

STATE OF NEW YORK

2350

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

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

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

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

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

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

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

§ 701. Certificate of ~~[relief from disabilities]~~ restoration. 1. A certificate of ~~[relief from disabilities]~~ restoration may be granted as provided in this article to relieve an eligible offender of any forfeiture or disability, or to remove any bar to his employment, automatically imposed by law by reason of his conviction of the crime or of the offense specified therein. Such certificate may be limited to one or more enumerated forfeitures, disabilities or bars, or may relieve the eligible offender of all forfeitures, disabilities and bars. ~~[Provided,~~

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

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~~however, that no such certificate shall apply, or be construed so as to apply, to the right of such person to retain or to be eligible for public office.]~~

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

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

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

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

community supervision, the court, upon application and in accordance with subdivision two of this section, shall initially determine the fitness of an eligible offender for such certificate prior to or at the time sentence is pronounced. Where the court finds that issuance of the certificate at sentencing will jeopardize public safety, such certificate shall be issued as follows:

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

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

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

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

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

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

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

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

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

1 upon expiration or termination of the court's authority to revoke the
2 sentence.

3 [5] 4. Any court that has issued a certificate of [~~relief from disa-~~
4 ~~bilities~~] restoration may at any time issue a new certificate to enlarge
5 the relief previously granted, provided, however, that the provisions of
6 subdivisions one through [~~four~~] three of this section shall apply to the
7 issuance of any such new certificate.

8 [~~6-~~] 5. Any written report submitted to the court [~~pursuant to~~] for
9 the purposes of this section is confidential and may not be made avail-
10 able to any person or public or private agency except where specifically
11 required or permitted by statute or upon specific authorization of the
12 court. However, upon the court's receipt of such report, the court shall
13 provide a copy of such report, or direct that such report be provided to
14 the applicant's attorney, or the applicant himself, if he or she has no
15 attorney. In its discretion, the court may except from disclosure a part
16 or parts of the report which are not relevant to the granting of a
17 certificate, or sources of information which have been obtained on a
18 promise of confidentiality, or any other portion thereof, disclosure of
19 which would not be in the interest of justice. The action of the court
20 excepting information from disclosure shall be subject to appellate
21 review. The court, in its discretion, may hold a conference in open
22 court or in chambers to afford an applicant an opportunity to controvert
23 or to comment upon any portions of the report. The court may also
24 conduct a summary hearing at the conference on any matter relevant to
25 the granting of the application and may take testimony under oath.

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

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

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

50 In calculating the two-year period under this paragraph, any period of
51 time during which the person was incarcerated for any reason between the
52 time of conviction and the date on which the eligible offender becomes
53 eligible for a certificate shall be excluded and such two-year period
54 shall be extended by a period or periods equal to the time served under
55 such incarceration;

(b) any eligible offender who resides within this state and whose judgment of conviction was rendered by a court in any other jurisdiction where such eligible offender applies for such certificate, is not incarcerated at the time of the application and is not subject to an undisposed arrest, unless the board of parole determines that the issuance of such certificate would jeopardize public safety. If a certificate of restoration is not issued at the time of the application, the board shall issue a certificate to such eligible offender one year after the date of the application where the judgment of conviction was for a misdemeanor and two years after the date of the application where the judgment of conviction was for a felony, provided that such offender has not been convicted of a new crime and is not the subject of an undisposed arrest.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (d) Unlawful entry of a building;

31 (e) Aiding escape from prison;

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

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

38 (h) Vagrancy or prostitution; or

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

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

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

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

1 dation of athletic events, sporting events, expositions and other simi-
2 lar events or occasions requiring the accommodation of large gatherings
3 of persons.

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

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

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

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

42 1-a. Notwithstanding the provision of subdivision one of this section,
43 a corporation holding a license to traffic in alcoholic beverages shall
44 not, upon conviction of a felony or any of the misdemeanors or offenses
45 described in subdivision one of this section, be automatically forbidden
46 to traffic in alcoholic beverages, but the application for a license by
47 such a corporation shall be subject to denial, and the license of such a
48 corporation shall be subject to revocation or suspension by the authori-
49 ty pursuant to section one hundred eighteen of this ~~[chapter]~~ article,
50 consistent with the provisions of article twenty-three-A of the
51 correction law. For any felony conviction by a court other than a court
52 of this state, the authority may request the department of corrections
53 and community supervision to investigate and review the facts and
54 circumstances concerning such a conviction, and such department shall,
55 if so requested, submit its findings to the authority as to whether the
56 corporation has conducted itself in a manner such that discretionary

review by the authority would not be inconsistent with the public interest. The department of corrections and community supervision may charge the licensee or applicant a fee equivalent to the expenses of an appropriate investigation under this subdivision. For any conviction rendered by a court of this state, the authority may request the corporation, if the corporation is eligible for a certificate of [~~relief from disabilities~~] restoration, to seek such a certificate [~~from the court which rendered the conviction~~] in accordance with article twenty-three of the correction law and to submit such a certificate as part of the authority's discretionary review process.

4. A copartnership or a corporation, unless each member of the partnership, or each of the principal officers and directors of the corporation, is a citizen of the United States or an alien lawfully admitted for permanent residence in the United States, not less than twenty-one years of age, and has not been convicted of any felony or any of the misdemeanors, specified in section eleven hundred forty-six of the former penal law as in force and effect immediately prior to September first, nineteen hundred sixty-seven, or of an offense defined in section 230.20 or 230.40 of the penal law, or if so convicted has received, subsequent to such conviction, an executive pardon therefor removing this disability, a certificate of [~~good conduct granted by the department of corrections and community supervision, or a certificate of relief from disabilities~~] restoration granted by the department of corrections and community supervision or a court of this state pursuant to the provisions of article twenty-three of the correction law to remove the disability under this section because of such conviction; provided however that a corporation which otherwise conforms to the requirements of this section and chapter may be licensed if each of its principal officers and more than one-half of its directors are citizens of the United States or aliens lawfully admitted for permanent residence in the United States; and provided further that a corporation organized under the not-for-profit corporation law or the education law which otherwise conforms to the requirements of this section and chapter may be licensed if each of its principal officers and more than one-half of its directors are not less than twenty-one years of age and none of its directors are less than eighteen years of age; and provided further that a corporation organized under the not-for-profit corporation law or the education law and located on the premises of a college as defined by section two of the education law which otherwise conforms to the requirements of this section and chapter may be licensed if each of its principal officers and each of its directors are not less than eighteen years of age.

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

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

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

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

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

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

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

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

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

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

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

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

STATEMENT OF ABSENTEE VOTER

I do declare that I will have been a citizen of the United States for thirty days, and will be at least eighteen years of age, on the date of the special town election; that I will have been a resident of this state and of the town shown on the reverse side of this envelope for thirty days next preceding the said election; that I am or on such date will be, a registered voter of said town; that I will be unable to

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

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

24 Date..... Signature of Voter.....

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

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

30 STATEMENT OF ABSENTEE VOTER

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

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

5 Date.....Signature of Voter.....

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

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

11 STATEMENT OF ABSENTEE VOTER

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

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

41 Date..... Signature of Voter

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

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

47 STATEMENT OF ABSENTEE VOTER

48 I do declare that I am a citizen of the United States, and will be at
49 least eighteen years of age, on the date of the school district
50 election; that I will have been a resident of this state and of the
51 school district and school election district, if any, shown on the
52 reverse side of this envelope for thirty days next preceding the said
53 election and duly registered in the school district and school election

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

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

27 Date.....Signature of Voter

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

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

33 STATEMENT OF ABSENTEE VOTER

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

1 that I have not been convicted of bribery or any infamous crime, or, if
2 so convicted, that I have been pardoned or restored to all the rights of
3 a citizen, without restriction as to the right of suffrage, or have
4 received a certificate of [~~relief from disabilities or a certificate of~~
5 ~~good conduct~~] restoration pursuant to article twenty-three of the
6 correction law removing my disability to vote or my maximum sentence of
7 imprisonment has expired.

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

12 Date.....Signature of Voter

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

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

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

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

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

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

46 The secretary of state shall deny the application of any individual
47 convicted of a felony involving fraud, bribery, perjury or theft pursu-
48 ant to article one hundred forty, one hundred fifty-five, one hundred
49 sixty, one hundred sixty-five, one hundred seventy, one hundred seven-
50 ty-five, one hundred seventy-six, one hundred eighty, one hundred eight-
51 y-five, one hundred ninety, one hundred ninety-five, two hundred or two
52 hundred ten of the penal law; or has a criminal action which has been
53 pending for such a felony for under one year without a final disposition

1 unless adjourned in contemplation of dismissal; provided, however, that
2 for the purposes of this article, none of the following shall be consid-
3 ered criminal convictions or reported as such:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Except as provided in paragraphs (b) and (d) of this subdivision, anything contained in this section or in a certificate of ~~[relief from disabilities or a certificate of good conduct]~~ restoration issued pursuant to article twenty-three of the correction law to the contrary notwithstanding, a hospital operating certificate of a hospital under control of a controlling person as defined in paragraph (a) of subdivision twelve of section twenty-eight hundred one-a of this article, or under control of any other entity, shall be revoked upon a finding by the department that such controlling person or any individual, member of a partnership or shareholder of a corporation to whom or to which an operating certificate has been issued, has been convicted of a class A, B or C felony, or a felony related in any way to any activity or program subject to the regulations, supervision, or administration of the department or of the office of temporary and disability assistance or in violation of the public officers law in a court of competent jurisdiction in the state, or of a crime outside the state which, if committed within the state, would have been a class A, B or C felony or a felony related in any way to any activity or program subject to the regulations, supervision, or administration of the department or of the office of temporary and disability assistance or in violation of the public officers law.

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

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

(a) permanently, if that person has been convicted of or forfeited bond or collateral which forfeiture order has not been vacated or the subject of an order of remission upon a violation committed prior to September fifteenth, nineteen hundred eighty-five, of section 130.30, 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an offense committed under a former section of the penal law which would constitute a violation of the aforesaid sections of the penal law or any offense committed outside of this state which would constitute a violation of the aforesaid sections of the penal law. However, such disqualification may be waived provided that five years have expired

1 since the applicant was discharged or released from a sentence of impri-
2 sonment imposed pursuant to conviction of an offense that requires
3 disqualification under this paragraph and that the applicant shall have
4 been granted a certificate of [~~relief from disabilities or a certificate~~
5 ~~of good conduct~~] restoration pursuant to article twenty-three of the
6 correction law.

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

16 (a) permanently, if that person

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

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

1 shall specifically indicate that the authority granting such certificate
2 has considered the bearing, if any, the criminal offense or offenses for
3 which the person was convicted will have on the applicant's fitness or
4 ability to operate a bus transporting school children, prior to granting
5 such a certificate; or

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

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

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

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

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

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

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

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

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

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

(5) A restricted use license or privilege shall be valid for the operation of any motor vehicle, except a vehicle for hire as a taxicab, livery, coach, limousine, van or wheelchair accessible van or tow truck as defined in this chapter subject to the conditions set forth herein,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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