

2008 ANNUAL REPORT

NEW YORK STATE ASSEMBLY

COMMITTEE ON
CODES



Sheldon Silver, Speaker

Joseph R. Lentol, Chairman

15 December 2008

Honorable Sheldon Silver
Speaker of the Assembly
Room 932, Legislative Office Building
Albany, New York 12248

Re: Annual Report of the Committee on Codes – 2008

Dear Speaker Silver:

It is with great pleasure that, on behalf of the Committee on Codes, I submit to you the Committee's 2008 Annual Report highlighting its activities during the second half of the 2007 - 2008 Legislative Session.

Among the Committee's many notable accomplishments were the: (1) enactment of the Electronic Security and Targeting of Online Predators Act (ESTOP); (2) creation of the crime of facilitating a sexual performance by a child; (3) expansion of protections against unlawful impersonation; (4) tightening New York's pension laws against fraud and abuse; (5) further protection of domestic violence victims by creating a new crime of obstructing a call for emergency assistance and expanding the concept of "property of another" to include jointly held property; (6) updating of New York's gun registry law to give access to more information to licensing officials; (7) cracking down on animal fighting by making it illegal to be a knowing spectator at such vile exhibitions; (8) the creation of new mortgage fraud crimes; and (9) updating of New York's laws on recording piracy protection.

There were numerous other legislative accomplishments of which the Committee and the Assembly can be justly proud that are set forth in this report. I would highlight the hearings held under the auspices of the Committee on Codes and several other standing committees of the Assembly which took a timely and in-depth look at New York's Rockefeller-era drug laws on the 35th anniversary of their enactment.

The Committee extends its appreciation to you for your support. In addition, I would like to thank the Committee members and staff for their hard work during the 2008 Legislative Session.

Sincerely,

Joseph R. Lentol, Chairman
Standing Committee on Codes

2008 ANNUAL REPORT

STANDING COMMITTEE ON CODES

Joseph R. Lentol, Chair

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I. COMMITTEE JURISDICTION

The New York State Assembly Standing Committee on Codes considers issues and legislation regarding the State's criminal and civil justice system. Most of the legislation considered by the members of the Codes Committee amends the Criminal Procedure Law, the Penal Law, the Civil Practice Law and Rules as well as selected articles of the Executive Law.

In addition, the Committee's "dual reference authority, pursuant to Rule IV § 6 (i) of the Rules of the Assembly of the State of New York, places within its jurisdiction legislation initiated in any of the other Assembly standing committees which imposes or changes any fine, term of imprisonment, forfeiture of rights or property, or other penal sanction as well as legislation related to the procedure by which such fine, term of imprisonment, forfeiture or other penal sanction is imposed or changed.

II. SUMMARY OF LEGISLATION MOVED BY THE COMMITTEE ON CODES AND ENACTED IN 2008¹

A. Protecting Our Children

1. New Crime of Facilitating a Sexual Performance by a Child This law creates a new class B felony of “facilitating a sexual performance by a child with a controlled substance or alcohol.” This new criminal offense will significantly increase punishment to those who take advantage of children through the use of controlled substances or alcohol, whether for personal or commercial use. (A.3530/S.1862; Ch. 431, Approval Memo. 21).

2. New Crime of Child Luring This law creates the new crime of luring a child. Individuals convicted of luring a child into a motor vehicle, aircraft, watercraft, building or isolated area to commit a violent felony or felony sex offense would be charged with a class E felony punishable by up to four years in prison, or if the offense to be committed against a child were a class B or class A felony, then the offense of luring would be a class D or class C felony, respectively. (A.8488-A/S.5595-A; Ch. 405).

3. Violent Video Games This law: (1) requires that new video game consoles sold at retail in New York permit owners to block access to certain video game content; (2) establishes the Advisory Council on Interactive Media and Youth Violence to study and make recommendations regarding the relationship, if any, between youth violence and interactive media; and (3) requires rated video games sold at retail to bear labels describing their content. (A.11717/S.6401; Ch. 299).

4. Fighting Street Gangs This law amends New York’s coercion statutes to assure that a person who uses violence or blackmail or threats of violence or other harm to compel or induce a person to join a street gang or similar criminal enterprise may be prosecuted. (A.11636/S.8629; Ch. 426).

5. Expanding Enterprise Corruption to Include Pornography Production This law amends the Penal Law to address gangs, mobs and other criminal enterprises which produce child pornography or use computer communications of a sexual nature to lure children into creating child pornography or who try to engage in sexual conduct with a minor. It would permit individuals associated with these criminal mobs to be charged and convicted of enterprise corruption, a class B felony. (A.9725/S.6764; Ch. 312).

6. “Safe Harbour for Exploited Children Act” This landmark legislation would protect from prosecution sexually exploited youth (for example, the victims of human trafficking, victims of sex abuse, and victims of compelled prostitution) and provide

¹ Except where noted, legislation cited in this discussion originated in the Committee on Codes. Where such legislation did not so originate, but was dual referenced into the Committee on Codes from another committee and the Codes Committee had substantial impact on such legislation, then the original committee of reference will appear with the bill number. All chapter numbers are to chapters of the Laws of 2008.

services to treat them as victims rather than as criminals. (Committee on Children and Families, A5258-C/S.3175-C; Ch. 569).

B. Protecting the Vulnerable, the Elderly and Victims of Hate

- 1. “Granny’s Law”** This law makes it a class D violent felony to assault a person 65 years of age or older when the attacker is more than ten years younger than the victim. The legislation responded to several particularly shocking assaults on elderly New Yorkers, including the case of Rose Morat, a 101-year-old Queens woman, who was mugged in the lobby of her apartment building. (A.9818/S.6979; Chapter 68, 2002).
- 2. Outlawing the Display of A Noose** This bill would classify etching, drawing, painting or displaying a noose, a classic symbol of racial intolerance like the Nazi swastika, on real property belonging to another without their permission as aggravated harassment. (A.9480/S.6499; Approval Memo. 8).
- 3. Protecting the Elderly from Fraud** Before the enactment of this legislation, in order to prosecute as a felony an individual or entity that engages in a scheme to defraud others, the prosecution had to establish that there was a scheme to defraud ten or more persons. In order to deter such heinous conduct and provide a stronger tool for district attorneys to prosecute such predators, this new law provides that if more than one person who is victimized by a fraudulent scheme is a vulnerable elderly person, then the crime can be prosecuted as a class E felony rather than as a class A misdemeanor under section 190.60 of the Penal Law. (A.9813/S.7942; Ch. 291).
- 4. Updating the Law to Further Protect People from Unlawful Harassment** This law amends the Penal Law with respect to conduct that constitutes harassment. It expands the notion of “written communication” to include such forms of electronic media as cds or dvds or other forms of digital transmission by utilizing the definition of “recording” already codified in New York’s Penal Law. (A.9673/S.7994; Ch. 510).

C. Protecting Against Sex Offenders

- 1. Barring Convicted Sex Offenders** This law bars offenders who have committed any Megan’s Law offense from becoming real estate brokers. (Committee on Judiciary, A.1269/S.1531; Ch. 430).
- 2. Decertifying Sex Offender Teachers** This law provides for automatic decertifying and terminating the employment of school employees who are convicted of Megan’s Law offenses and automatic termination of the employment of school administrators who are convicted of defrauding the government. (Committee on Education, A.11513/S.8554; Ch. 325).
- 3. Protecting the Public against Sex Offenders Who Misuse the Internet (ESTOP)** This Attorney General’s Program Bill is intended to prevent sex offenders from preying on children through internet social networking sites. The Electronic Security and Targeting of Online Predators Act (E-STOP) mandates that sex offenders register

internet accounts and screen names used for social networking purposes with law enforcement; allows social networking web sites to access sex offender internet information in order to prevent offenders from preying on children and report violations of law to investigators; and restricts use of the internet by certain sex offenders on probation and parole. (Committee on Correction, A.9859-A/S.6875-A; Ch. 67, Approval Memo. 6).

4. Expand Megan’s Law This law would amend the Sex Offender Registration Act (SORA) to require registration by persons convicted of the federal crimes of coercion and enticement, transportation of minors or use of interstate facilities to transmit information about a minor. (Committee on Correction, A.9949/S.4332; Ch. 232).

5. Punishing Abusers of the Mandatory Reporting Requirements This amendment to the Penal Law is intended to deter those who knowingly make false allegations of child abuse, and thus preserve precious resources while punishing those who would knowingly cause an unnecessary diversion of these resources. In addition, it is intended to deter harassment because false reports of child abuse or maltreatment have been used as a vehicle to harass parents, guardians, family members or others, particularly in connection with child custody proceedings. (A.5188-A/S.8615; Ch. 400).

6. Technical Correction to Ensure that Certain Sex Crimes are Timely Prosecuted This law amends paragraph (a) of subdivision 2 of section 30.10 of the Criminal Procedure Law, as amended by Chapter 3 of the Laws of 2006, by adding that a prosecution may be commenced at any time for a crime that is defined, or formerly defined, by section 130.50 of the Penal Law. This includes the crimes of criminal sexual act in the first degree and sodomy in the first degree. (A.10760-A/S. 7712-A; Ch. 467).

D. Protecting Privacy and Preventing & Punishing Fraud

1. Unlawful Impersonation Expanded Criminal Impersonation in the First Degree, a class E felony, is committed when an individual pretends to be a police officer, acts with the intent to induce another into submitting to the pretended authority, and in the course of the pretense commits or attempts to commit a felony. This new law is intended to prevent individuals who pretend to be any enforcement officers, and thereupon commit felonies, from avoiding the serious consequences of their actions, merely because they are not specifically pretending to be a “police officer” as that term is defined in the Criminal Procedure Law. (A.1831-A/S.3079-A; Ch. 434).

2. Internet Impersonation This law reflects the changing methods by which perpetrators defraud the public by amending section 190.25 of the Penal Law making it a crime to impersonate another person by communication, internet website or electronic means, with intention to obtain a benefit or injure or defraud another, or by such communication pretends to be a public servant (A.8252/S.4053; Ch. 304).

3. Cellular Phone This law bans the use of cellular phones to record or transmit a photograph taken in a setting where there is a reasonable expectation of privacy. (A.8939/S.2589; Ch. 291).

4. Unlawful Duplication of Computer Material This law creates new crimes of unlawfully duplicating computer material that contains health records with intent to commit any crime and a new D felony when computer material is altered or tampered with thereby causing serious physical injury. (A.10765/S.7695; Ch. 590).

5. Pension System Abuse This Attorney General Program Bill addresses abuse of the state pension systems in a number of ways including the creation of felony level pension fraud offenses, imposing treble damages against lawyers who cheat the system by posing as employees, tightening up restrictions on public employees getting waivers to return to public employment after retiring, slowing down the so-called “revolving door” and increasing public disclosure of school district and BOCES expenditure on services. (Committee on Governmental Employees, A.11743/S.8699; Ch. 640, Approval Memo. 46).

6. Mandatory Discharge of Administrators Who Commit Fraud The law requires the State Education Department to revoke any relevant certification or licenses when a school administrator has been convicted of a crime involving fraud relating to theft of government funds. The legislation also includes safeguards to ensure against instances when mistaken identity results in an individual being wrongfully accused of fraud or has a conviction overturned. (Committee on Education, A.11513-A/S.8554; Ch. 325).

7. Creating Mortgage Fraud Crimes This comprehensive legislation, among other things, creates crimes to address the fraud which contributed in great part to the “sub-prime” lending crisis. It creates crimes ranging from an A misdemeanor to a class B felony depending on the amount of money defrauded. (Committee on Banks, A.10817-A/S.8143; Ch. 472).

8. Creating New Crime of Aggravated Identity Theft This law creates a new crime of aggravated identity theft and increases penalties for identity theft when committed against a member of the armed forces deployed overseas. (A.11058/S.1829-C; Ch. 226).

E. Fighting Domestic Violence

1. Crime of Obstructing A Call for Emergency Assistance This measure, aimed at preventing domestic violence, makes it a crime (class A misdemeanor) to prevent a person from communicating a request for emergency assistance by intentionally disabling or removing communication sending equipment such as a telephone or teletypewriter device (TTY). Further, this law provides that an ownership interest in such equipment is not a defense. (A.614/S.2452; Ch. 69, Approval Memo. 7).

2. Expanding Concept of “Property of Another” This law expands the concept of “property of another” to include jointly held property. It adds a new section 145.13 to the Penal Law to define “property of another” for the purposes of the crime of criminal mischief and other related offenses to include property jointly owned or co-owned by another person. (A.6308-A/S.2061-A; Ch. 601, Approval Memo. 40).

3. Expanding Availability of Orders of Protection This landmark law expands the class of people who may seek and obtain orders of protection in criminal and family court to include persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. (Committee on Judiciary, A.11707/S.8665; Ch. 326).

4. Strengthening the Advisory Council of the Office of Prevention of Domestic Violence This Governor's Program Bill strengthens the ability of the Advisory Council to the New York State Office for the Prevention of Domestic Violence and reliable advice by making the council's membership more appropriately reflect those state agencies most concerned with issues of domestic violence. Specifically, it deletes the Division for Women and the Empire State Development Corporation from the list of ex-officio members of the council and adds the Division of Parole and the Department of Correctional Services as new ex-officio members. (A.10489-A/S.7437-A; Ch. 255).

F. Violence and Dangerous Weapons

1. Updating Gun Registry This Governor's Program Bill brings New York into compliance with federal law. It closes reporting loopholes in the "Brady" background check system, which until enactment, might allow mentally incapacitated persons to maintain possession of or acquire deadly weapons- handguns and long arms. (Committee on Mental Health, A.11758/S.8706; Ch. 491).

2. Banning Plastic Knuckles This law incorporates plastic knuckles to the list of illegal deadly weapons thereby recognizing a change in the technology that produces these dangerous weapons.. (A.10522/S.7528; Ch. 257).

3. Increasing Criminal Penalties for Assaults Against City Marshals and Traffic Enforcement Officers This law amends the Penal Law by making it a class D felony to assault traffic enforcement officers and city marshals while performing their duties, thereby treating them the same as other peace officers, police officers and firefighters. (A.6011-D/A.4209-B; Ch. 45).

G. Protecting Property Rights

1. Piracy Protection This Attorney General Program Bill enhances existing penalties against illegal recording to combat multimedia piracy. It expands the laws prohibition to include "live" theatrical performances and concerts. It establishes the crimes of unlawful operation of a recording device in a motion picture or live theater in the third, second and first degree: third degree is a violation; second degree is class A misdemeanor; first degree is class E felony. (A.11184-A/S.8201-A; Ch. 639).

H. Protecting the Public from Construction Accidents

1. Criminalizing Dangerous Acts by Crane Inspectors In light of the horrendous acts of gross, criminal negligence in New York City which resulted in death and property damage, this Chapter establishes disciplinary provisions for crane operators who commit wrongful acts in the course of their employment. It also creates the class D felony of impairing the integrity of a government licensing examination. (A. 10530-A/S. 7602-A; Ch. 463, Approval Memo. 25).

I. Protecting Animals

1. Animal Fighting This law cracks down on animal fighting by making it illegal to be a knowing spectator at an animal fighting exhibition. (Committee on Agriculture, A.10092-A/S.6466-A; Ch. 308).

J. Ensuring the Efficient Operation of the Criminal Justice System and Helping Victims

1. Provide Greater Financial Assistance to Families of Victims The law permits parents and guardians who experience a loss of earnings due to the hospitalization of a child victim to be eligible for a crime victim's award. (Committee on Governmental Operations, A.2656/S.7288; Ch. 162).

2. Ensuring Lawful Imposition of Post-Release Supervision On April 29, 2008, the New York State Court of Appeals issued two decisions (Matter of Gamer v. DOCS and People v. Sparber) that resolved some of the legal issues associated with the imposition of post-release supervision. Most notably, the Court ruled that only the sentencing judge has the authority to impose the post-release supervision component of an offender's determinate sentence, and that the period must be stated by the judge at the time of sentencing in the offender's presence. This Governor Program Bill would ensure that periods of post-release supervision are lawfully imposed on recipients of determinate sentences of imprisonment. (A.11764/S.8714; Ch. 141, Approval Memo. 10).

3. Permitting Electronic Appearances in Herkimer County This law adds Herkimer County to the other 23 counties in New York that use electronic technology in lieu of personal appearance by criminal defendants in certain instances. Allowing defendants to "appear" for proceedings, other than hearings or trials, through the use of audiovisual technology rather than in person expedites cases and saves money. (A.10556/S. 7548; Ch. 317).

4. Permitting Waiver of Indictment in Certain Cases This law amends Criminal Procedure Law section 195.10(1) (b), which presently restricts waivers of indictment in all cases where a class A felony is charged, to modify that limit to apply only to those class A felonies punishable by death or life imprisonment. (A. 7197/ S. 8576; Ch. 401).

K. Creating New Peace and Police Officers

- 1. NYC Business Integrity Commission Employees** The law amends the Criminal Procedure Law §2.10 to permit the Chairperson of the New York City Business Integrity Commission (BIC) to designate employees of the Commission as peace officers. Such designees are, however, not permitted to carry firearms unless otherwise licensed and trained. BIC is charged with oversight of New York City's private trade waste industry, public wholesale food markets, and shipboard gambling. This jurisdiction includes conducting criminal investigations, which are not geographically limited to New York City. (A.10540/S.7608; Ch. 564, Approval Memo. 31).
- 2. Uniformed Court Officers of the Unified Court System** This law amends the Criminal Procedure Law by reclassifying uniformed court officers as police officers to better reflect their enhanced responsibilities throughout the state. (A. 7863/ S. 5565; Not delivered, as of this date, to the Governor by the Senate).
- 3. Campus Security Officers** This law broadens the authority of campus security officers to issue appearance tickets in a variety of situations including the right to issue them for violations of the Alcoholic Beverage Control Law. (Committee on Higher Education, A.9271-A/S.6969-A; Ch. 612).

III. SUMMARY OF SIGNIFICANT LEGISLATION MOVED BY THE COMMITTEE ON CODES IN 2008 THAT ONLY THE ASSEMBLY PASSED

A. Protecting Children, the Vulnerable, the Elderly and Victims of Hate

- 1. New “Endangering Welfare” Felonies** This bill would create two new crimes of endangering the welfare of an incompetent and physically disabled person in the second and first degrees, thereby raising the penalties for assault crimes committed against these vulnerable individuals by caregivers. (A.9309-A).
- 2. Violent and Indecent Video Games** This bill would prohibit the distribution of video games that promote depraved violence and indecent sexual images to minors. Under the bill, violators could face a class E felony charge and receive up to four years in prison if convicted. (A.8696).

B. Protecting the Public Against Sex Offenders

- 1. Sex Offender Signed Verification** This bill would establish procedures in the event a sex offender fails to mail a signed verification within 20 calendar days of receiving the verification document from the Division of Criminal Justice Services. (A.1179-A/S.5570-A).
- 2. Sex Offender Registration Act** This bill would expand the coverage of the Sex Offender Registration Act, also known as Megan's Law. (A.1188).
- 3. Statute of Limitations** This bill would amend the Criminal Procedure Law and the Civil Practice Law and Rules to extend the statute of limitations for criminal and civil actions for sex offenses under Article 130 of the Penal Law committed against a child less than eighteen years of age, for incest against a child less than eighteen years of age or the use of a child in a sexual performance. This proposal would, thus, significantly extend the authority to prosecute and to bring a civil lawsuit for damages in child sexual abuse, regardless of whether or not DNA evidence is available. (A.4560-B/S.4614-A).
- 4. Placement of Sex Offenders** This bill would require the Division of Parole, the Division of Probation Alternatives and the Office of Temporary and Disability Assistance to establish rules regarding the placement of sex offenders. The bill would establish guidelines for the placement of sex offenders in residential areas to ensure that they pose no threat to public safety. (A.4988/S.8035).

C. Fighting Gun Violence / Regulating Explosives

- 1. Children's Weapon Accident Protection Act** This bill would help protect children from accidental shootings by establishing new crimes involving the negligent storage of a weapon. The legislation also would require gun retailers to alert consumers about the new safe weapons storage requirements. Under the measure, individuals convicted of failing to store safely a firearm where a serious injury results could face prison sentences of up to seven years. (A.76-A).
- 2. Order of Protection** This bill would require that judges, when issuing an order of protection in criminal or family court proceedings, ask the involved individuals whether they possess a firearm. (A.1497/S.4416).
- 3. Child Proofing Firearms** This bill would ban the sale of firearms that are not equipped with child proof features. Under the bill, pistols and revolvers could not be sold in the state unless they were designed in a way to prevent their operation by a child. (A.829/S.7556).
- 4. Sniper Rifle Ban** This bill would ban the civilian possession, sale and use of military style .50-caliber weapons. These sniper rifles are capable of disabling armored personnel carriers used by the military and shooting down aircraft at a range of more than a mile away. (A.2772-A).
- 5. Disguised Guns** This bill would make it a felony for anyone to design or transform a firearm to resemble a toy gun by altering or concealing the original color or surface of the gun with the purpose of selling such weapon. (A.2868).
- 6. Criminal Weapon Possession** This bill would make possessing armor piercing, frangible or devastator ammunition a felony. (A.3447).
- 7. Expended Projectiles and Shell Casings** This bill would require law enforcement officers to submit expended projectiles and shell casings and guns to the state police pistol and revolver ballistic identification electronic databank. (A.3451).
- 8. Assault Weapon Ban** This bill would expand the legal definition of assault weapons to strengthen the state's law that prohibits possessing these deadly, military-style guns. (A.7331-A).
- 9. Microstamping** This bill would ensure that when a gun is fired, information identifying the make, model and serial number of the gun is stamped onto the cartridge as numbers and letters. (A.9819-A).
- 10. Increased Regulation of Explosives and Fireworks** This bill would impose more stringent licensing requirements for the ownership, manufacture, possession, storage, use, transportation, purchase, sale or gift of explosives. The bill also applies certain licensing and enforcement provisions to pyrotechnicians, creates civil penalties and increases the criminal penalties for violating its regulatory provisions. (Committee on Labor, A.9006-B)

D. Police and Community Relations Package

- 1. Racial and Ethnic Profiling** This bill would prohibit police officers from using racial and ethnic profiling. (A.627-A/S.7554).
- 2. Police Misconduct** This bill would grant the Attorney General jurisdiction to investigate and prosecute police misconduct. (A.715/S.4273).
- 3. Law of Searches, Arrests and Seizures** This bill would address the proper execution of a warrant of arrest by establishing education programs for judicial personnel on the law of searches, arrests and seizures. (A.776-A).
- 4. Discharge of Weapons** This bill would require police officers who have discharged their weapon in the course of their employment to be tested for the presence of drugs and/or alcohol. (A.786/S.7352).
- 5. Disclosure of Search Warrant Applications** This bill would require law enforcement to disclose prior applications for search warrants previously denied to judges when applying for warrants. (A.5063).

E. Aiding Crime Victims

- 1. Crime Victim's Award** This bill would help reduce financial hardships for crime victims by defining "necessary court appearances." The bill would allow victims to be reimbursed for the transportation costs they incur while appearing in court proceedings related to the prosecution of their attackers. (A.6675).
- 2. Sexual Abuse Prevention** This bill would establish a series of measures to protect victims of sexual violence, including mandatory sexual assault training of police officers and the establishment of a statewide, toll-free hotline to link sexual assault victims to local rape crisis centers. It also would require the Office of Children and Family Services to develop a program to teach child protective services workers about appropriate and effective techniques used to investigate reports of sexual abuse. (A.3148).
- 3. Create Crime Victims Assistance Program** The bill would create a victims' assistance program where each Crime Victims Board member would be required to take a course in crime victim's assistance. (A.846).
- 4. Improve Training for Treating Victims of Sexual Assault** The bill would require a minimum of 15 hours of training and instruction for all police officers and attorneys employed in the district attorney's office with respect to crimes involving sexual assault. This bill also would require the Office of Court Administration to provide training to judges and justices at the New York State Judicial Institute with respect to these crimes. (A.2419-A).

5. Improve Crime Victims Board The bill would require a Crime Victims Board member to have expertise in elder law. (A.6204).

F. Expanding the Use of DNA

1. Forensic DNA The bill would expand the use of DNA to convict the guilty, make greater use of DNA evidence to exonerate the innocent and reduce the incidences of wrongful convictions. This legislation was reviewed by a joint legislative conference committee, but no agreement was reached. (A.8693-A).

IV. BILLS ORIGINATING IN THE COMMITTEE ON CODES THAT THE GOVERNOR VETOED²

A. MISCELLANEOUS CRIMINAL LEGISLATION

- 1. Modification of Charges** This bill would have prohibited the state police from adopting rules that would limit or prevent troopers from modifying or recommending to a court a modification of a petty violation of the vehicle traffic law. (A.10471/S.7273; Veto Memo. 80).
- 2. Broadening of Availability of Fireworks Permits** This bill would have broadened the discretion of localities to issue permits for fireworks displays that would be conducted on private property. (A.10750/S. 7899; Veto Memo. 128).
- 3. Requiring Courts to Notify Victims of the Issuance of Orders of Protection** This proposed law would required court clerks to use a statewide victim notification system to notify individuals, who had petitioned their courts for ex parte orders of protection, regarding the service of the order. (A.9641/S.6906; Veto Memo. 16).
- 4. Clarifying Definition of Gambling Devices** This bill would have amended the Penal Law to exclude from the definition of gambling devices those video and other games that merely reward a player with extra time on the machine or an extra game. (A.9286/S.6440; Veto Memo. 112).

B. PEACE OFFICER AND POLICE OFFICER LEGISLATION

- 1. Uniformed members of the bureau of fire prevention of the town of Islip.** (A.10971-A/S.8183-A; Veto Memo. 131).
- 2. Uniformed court officers of the town court of the town of New Windsor.** (A.10509/S.7469; Veto Memo. 123).
- 3. Security officers for the town court of the town of Alden.** (A.11023/S.8205; Veto Memo. 132).
- 4. Uniformed officers of the fire marshal's office of the town of Huntington.** (A.10719/S.8106; Veto Memo. 129).
- 5. Uniformed marine patrol officers in Cayuga County.** (A.10652-A/S.7616-A; Veto Memo. 125).
- 6. Dog control officers of the city of Salamanca.** (A.9889/S.6891; Veto Memo. 95).

² Veto Memo. numbers refer to those issued in 2008.

- 7. Uniformed court officers of the village justice court of the village of Northport.** (A.10397/S.6545; Veto Memo. 97).
- 8. Seasonal constables of the village of Lake George.** (A.10738-A/S.7729-A; Veto Memo. 126).
- 9. Uniformed members of the fire marshal's office in village of Southampton.** (A.9844/S.6841; Veto Memo. 94).
- 10. Uniformed court officers of the village court of the village of Westhampton.** (A.9861-A/S.6847-A; Veto Memo. 119).

V. CODES COMMITTEE PARTICIPATION IN HEARINGS AND COMMISSIONS IN 2008

A. Hearings Marking the 35th Anniversary of the “Rockefeller Era Drug Laws”

2008 marked the 35th anniversary of the enactment of New York’s so-called “Rockefeller Era Drug Laws”. These laws, enacted ostensibly in response to the rise in drug-related crime more than thirty years ago, mandate prison sentences for the unlawful possession, sale of, or possession with intent to sell specified quantities of controlled substances.

The Committee on Codes jointly sponsored with the Assembly Standing Committees on Judiciary, Correction, Health, Social Services and Alcoholism and Drug Abuse, a series of public hearings to solicit public comment on the effect of New York’s Rockefeller Drug Laws. The hearings were held in New York City, Albany and Rochester and generated considerable public interest. Nearly one hundred witnesses representing a broad spectrum of stakeholders in the criminal justice system, including prosecutors, judges, drug treatment professionals, religious leaders and community leaders testified.

Most of the witnesses contended that New York’s scheme of mandatory sentencing laws should be significantly reformed. They noted that amendments made in the 1990s and additional reforms in 2004 and 2005 ameliorated some of the harshest aspects of these laws, but the hallmark mandatory prison provisions remain. These witnesses also pointed out that discretionary resentencing opportunities enacted in 2004 and 2005 were limited to certain class A-I felony and class A-II felony offenders, who were serving mandatory maximum prison terms of life imprisonment; a larger pool of persons sentenced to up to twenty-five years in prison for lesser, class B felony drug sale or drug possession offenses did not receive the benefit of resentencing opportunities under recent amendments. Many of these witnesses urged vesting the courts with greater discretion to divert defendants in need of drug treatment away from prison and the penal system to treatment programs as an alternative to the current system.

In marked contrast to such testimony, the Special Narcotics Prosecutor for New York City and the president of the state District Attorneys Association voiced support for the current drug laws, calling mandatory imprisonment a necessary and effective approach to cracking down on drug related crime. They supported the retention of mandatory sentences as part of a “carrot and stick” approach to addressing drug crime. They noted that the 2004 amendments eliminated the mandatory life sentence component of these laws, and urged the legislature to restore mandatory life sentencing for drug “kingpins.” These witnesses also noted that prosecutor-sponsored Drug Treatment Alternative to Prison (DTAP) programs in place in many New York counties afford prosecutors a means to divert deserving defendants to long-term treatment as a potential alternative to mandatory imprisonment. They also voiced support for increased funding for DTAP, for prosecutor-sponsored “Road to Recovery” programs as well as for community-based residential drug abuse treatment.

Several witnesses from the medical community identified drug abuse and addiction as a major, long-term public health issue. They urged a reorientation of criminal justice efforts toward prevention and treatment and away from punishment and mandatory incarceration as the best means of preventing drug addiction and associated crimes. These and other witnesses urged government to expand vocational and work opportunities in distressed communities, as well as moderate laws that, according to these witnesses, make it difficult for ex-offenders to find work, reintegrate into society and return successfully to their home communities.

B. New York State Commission on Sentencing Reform

Then Governor Eliot Spitzer established the New York State Commission on Sentencing Reform (“Commission”) by Executive Order on March 5, 2007, which Governor David Paterson subsequently renewed after taking office in 2008. It is comprised of 11 members appointed by the Governor, with four members appointed upon recommendation of the legislative leaders, including Assemblyman Joseph Lentol, Chair of the Committee on Codes, who was appointed by Speaker Sheldon Silver.

The Commission first met on June 6, 2007, and has since met to discuss, inter alia, drug law reform, adopting a determinate sentencing grid, graduated sanctions for parole violators, sentencing anomalies, and alternatives to incarceration. It has hosted public hearings in Buffalo, Albany and New York City. It issued a preliminary report on October 15, 2007, and intends to issue a final report in January 2009, at which time it may suggest that its mandate be made permanent.

C. Codes Committee Co-Sponsorship of Other Hearings

See Appendix I.

APPENDIX A- 2008 COMMITTEE WORKLOAD

FINAL ACTION	ASSEMBLY BILLS	SENATE BILLS	TOTAL
BILLS REPORTED WITH OR WITHOUT AMENDMENT			
TO FLOOR; NOT RETURNING TO COMMITTEE	114	0	114
TO WAYS AND MEANS	104	0	104
TO RULES	209	0	209
TOTAL	428	0	428

SENATE BILLS SUBSTITUED OR RECALLED			
SUBSTITUED	-	69	69
RECALLED	-	1	1
TOTAL	-	70	70

BILLS NEVER REPORTED, HELD IN COMMITTEE	244	0	244
BILLS NEVER REPORTED, DIED IN COMMITTEE	724	247	971
BILLS HAVING ENACTING CLAUSES STRICKEN	4	0	4
TOTAL BILLS IN COMMITTEE	1400	317	1717

TOTAL NUMBER OF COMMITTEE MEETINGS HELD	29		
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APPENDIX B - SCHEDULE OF 2008 CODES COMMITTEE MEETINGS

<u>MONTH</u>	<u>DATE</u>	<u>DAY</u>
January	15	Tuesday
January	23	Wednesday
January	29	Tuesday
February	5	Tuesday
February	12	Tuesday
February	25	Monday
March	4	Tuesday
March	11	Tuesday
March	18	Tuesday
March	27	Thursday
April	2	Wednesday
April	30	Wednesday
May	6	Tuesday
May	7	Wednesday
May	13	Tuesday
May	20	Tuesday
May	28	Wednesday
June	3	Tuesday
June	5	Thursday
June	10	Tuesday
June	12	Thursday
June	16	Monday
June	17	Tuesday
June	18	Wednesday
June	23 (3)*	Monday
June	24 (2)*	Tuesday

TOTAL NUMBER OF COMMITTEE MEETINGS HELD: 29

* Number of times committee met

APPENDIX C - CODES LAWS OF 2008

<u>BILL NUMBER</u>	<u>CHAPTER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.614 S.2452	69	Paulin Saland	Establishes intentionally preventing a person from communicating certain requests for emergency assistance shall be criminal mischief in the 4th degree.
A.750 S.2677	156	Wright Volker	Requires conduct constituting neglect to prosecute to be set forth on the record.
A.1831-A S.3097-A	434	Gianaris Fuschillo	Provides that the commission of the class E felony of criminal impersonation in the first degree shall include not just the impersonation of a police officer, but also of a law enforcement officer.
A.2385 S.56-B	566	Cusick DeFrancisco	Establishes the crime of disturbance of a funeral or memorial service.
A.3520 S.1862	502	Nolan Sabini	Provides for the mandatory revocation of licenses of operators of slaughterhouses upon the failure of three consecutive inspections; further requires licensee to post a copy of its most recent sanitary inspection.
A.3530 S.1862	431	Cook Smith	Establishes the crime of facilitating a sexual performance by a child with a controlled substance or alcohol; provides that such crime is a class B felony.
A5188-A S.8615	400	Bradley Saland	Relates to the crime of falsely reporting an incident in the third degree and falsely reporting an alleged occurrence or condition of child abuse or maltreatment.
A.6011-D S.4209-B	45	Pretlow Padavan	Relates to assaults on city marshals, traffic enforcement officers and traffic enforcement agents and makes certain technical corrections relating thereto.

<u>BILL NUMBER</u>	<u>CHAPTER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.6308-A S.2061-A	601	Weinstein DeFrancisco	Establishes for the purposes of the crime of criminal mischief and related offenses that "property of another" shall include property jointly or co-owned by another person.
A.7197 S.8576	401	Lavine Volker	Permits prosecution of class A felonies, which are not punishable by death or life imprisonment, by superior court information.
A.8488-A S.5595-A	405	Titone Flanagan	Creates the crime of luring a child a class E felony; provides that a person who lures a child into a motor vehicle, aircraft, watercraft, building or isolated area is guilty of committing a felony offense; provides that a child means a person less than fourteen years of age.
A.9340-A S.6408-A	16	Aubry Lanza	Makes a technical amendment relating to the probation detainer warrant pilot program.
A.9480 S.6499	74	Lentol Skelos	Adds etching, painting, drawing or otherwise placing or displaying a noose, a symbol of racism and intimidation, on a building or other real property without the express permission of the owner to ways of committing aggravated harassment in the first degree.
A.9673 S.7994	510	Spano Flanagan	Establishes a person is guilty of aggravated harassment in the second degree when, with the intent to harass, annoy, threaten or alarm another person he or she transmits or delivers a written communication, which includes a recording, in a manner likely to cause annoyance or alarm.
A.9725 S.6764	312	Lentol Volker	Adds certain crimes to the definition of criminal act for the purposes of the penal law article relating to enterprise corruption.
A.9813 S.7942	291	Lentol Flanagan	Establishes criminal penalties for defrauding a vulnerable elderly person as defined in subdivision three of section 260.30 of the penal law.

<u>BILL NUMBER</u>	<u>CHAPTER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.9818 S.6979	68	Silver Golden	Relates to including physically injuring persons older than sixty-five as an assault in the second degree if the actor is more than ten years younger than such person.
A.10489-A S.7437-A	225	Seminerio Kruger	Relates to the advisory council of the office for prevention of domestic violence.
A.10494 S.4146	231	Brennan Volker	Relates to final orders of observation of individuals who lack capacity to stand trial.
A.10502 S.7214	587	O'Donnell Volker	Relates to the sealing of the accusatory instrument for an eligible youth.
A.10522 S.7528	257	Spano Lanza	Includes plastic knuckles within the same criminal offenses as metal knuckles are included in.
A.10530-A S.7602-A	463	Bing Lanza	Establishes disciplinary provisions for crane operators who commit wrongful acts in the course of their employment; establishes the class D felony of impairing the integrity of a government licensing examination.
A.10540 S.7608	564	Brennan Maltese	Designates certain employees of the New York city business integrity commission as peace officers.
A.10556 S.7548	317	Butler Seward	Permits the electronic appearance of a defendant in the county of Herkimer.
A.10760-A S.7712-A	467	Paulin Skelos	Relates to the timeliness of prosecutions for a crime defined or formerly defined in section 130.50 of the penal law.
A.10765 S.7695	590	Rosenthal Volker	Relates to the crimes of computer tampering and unlawful duplication of computer related material.
A.11058 S.1829-C	226	Stirpe DeFrancisco	Creates the crime of aggravated identity theft and relates to unlawful possession of personal identification information of a member of the armed forces.
A.11184-A S.8201-A	639	Lentol Padavan	Creates the piracy protection act.

<u>BILL NUMBER</u>	<u>CHAPTER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.11558 S.8521	486	Rules (Aubry) Rules	Clarifies when a presumptively released drug offender shall be discharged from parole supervision.
A.11636 S.8629	426	Rules (Rivera P) Maltese	Expands the definition of coercion in the second degree and makes technical changes to the definition of coercion in the first degree.
A.11717 S.6401-A	299	Rules (Lentol) Lanza	Creates an advisory council on interactive media and youth violence and requires video game consoles to be equipped with a device or control to permit owners to prevent the display of violent or indecent video games; defines "video game"; addresses sale and rental of video games.
A.11764 S.8714	141	Rules (Aubry) Nozzolio	Enacts provisions relating to post-release supervision; provides transitional exceptions to determinate sentencing laws; directs the office of court administration to promulgate rules and regulations as may be necessary for the implementation of certain provisions hereof.

APPENDIX D - DUAL REFERENCED LAWS OF 2008

<u>BILL NUMBER</u>	<u>CHAPTER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.70-A S.2360-D	393	Pheffer Fuschillo	Requires unsolicited faxes to include notice that informs the recipient of the ability to prevent the transmission of future unsolicited telefacsimile messages.
A.72-D S.2360-D	328	Weisenberg Fuschillo	Relates to towed motor vehicles by the owner of a private lot.
A.251 S.5621	152	Magnarelli Farley	Provides for limitations on the use of due-on-sale clauses in mortgage instruments related to certain real property.
A.319A S.632-A	597	Pheffer Marcellino	Prohibits automated teller machine operators from imposing a fee on consumers using such machine when the transaction is denied.
A.373 S.3437	153	Pheffer Padavan	Increases the maximum fine for noncompliance with canine waste laws in certain cities from one hundred to two hundred fifty dollars.
A.409 S.561	221	Dinowitz Trunzo	Increases the penalties for operating a commercial vehicle on a parkway.
A.425 S.1547	224	Pheffer Fuschillo	Increases the civil penalty authorized to be imposed for price gouging of consumers.
A.472 S.170-A	498	Fields Alesi	Prohibits the importation, manufacturing, distribution, or sale of yo-yo waterball toys, defines them, and provides for enforcement by the attorney general.
A.538-A S.1955-A	154	Paulin Leibell	Prohibits smoking in dormitories, residence halls, and other group residential facilities.
A.995-A S.3593-A	157	Brodsky Maltese	Enacts provisions governing the ownership and management of properties owned by or lent to museums other than the state museum.

<u>BILL NUMBER</u>	<u>CHAPTER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.1033-A S.1599-A	397	Paulin Saland	Provides that a court may award costs and reasonable attorney's fees in matters related to violations of the open meetings law.
A.1143-B S.1592-B	638	Brodsky Libous	Directs the commissioners of environmental conservation and health to produce an environmental facility and cancer incidence map.
A.1269 S.1531	430	Bing Fuschillo	Prohibits sex offender from being entitled to a license as a real estate broker or real estate salesman.
A.1599-A S.7796	159	Magee Winner	Provides that wine tastings at the winery may be conducted between 10:00 a.m. and midnight on Sunday.
A.2019-A S.2899	329	Dinowitz Morahan	Relates to granting full faith and credit to adoption orders from foreign countries.
A.2124-A S.2393-A	398	John Leibell	Enacts the "broadcast employees freedom to work act".
A.2140-D S.8673	563	Paulin Fuschillo	Authorizes certified pharmacists to administer immunizing agents to adults.
A.2457 S.7180	619	John Robach	Requires certain individuals or entities to provide payment bonds under certain circumstances.
A.2656 S.7288	162	Diaz R. Volker	Includes in crime victim award for loss of earnings the loss of earnings of a parent or guardian as result of hospitalization of child victim under age eighteen.
A.2936 S.889	100	Abbate Trunzo	Requires airports to post signs stating the laws and penalties relating to crimes of assaulting an airport employee.
A.2988-A S.1344-A	500	Weisenberg Johnson O.	Requires certain public and private swimming facilities to retain a defibrillator and lifeguard staff trained in its use.
A.3100-A S.4714-A	399	Bradley Leibell	Requires department of transportation to defer to Westchester county town board requests for speed limit, signage and signal changes.

<u>BILL NUMBER</u>	<u>CHAPTER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.3143 S.1823	599	Schimminger DeFrancisco	Provides for longer suspensions of operating privileges for operating a vessel either recklessly or while under the influence.
A.4425-A S.2978-A	602	Mayersohn Robach	Provides child protective services units with access to criminal history reports of adults residing with children alleged or suspected to be abused or neglected.
A.4988 S.8035	568	Eddington Flanagan	Requires the promulgation of rules and regulations which shall include guidelines and procedures on the placement of certain sex offenders.
A.5023-C S.2180-D	350	Magee Seward	Relates to specifications for marking slow moving vehicles traveling on public roadways.
A.5258-C S.3175-C	569	Scarborough Volker	Relates to providing services for exploited children.
A.6217-C S.2970-C	432	Pheffer Fuschillo	Creates a consumer bill of rights regarding tax preparers.
A.7007-A S.3825	529	Lopez V. Padavan	Relates to the construction of clauses in mortgages and special proceedings to convey title to an abandoned dwelling to a city, town or village.
A.7266-B S.4324-B	27	Sweeney Maziarz	Enacts the Great Lakes - St. Lawrence River Basin Water Sources Compact.
A7519-A S.4874	436	Gianaris Volker	Requires seller to deposit the broker's commission with the recording officer if such commission is not paid at or before the closing.
A.7673 S.3712	228	Gunther Libous	Permits certification of disability for parking purposes by a physician assistant.
A.7702 S.3712	229	John Maziarz	Establishes sanctions against asbestos violators and successors.
A.7738 S.3898	530	Pretlow Larkin	Establishes a procedure by which race track license application denials may be heard.

<u>BILL NUMBER</u>	<u>CHAPTER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.7847-A S.4956-A	534	Aubry Volker	Relates to evidence of an employee's past criminal record.
A.7858-E S.5482-E	574	Destito Griffo	Relates to protection and advocacy for child abuse victims and fair treatment of child victims as witnesses.
A.8014 S.3669	604	Farrell Winner	Imposes a civil penalty for the possession of counterfeit cigarette tax stamps.
A.8023-B S.6331-A	41	Brennan Maltese	Relates to annual statements of disclosure for any city with a population of one million or more.
A.8102-A S.4006-A	230	Rivera P. Morahan	Relates to the disclosure of clinical information to the division of parole.
A.8152 S.7297	556	Pheffer Fuschillo	Relates to debt collection procedures related to identity theft.
A.8358-B S.4838-B	404	Bradley Kruger	Relates to the legal powers of custodians and guardians of children.
A.8527-A S.6203-B	575	Weinstein Volker	Establishes a procedure for claiming exemption of certain income from levy of execution by judgment debtors.
A.8582-A S.5506-A	7	Alessi Flanagan	Relates to the prevailing wage paid by individuals who are awarded public works contracts.
A.8584-B S.7123	451	Markey Young	Relates to licenses and registration of commercial feed manufacturers.
A.8634-D S.5543-E	406	Pheffer Fuschillo	Provides consumers who are victims of domestic violence with a free security freeze report upon request.
A.8657 S.6166	506	Magee Seward	Relates to the practices of farm equipment dealers.
A.8722 S.5860-A	576	Ortiz Rath	Provides clarification on child custody proceedings where a parent is activated, deployed or temporarily assigned to military service.

<u>BILL NUMBER</u>	<u>CHAPTER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.8855-A S.4541-A	532	Rosenthal Kruger	Provides that orders of protection may prohibit the unjustified killing or injuring of a companion animal of the person protected by such order.
A.8986-A S.4630-C	435	Scarborough Saland	Gives biological parents the option to consent to the receipt, by the child to be adopted, of such parents' identifying information.
A.9019-A S.6055-A	334	Sweeney Marcellino.	Relates to petroleum and chemical storage facilities; repealer.
A.9073-B S.6151-B	578	Morelle Winner	Makes null and void any provision of a franchise which prohibits a dealer of motor fuels from purchasing or selling unbranded motor fuel.
A.9163-A S.175-B	579	Bradley Alesi	Prohibits the practice of zone pricing for motor fuel by wholesalers under certain conditions.
A.9262-A S.6949-A	441	Lopez V. Lanza	Provides for the payment of poundage to the sheriff upon execution of a judgment or settlement.
A.9271-A S.6949-A	612	Lentol Lavalle	Relates to the powers granted to appointed campus security officers.
A.9367 –B S.902-B	528	Kavangh Farley	Relates to penalties for violations of potable water regulations.
A.9419 S.6497	25	Glick Padavan	Provides that no person shall stun to facilitate the killing of a fur-bearing animal by means of an electrical current.
A.9427 S.6493	63	Brodsky Leibell	Provides technical corrections to chapter 629 of the laws of 2007.
A.9483-A S.6519-A	8	Alessi Flanagan	Relates to guaranteeing payment of prevailing wages to the workers of New York state; repealer.
A.9652-B S.6687-C	66	Lancman Skelos	Relates to personal jurisdiction and enforceability of certain foreign judgments in cases involving defamation.

<u>BILL NUMBER</u>	<u>CHAPTER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.9705 S.5978-A	14	Morelle Libous	Extends provisions relating to rental vehicle provisions.
A.9727 S.6731	310	Aubry Volker	Restores discretion to the board of parole to discharge certain persons.
A.9822 S.6834	86	Bradley Leibell	Relates to agreements relating to marriage.
A.9845-A S.6750-A	357	Bacalles Winner	Makes provisions of law allowing the use of rifles for hunting in the counties of Chemung, Steuben and Yates permanent.
A.9859-A S.6875-A	67	Lentol Skelos	Protects people who use the internet from convicted sex offenders.
A.9862 S.6915	183	Magee DeFrancisco	Allows licensed wineries and farm wineries to sell wine for consumption upon the premises at the New York state fair.
A9865 A.7832	143	Espaillet Leibell	Extends for two additional years, the statute of limitation for phenoxy herbicide actions for armed forces personnel who served in Indo-China.
A.9947 S.7190	247	Magee Volker	Relates to the sale, tasting and provision of banquet facilities by the New York State Wine and Culinary Center, Inc.; repealer.
A.9949 S.4332	232	Sweeney Skelos	Relates to the registration of sex offenders.
A.10066 S.5344	235	Towns Farley	Relates to penalties for unlicensed check cashing.
A.10071 S.6811	241	Kavanagh Lanza	Relates to authorizing N.Y. City to make the obstruction of traffic at intersections a parking violation.
A.10092-A S.6466-A	308	Kavanagh DeFrancisco	Relates to prohibition on animal fighting.
A.10163-A S.7112-A	412	Magee Valesky	Allows hunters in the county of Madison to hunt deer with the use of a rifle.
A.10343-C S.1282-D	586	Kavanagh Maltese	Prohibits the confinement of companion animals in vehicles in extreme temperatures.

<u>BILL NUMBER</u>	<u>CHAPTER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.10374-A S.7267-A	250	Galef Leibell	Relates to residency requirements for an assistant district attorney in the county of Putnam.
A.10416 S.7245	454	Magee Larkin	Amends provisions relating to farm distillery licenses.
A.10526-A S.8169-A	376	Parment Young	Relates to statewide spacing for oil and gas wells.
A.10664 S.7536	366	Ortiz Kruger	Adds all persons credentialed by the office of alcoholism and substance abuse services to be mandated reporters of suspected cases of child abuse.
A.10703 S.7723	469	Benjamin Montgomery	Provides guidelines for evaluating applications for barbers and cosmetology license where applicant has prior criminal record.
A.10774 S.7916-A	591	Gianaris Padavan	Requires public utility companies applying for a permit to use or open a street to comply with certain provisions applicable to public work.
A.10794 S.7811	265	Butler Farley	Relates to the residency requirement for assistant district attorneys in Fulton County.
A.10803 S.7449	623	Titus Kruger	Relates to the certification and approval of foster and adoptive parents who have been convicted of certain crimes; repealer.
A.10808-A S.7447-A	519	Scarborough Kruger	Relates to concurrent guardianship, custody and child protective proceedings.
A.10817-A S.8143-A	472	Towns Farley	Establishes all home loans shall be subject to certain standards and limitations; creates the crimes of residential mortgage fraud in the 1st through 5th degrees.
A.10847 S.8212	475	Eddington Robach	Enacts the worker adjustment and retraining notification (WARN) act.
A.10848 S.8206	551	John Robach	Relates to the confidentiality of unemployment insurance information.

<u>BILL NUMBER</u>	<u>CHAPTER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.10850 S.8209	201	Kavanagh Robach	Relates to the registration of professional employer organizations.
A.10945-A S.8117-B	204	Canestrari Lavelle	Relates to the waiver of certain clinical laboratory tests from clinical laboratory permit requirements and to the licensure of clinical laboratory practitioners.
A.10952-B S8634	521	Lupardo Libous	Requires the notification of tenants of the results of environmental testing.
A.11003-A S.6262-B	440	Schimminger Winner	Permits a manufacturer or wholesaler of alcoholic beverages to participate in or support bona fide retailer association activities.
A.11015-A S.7892-A	628	Lafayette Fuschillo	Provides that a consumer reporting agency shall not knowingly take an adverse action against a consumer solely because he or she was a victim of identity theft.
A.11033 S.8228	344	DelMonte Volker	Relates to junior hunting and trapper mentoring.
A11134 S.8291	552	Gottfried Winner	Relates to the tobacco escrow funds and providing for the enhanced enforcement of these provisions with respect to roll-your-tobacco products.
A.11136-A S.8298-A	477	Gottfried Hannon	Relates to clarifying and strengthening the authority of the board for professional medical conduct to discipline physicians and to enhancing infection control training and practices.
A.11150-A S.8328-A	479	Paulin Winner	Relates to public access to assessment inventories prepared by a city, town or village.
A.11226 S.7553	461	Diaz R. Lanza	Provides a tax abatement for construction of a "green roof" on buildings in New York City.
A.11227-A S.8276-A	379	Kavanagh Golden	Relation to citizenship requirements to qualify for a license as a physician.

<u>BILL NUMBER</u>	<u>CHAPTER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.11271 S.6489-A	609	Nolan Marcellino	Relates to waiting periods for benefits in the case of certain permanent replacement workers.
A.11278 S.8536	345	Sweeney Marcellino	Eliminates expiration of provisions authorizing commercial application of aquatic antifouling paints by a commercial pesticide apprentice.
A.11316-A S.8297-A	553	Pheffer Fuschillo	Enacts the children's product safety and recall effectiveness act.
A.11398 S.7760	593	McEneny Farley	Relates to the state museum and collections made by staff.
A.11422-A S.8365-A	382	Rules (Canestrari) Bruno	Authorizes the city of Rensselaer to enter into contracts, leases or rental agreements granting the city the right to use or occupy such building as a fire station.
A.11429-A S.7509-A	365	Rules (Gantt) Johnson O.	Provides for the operation and use of electric personal assistive mobility devices.
A.11438 S.5635-A	237	Rules (Alessi) Lavalle	Authorizes the issuance of a one-time or annual permit to an institution of higher education to have alcoholic beverages delivered for a class or course.
A.11468 S.8449	594	Rules (Gottfried) Hannon	Enacts the "New York certified aide registry and employment search act".
A.11500-A S.8553	296	Rules (Nolan) Saland	Provides for the automatic revocation of a teaching certificate held by a teacher convicted of a sex offense.
A.11504 S.8642	297	Rules (Farrell) Maziarz	Exempts providers of telecommunication services with certificates of resale from excise taxes on telecommunication services
A.11513-A S.8554	325	Rules (Nolan) Saland	Requires the commissioner of education to revoke and annul the certificates of school administrators or supervisors under certain conditions

<u>BILL NUMBER</u>	<u>CHAPTER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.11541 S.8610	388	Rules (Weinstein) DeFrancisco	Provides for a declaratory judgment action against an insurer directly where a claim is brought for personal injury or wrongful death against another.
A.11559-B S.8630	561	Rules (Alessi) LaValle	Provides a right of first refusal to a manufactured home park homeowners' association or the tenants thereof.
A.11572 S.7414	254	Rules (Pretlow) Larkin	Removes outdated references to certain commemorative lottery tickets; repealer.
A.11593 S.8544	554	Rules (Lifton) Winner	Relates to restrictions and regulations for the construction and location of boathouses, moorings and docks by the town of Ithaca, county of Tompkins.
A.11613 S.7330	546	Rules (Gottfried) Fuschillo	Requires hotels that furnish drinking glasses, silverware or flatware in individual rooms to provide that such items are fully sanitized.
A.11657-A S.8569-A	595	Rules (Weinstein) DeFrancisco	Requires a court to review orders of protection, warrants of arrest and sex offender registries prior to issuing orders of custody.
A.11700 S.8400	322	Rules (Benedetto) Robach	Requires notification of the issuance, amendment or reinstatement of insurance contracts and imposes penalties for failure to notify.
A.11707 S.8665	326	Rules (Weinstein) Winner	Authorizes issuance of an order of protection against any member of the same family or household.
A.11711 S.8637	493	Rules (Gunther) Morahan	Restricts consecutive hours of required work by nurses.
A.11719 S.8650	220	Rules (Brodsky) Maltese	Enacts provisions governing the ownership and management of properties owned by or lent to museums other than the state museum; repealer.
A.11739 S.8678	490	Rules (Gantt) Libous	Limits the conditions which a motor vehicle franchisor may impose upon motor vehicle dealers.

<u>BILL NUMBER</u>	<u>CHAPTER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.11743 S.8699	640	Rules (Sweeney) Skelos	Relates to professional services providers.
A.11752 S.8708	279	Rules (Pheffer) Fuschillo	Relates to identity theft, protection of sensitive personal information, employee personal identifying information and crime of unlawful possession of skimmer device.
A.11756 S.8708	139	Rules (John) Rules	Relates to individual and group self-insurers and security for payment of compensation and a default offset fund, creates a task force on group self-insurers.
A.11758 S.8706	491	Rules (Lentol) Skelos	Relates to transmission of data relating to the possession and acquisition of a firearm.
A.11759 S.8715	392	Rules (Espaillat) Rules	Establishes livery driver benefit fund.

APPENDIX E - 2008 CODES BILLS THAT PASSED THE ASSEMBLY

<u>BILL NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.76-A	Weisenberg	Enacts the "children's weapon accident prevention act".
A.341	Morelle	Creates the crime of criminal trespass on the field of play of a sports event.
A.627-A S.7554	Wright Sampson	Prohibits police officers from using racial and ethnic profiling.
A.776-A S.7361	Wright Adams	Relates to the execution of a warrant of arrest and establishes educational programs for judicial personnel on the law of searches, arrests and seizures.
A.780	Wright	Authorizes an application for permission to appeal to the court of appeals from an order concerning a change of venue.
A.829 S.7556	Englebright Sampson	Proscribes persons, firms or corporations engaged in retail business of selling firearms from selling, delivering or transferring child operated firearms.
A.1003	Dinowitz	Establishes a time limit on utilizing third-party practice of no later than ninety days after completion of examinations before trial of the original parties.
A.1497 S.4416	O'Donnell Flanagan	Requires the judge in a criminal proceeding or in a family court proceeding, upon issuance of an order of protection to inquire as to the possession of a firearm by the defendant or respondent.
A.1607-B S.5234-A	O'Donnell Volker	Relates to the sealing of certain court records for noncriminal offenses.
A.1668 S.5595	Lavelle Flanagan	Creates the crime of luring a child.
A.1778	Gianaris	Relates to voluntary discontinuances when responsive pleadings are not required.
A.2772-A S.2411-A	Eddington Schneiderman	Bans the sale, use or possession of 50-caliber weapons.

<u>BILL NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.2868 S.3868	Lentol Johnson C.	Amends the definition of disguised gun to include certain guns that are designed and intended to appear to be a toy gun.
A.3148-A	Weinstein	Requires training regarding sexual assault for police officers and child protective services workers.
A.3165	Pretlow	Designates ordinance officers of the city of Mount Vernon police department as peace officers.
A.3196 S.8765	Pretlow Hassell- Thompson	Authorizes a court to direct filing of non-family offense order of protection with the computerized registry for such orders and warrants.
A.3447 S.2002	Koon Padavan	Includes possession of armor piercing, frangible or devastator ammunition as criminal possession of a weapon.
A3981	Brotsky	Designates venue of certain special proceedings against certain state bodies or officers.
A.4131	Rivera P.	Prohibits a court from denying class certification solely because the action involves governmental operations.
A.4361	Cook	Excludes certain judgments, orders or decrees issued in a matrimonial action from a stay of enforcement without a court order.
A.4560-B S.4614-A	Markey Saland	Extends the statute of limitations in criminal and civil actions for certain sex offenses committed against a child less than eighteen years of age.
A.4799-B S.1969-B	Lentol Volker	Enacts and amends provisions relating to the effect of death or disability on certain privileges; requires disclosure to courts of certain communications.
A.4958 S.8035	Aubry Volker	Allows the second chance commission upon application to order upon termination of criminal action by conviction for certain offenses the sealing of all official records.
A.5063	Titus	Provides for disclosure of prior denials, if any, in application for a search warrant.
A.5993	Brennan	Provides for validity of service of process in certain circumstances.

<u>BILL NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.5994	Brennan	Provides that leave of court shall only be required for serving a subsequent notice of a restraining order when it is served within twelve months of another notice.
A.6307 S.4091	Weinstein Oppenheimer	Provides limits on the duration of an order of protection depending on the level of the conviction.
A.6338	Gottfried	Provides that an affirmation of a health care practitioner may be served or filed in an action in lieu of and with same force and effect as an affidavit.
A.6525-A S.2402-B	Paulin Schneiderman	Requires the creation and imposition of restrictive commercial practices and stringent recordkeeping and reporting to prevent gun sales to criminals.
A.6663-A S.4352-A	Aubry Schneiferman	Relates to drug law reform, drug treatment and crime reduction; repealer.
A.6850	Stirpe	Expands when a person is guilty of criminal trespass in the second degree.
A.6937	Titus	Relates to issuance of a subpoena to compel the attendance of an incarcerated person in certain cases.
A.7331-A	Titone	Relates to banning the possession, sale or manufacture of assault weapons; repealer.
A.7599	Lavine	Permits the court to grant post-conviction motions to vacate a judgment when the issue raised upon such motion is ineffective assistance of counsel.
A.8185 S.3906	Cook Volker	Requires certain accusatory instruments filed against an apparently eligible youth be filed automatically as a sealed instrument with the public.
A.8693-A	Lentol	Relates to forensic DNA testing and to requests for certain DNA test comparisons.
A.8696-A	Lentol	Relates to the dissemination of violent and indecent video games to minors.
A.8700-B	Lentol	Establishes a federal firearms disqualifying information registry.
A.9309-A	Gordon T.	Establishes felony offenses relating to endangering the welfare of an incompetent or physically disabled person.

<u>BILL NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.9310-A	Lentol	Relates to the dissemination of violent and indecent video games to minors.
A.9819-A S.8541	Schimel Schneiderman	Requires semiautomatic pistols manufactured or delivered to any licensed dealer in this state to be capable of microstamping ammunition; repealer.
A.10497 S.7080	Brennan Volker	Provides for appellate review of an ex parte order or applications for provisional remedies.
A.10498 S.7213	Cook Volker	Provides that the dismissal of an accusatory instrument in local criminal court as insufficient on its face is a termination in favor of the accused.
A.10499 S.7078	Cymbrowitz Volker	Relates to the time allowed for objections to defects in form of a paper.
A.10503 S.7079	Weprin Volker	Requires a party who is moving to amend or supplement his or her pleading to attach a copy of the proposed pleading to his or her motion.
A.10614 S.5140	Weinstein Volker	Relates to final orders of protection.
A.10819 S.7998	Weprin DeFrancisco	Prohibits the assertion by a third-party defendant of a service objection relating to the initiating pleadings in an action.
A.11677 S.8597	Rules (Hyer- Spencer) Lanza	Expands the list of persons designated as peace officers to include special agents with law enforcement authority of the U.S. Environmental Protection Agency.
A.11721 S.8128-A	Rules (Aubry) Johnson O.	Relates to issuance/entry of probation warrants, declarations of delinquency, court appearances for violations.

APPENDIX F - 2008 DUAL REFERENCED BILLS THAT PASSED THE ASSEMBLY

<u>BILL NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.52	Lafayette	Prohibits home improvement contractors from acting on behalf of mortgage brokers.
A.77 S.4720	Weisenberg Fuschillo	Requires sunscreen products to be labeled with best if used before dates and storage recommendations.
A.104 S.174	Lafayette Alesi	Provides that no person seven years of age or over shall be a passenger in the back seat of a motor vehicle unless such person is restrained by a safety belt.
A.108	Lafayette	Provides that sale of synthetic materials which prevent clear photograph of a license plate is prohibited.
A.114 S.5440	Pheffer Padavan	Provides a municipality or community board to express an opinion before a license is granted to a person to sell liquor at retail for off-premises consumption.
A.117-B	Pheffer	Prohibits certain unsolicited advertisements to consumers and the sale, rental, or exchange of personal information.
A.149 S.185	Lafayette Alesi	Provides mandatory leave of absence for employees in private business who are organ or bone marrow donors and insurance reimbursement to employers for wages.
A.189 S.6898	Gantt Morahan	Defines the term electric assisted bicycle.
A.196 S.2330	Gantt Rath	Provides that a court may require the reexamination of certain drivers.
A.221 S.5044	Pheffer Fuschillo	Requires debt collectors to send consumers a written notice of their rights under state law along with their debt collection correspondence.

<u>BILL NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.223 S.5043	Pheffer Fuschillo	Creates a private right of action for unlawful price gouging for injunctive relief and recovery of actual damages or \$1000 whichever is greater.
A.227	Gantt	Prohibits a person from operating a truck while anyone is in the cargo area of such truck.
A.229	Gantt	Relates to expanding the definition of bus to include certain buses owned and operated for the transportation of children less than school age.
A.275-A	Pheffer	Prohibits persons or business entities from filing unnecessary personal identifying information with an agency.
A.276	Clark	Relates to the abatement of lead poisoning conditions.
A.296-A	Pheffer	Authorizes family and supreme courts to issue orders of protection for the protection of witnesses.
A.304-D	Clark	Establishes the office of the child advocate.
A.334 S.2528	Greene Kruger	Restricts the requirement that a person disclose their social security number.
A.370-A S.1916-A	Magnarelli Alesi	Establishes mandatory reporting of alleged incidents of abuse, mistreatment or neglect of residents in adult care facilities.
A.408	Dinowitz	Creates additional remedies for unlawful discharge, penalty, or discrimination due to the exercise of an employee's right to be absent from employment for jury duty.
A.437	Greene	Requires a warning instruction by entities which manufacture, assemble and sell roller skates and skate boards.
A.479-A	Dinowitz	Provides a toll exemption for voluntary ambulance services.
A.480	Dinowitz	Requires persons or entities providing benefits in the event of disability to not impose onerous or unreasonable conditions for the payment of benefits thereunder.

<u>BILL NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.490	Dinowitz	Restricts insurers from demanding intrusive personal, financial and tax information from insureds as a standard practice in ordinary theft claims.
A.513	Dinowitz	Requires the commissioner of health to take action when areas of lead poisoning are designated.
A.518 S.4577	Cahill Bonacic	Requires bicycles to be equipped with a red or amber reflector for night use.
A.536-A S.3082-A	Paulin Libous	Relates to the definition of pet dealer.
A.609 S.3662	Dinowitz Defrancisco	Permits awarding of reasonable attorneys' fees, costs and exemplary damages in court actions for unlawful discriminatory practices pursuant to the human rights law.
A.620-A S.2963-A	Rosenthal Rath	Prohibits compelling domestic abuse victims to contact their abusers.
A.715 S.4273	Wright Huntley	Grants the attorney general jurisdiction to investigate and prosecute police misconduct.
A.786-A S.7352	Wright Adams	Requires police officers who have discharged their weapon in the course of their employment to be tested for the presence of drugs and/or alcohol.
A.787-A S.3184-A	Latimer Stewart-Cousins	Provides that the failure to post a statement of wage rates and supplements shall be subject to prosecution as a misdemeanor and subject to a civil penalty.
A.795 S.4250	Lopez V Padavan	Relates to limited-profit housing companies.
A.799	Lopez V	Relates to recovery of certain housing accommodations by a landlord.
A.858	Englebright	Requires the removal or covering of inapplicable highway work zone traffic control signs.
A.866	Destito	Establishes a civil remedy for victims of bias-related violence.
A.883-B	Englebright	Provides for the protection of the air quality at day care centers licensed by the state and head start day care centers funded pursuant to federal law.

<u>BILL NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.931	Destito	Permits antitrust fines or penalties to be paid to crime victims board, in the court's discretion.
A.957	Destito	Makes it a discriminatory practice for public employers to compensate employees of different sexes differently for work that is of comparable worth.
A.963	Destito	Relates to the method of abandonment for the purposes of the canal system.
A.1147 S.5582	Brotsky Libous	Prohibits the taking of striped bass from the Hudson river for commercial purposes.
A.1179-A S.5570-A	Gunther Flanagan	Sets forth procedures to be followed in the event a sex offender fails to mail a signed verification within twenty calendar days of mailing by DCJS.
A.1188	Eddington	Expands coverage of sex offender registration act.
A.1222-A	Paulin	Prohibits employers from discriminating against victims of domestic violence or stalking.
A.1336-A	McEneny	Enacts provisions relating to the reporting of child abuse.
A.1350-B S.2152-B	Brotsky Libous	Authorizes shareholders to attend meetings via remote communication and to be deemed present for voting purposes.
A.1355 S.7113	Aubertine Aubertine	Provides for the management of ballast water from shipping vessels in an effort to prevent introduction of nonindigenous species.
A.1378 S.250	Brotsky Morahan	Establishes a nuclear whistleblower access and assistance program to promote public health and safety.
A.1435 S.5182	Bradley Morahan	Allows a person to institute an action for a violation of the provisions of the environmental quality review even if the injury does not affect the public at large.
A.1514	Bradley	Provides for permanent guardianship status of a relative for a child who is placed in the relative's care.

<u>BILL NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.1520-A	Brotsky	Prohibits disclosure of highway, bridge, tunnel and other thoroughfare toll and transit records, with exceptions.
A.1613	Scarborough	Enacts the "SAFETY act" to prevent harassment and discrimination.
A.1620	Lentol	Requires comprehensive accident prevention planning for the prevention of petroleum spills and leaks, and auditing thereof, in certain cities.
A.1622	Lentol	Requires operators of major facilities to implement plans and to install equipment for prompt detection of petroleum discharges.
A.1726	Peralta	Requires farm labor contractors to provide certified copies of payroll records to the commissioner of labor.
A.1741 S.865	Englebright Bonacic	Authorizes district attorney to petition for posting of security when animal is impounded as result of abuse.
A.1865	Gianaris	Creates a private right of action for improper debt collection procedures.
A.1898-B S.6342	Gunther Morahan	Restricts consecutive hours of required work by nurses; does not prohibit a nurse from voluntarily working overtime.
A.1901 S.519	Hoyt Maziarz	Protects historic districts and landmarks from demolition by neglect by allowing regulations prohibiting improper or lack of maintenance.
A.1939 S.1705	Lupardo Robach	Provides that ownership of unidentifiable part in identifiable motorcycle, other than stolen motorcycle shall be returned to owner after investigation.
A.1999-A S.7204	Aubertine Aubertine	Requires country of origin labeling on certain food products.
A.2006	Lupardo	Makes provisions to protect indoor air quality including indoor air quality plans by building owners and air quality standards and investigations.
A.2089 S.5977	Lifton Robach	Prohibits the online posting of the home address or location of a day care provider's home without providing a prior opt out option to such providers.

<u>BILL NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.2114	Lentol	Requires return of tenants' security deposits plus accumulated interest, less deductions, within thirty days of termination of tenancy.
A.2115	Lentol	Provides that a person is guilty of vehicular homicide when such person causes the death of another person by operation of a motor vehicle.
A.2254 S.108	Schimminger Maziarz	Enacts the "Guy Kyler Act" making provisions relating to suspension of vessel operation privileges and motor vehicle licenses for operating under the influence.
A.2325	John	Establishes on-track safety standards for New York city transit authority employees.
A.2422 S.244	Galef Morahan	Requires operators of nuclear power plants to give notice of scheduled and unscheduled releases of radioactive materials and of breakdowns or malfunctions.
A.2442-A S.6175-A	Brodsky Flanagan	Specifies auction requirements.
A.2469-A S.7327	Sweeney Trunzo	Requires all first-term members of boards of education to attend training sessions within six months of taking office.
A.2530-A S.168-A	Scarborough Alesi	Requires firefighters to report child abuse or maltreatment.
A.2569-A	Bradley	Requires food service establishments to post notice relating to the use of latex gloves.
A.2612-A S.784-A	Glick Padavan	Prohibiting the taking of non-native big game mammals in a fenced or other area from which there is no means for such mammal to escape.
A.2624	Parment	Makes provisions relating to the prohibition of the use of herbicides on utility right of way.
A.2646 S.4423	Canestrari Lavalle	Prohibits any person from interfering with any official traffic control device or railroad sign or signal.
A.2712 S.6927	John Johnson	Enacts the New York state fair pay act.

<u>BILL NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.2718 S.6927	John Trunzo	Provides that every procurement contract entered into by a state agency shall contain a statement from the contractor that no forced labor was used.
A.2720-A S.6077-A	John Maziarz	Relates to contractors who continually use sub-contractors who fail to pay the prevailing wage.
A.2799 S.3035	Cusick Lanza	Relates to requiring notice to neighboring landowners of intention to develop in wetland areas.
A.2816-A S.6046-A	Glick Connor	Provides additional oversight for interim multiple dwellings; provides for additional remedies for residents of such dwellings and extends certain provisions.
A.2859	Gantt	Prohibits discrimination in the issuance of homeowner's insurance policies and clarifies prohibition of refusal to issue policies based solely on geographical location.
A.2930 S.1514	Gottfried Lavallo	Establishes health care organization accountability for delay, failure or refusal to approve, provide, arrange or timely pay for certain health care services.
A.2990	Weinstein	Directs secretary of state to accept service of process and mail on behalf of victims of domestic violence wishing to keep their location secret.
A.2992	Weinstein	Requires brokers who receive monies in a fiduciary capacity to deposit such monies in an interest on broker account.
A.3059	Weinstein	Provides that for settlements that require a court order the order shall provide for the payment of interest on the settlement amount at the statutory rate.
A.3086	Weinstein	Provides for the payment of compensatory damages in cases of willful violation of an order of support for a child or spouse and for interest on prejudgment arrears.
A.3094 S.5413	Bradley Leibell	Requires insurance providers to remove the names of any non-participating physicians from their website.

<u>BILL NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.3115	Pretlow	Requires a New York state legend to be located on all bell jar tickets sold in this state.
A.3254	Pretlow	Requires department of environmental conservation to establish guidelines for disqualification of stand-by contractors.
A.3318	Colton	Provides for source separation and disposal of recyclable materials and requires municipalities to adopt local laws providing therefore.
A.3363-A S.1358-A	DelMonte Larkin	Increases the maximum fine from \$5,000 to \$20,000, that can be imposed by the racing and wagering board for violations relating to thoroughbred and harness racing.
A.3451 S.3009	Koon Robach	Provides for the submission of expended projectiles and shell casings and guns to the state police pistol and revolver ballistic identification electronic databank.
A.3483	Gottfried	Prohibits discrimination because of sexual orientation.
A.3496-A	O'Donnell	Enacts the "dignity for all students act" to prevent harassment and discrimination.
A.3560	Cook	Requires persons offering weight loss services to provide notice of certain weight loss and dieting information.
A.3563-A	Galef	Authorizes the removal of fire commissioners for dereliction of duties.
A.3628 S.3249	John Fuschillo	Provides that utility companies shall use competent workers and shall pay the prevailing wage on projects where a permit to use or open a street is issued.
A.3629-A	John	Creates an action for damages against a contractor for failure to pay prevailing wages or taxes, contributions, assessments, or benefits.
A.3638-B S.4205-B	Millman Alesi	Provides that any engine coolant or antifreeze that contains more than ten percent ethylene glycol shall only be sold if it contains 30 ppm of denatonium benzoate.

<u>BILL NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.3848-B S.8393	Gottfried Sampson	Establishes the prescription drug discount program; repealer.
A.3863 S.5576	Rivera P. Morahan	Establishes a cause of action by residents of adult facilities to petition for temporary or permanent receivership.
A.3962-A S.5749	Perry Lanza	Provides that no additional penalty or alternate additional penalty shall accrue on parking violations after the date of payment.
A.4278 S.2130	Greene Stavisky	Increases the liability of creditors to consumers for credit billing errors.
A.4613	Morelle	Enacts provisions relating to fraudulent solicitation and collection of funds for charitable purposes.
A.4648	Schroeder	Alters provisions with respect to the right of set off by banks with respect to social security or supplemental security income deposits.
A.4726-B	Lopez V.	Includes certain buildings, structures or portions thereof occupied for residential purposes for a period of 12 consecutive months as interim multiple dwellings.
A.4867-B	Gottfried	Provides for medical use of marihuana.
A.5175 S.3601	Gottfried Padavan	Provides that liquor authority may include certain terms and conditions as part of various licenses for on-premises consumption to assure premises lawfully operated.
A.5225	Pretlow	Relates to the jurisdiction of a coroner or medical examiner.
A.5399-C	Paulin	Provides for humane destruction or disposition of certain animals; repealer.
A.5509-A	Latimer	Provides that sani-vans shall be classified and treated as hazard vehicles.
A.5596	Lopez V.	Provides that certain multiple dwellings must be heated to a minimum temperature of sixty degrees Fahrenheit between 10 pm and 6 am.
A.5614-A S.3016-A	Fields Volker	Requires a conspicuous warning printed on the packaging of a toy containing a magnet.

<u>BILL NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.5632 S.7299	Wright Maltese	Provides that appearance enhancement businesses in the city of New York shall be maintained and operated in accordance with the provisions of the city health code.
A.5809 S.4095	John Oppenheimer	Makes provisions regarding enforcement of open meetings law: court may void, stay, or fine.
A.5885	Bradley	Requires the office of children and family services to examine the call history prior to making any determinations to report incidents of child abuse.
A.5916-A S.3072-A	Destito Robach	Prohibits certain discriminatory practices against victims of domestic violence.
A.6060-A S.6783	Weinstein Winner	Authorizes issuance of an order of protection against any member of the same family or household.
A.6150-A S.3164-A	Weinstein Volker	Relates to the accrual of merit time by certain inmates.
A.6279 S.2982	Rivera N. Robach	Requires publisher of magazine subscriptions to disclose on the billing statement or invoice a customer service telephone number.
A.6341 S.2642	Gottfried Seward	Provides for pharmacy benefit management and the procurement of prescription drugs at a negotiated rate for dispensation.
A.6421-B S.4996-B	Weinstein Volker	Recodifies provisions of law relating to establishing powers of attorney, the powers thereof and revocation thereof; repealer.
A.6455-A	John	Provides that an offender who fails to register or verify as a sex offender shall have the length of such failure to register or verify added to the duration of registration.
A.6584-A S.3753-A	Gottfried Duane	Prohibits discrimination based on gender identity or expression and includes offenses regarding gender identity or expression under the hate crimes statute.
A.6636	Heastie	Protects children in N.Y. City from child abuse and maltreatment in educational settings.
A.6675	Ortiz	Defines necessary court appearance for purposes of determination of crime victim's award.

<u>BILL NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.6785 S.927	Rivera P. Morahan	Provides that directors of in-patient facilities and hospitals shall designate safety officers to act as special policeman.
A.6898 S.7846	Bing Padavan	Relates to the supervision of certain limited profit housing companies.
A.6959-A S.2665-A	Lifton Stavisky	Makes it a discriminatory practice to compensate employees of different sexes differently for work that is of comparable worth.
A.7074-C S.599-C	John Hannon	Authorizes nurse practitioners to sign death certificates in like manner as physicians and imposes upon nurse practitioners the same duties that physicians have.
A.7089-A S.6201-A	Bing Duane	Provides that a person shall not be penalized in child custody hearings for making good faith efforts to protect a child against abuse.
A.7101-A S.4516-A	Paulin Fuschillo	Requires cigarette manufacturers to disclose chemical additives and product design characteristics in cigarettes.
A.7105 S.3801	Titus Leibell	Establishes emergency evacuation plan for individuals with disabilities; and establishes \$500 fine for failure to comply.
A.7110 S.3955	Titus Morahan	Requires access aisles of handicapped parking spaces to be marked with a sign and diagonal stripes.
A.7111 S.3954	Titus Morahan	Requires access aisles of handicapped accessible parking spaces to be at least eight feet wide.
A.7122 S.6933	Lentol Maltese	Provides criminal penalties for building plan violations in the city of New York.
A.7315-B	Weisenberg	Requires applicants for position of youth division aide to undergo psychological screening test.
A.7326 S.2001	Dinowitz Padavan	Relates to penalties for the illegal shipment of cigarettes.
A.7332-A	Sweeney	Provides reimbursement to fire companies for costs associated with responding to spills of hazardous materials.

<u>BILL NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.7368-A S.4517-A	Paulin Fuschillo	Relates to prohibiting the sale of flavored cigarettes.
A.7378-A S.8342	Weinstein DeFranciso	Relates to child support agreements/stipulations and the consequences of failing to comply with such agreements/stipulations.
A.7402-B S.3528-A	Rosenthal Padavan	Prohibits animal irritancy tests for cosmetics.
A.7409	Rosenthal	Relates to online listing of real property for sale or rent.
A.7416-A S.5149-B	Rosenthal Stewart-Cousins	Repeals various provisions of law relating to the regulation of housing.
A.7438-A S.4364-A	Rosenthal Marcellino	Enacts the healthy, safe and energy efficient outdoor lighting act to reduce harmful outdoor lighting.
A.7470-A S.281-A	Galef Alesi	Prohibits a person from operating a motor vehicle with children under the age of 7 in the front seat in most cases.
A.7630 S.216	Kavangh Lavalle	Prohibits release of certain balloons.
A.7657 S.4797	Greene Montgomery	Prohibits any party from charging consumers for unordered or unrequested goods or services; repealer.
A.7755 S.5407	Hevesi Padavan	Authorizes tax liens for nonpayment of an environmental control board judgment arising from a hazardous conditions violation.
A.7764-B	Aubry	Provides inmates the opportunity to obtain a general equivalency diploma.
A.7765 S.1647	Aubry Sabini	Provides for defense and indemnification of parents serving in certain authorized positions in N.Y. City community school districts in suits by school officials.
A.7861-A S.5204-A	Greene Smith	Provides for the unlawful discriminatory practices in housing based on lawful source of income, including section eight.
A.7863 S.5565-A	Lentol Golden	Reclassifies uniformed court officers as police officers.

<u>BILL NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.7959-A S.8278	Cahill Morahan	Eliminates the licensure requirement of citizenship or permanent residence in those professions where such requirement presently exists.
A.7977-B	Sweeney	Restricts the use of decabromodiphenyl ether in certain products.
A.7985-A	Alessi	Relates to providing recourse for manufactured homeowners in manufactured home parks confronted with unjustifiable rent increases.
A.8036 S.4751	Kavanagh Krueger	Imposes penalty upon agency failing to complete a remediation plan.
A.8044-A S.5850-A	Sweeney Marcellino	Relates to returnable beverage containers; repealer.
A.8153-A	Pheffer	Makes it unlawful for any person to act as a debt collection agency without first having obtained a license.
A.8218-B	Gottfried	Provides clarification on the private right of action by a patient of a residential health care facility.
A.8314 S.3975	Gantt Nozzolio	Establishes when the state commission of correction shall exercise its discretion to initiate a transfer of an inmate from a local county jail.
A.8442	Gottfried	Relates to providing a preference in awarding state contracts to entities which provide employer sponsored health coverage.
A.8444-B S.7563	Sweeney Marcellino	Enacts the "electronic equipment recycling and reuse act".
A.8521-A S.4216-A	Dinowitz Winner	Relates to certain civil complaints and the procedures pursuing and appealing such complaints and provides for civil fines, attorney's fees and expert witness fees.
A.8588-A	Sweeney	Requires restoration of areas adjacent to wetlands.
A.8612-A	Pheffer	Provides new debt collection requirements and administrative enforcement by the consumer protection board.
A.8810-C	Sweeney	Enacts the "plastic bag reuse and recycling act".

<u>BILL NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.8859-A S.8194	Scarborough Kruger	Relates to permanency planning in juvenile delinquency and persons in need of supervision cases.
A.8868-B	Aubry	Relates to unlawful solicitation of ground transportation at an airport; provides penalties for violation thereof.
A.8972-C	Towns	Enacts the "New York state responsible lending act of 2008" to regulate subprime and nontraditional home loan lending.
A.9006-B	Lancman	Relates to the regulation of explosives.
A.9008 S.8603	Brotsky Hannon	Relates to the term valuable consideration as it relates to the prohibition of sales and purchases of human organs.
A.9228 S.6245	Cusick Lanza	Relates to work hours for lifeguards.
A.9541-A S.2136-A	Cusick Hannon	Amends the dates for filing a claim and commencing an action on a bond.
A.9557-C	Pheffer	Enacts the "internet dating safety act".
A.9665 S.7194	Magee DeFrancisco	Authorizes wineries to engage in custom crush wine production allowing individuals to assist in the production of wine for sale for personal or family use.
A.9695-B S.6724-B	Brennan Padavan	Provides foreclosure relief for fundamentally unaffordable mortgage loans, second mortgages and home equity loans.
A.9812-A	Stirpe	Relates to penalties for persons leaving the scene of a boating accident.
A.9975-B S.6942-B	Bradley Leibell	Requires that individuals convicted of certain animal cruelty and animal fighting offenses reimburse the organizations caring for such animals.
A.10097 S.6894	Morelle Seward	Authorizing issuance of limited licenses to self-service storage companies for sale of insurance coverage on personal property stored in self-service storage spaces.

<u>BILL NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.10116 S.6911	Cahill Larkin	Permits persons licensed to sell wine at retail for consumption on the premises to sell certain low alcohol beverages.
A.10142	Weisenberg Larkin	Prohibits certain adverse actions by public employers to be taken against public employees for the reporting of certain violations endangering children.
A.10158 S.3361	Kavangh Kruger	Requires landlord to pay penalties if he fails in action to evict tenant on grounds of primary residency.
A.10180-B	Gianaris	Requires energy services companies to provide customers with a consumers bill of rights.
A.10365 S.7614	Abbate Golden	Provides for paid time off for port authority of New York and New Jersey police officers who become ill or injured in the performance of their duties.
A.10445-B S.6663-B	Paulin DeFrancisco	Establishes a toll-free statewide number for use in the investigation and prevention of animal fighting.
A.10483-A S.8721	Young Alesi	Prohibits more than one increase in the price of motor fuel in any twenty-four hour period.
A.10616 S.6900	Weinstein DeFrancisco	Modernizes the Judiciary's emergency response system.
A.10628-A S.7828-A	Bradley Leibell	Prohibits employers from using an employee's social security number for identification purposes.
A.10637-C S.8668	John Fuschillo	Relates to reverse vending machines.
A.10640-C	Pheffer	Relates to limitations on certain contracts involving social referral services.
A.10666A S.8186-A	Gottfried Hannon	Makes technical and operational amendments in various areas of public health reporting.
A.10667-B S.7342-B	Scarborough Kruger	Relates to trial discharges of youth in foster care and voluntary re-placements of older adolescents into foster care.
A.10809 S.7545	Rivera N. Morahan	Relates to the powers and duties of the commissioner of the office of general services.

<u>BILL NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.10823 S.7362	Silver Bonacic	Increases civil penalties for violation of order and harassment of tenants to obtain vacancy of unit.
A.11083-A S.8572-A	Gantt Johnson O.	Relates to the operation of vehicles with safety seats.
A.11118 S.7697	Benedetoo Johnson O.	Relates to college fire safety and the duties of the office of fire prevention and control.
A.11121 S.7460	Seminerio Nozzolio	Includes the cost of counseling for a grandchild of a crime victim within the definition of "out-of-pocket loss" for purposes of crime victim compensation.
A.11258-A S.8146-B	Magee Nozzolio	Relates to the sale of cigarettes.
A.11289 S.7427	Cahill Maziarz	Subjects bottle-type water dispensers, commercial hot food holding cabinets, portable electric spas and residential furnaces to energy efficiency standards.
A.11408 S.3951	Rules (Fields) Rath	Relates to the wearing of personal floatation devices when underway on a pleasure vessel less than twenty-one feet.
A.11507-A	Rules (Silver)	Enacts the "2010 Campaign Finance Act.
A.11588	Rules (Cahill)	Relates to the pricing, sale and dispensing of motor fuel.
A.11590	Cahill	Establishes a windfall recapture tax and a windfall profits tax for oil companies.
A.11684 S.7598-A	Rules (Weinstein) Kruger	Relates to modifying child support orders, employer reporting of new hires and quarterly earnings, work experience programs and noncustodial earned income tax credit.
A.11696-A S.7497-B	Rules (Glick) Lavalle	Relates to public accountancy definitions, practice and licenses.
A.11725 S.8643-A	Rules (Sweeney) Marcellino	Enacts the "plastic bag reduction, reuse and recycling act".

APPENDIX G - 2008 CODES BILLS VETOED BY GOVERNOR

<u>BILL NUMBER</u>	<u>VETO NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.9286 S.6440	112	Lentol Flanagan	Relates to definitions for gambling offenses.
A.9641 S.6906	16	Gunther Volker	Requires courts to notify victims upon service of orders of protection.
A.9844 S.6841	94	Thiele LaValle	Relates to granting peace officer status to uniformed members of the fire marshal's office in the village of Southampton.
A.9861-A S.6847-A	119	Theile LaValle	Designates employees of the village court of the village of Westhampton Beach serving as uniformed court officers as peace officers.
A.9889 S.6891	95	Giglio Young	Designates the dog control officer of the city of Salamanca as a peace officer for purposes of enforcing article 26 of the agriculture and markets law and issuing appearance tickets pursuant to article 7 of such law.
A.10397 S.6545	97	Raia Marcellino	Grants peace officer status to uniformed court officers employed by the village of Northport village justice court.
A.10509 S.7469	123	Calhoun Larkin	Designates as peace officers, the uniformed court officers of the town court of the town of New Windsor.
A.10652-A S.7616-A	125	Finch Nozzolio	Authorizes uniformed marine patrol officers in Cayuga county to carry firearms.
A.10719 S.8106	129	Conte Flanagan	Designates uniformed officers of the fire marshal's office of the town of Huntington as peace officers.
A.10738-A S.7229-A	126	Sayward Little	Designates the village of Lake George seasonal constables as peace officers.

<u>BILL NUMBER</u>	<u>VETO NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.10750 S.7899	128	Destito Griffo	Allows for individuals to be granted permits for public displays of fireworks; further sets forth parameters for what shall be considered a public display.
A.10971-A S.8183-A	131	Boyle Trunzo	Grants uniform members of the bureau of fire prevention of the town of Islip peace officer status.
A.11023 S.8228	132	Cole Volker	Grants peace officer status to security officers for the town court of the town of Alden.
A.11056 S.7852-A	127	Schimminger Winner	Makes provisions of law relating to unlawfully dealing with a child apply to owners of a place where liquor is sold, rather than where any alcoholic beverages are sold.

APPENDIX H - 2008 DUAL REFERENCED BILLS VETOED BY GOVERNOR

<u>BILL NUMBER</u>	<u>VETO NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.537-B S.2173-B	55	Paulin Lanza	Provides incentive for persons licensed for on premises sale of alcoholic beverages and persons serving such beverages to undergo certain training.
A.606 S.2007	138	Cahill Volker	Directs public utilities to provide call center service assistance from centers located within the state and the utilities service area.
A.695 S.6630	18	Wright Volker	Requires commissioner of motor vehicles to establish rules and regulations for postponements of hearings after a plea of not guilty.
A.734 S.6882	27	DeMonte Volker	Prohibits the purchase or sale of certain fish taken pursuant to fishing licenses, except fish from the St. Lawrence River, and bullhead in certain counties.
A.891 S.4249	158	Englebright Maltese	Prohibits public universities and community colleges from licensing their trademarks for use on unlawfully manufactured apparel.
A.1804-A S.8336	19	Lupardo Nozzolio	Provides for binding arbitration in negotiations for certain members of the security services collective bargaining unit.
A.5923 S.6860	15	John Maltese	Provides for the labeling of apparel manufactured without the use of abusive and exploitative labor.
A.6250-D S.4029-D	157	Peoples Volker	Provides for the lawful sale of scrap copper and other metals by junk dealers; creates New York state metal theft task force.

<u>BILL NUMBER</u>	<u>VETO NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.6399-C S.6350	176	Gantt Robach	Enacts the childhood lead poisoning primary prevention and safe housing act.
A.9153 S.6260	160	Peralta Libous	Relates to the New York Black Car Operators' Injury Compensation Fund, Inc.
A.9719 S.6836	25	Destito Griffo	Provides for binding arbitration for members of the security services collective bargaining unit who are security hospital treatment assistants.
A.10000 S.8294-A	170	Dinowitz Bonacic	Relates to entitlement to first party benefits.
A.10134 S.6830	8	Abbate Robach	Repeals paragraph (e) of subdivision 4 of section 209 of the civil service law relating to limitations on binding arbitration for members of the state police.
A.10135-A S.6829	76	Abbate Robach	Provides for payment of salary, wages, medical and hospital expenses of members of the state police with injuries or illness incurred in the performance of duties.
A.10265-B S.7585-C	179	Magnarelli DeFrancisco	Enacts the "omnibus Alzheimer's services act of 2008".
A.10345 S.7298	26	Lentol Maltese	Requires use of an independent hearing officer for disciplinary hearings.
A.10448-A S.7339	165	Rivera P. Fuschillo	Prohibits credit card issuers from increasing interest rate or imposing fee upon account of holders based on indebtedness or late payment to other creditor.
A.10471 S.7273	80	Lentol Bonacic	Prohibits rules or regulations of the state police prohibiting members from modifying or recommending the modification certain charges before a court.

<u>BILL NUMBER</u>	<u>VETO NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.10516-A S.3153-A	178	Millman Montgomery	Removes special powers granted to the society for the prevention of cruelty to children; repealer.
A.11364-B S.8362-B	172	Millman Connor	Provides that the measurement of the distance between certain premises and schools and places of worship shall be from property line to property line.
A.11506 S.8485	134	Rules (Brodsky) Flanagan	Relates to public non-disclosure agreements.
A.11632 S.7226	164	Rules (Rosenthal) Duane	Establishes Haley's Act which prohibits direct contact between a big cat and a member of the public.
A.11686-A S.2879-C	155	Rules (Lavine) DeFrancisco	Relates to the renunciation of property interests.
A.11709 S.8641	86	Rules (Jaffee) Saland	Creates the well water education act; requires public education program on the potential hazards of well water.
A.11715 S.8661	153	Rules (Weinstein) DeFrancisco	Relates to the juror selection process.

APPENDIX I - 2008 COMMITTEE HEARINGS

<u>TITLE</u>	<u>COMMITTEES</u>	<u>DATE</u>
The Effectiveness of Regulation of Construction and Development in New York City and the Enforcement of the Building Code and the Zoning Resolution: A Second Hearing	Joint with Cities and Housing Committees	April 24, 2008
The Rockefeller Drug Laws – 35 Years Later	Joint with Judiciary, Correction, Health, Alcoholism and Drug Abuse and Social Services Committees	May 8, 2008 & May 15, 2008