elections may provide, next to the name of each voter [~~on~~] in the computer generated registration list, a place for the inspectors of election to record the information required to be entered in such section three, or provide [~~at the end of such computer generated~~] elsewhere in such registration list, a place for the inspectors of election to enter such information.

(d) The fourth section of such report shall be reserved for the board of inspectors to enter the name, address and registration serial number of each person who was permitted to vote pursuant to a court order, or to vote on a paper ballot which was inserted in an affidavit envelope. If there are no such names, such board shall enter the word "None" across the space provided for such names. In lieu of providing section four of such report, the board of elections may provide, next to the name of each voter [~~on~~] in the computer generated registration list, a place for the inspectors of election to record the information required to be entered in such section four, or provide [~~at the end of the computer generated~~] elsewhere in such registration list, a place for the inspectors of election to enter such information.

(e) At the foot of such report [~~and~~] or at the end of any such computer generated registration list, if applicable, shall be [~~printed~~] a certificate that such report or list contains the names of all persons who were challenged on the day of election, and that each voter so reported as having been challenged took the oaths as required, that such report or list contains the names of all voters to whom such board gave or allowed assistance and lists the nature of the disability which required such assistance to be given and the names and family relationship, if any, to the voter of the persons by whom such assistance was rendered; that each such assisted voter informed such board under oath that he required such assistance and that each person rendering such assistance took the required oath; that such report or list contains the names of all voters who were permitted to vote although their registration poll records were missing; that the entries made by such board are a true and accurate record of its proceedings with respect to the persons named in such report or list.

(f) Upon the return of such report [~~and~~] **or** lists to the board of elections, it shall complete the investigation of voting qualifications of all persons named in the second section thereof or for whom entries were placed [~~on~~] **in** such computer generated registration lists in lieu of the preparation of the second section of the challenge report, and shall forthwith proceed to cancel the registration of any person who, as noted upon such report, **or in such list,** was challenged at such election and refused either to take a challenge oath or to answer any challenge question.

(g) The state board of elections shall prescribe a form of challenge report for use pursuant to the provisions of this section. Such form may require the insertion of such other information as the state board shall deem appropriate.

§ 12. Section 8-510 of the election law, the section heading as amended by chapter 373 of the laws of 1978, subdivision 1 as amended by chapter 200 of the laws of 1996, and subdivision 3 as amended by chapter 43 of the laws of 1988, is amended to read as follows:

§ 8-510. Challenge report; completion of and [~~closing of registration poll ledgers~~] **procedure after**. 1. Immediately after the close of the polls the board of inspectors of election shall verify the entries which it has made on the challenge report or [~~at the end of the~~] **in the spaces provided in the** computer generated registration list by comparing such entries with the information appearing on the registration poll records of the affected voters or the information appearing [~~next to the names of such voters on~~] **in the spaces provided in** the computer generated registration list. If it has made no entries in section two, three or four of such report it shall write across **or note in** such section the words "No challenges", "No assistance" or "None", as the case may be, as directed in this chapter.

2. After completing such report the inspectors shall sign [~~the~~] **a** certificate [~~at the end of~~] **in the spaces provided by the county board of elections for** such report.

3. The inspectors shall place such completed report, and each court order, if any, directing that a person be permitted to vote, [~~inside a~~] **in the secure container provided by the county board of elections for such** ledger of registration records or computer generated registration lists [~~between the front cover, and the first registration record~~] and then shall close and seal each ledger of registration records or computer generated registration lists, [~~affix their signature to the seal,~~] lock such ledger in the carrying case furnished for that purpose and enclose the keys in a sealed package or seal such list in the envelope provided for that purpose.

§ 13. Clauses (C) and (D) of subparagraph (i) of paragraph (a) of subdivision 2 of section 9-209 of the election law, as amended by chapter 308 of the laws of 2011, are amended to read as follows:

(C) If such person is found to be registered and has not voted in person, an inspector shall compare the signature, if any, on each envelope with the signature, if any, on the registration poll record, the computer generated list of registered voters or the list of special presidential voters, of the person of the same name who registered from the same address. If the signatures are found to correspond, such inspector shall certify thereto by [~~signing~~] **placing** his or her initials in the [~~"Inspector's Initials" line on the~~] **space provided in the** computer generated list of registered voters [~~or in the "remarks" column as appropriate~~].

(D) If such person is found to be registered and has not voted in person, and if no challenge is made, or if a challenge made is not sustained, the envelope shall be opened, the ballot or ballots withdrawn without unfolding, and the ballot or ballots deposited in the proper ballot box or boxes, or envelopes, provided however that, in the case of a primary election, the ballot shall be deposited in the box only if the ballot is of the party with which the voter is enrolled according to the entry on the back of his or her registration poll record or [~~next to his or her name on~~] in the computer generated registration list; if not, the ballot shall be rejected without inspection or unfolding and shall be returned to the envelope which shall be endorsed "not enrolled." At the time of the deposit of such ballot or ballots in the box or envelopes, the inspectors shall enter the words "absentee vote" or "military vote" in the space reserved for the voter's signature on the aforesaid list or in the "remarks" [~~column~~] space as appropriate, and shall enter the year and month of the election on the same line in the spaces provided therefor.

§ 14. Subdivision 4 of section 11-206 of the election law, as amended by chapter 91 of the laws of 1992, is amended to read as follows:

4. The registration poll records of special federal voters shall be filed, in alphabetical order, by election district. At each election at which [~~the ballots of~~] special federal voters are [~~delivered to the inspectors of election in each election district~~] eligible to vote, the registration poll records of all special federal voters [~~eligible to vote at such election~~] shall be delivered to such inspectors of election together with the other registration poll records or the names of such voters shall be included [~~on~~] in the computer generated registration list. Such records shall be delivered either in a separate poll ledger or a separate, clearly marked section, of the main poll ledger or [~~in a separate,~~] be clearly marked[~~, section of~~] in the computer generated registration list as the board of elections shall determine.

§ 15. This act shall take effect immediately; provided, however, that the amendments to subparagraph (ii) of paragraph (e) of subdivision 3 of section 8-302 of the election law made by section eight of this act shall take effect on the same date and in the same manner as chapter 3 of the laws of 2019, takes effect.

PART YY

Section 1. Section 3-110 of the election law, as renumbered by chapter 234 of the laws of 1976, is amended to read as follows:

§ 3-110. Time allowed employees to vote. 1. [~~If a~~] A registered voter [~~does not have sufficient time outside of his working hours, within which to vote at any election, he~~] may, without loss of pay for up to [~~two~~] three hours, take off so much working time as will[~~, when added to his voting time outside his working hours,~~] enable him or her to vote at any election.

2. [~~If an employee has four consecutive hours either between the opening of the polls and the beginning of his working shift, or between the end of his working shift and the closing of the polls, he shall be deemed to have sufficient time outside his working hours within which to vote. If he has less than four consecutive hours he may take off so much working time as will when added to his voting time outside his working hours enable him to vote, but not more than two hours of which shall be without loss of pay, provided that he~~] The employee shall be allowed

time off for voting only at the beginning or end of his **or her** working shift, as the employer may designate, unless otherwise mutually agreed.

3. If the employee requires working time off to vote [~~he~~] **the employee** shall notify his **or her** employer not [~~more than ten nor~~] less than two working days before the day of the election that he **or she** requires time off to vote in accordance with the provisions of this section.

4. Not less than ten working days before every election, every employer shall post conspicuously in the place of work where it can be seen as employees come or go to their place of work, a notice setting forth the provisions of this section. Such notice shall be kept posted until the close of the polls on election day.

§ 2. This act shall take effect immediately.

PART ZZ

Section 1. Subdivision 4 of section 840 of the executive law is amended by adding a new paragraph (d) to read as follows:

(d)(1) Establish and regularly update a model law enforcement use of force policy suitable for adoption by any agency that employs police or peace officers.

(2) The model law enforcement use of force policy shall include, but is not limited to:

(i) information on current law as it relates to the use of force by police and peace officers;

(ii) guidelines regarding when use of force is permitted;

(iii) requirements for documenting use of force;

(iv) procedures for investigating use of force incidents;

(v) guidelines regarding excessive use of force including duty to intervene, reporting, and timely medical treatment for injured persons;

(vi) standards for failure to adhere to use of force guidelines;

(vii) training mandates on use of force, conflict prevention, conflict resolution and negotiation, de-escalation techniques and strategies, including, but not limited to, interacting with persons presenting in an agitated condition; and

(viii) prohibited uses of force.

(3) The person in charge of every local police department, local correctional facility, each county sheriff, the superintendent of the division of the state police, the commissioner of the department of corrections and community supervision, and the person in charge of every agency that employs a peace officer in this state shall adopt and implement a use of force policy in the agency of which they are in charge. Such use of force policy shall be consistent with the model law enforcement use of force policy established pursuant to this subdivision, except that such departments, county sheriffs, superintendent, commissioner and agencies that employ a peace officer may impose further and additional restrictions on the use of force, in such use of force policy or otherwise.

(4) The model law enforcement use of force policy and every use of force policy established pursuant to subparagraph three of this paragraph shall be a public document, and shall be made available without charge to any member of the public promptly upon request. Each such current use of force policy shall be conspicuously posted on the public website of the agency that adopted it. Revisions to such use of force policies shall be updated on the agency's public website within seventy-two hours of approval of any amendment.

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

PART AAA

Section 1. Subdivision 6 of section 14-114 of the election law is amended by adding a new paragraph c to read as follows:

c. Lobbyists, as defined by subdivision (a) of section one-c of the legislative law or by subdivision (a) of section 3-211 of the administrative code of the city of New York, political action committees, labor unions, and any person who has registered with the state board of elections as an independent expenditure committee pursuant to subdivision three of section 14-107 of this article are prohibited from making loans to candidates or political committees; provided, however, that a lobbyist shall not be prohibited from making a loan to himself or herself or to his or her own political committee when such lobbyist is a candidate for office.

§ 2. This act shall take effect immediately.

PART BBB

Section 1. Subdivision 2 of section 8-100 of the election law, as amended by chapter 367 of the laws of 2017, is amended to read as follows:

2. Polls shall be open for voting during the following hours: a primary election from [~~twelve o'clock noon until nine o'clock in the evening, except in the city of New York and the counties of Nassau, Suffolk, Westchester, Rockland, Orange, Putnam, Dutchess and Erie, and in such city or county from~~] six o'clock in the morning until nine o'clock in the evening; the general election from six o'clock in the morning until nine o'clock in the evening; a special election called by the governor pursuant to the public officers law, and, except as otherwise provided by law, every other election, from six o'clock in the morning until nine o'clock in the evening**; early voting hours shall be as provided in title six of this article**.

§ 2. This act shall take effect on the first of January after it shall have become a law and shall apply to any election held 120 days after.

PART CCC

Section 1. Short title. This act shall be known as and may be cited as the "Voter Enfranchisement Modernization Act of 2019 (VEMA)".

§ 2. Declaration of Legislative Intent. The right to vote is a fundamental right, the well-spring of all others, secured by the federal and state constitutions. On-line forms of communication and conducting transactions did not exist at the time New York's paper-based voter registration system was enacted. In the last twenty years, many paper-based processes have migrated to on-line processes, including filing tax returns, applying for social security benefits, routine banking transactions, official communications and purchase transactions of all types. This on-line migration has improved cost efficiency, increased accessibility and provided greater convenience to the public in many contexts. The predominantly paper-based voter registration application process in New York is antiquated and must be supplemented with on-line voter registration. To remove unnecessary burdens to the fundamental right of the people to vote, the State Board of Elections shall establish the

Voter Enfranchisement Modernization Program for the purpose of increasing opportunities for voter registration by any person who is qualified to be a voter under Article II of the New York State Constitution. This effort modernizes voter registration and supplements the methods of voter registration provided under current law.

§ 3. Article 5 of the election law is amended by adding a new title 8 to read as follows:

TITLE VIII

ELECTRONIC PERSONAL VOTER REGISTRATION PROCESS

Section 5-800. Electronic voter registration transmittal system.
5-802. Online voter registration application.
5-804. Failure to provide exemplar signature not to prevent registration.

§ 5-800. Electronic voter registration transmittal system. In addition to any other means of voter registration provided for by this chapter, the state board of elections shall establish and maintain an electronic voter registration transmittal system through which applicants may apply to register to vote online. The state board of elections shall electronically transmit such applications to the applicable board of elections of each county or the city of New York for filing, processing and verification consistent with this chapter. In accordance with technical specifications provided by the state board of elections, each board of elections shall maintain a voter registration system capable of receiving and processing voter registration application information, including electronic signatures, from the electronic voter registration transmittal system established by the state board of elections. Notwithstanding any other inconsistent provision of this chapter, applications filed using such system shall be considered filed with the applicable board of elections on the calendar date the application is initially transmitted by the voter through the electronic voter registration transmittal system.

§ 5-802. Online voter registration application. 1. A voter shall be able to apply to register to vote using a personal online voter registration application submitted through the electronic voter registration transmittal system when the voter:

(a) completes an electronic voter registration application promulgated by the state board of elections which shall include all of the voter registration information required by section 5-210 of this article; and

(b) affirms, subject to penalty of perjury, by means of electronic or manual signature, that the information contained in the voter registration application is true and that the applicant meets all of the qualifications to become a registered voter; and

(c) consents to the use of an electronic copy of the individual's manual signature that is in the custody of the department of motor vehicles, the state board of elections, or other agency designated by sections 5-211 or 5-212 of this article, as the individual's voter registration exemplar signature, or provides such a signature by direct upload in a manner that complies with the New York state electronic signature and records act and the rules and regulations promulgated by the state board of elections.

2. The board of elections shall provide the personal online voter registration application in any language required by the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503) in any county in the state.

3. The online voter registration application process shall provide reasonable accommodations to improve accessibility for persons with disabilities, and shall be compatible for use with standard online

accessibility assistance tools for persons with visual, physical or perceptive disabilities.

4. The state board of elections shall promulgate rules and regulations for the creation and administration of an online voter registration system pursuant to this section.

§ 5-804. Failure to provide exemplar signature not to prevent registration. 1. If a voter registration exemplar signature is not provided by an applicant who submits a voter registration application pursuant to this title, the local board shall seek to obtain such exemplar signature from the statewide voter registration database, the state board of elections, or a state or local agency designated by section 5-211 or 5-212 of this article.

2. If such exemplar signature is not available from the statewide voter registration database, the state board of elections, or a state or local agency designated by section 5-211 or 5-212 of this article, the local board of elections shall, absent another reason to reject the application, proceed to register and, as applicable, enroll the applicant. Within ten days of such action, the board of elections shall send a standard form promulgated by the state board of elections to the voter whose record lacks an exemplar signature, requiring such voter to submit a signature for identification purposes. The voter shall submit to the board of elections a voter registration exemplar signature by any one of the following methods: in person, by mail with return postage paid provided by the board of elections, by electronic mail, or by electronic upload to the board of elections through the electronic voter registration transmittal system. If such voter does not provide the required exemplar signature, when the voter appears to vote the voter shall be entitled to vote by affidavit ballot.

§ 4. The opening paragraph of section 9-209 of the election law, as separately amended by chapters 3 and 6 of the laws of 2019, is amended to read as follows:

Before completing the canvass of votes cast in any primary, general, special, or other election at which voters are required to sign their registration poll records before voting, the board of elections shall proceed in the manner hereinafter prescribed to cast and canvass any absentee, military, special presidential, special federal or other special ballots and any ballots voted by voters who moved within the state after registering, voters who are in inactive status, voters whose registration was incorrectly transferred to another address even though they did not move, voters whose registration poll records were missing on the day of such election, voters who have not had their identity previously verified, voters who submitted a voter registration application through the electronic voter registration transmittal system but did not provide the required exemplar signature, and voters whose registration poll records did not show them to be enrolled in the party in which they claimed to be enrolled and voters incorrectly identified as having already voted. Each such ballot shall be retained in the original envelope containing the voter's affidavit and signature, in which it is delivered to the board of elections until such time as it is to be cast and canvassed.

§ 5. Paragraph (a) of subdivision 2 of section 9-209 of the election law is amended by adding a new paragraph (iv) to read as follows:

(iv) If the board of elections finds that a voter submitted a voter registration application through the electronic voter registration transmittal system and signed the affidavit ballot, the board shall cast and canvass such ballot.

§ 6. This act shall take effect on the earlier occurrence of: (i) two years after it shall have become a law; provided, however, the state board of elections shall be authorized to implement necessary rules and regulations and to take steps required to implement this act immediately; or (ii) five days after the date of certification by the state board of elections that the information technology infrastructure to substantially implement this act is functional. Provided, further that the state board of elections shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

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

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