



COMMITTEE ON  
Codes

2019 ANNUAL REPORT

NEW YORK STATE ASSEMBLY



CARL E. HEASTIE, *Speaker*

JOSEPH R. LENTOL, *Chair*



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THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
Committee on Codes

COMMITTEES  
Rules  
Ways & Means  
Election Law

December 15, 2019

Honorable Carl Heastie  
Speaker of the Assembly  
932 Legislative Office Building  
Albany, New York 12248

**Re: Annual Report of the Standing Committee on Codes - 2019**

Dear Speaker Heastie:

It is with great pleasure that on behalf of the Standing Committee on Codes, I submit to you the committee's 2019 Annual Report highlighting its activities during the first half of the 2019-2020 Legislative Session.

This was a momentous session, which saw the enactment of several legislative proposals the committee has advanced for many years. Perhaps most notably, the 2019-20 SFY enacted budget included Article VII language implementing the "Pre-Trial Justice Reform Act," which included provisions to reform the bail system, criminal discovery laws, and speedy trial laws. Additional Article VII language enacted a comprehensive reentry package, reduced the maximum length of sentences for class A misdemeanors, modified certain asset forfeiture laws, increased protections for victims of sex trafficking, and established a use of force policy to be adopted by any agency that employs police or peace officers.

The committee has consistently fought to provide protection and justice for crime victims. This session, the enactment of the Child Victims Act, the Domestic Violence Survivors Justice Act, a new prohibition on "revenge porn," and the removal of the discovery of a victim's sexual orientation, sex, gender, gender identity, gender expression or sex assigned at birth from the extreme emotional disturbance defense all serve to better provide recourse and healing for victims. These goals were furthered by the closing of the double jeopardy loophole for certain crimes, increasing the statute of limitation for certain sex crimes, strengthening protections against harassment for all employees and expanding eligibility for crime victims services.

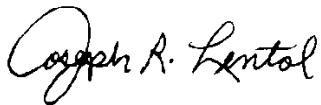
In an era when mass shootings have become an all too frequent occurrence, the committee has worked diligently to enact legislation to increase public safety within the State of New York. Measures enacted this legislative session include the establishment of extreme risk protection orders, prohibiting the purchase, possession or use of rapid-fire devices, requiring the safe storage of firearms, and extending waiting periods for gun sales where a person has not passed a background check.

Further, the committee worked to enact legislation to reduce the penalties for the possession of marijuana and provide for the expungement of records for low-level marijuana convictions. This important legislation will reduce the stigma and collateral consequences associated with a conviction for low-level marijuana possession, allowing more New Yorkers the opportunity to access safe housing, gain stable employment, and create better futures for themselves and their families.

The Assembly can be justly proud of our legislative accomplishments which are set forth in this report.

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 2019 Legislative Session.

Sincerely,

A handwritten signature in black ink that reads "Joseph R. Lentol". The signature is written in a cursive style with a large, looping initial "J".

Joseph R. Lentol, Chair  
Standing Committee on Codes

**2019 ANNUAL REPORT  
NEW YORK STATE ASSEMBLY  
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. Much 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 Significant Legislation Reported by the Committee on Codes and Enacted in 2019<sup>1</sup>**

### **A. Criminal Justice**

**Provides for Appointed Counsel on Appeal for Persons Unable to Afford Representation** Amends section 722 of the County Law, which in criminal cases provides for appointed counsel on appeal for persons unable to afford representation. This section references post-trial motions and provides that appellate counsel's representation may include the preparation and proceedings on such motions. When representation by the appointed appellate attorney would be inappropriate, such as when ineffectiveness of representation is raised as an issue, counsel would be appointed by the administrator of the assigned counsel plan in operation in the jurisdiction. (A.748/S.3672; Chapter 446)

**Clarification on State Commission on Prosecutorial Conduct** Amends certain provisions of law that created the State Commission on Prosecutorial Conduct in order to improve the efficiency, fairness and effectiveness. These amendments clarify that the Commission exists and has been established within the Executive Department to make clear that the Commission will be funded through the traditional state budget process. Also, while the Commission continues to have eleven commission members, certain changes would be made regarding the appointment authorities and the qualifications of certain members. A provision was added specifying that any member of the Commission who fails to participate for 90 days may be replaced by the original appointing authority for the remainder of the term. The amendment also adds two important provisions with respect to the Commission's subpoena authority, making clear that any request to modify or withdraw a subpoena issued pursuant to Article 15-A may be made to the person who issued it and/or to the Commission. Further, existing law provides that in certain circumstances when a prosecuting agency asserts that the Commission's investigation will substantially interfere with a prosecuting agency's own investigation or prosecution, the Commission shall only exercise its powers in a way that will not interfere with such prosecuting agency's active investigation or prosecution. This amendment provides that any recommendation for removal or retirement shall be transmitted (with the Commission's findings of fact, conclusions of law and the record of the commission's proceedings) to the presiding justices of the Appellate Division, rather than the state Court of Appeals. If the

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<sup>1</sup> 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 chapters of the Laws of 2019. For a complete list of bills that were reviewed by the Committee on Codes that were chaptered, see Appendices C and D.



presiding justices of the Appellate Division recommended removal or retirement, the presiding justices will send such recommendation and all related materials to the Governor for an independent determination as to whether or not the prosecutor should be removed or retired. Finally, this amendment provides that records of a prosecuting agency provided by the prosecuting agency to the Commission pursuant to Article 15-A of the Judiciary Law shall not be subject to disclosure by the Commission under Article 6 of the Public Officers Law (FOIL). (A.781/S.1190; Chapter 23; Judiciary)

**Clarifies the Usage of Parking Tickets for Accusatory Instruments** Amends the Criminal Procedure Law to specify when a parking ticket can be treated as an accusatory instrument by listing the required elements upon which an infraction can be litigated in a court proceeding. In at least two regional court systems, appellate panels have ruled that generic parking tickets do not contain enough sworn information to be used in a court proceeding, without the ticket issuer going to the prosecutor's or town/county attorney's office, signing a supporting deposition, and a criminal complaint. This law allows a community to issue parking tickets which can be used as an accusatory instrument in parking courts across the state. There is sufficient information, for a person charged with an infraction, to be given notice of the accusation made and defend themselves. And, the facts contained on the ticket are sworn to by the issuer. The ticket's makeup is modeled on New York City's parking ticket. (A.2333/S.5078; Chapter 450)

**Creates the Crime of Staging a Motor Vehicle Accident** Creates the new crimes of staging a motor vehicle accident in the first and second degrees. The second degree crime requires that the person with intent to commit and in furtherance of a fraudulent insurance act, intentionally causes an accident with another car. It is an E felony, punishable by up to four years imprisonment and up to a \$5,000 fine. The first degree crime requires committing the second degree crime and causing serious physical injury or death. It is a D felony, punishable by up to seven years imprisonment and up to a \$5,000 fine. (A.3985/S.2508; Chapter 151)

**Establishes Problem Solving Courts** Authorizes "problem solving courts," including, but not limited to, domestic violence courts, youth courts, mental health courts, and veterans courts. This is modeled after the statute authorizing drug courts, but for the courts recognized by this law, handling misdemeanor cases. While the district attorney must be given an opportunity to be heard, the court has discretion to order the transfer. The district attorney may not veto or condition a transfer by the court to a "problem solving" court in the same county. (A.5937/S.3889; Chapter 634)

**Prohibits the Unlawful Dissemination of an Intimate Image** Creates a class A misdemeanor for the crime of unlawful dissemination or publication of an intimate image, also known as "revenge porn." This law also provides a private right of action for damages for threats of dissemination or actual dissemination of an intimate image. It

additionally provides for injunctive relief against a person who disseminates such image, or against a website that has posted an intimate image. Websites are included to ensure victims can have an image removed in the case where they do not know who originally posted it. (A.5981/S.1719-C; Chapter 109)

**Prohibits the Harassment of a Rent Regulated Tenant** This was an Office of Attorney General proposal. Amends the harassment of a rent regulated tenant statute in the Penal Law and create a new felony level offense. The misdemeanor offense includes more abusive conduct such as impairing the habitability of the residence, creating a dangerous condition, or interfering with the comfort, repose, peace, and quiet of the tenant. The felony level offense requires that the owner systemically engage in such conduct to two or more rent regulated tenants. This law creates a new criminal offense in section 241.00 of the Penal Law with a penalty of an A misdemeanor and adds elements to the existing E felony offense. (A.6188/S.2605; Chapter 573)

**Closes the Double Jeopardy Loophole for Certain Crimes** This was an Office of Attorney General proposal. Previously, Article 40 of the Criminal Procedure Law granted statutory protection to individuals, shielding them from prosecution for state offenses if they have already been prosecuted for the same act or criminal transaction by the federal government or another state unless an exception applies. Over the years, the Legislature created several exceptions to this protection, allowing successive state prosecution in circumstances where statutory jeopardy would otherwise have attached. This law creates a new, narrow exception to Article 40's prohibition on successive prosecutions by allowing a state prosecution of an offense for which an individual has received a pardon, reprieve, or other form of clemency by the president of the United States under Article II, Section two of the United States Constitution in specific instances where the president has a clear conflict of interest. This statutory change would preserve the discretion of New York's prosecutors to pursue state prosecution arising out of criminal acts or transactions over which they otherwise have jurisdiction. (A.6653/S.4572; Chapter 374)

**Provides for Sealing of Petty Offenses** Under previous laws, law enforcement agencies, subject to limited exceptions for access, sealed records upon conviction of a violation. However, some police departments interpreted it to require a seal only when initial charge or charges were criminal offenses. This law clarifies that sealing upon conviction of a violation is required, regardless of the initial charge or charges. (A.7584/S.6347; Chapter 359)

**Permits Suspension of Jury Deliberations** Allows additional periods of delay when a deliberating jury is allowed to separate while considering a criminal case. This is designed to encourage the court to schedule a continuation of deliberations promptly, but also recognizes that delay is sometimes appropriate. This law should help avoid confusion and unnecessary mistrials/reversals. (A.7751/S.6351; Chapter 569)

**Authorizes Magistrates to Move JOs or AOs to Family Court at Initial Appearance** Amends the Criminal Procedure Law to provide any accessible magistrate authority to remove any juvenile offender (JO) or adolescent offender (AO) brought before them, with the consent of the district attorney, to the family court at the initial appearance. (A.8315/S.6550; Chapter 240)

**Removes the Extreme Emotional Disturbance Defense from the Penal Law** Amends the Penal Law to clarify that, for purposes of the “extreme emotional disturbance” affirmative defense that may, in some instances, reduce a homicide charge from murder to manslaughter, it is not an explanation or excuse that may be used to support such claim that the defendant’s conduct resulted from the defendant’s discovery of the victim’s sexual orientation, sex, gender, gender identity, gender expression or sex assigned at birth. The law bans what is commonly called a “gay panic” or “trans panic” defense. Penalties for the murder offenses set forth in the law are as follows: for murder in the second degree, at least fifteen years to life, at most 25 years to life, life without parole possible or mandatory for some offenses; for aggravated murder, life without parole; for murder in the first degree, at least twenty years to life, at most life without parole. (A.8375/S.6573; Chapter 45)

**Reduces the Penalties for Possession of Marijuana and Provides for the Expungement of Records** Reduces the penalties for the possession of marijuana, for under one ounce, possession would be punishable by a fine of not more than \$50; for under two ounces, possession would be punishable by a fine of not more than \$200. The law also allows individuals in certain cases to request vacatur of their specific case when needed. The law creates a definition of expungement in the Criminal Procedure Law and tasks the Office of Court Administration (OCA) with identifying cases to be automatically expunged and to notify appropriate entities. These cases would include certain convictions prior to the establishment of marijuana-specific crimes, the previous crimes for unlawful possession of marijuana, a violation, and possession of marijuana in the fifth degree (burning, public view, or more than 25 grams), a B misdemeanor, and the newly-established unlawful possession of marijuana violations created by this legislation. Upon the effective date of the legislation, convictions for such crimes are suppressed from criminal history records. The law also expands current criminal record sealing provisions to include prior and prospective unlawful marijuana possession violations which would be sealed immediately. The law prohibits sealing or expungement from being waived as part of a plea deal. OCA, in conjunction with the Division of Criminal Justice Services, is responsible for developing an information campaign to disseminate information regarding expungement for marijuana offenses. Smoking of marijuana would be banned under the Clean Indoor Air Act under this legislation. (A.8420-A/S.6579-A; Chapter 131)

## **B. Protecting Children and Vulnerable Populations**

**Relates to Restrictions on a Sex Offender’s Custody of a Child** Previous laws, enacted in 2013, establish a rebuttable presumption that it is not in the best interests of a child to be placed in the custody of or to visit with a person convicted of rape in the first or second degree or one of a list of other class A or class B felony sex offenses, when such child was conceived as a result of such crime. This law expands the presumption against custody and visitation (in the following instances, unsupervised visitation) to any felony sex offense. (A.4784-C/S.2836-C; Chapter 182; Judiciary)

**Provides Clarifying Amendments to Child Abuse Reporting in an Educational Setting** Chapter amendment to Chapter 363 of the Laws of 2018. This chapter amendment explicitly clarifies that school bus drivers employed by a school are required to report allegations of child abuse in an educational setting and that such drivers employed by a school on or after July 1, 2019 are required to complete two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. This chapter amendment also provides that persons employed by an 853 school who report incidents of child abuse in an educational setting to the statewide central register of child abuse and maltreatment pursuant to Article 6 of the Social Services Law, as required by law, shall have satisfied the requirements of Article 23-B of the Education Law. Willful failure by an employee, school administrator, or superintendent to prepare and submit a written report of an allegation of child abuse is a class A misdemeanor. (A.5842/S.273-A; Chapter 164; Education)

**Provides more Discretion in Adjusting Juvenile Delinquency Cases** This was an Office of Court Administration proposal. Allows the court to refer a case for adjustment at any time throughout the proceeding, expands the period of time for adjustment from two to three months, and removes the ability of a victim of a crime to veto the cases referral to adjustment and instead has probation weight the victim’s views and the suitability of adjustment. (A.7939/S.6475; Chapter 310; Children and Families)

## **C. Ensuring Equality and Fairness**

**Child Victims Act** Extends certain unexpired criminal statutes of limitation and greatly extends the civil statute of limitations in certain actions and proceedings that allege a sex offense against a minor. Significantly, the bill would also permit revival, under certain circumstances, of the right to bring such a civil action that would otherwise be unavailable due to an expired civil statute of limitation. The law waives the requirement of the timely filing of a notice of claim when a defendant in such a civil action is a governmental entity. (A.2683/S.2440; Chapter 11)

**Adoptee Bill of Rights** Allows an adopted person who is at least eighteen years of age to obtain a copy of his or her own original, long form birth certificate, and related medical history information if available, notwithstanding any law or contract that requires confidentiality. (A.5494/S.3419; Chapter 491; Health)

#### D. Anti-discrimination

**Gender Expression Non-discrimination Act** The Gender Expression Non-discrimination Act (GENDA) adds the category of gender identity and expression to the existing prohibitions against discrimination in New York's Human Rights Law. Existing laws made it unlawful to discriminate on the basis of age, race, creed, color, national origin, sexual orientation, gender, marital status and certain other categories in employment, housing, public accommodations, education and the extension of credit. This law also adds offenses motivated based on the victim's gender identity or expression to the list of offenses that are subject to harsher potential penalties under the state's hate crime law. A finding of discrimination may result in civil penalties under the Human Rights Law. The actor may also be subject to a civil lawsuit seeking damages, court costs and attorney's fees. Further, under the hate crimes statute, felony crimes such as assault are considered one felony level higher than the traditional offense when the crime is prosecuted as a hate crime. (A.747/S.1047; Chapter 8; Governmental Operations)

**Extends Anti-discrimination Protections of the Human Rights Law to Cover Public Schools** Amends the Human Rights Law in the Executive Law to expand the scope of unlawful discriminatory practices to include public educational institutions. This affords the protections of the Human Rights Law to public school students and helps protect such students who are within a statutorily-recognized class from discrimination, harassment and bullying activities. The bill seeks to address *North Syracuse Central School District v. New York State Division of Human Rights*, in which the Court of Appeals determined that the current law does not extend to public educational institutions. In addition to potential civil liability, a person or business found to have engaged in discrimination in violation of the Human Rights Law is subject to civil fines and penalties, in an amount not to exceed \$50,000 to be paid to the state by a respondent found to have committed an unlawful discriminatory act, or not to exceed \$100,000 to be paid to the state by a respondent found to have committed an unlawful discriminatory act which is found to be willful, wanton, or malicious. (A.3425/S.4901; Chapter 116; Governmental Operations)

**Prohibits Discrimination Based upon Religious Attire or Facial Hair** Protects individuals from discrimination based on clothing or the presence of facial hair, where the garment or facial hair is worn in accordance with the requirements of the person's religion. An exception applies when, after engaging in a bona fide effort, the employer

demonstrates that it is unable to reasonably accommodate the employee's or prospective employee's sincerely held religious observance or practice without undue hardship on the conduct of the employer's business. A violation of these provisions is an unlawful discriminatory practice under the Human Rights Law within the Executive Law. An aggrieved individual could bring an administrative complaint before the state Division of Human Rights. In such a proceeding or in a related lawsuit brought in the state supreme court, the individual could seek civil penalties, costs and attorney's fees. (A.4204/S.4037; Chapter 154; Governmental Operations)

**Provides for Penalties for Discrimination or Retaliation against Immigrant Employees** This was an Office of Attorney General proposal. Clarifies that retaliation or discrimination against an employee who reports an employer for violating the Labor Law, including threatening to contact, or actually contacting the United States Citizenship and Immigration Services, or otherwise threatening to report an employees suspected immigration status to a federal, state, or local agency. Existing Labor Law penalties apply. An employer who violates this provision may be liable for a civil penalty ranging from \$1,000 to \$10,000. (A.5501/S.5791; Chapter 126; Labor)

**Prohibits Discrimination Based on Hair or Hairstyle** Adds to the definition of race in the Human Rights Law and the Dignity for All Students article of the Education Law to include traits historically associated with race, including but not limited to hair texture and protective hairstyles including braids, locks, and twists. (A.7797-A/S.6209-A; Chapter 95)

**Expands the Human Rights Law to all Employers** Expands the Human Rights Law to all employers. It is an unlawful discriminatory practice for an employer, licensing agency, employment agency or labor organization to subject any individual to harassment because of their membership in a protected class or because they have opposed any practices forbidden under the Human Rights Law, and when any form of harassment subjects an individual to inferior terms, conditions or privileges of employment because of the individual's membership in one or more of the protected categories, whether a complaint was made does not determine employer liability. It is an affirmative defense to liability if the harassing conduct does not rise above the level of what a reasonable victim of discrimination with the same protected characteristic would consider petty slights or trivial inconveniences. The law extends the protections for non-employees in the workplace to all protected classes and allows for the award of punitive damages in cases of employment discrimination related to private employers. The law allows for attorney's fees in employment discrimination cases and provides that the Human Rights Law is to be construed liberally for remedial purposes regardless of how federal civil laws are construed. The law prohibits a mandatory arbitration clause in a contract to resolve a claim of discrimination, and non-disclosure agreements cannot be included in any settlement for a claim of discrimination unless it is the victim's preference. Any term or



condition in a non-disclosure agreement must be provided in writing to all parties in plain English and the primary language of the complainant. Any term or condition in a non-disclosure agreement is void if it prohibits the complainant from participating in an investigation conducted by the appropriate local, state, or federal agency or disclosing facts necessary to receive public benefits. Non-disclosure agreements cannot prevent employees from talking to the police, Equal Employment Opportunity Commission, state or local Division of Human Rights or a lawyer. The law extends authority of the Attorney General to prosecute certain civil and criminal cases to all protected classes. The law requires the Department of Labor and the Division of Human Rights to study the requirements of sexual harassment and prevention policy and training in order to determine how to expand the policy and training to prevent all harassment and discrimination in the workplace. Every employer must provide employees with their sexual harassment policy in English or their primary language when they are hired and during training. The Commissioner of Labor must prepare templates of the model policy in languages other than English. The law extends the statute of limitations to file a complaint in the Human Rights law to three years from one year for sexual harassment cases. The law requires the model sexual harassment and prevention policy to be updated every four years. (A.8421/S.6577; Chapter 160)

#### **E. Protecting Victims**

**Allows Antitrust Fines or Penalties to be Paid to OVS** Allows any sentencing court in its discretion to designate that any part or all of a fine or penalty paid by an adjudicated violator of the state's Antitrust Law be paid to the Office of Victim Services (OVS). (A.4054/S.41; Chapter 291; Governmental Operations)

**Expands the Definition of "Child Victim"** This was an Office of Victim Services proposal. Expands the definition of "child victim" to include new violations within the Executive Law to cover crimes committed against, or witnessed by, a non-injured child victim so that such victim would be eligible for certain reimbursable expenses. Expenses would also include property replacement and counseling costs. The Office of Victim Services may seek to recover all or part of the cost of providing benefits from the person convicted of the crime. (A.7051/S.6353; Chapter 178; Governmental Operations)

**Expands Eligibility for Crime Victim Awards** This was an Office of Victim Services proposal. Expands eligibility to crime victims who did not suffer a physical injury, but were victims of the crimes of unlawful surveillance in the second and first degrees, and dissemination of an unlawful surveillance image in the second and first degrees. Such awards include loss of earnings and certain counseling reimbursements. The Office of Victim Services may seek to recover all or part of the cost of providing benefits from the person convicted of the crime. (A.7079/S.6167; Chapter 179; Governmental Operations)

**Expands the DOS Address Confidentiality Program for Victims** This was a Department of State proposal. The Department of State currently operates by law an address confidentiality program available to victims of domestic violence. This law enlarges the program to allow participation by victims of human trafficking, victims of a sex offense and victims of stalking. The program allows persons to receive mail and service of process through the Department so that the person's individual address can remain confidential. The Department acts as a "substitute address." (A.7515/S.5444; Chapter 141; Governmental Operations)

**Extends the Statutes of Limitations for Certain Sex Crimes** This was a Governor's program bill. Extends the period within which a criminal prosecution or civil lawsuit may be brought for conduct that constitutes certain sex crimes. This law allows criminal prosecution at any time for a charge of incest in the first degree, a class B felony, and, subject to additional possible extensions, prosecution within twenty years for most charges of rape in the second degree, criminal sexual act in the second degree and incest in the second degree, class D felonies, and prosecution within ten years for most charges of rape in the third degree and criminal sexual act in the third degree, class E felonies. Under previous provisions of the Criminal Procedure Laws, the base statute of limitations for these crimes, subject to certain additional possible extensions, was five years. The law concomitantly extends the civil statute of limitations for such conduct, allowing a civil lawsuit to be brought up to twenty years after such alleged criminal acts. Language in this law clarifies that civil recovery can be sought against the perpetrator and any defendant that shared culpability. (A.8412/S.6574; Chapter 315)

## **F. Protecting Victims of Domestic Violence**

**Increases the Statute of Limitation for Suits Related to Injury Caused by Domestic Violence** Amends the Civil Practice Law and Rules by adding a new section 215-a relating to actions to recover damages for injuries arising from intentional acts of domestic violence. This law increases the statute of limitations for such actions from one year to two years. (A.1945/S.2416; Chapter 245; Judiciary)

**Affirms the Right of Victims to Contact Police Without Fear of Losing Housing** Amends the Civil Rights Law by granting an affirmative right for victims of domestic violence and crime victims to access police or emergency assistance without fear of losing their housing by eviction for a nuisance violation. This law provides protections for landlords from penalties for the violation of nuisance ordinances when this right is utilized. This law creates a private right of action for anyone aggrieved by a violation of the provisions. (A.2665-A/S.4657-A; Chapter 263; Judiciary)

**Domestic Violence Survivors Justice Act** Provides judges with discretion in sentencing victims of domestic violence. In order to be eligible for such sentencing, the victim offender must provide proof that he or she was a victim of domestic violence at the time of the offense, the abuse was a significant contributing factor in the commission of the crime, and a sentence otherwise authorized by law is unduly harsh. This law also creates a mechanism for currently incarcerated victims of domestic violence to have a hearing for resentencing if he or she establishes the aforementioned criteria. (A.3974/S.1077; Chapter 31)

**Allows Victims of a Domestic Incident to Make a Complaint to Any Local Law Enforcement Agency** Allows an alleged victim of a family offense to file a complaint with any law enforcement agency in the state, if the complainant alleges that filing in the jurisdiction where the offense occurred would be a hardship for him or her. The agency receiving the report would be required to promptly forward the complaint to the appropriate law enforcement agency. (A.4467-A/S.1243-B; Chapter 152; Governmental Operations)

**Provides for Separation from Certain Contracts in Domestic Violence Situations** Requires telephone and cable service providers to release victims of domestic violence from their service contracts without incurring financial penalties upon written application by the victim and proof of such abuse. Pursuant to section 93 of the Public Services Law, every telephone corporation who violates these provisions would be liable to the injured party for the amount of losses. (A.5318/S.2356; Chapter 186; Corporations)

**Expands the Definition of “Victim of Domestic Violence”** Expands the definition in the Social Services Law of “victim of domestic violence” to include victims of identity theft, grand larceny, and coercion. This conforms to a recent change in the Criminal Procedure Law and assures that these persons are eligible for certain victim services. This change will enable more individuals to be eligible for services due to their classification as a victim of domestic violence. (A.5608/S.2625; Chapter 153; Social Services)

**Allows Victims of Domestic Violence to Recover Damages from Defendants Failing to Enforce Orders of Protection** Permits a domestic violence victim to recover non-economic as well as economic damages from any or all defendants found liable for failing to obey or enforce an order of protection. Previous law, as interpreted by the New York State Court of Appeals, does not allow recovery for non-economic damages. This law removes from the limited liability provisions within the Civil Practice Law and Rules for those parties determined to be liable for failing to obey or enforce domestic violence orders of protection or temporary orders of protection. (A.5614/S.1868; Chapter 180)

### **Prohibits Employers from Discriminating against Victims of Domestic Violence**

Amends the Human Rights Law to prohibit discrimination in employment on the basis of an employee's status as a victim of domestic violence. It requires an employer to provide limited reasonable accommodations, unless it causes undue hardship, to a victim of domestic violence, including allowing an absence or charged leave for seeking medical services, psychological services, legal services or safety planning assistance. The law requires an employee to provide reasonable advanced notice and certification upon request of their status as a victim of domestic violence in the form of a police report, court order, or documentation from a medical professional. An employer who willfully violates these provisions could be subjected to the general penalty within the Human Rights Law of a misdemeanor and a fine not to exceed \$500 dollars. (A.5618/S.1040; Chapter 176; Governmental Operations)

## **G. Weapons**

**Bans Undetectable Firearms** Criminalizes the manufacture, sale, transport, and possession of firearms, rifles, shotguns, and the major components of such weapons which cannot be detectable by an X-ray machine, portable pulsed X-ray generator, metal detector or magnetometer when set at a standard calibration, or any other machine used to screen or inspect persons and objects for such items. The advent of new technologies, using plastics in particular, have raised concerns about public protection and security that this law seeks to address. Criminal manufacture, sale, or transport of an undetectable firearm is a class D felony. Criminal possession of an undetectable firearm is a class E felony. (A.763-A/S.1414-A; Chapter 134)

**Accessing Foreign State Records** Requires an applicant for a firearms license who is a New York resident but domiciled in a foreign state to exercise a waiver of confidentiality that would permit law enforcement officials to inquire of the foreign state about the applicant's mental health records. (A.1213/S.2438; Chapter 242)

**Limits Who Can Possess Firearms on School Grounds** Prohibits elementary and secondary schools from providing written authorization to carry firearms to individuals who are not primarily employed as a school resource officer, police officer, peace officer, or security guard who has been issued a special armed guard registration card. Criminal possession of a weapon on school grounds is a class E felony. (A.1715-A/S.101-A; Chapter 138)

**Prohibits Rapid-fire Devices** Prohibits the possession, manufacture, transportation, shipment, and sale of rapid-fire modification devices, or "bump stocks," that accelerate the firing rate of firearms, rifles, or shotguns. Possession of a rapid-fire device is a class A misdemeanor. Manufacture, transportation, shipment, and sale of a rapid-fire device is a class E felony. (A.2684/S.2448; Chapter 130)

**Establishes a Gun Buyback Program** Establishes a municipal gun buyback program within the Division of State Police, as well as a municipal gun buyback fund. The Superintendent of State Police is tasked with setting forth rules and regulations regarding the distribution of funds, guidelines for the surrender, safe storage, and disposal of weapons received and monetary awards to be distributed. (A.2685/S.2449; Chapter 139)

**Requires the Safe Storage of Firearms** Requires the safe storage of all firearms, rifles, and shotguns. Failure to safely store a firearm, rifle or shotgun where an individual who is under sixteen years of age or a person prohibited from possessing a firearm, rifle or shotgun resides is a class A misdemeanor; in all other locations it is a violation. Licensing officers are required to provide notice of such safe storage requirements upon the issuance of a license. All gun retail locations are required to conspicuously post a notice of such safe storage requirements. (A.2686-A/S.2450-A; Chapter 135)

**Extreme Risk Protection Order** Amends the Civil Practice Law and Rules, the Criminal Procedure Law, and the Penal Law to establish an “extreme risk protection order” (ERPO). An ERPO is a supreme court-issued order of protection to prohibit a person from purchasing, possessing, or attempting to purchase or possess a firearm, rifle, or shotgun. Only police officers, family or household members, or school administrators or their designees are able to file an application for an ERPO. Once the petitioner files the application the court reviews the application to determine if they want to issue a temporary ERPO. A temporary ERPO is issued if there is probable cause to believe that the respondent is likely to engage in conduct that will result in serious harm to himself, herself, or others based off a series of relevant factors set forth in the bill. The temporary ERPO is served to the respondent and constitutes grounds to require the respondent to temporarily surrender their firearms, rifles, or shotguns, with a hearing being held within three to six business days. At the final ERPO hearing, the court determines if a final order should be issued, considering the previous factors as well as evidence from the petitioner and/or the respondent. If a final order is not granted, the firearms are returned. If granted, a final ERPO remains in effect for one year during which the respondent is able to submit one written request to change the order. Prior to the expiration of an order, a petitioner is able to submit a request for a renewal and a hearing must be held. Upon expiration of an ERPO, the records are sealed. The bill sets forth provisions regarding who must be notified of an ERPO, how firearms are seized and how firearms are returned to the respondent. Violation of an ERPO could be punishable as contempt. Also, it is a class A misdemeanor for a person to maintain or store a firearm, rifle or shotgun in a manner that would allow it to be accessed by a person who is prohibited from possessing a firearm, rifle or shotgun by an ERPO. (A.2689/S.2451; Chapter 19)

**Establishes a 30 Day Waiting Period in Certain Firearm Purchases** Establishes a 30 day waiting period (federal law calls for 72 hours) before a weapon (firearm, rifle, or shotgun) can be delivered, following a sale, to a purchaser who has not yet cleared a background check. This will enable the FBI personnel conducting a background search on the National Instant Criminal Background Check System (NICS) additional time to determine if a buyer, whose transaction has not been approved within the federal 72 hour period, should actually be prohibited from acquiring a weapon. (A.2690/S.2374; Chapter 129)

**Prohibits Undetectable Knives** Defines “undetectable knife” in the Penal Law as a knife that is designed for use as a weapon and cannot be detected by metal detector. This law prohibits possession of such knives with the intent to use unlawfully against another, manufacture of such knives, and transportation or shipment of such knives. Possession with intent, manufacture, and transportation or shipment of undetectable knives is punishable as a class A misdemeanor. (A.4816/S.4202; Chapter 146)

**Clarifies the Possession of Gravity Knives** Provides that possession of a gravity knife shall constitute criminal possession of a weapon in the fourth degree only if the defendant has intent to use the same unlawfully against another. A gravity knife is a knife with a blade contained in its handle, and which opens its blade by the force of inertia or gravity. (A.5944/S.4863; Chapter 34)

**Clarifies FOIA Provisions for Handgun Licenses** Clarifies a provision in the SAFE Act which allowed handgun license-holders and future applicants to request that their application information be exempt from disclosure under the Freedom of Information Act (FOIA). Local officials, in at least one jurisdiction, Pelham, Westchester County, erroneously interpreted this FOIA provision to bar disclosure of license information to even law enforcement personnel who are acting pursuant to their duties. This law clarifies any confusion and ensures that local and state law enforcement officials have access to this information as required without having to contact the State Police gun division. (A.7739/S.6160; Chapter 244)

**Clarifies Laws on the Transportation of Handguns by Licensees** Allows a handgun license holder to directly, no stopping in route, transport their licensed handgun from one location where they may legally possess such weapon to another location where they may, also, legally possess such weapon, including to another dwelling, place of business, indoor or outdoor shooting range, or shooting competition. While in transit, the unloaded firearm must be kept in a locked container which is separate from the ammunition. Individuals who do not have a special permit issued by the Commissioner of the New York City Police would still be required to receive written authorization from the New York City Police Commissioner if they wish to transport a firearm into the City of New York. (A.7752/S.6151; Chapter 104)



## **H. Health**

**Reproductive Health Act** Updates New York's abortion statutes to address constitutional flaws in the state's laws enacted before *Roe v. Wade* and its progeny and recognize a woman's fundamental right to access safe, legal abortion. Related changes to the Penal Law make clear that neither a pregnant woman nor another person could be convicted under homicide statutes simply for submitting to or performing an abortion. Any such act committed without the woman's consent could be prosecuted as an assault of the woman or, if maternal death resulted, homicide of the woman. The Assembly previously passed similar legislation since 2013 as a part of the Women's Equality Act and as standalone legislation. (A.21/S.240; Chapter 1; Health)

**Prohibits EMS Providers from Selling Patient Information** Prohibits emergency medical service (EMS) providers from selling patient health information without written consent. The law includes a narrow exception which allows such use for fundraising purposes by the EMS provider. The general penalty in Public Health Law section twelve would apply, in most instances, and provides for a civil penalty of up to \$2,000. (A.230/S.4119; Chapter 358; Health)

**Designates Sexual Orientation Change Efforts as Professional Misconduct** Provides that it shall be professional misconduct for a mental health professional to engage in any sexual orientation change efforts upon any patient less than eighteen years of age. Under this law, if a mental health professional is found by the Board of Regents or the State Board for Professional Medical Conduct to have engaged in inappropriate sexual orientation change efforts, such professional could be subject to: censure and reprimand; suspension, revocation, or annulment of their license or registration; limitation on registration or issuance of any further license; a fine not exceeding \$10,000; a requirement that a licensee pursue a course of education or training; and a requirement that a licensee perform up to 100 hours of public service. (A.576/S.1046; Chapter 7; Higher Education)

**Prohibits Employer Retaliation for Certain Health Care Decisions** Prohibits employer retaliation against employees for their reproductive health choices or the choices of such employee's dependent. An employee may bring a civil cause of action against an employer who retaliates against them under these provisions. This law does not require an employer to provide health insurance that pays for contraception, it merely prohibits an employer from retaliating against an employee for their, or their dependents, reproductive health decisions. (A.584/S.660; Chapter 457; Labor)

**Comprehensive Contraception Coverage Act** Requires health insurance policies to include coverage of contraceptive drugs, devices, and products, as well as voluntary sterilization procedures, contraceptive education and counseling, and related follow up services, and would prohibit any cost-sharing requirements or other restrictions or

delays with respect to this coverage. This bill codifies the U.S. Department of Health and Human Services guidelines regarding the Affordable Care Act into New York law. (A.585-A/S.659-A; Chapter 25; Insurance)

**Establishes a Maternal Mortality Review Board within DOH** Establishes a Maternal Mortality Review Board (Board) within the Department of Health to review cases of maternal death and severe maternal morbidity to develop recommendations for best practices to improve health outcomes. The law makes all proceedings and records obtained by the Board strictly confidential. (A.3276/S.1819; Chapter 140; Health)

**Prohibits Pelvic Exams without Consent of the Patient** Prohibits pelvic exams without advance consent on an anesthetized or unconscious patient, unless medically necessary. There have been examples of exams conducted by medical students and the like on unconscious patients for training purposes. Any person found to be in violation of this law would be subject to the general penalty provisions of section twelve of the Public Health Law. In most instances, a civil penalty of up to \$2,000 may be imposed. Additionally, a medical professional may also be subject to discipline for professional misconduct. (A.6325-C/S.1092-E; Chapter 360; Health)

## **I. Safety**

**Lowers the BAC Level for Hunting** Revises the definition of “intoxicated condition” for the purposes of hunting to be a blood alcohol content (BAC) of .08 percent rather than the existing .10 percent. It should be noted that the maximum BAC for driving and boating is .08 percent. If a person is found to be in violation, they may be penalized with a class A misdemeanor, fine of not more than \$500, or both. It may also be possible that such person may have their license/stamp/permit revoked for up to two years and face possible forfeiture. (A.3471/S.2417; Chapter 388; Environmental Conservation)

**Harper’s Law** Requires retailers who sell certain new furniture to maintain in stock and offer for sale compatible tip restraint devices, and requires the posting of notices informing consumers of the risk of furniture tipping. This law does not apply to online retailers. Any person, firm, partnership, association, limited liability company, corporation, or other entity that sells or offers to sell new furniture to a consumer at retail in violation of the provisions of this section would be liable for a civil penalty not exceeding \$500 for each violation. (A.4421-B/S.1627-B; Chapter 163; Consumer Affairs)

**Brianna’s Law** Requires all boat operators in the state to complete a boating safety course, removing several previous exemptions to this rule including a clause which only required those born after May 1, 1996 to possess a boating safety certificate. Compliance with these provisions will be staggered over five years and vary based on the age of the boat operator. The law also requires that all approved internet-

based courses employ methods to ensure the attendance of students throughout the course. Pursuant to section 73-c of Navigation Law, a violation of this section constitutes a violation and is punishable by a fine of \$100 to \$250 and/or imprisonment of not more than seven days; for a second violation within 24 months, a fine of \$250 to \$500 and/or imprisonment of up to fifteen days; for a third or subsequent violation within 24 months, a fine of \$500 to \$1,000 and/or imprisonment of up to 30 days. (A.4853-A/S.5685; Chapter 147; Tourism)

**School Bus Cameras** Provides for additional enforcement options for the illegal passing of a stopped school bus displaying a red visual signal by authorizing a demonstration program to allow local governments to impose liability on the owners of motor vehicles for the failure of the drivers of such vehicles to comply with the law prohibiting the overtaking and passing of stopped school buses displaying red visual signals. Previously, a ticket for illegally passing a stopped school bus displaying a red visual signal could be issued only by a police officer who witnessed the violation. The program allows for the use of mobile cameras mounted on school buses, as well as stationary cameras, with the cost to be borne solely by the municipalities. An owner liable for a violation of these provisions could be liable for monetary penalties in accordance with a schedule of fines and penalties set by the municipalities, except that if a city by local law has authorized the adjudication of owner liability by a parking violations bureau. The liability of the owner pursuant to this law is \$250 for each violation, provided, however, that a municipality may provide for an additional penalty not in excess of \$25 for each violation for the failure to respond to a notice of liability. (A.4950-B/S.4524-B; Chapter 145; Transportation)

**Expands and Extends the Speed Camera Program in NYC** Expands the photo speed violation monitoring systems program for school speed zones, for certain hours of the day, in the City of New York. It also extends the authority for such cameras to be used, to control speeds and capture violators through 2022. The owner of a car that runs a red light camera shall be liable for a penalty to be set by the New York Parking Violations Bureau not to exceed \$50 per violation; the Bureau may also provide for an additional penalty not in excess of \$25 for each violation for the failure to respond to a notice of liability within the prescribed time period. An imposition of liability under this program shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. (A.6449/S.4331; Chapter 30; Transportation)

## **J. Protecting Consumers**

**Prohibits Slamming by Natural Gas or Electric Service Providers** Addresses “slamming” by suppliers of natural gas and electric services which is the unauthorized and/or deceptive changing of a supplier without the consent of the consumer. This law requires compliance with certain procedures to verify that a requested change is properly authorized. Non-compliance by a utility supplier may subject the supplier to a civil penalty of up to \$1,000 for each violation associated with each meter service point. (A.3245-A/S.2376-A; Chapter 537; Consumer Affairs)

**Allows the AG to bring an Action for Fraudulent Business Practices within Six Years** This was an Office of Attorney General proposal. Establishes that the Attorney General shall have up to six years to bring an action for fraudulent business practices involving securities and financial products under the Martin Act and persistent unlawful business conduct generally under section 63 of the Executive Law. In a recent decision, *Schneiderman v. Credit Suisse Securities*, the New York Court of Appeals determined that, under current law, such actions under the Martin Act must be filed in court within three years of the last such act of fraudulent business conduct. (A.8318/S.6536; Chapter 184; Judiciary)

## **K. Protecting Animals**

**Expands the Persons that can Release Companion Animals from Motor Vehicles** Adds emergency medical services personnel, paid firefighter, or volunteer firefighter in the performance of such volunteer firefighter’s duties to the people who may release a companion animal from a motor vehicle when such companion animal is in imminent danger of death or serious physical injury due to exposure to extreme heat or cold. Emergency medical services personnel and firefighters acting reasonably and in good faith shall not be held criminally or civilly liable for actions taken in carrying out the provisions of this law. (A.7053/S.5054; Chapter 137; Agriculture)

## **L. Miscellaneous**

**Driver’s License Access and Privacy Act** Allows the Department of Motor Vehicles (DMV) to issue a driver’s license to undocumented immigrants and protects the data of those applying for such a license from unwarranted release of their personal information. (A.3675-B/S.1747-B; Chapter 37; Transportation)

**Enhances New York’s Data Breach Notification Law** This was an Office of Attorney General proposal. Broadens the circumstances under which notification of a data breach must be given to data subjects. Among other changes, this law applies the notification

requirements to any person or entity with private information of a New York resident, not just persons and entities that conduct business in New York; clarify that breaches of private information only (and not personal information) trigger notice obligations and make consistent all references to compromise of information to a person without valid authorization; authorize businesses in certain circumstances to notify the consumer of the breach via email; set forth civil penalties for businesses that fail to provide notice to consumers of a breach, and establish a statute of limitations for the Attorney General to act on any failure to notify; require information in the notice directing consumers to federal and state data security agencies, and require businesses to send templates of their notices to the Attorney General and the Office of Information Technology Services; and deem failure to provide required reasonable data security to be a violation of section 349 of the General Business Law, permitting the Attorney General to bring suit, though not a private plaintiff. Whenever the court determines that a person or business violated these provisions knowingly or recklessly, the court may impose a civil penalty of the greater of \$5,000 or up to \$10,000 per instance of failed notification, provided that the latter amount shall not exceed \$150,000. Failure to maintain appropriate security procedures is subject to a civil penalty of up to \$5,000. (A.5635-B/S.5575-B; Chapter 117; Consumer Affairs)

**Makes Hunting with a Revoked License a Misdemeanor** Makes hunting, trapping, or fishing by a licensee whose hunting, trapping, or fishing license has been revoked or suspended a misdemeanor. This subdivision applies to any person who is convicted of the taking of deer or bear with the aid of an artificial light or signs an acknowledgment of such violation of that law for the purpose of effecting a settlement by civil compromise or by stipulation; or is convicted of the illegal taking of a deer, moose or bear, or signs an acknowledgment of any such violation of that law for the purpose of effecting a settlement by civil compromise or by stipulation; or is convicted of an offense involving the taking of wildlife when the person taking is in or on a motor vehicle while such motor vehicle is on a public highway or an offense involving the taking wildlife when the person taking is in or on a motor vehicle and discharging a firearm, crossbow or longbow in such a way that the load, bolt or arrow passes over a public highway or a part thereof or signs an acknowledgment of any such violation for the purpose of affecting a settlement by civil compromise or by stipulation. These misdemeanor offenses would be punishable by imprisonment for not more than 90 days, or by a fine of not less than \$500 or more than \$1,000, or by both such imprisonment and fine. (A.6219-A/S.6557; Chapter 532; Environmental Conservation)

**Housing Stability and Tenant Protection Act of 2019** Repeals vacancy bonus increases, which allows automatic rent increases of up to twenty percent upon vacancy and repeals longevity increases, which allows automatic rent increases based on the length of time since the last vacancy. The law also prohibits the New York City Rent Guidance Board (RGB) from setting vacancy bonus rent increases and prohibits the RGB from setting longevity rent increases. The law repeals high rent deregulation,

which allows units to be removed from rent regulation upon vacancy after the rent achieves a high rent threshold and repeals high income deregulation provisions, which allows units to be removed from rent regulation if a tenant's income is \$200,000 or more for two consecutive years. The law sets the preferential rent as the base rent for the duration of a tenancy, but preserves regulatory agreements that allow for legal rent increases. The law allows Homes and Community Renewal (HCR) or a court of competent jurisdiction to look back at six years of rent history when determining rent overcharges, allows for a longer look back period if it is reasonably necessary to make a determination and eliminates the ability of an owner to escape punitive damages where the overcharges were willful. The law enacts the "Statewide Tenant Protection Act of 2019" to allow any city, town or village to opt-in to the Emergency Tenant Protection Act (ETPA). The law amended the maximum collectable rent increase formula that applies to rent control units to set annual increase at either an average of the last five years of RGB increases, or 7.5%, whichever is less and prohibits fuel pass-along charges. The law reforms the personal use exclusion to limit the number of units an owner can take out of rent regulation, and requires the use to be an immediate and compelling necessity for use as a primary residence. The law also ensures that units rented by nonprofits to provide housing to homeless or previously homeless people revert to rent regulation at the end of the use by the nonprofit, such that the previously homeless person or persons are treated as tenants for purposes of the law. The law creates major capital improvement (MCI) and individual apartment improvement (IAI) reforms which include limits to approvals to work for essential building functions and other improvements, limits spending to HCR schedule of reasonable costs for improvements, prohibits approval where the owner has hazardous violations on building, provides that approvals may only be prospective, requires HCR to audit and inspect work on a minimum of 25% of approved MCIs, reduces rent increases paid by tenants and makes increases temporary, and reforms Individual Apartment Improvements (IAIs) to limit rent increases to substantial modifications. The law requires HCR to conduct an annual report on rent regulation that are due on December 31 each year, and made publicly available. The law also establishes the Statewide Housing Security and Tenant Protection Act of 2019. The law reforms condo and co-op conversions to repeal eviction plan conversions, limit non-eviction plan conversions of rent regulated buildings to preserve the rental housing stock, and provide additional protections for senior citizens and disabled tenants in buildings seeking a non-eviction plan conversion. The law also provides mobile and manufactured home part tenant protections, including establishing rent-to-own protections, requiring a homeowner rights rider to leases, requiring a stipend to be paid to homeowners evicted for the conversion of the use of the park parcels the home is situated on and two years notice of the change of use, providing stronger protections against evictions, and limiting rent increases to three percent except for good cause. (A.8281/S.6458; Chapter 36; Housing)



### III. Summary of Significant Legislation Reported by the Committee on Codes in 2019 that Passed the Assembly<sup>2</sup>

#### A. Criminal Justice

**Establishes the Crime of Releasing Sealed Records** This bill would establish the crime of intentionally releasing or otherwise disclosing the nature, substance, or contents of a sealed court record. This currently is strictly prohibited but there is no penalty for doing so. This bill would make intentional, unauthorized disclosure by a public official a class A misdemeanor. A similar bill passed the Assembly and Senate in 2010, but was vetoed. Issues raised by the veto message have been addressed. This bill was introduced in the wake of the 2000 police shooting of Patrick Dorismond. After Dorismond's death, then-New York City Mayor Giuliani improperly revealed that, years earlier, Dorismond had been arrested as a juvenile. (A.34-A/S.5802-A; Passed Assembly)

**Raises the Monetary Damages Required for Criminal Mischief** This bill would raise the threshold amount of property that is considered intentionally damaged from \$250 to \$1,000 for the purposes of prosecution under criminal mischief in the third degree. The bill would also increase from \$1,500 to \$3,000 the threshold for prosecution for criminal mischief in the second degree. The penalty for criminal mischief in the third degree would remain a class E felony and criminal mischief in the second degree would remain a class D felony. (A.745/S.4321; Passed Assembly)

**Bans the Use of and Possession of Certain Opioid Antagonists as Evidence** This bill would prohibit the receipt into evidence of possession of opioid antagonists, such as naloxone, in a criminal or civil case charging alleged illegal possession of controlled substances. Further, this bill would require police and peace officers to receive appropriate instruction regarding the prohibition of receiving into evidence opioid antagonists when charging alleged illegal possession of controlled substances. Opioid antagonists like naloxone help prevent overdose-related death. Recent laws such as Chapter 42 of the Laws of 2014 and actions by law enforcement and chemical dependence prevention and treatment providers have increased the availability of naloxone to those with addiction to heroin and opiates. (A.746/S.4581; Passed Assembly)

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<sup>2</sup> 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 has substantial impact on such legislation, then the original committee of reference will appear with the bill number. Additionally, legislation that was in fact passed by both houses or delivered to the Governor will be listed as such. For a complete list of bills that were reviewed by the Committee on Codes that were passed by the Assembly, see Appendices E and F.

**Expands Drug Diversion** This bill would expand the eligible crimes for possible diversion for treatment under the Criminal Procedure Law. This bill would also include some wording changes in the diversion criteria and procedures in the drug courts. Currently, the statute refers to drug “abuse.” This bill would change the term “abuse” to “use,” to align it with current terminology defined in the DSM-V. One effect of the change may be to encourage judges to order treatment to persons who use alcohol or drugs in excess, even if the person is not yet addicted. (A.1510-A/S.2172-A; Passed Assembly)

**STAT Act** The purpose of this bill is to increase transparency and accountability by maintaining records of routine police activity and certain law enforcement interactions with the public. Specifically, the bill would amend the Judiciary Law to require the chief administrator of the court to compile and publish data on misdemeanor and petty offenses charged in all courts, disaggregated by county. The chief administrator shall make this information available to the public, by posting it on the Office of Court Administration website on a monthly basis, and present such information to the Governor and the Legislature in an annual report. The bill also amends the Executive Law to require the chief of every police department, each county sheriff, and the superintendent of State Police to promptly report to the Division of Criminal Justice Services any arrest-related death, with the data disaggregated by county. The division shall make this information available to the public, by posting it on its website on a monthly basis, and present such information to the Governor and the Legislature in an annual report. (A.5472-A/S.1830-B; Passed Assembly)

**Provides for Conditional Sealing of Certain Law Enforcement Records** This is an Office of Court Administration proposal. This bill would amend the Criminal Procedure Law to clarify that law enforcement records are subject to conditional sealing for certain controlled substance and marijuana offenses and post-conviction sealing. The bill would continue to allow law enforcement to access such records when it is within the scope of their duties. (A.7670; Passed Assembly)

**Allows Eligible YOs to Reapply** This bill would allow an individual who was eligible for youthful offender status, but who was not granted such status, to reapply to be determined a youthful offender after five years, as long as the individual has not been convicted of any other crime since the original sentence was imposed. (A.8160/S.6572; Passed Assembly)

## **B. Protecting Children and Vulnerable Populations**

**Federal Child Care and Development Block Grant Act Compliance** This bill would add additional requirements relating to licensure, certification, background checks and inspections to child care providers in order to comply with the federal child care development block grant. (A.412-B/S.4326; Passed Assembly; Children and Families)

**Requires Counties to Create Registries of Persons with Disabilities for Use during Emergencies** This bill would assist and prepare emergency first responders in disaster situations by requiring counties to maintain a confidential and voluntary registry of people of all ages with a disability. There are requirements in the bill that the list would be kept confidential and used only for disaster preparedness purposes. (A.3923/S.5750; Passed Assembly; Governmental Operations)

**Requires JDs to be Brought Before a Judge Instead of Sitting in Jail Overnight or Over the Weekend** This is an Office of Court Administration proposal. This bill would require juvenile delinquents (JDs) arrested be directly brought before the family court, or an available magistrate. This bill would provide JDs arrested in evenings and weekends to be brought before a judge rather than sitting in jails overnight or for weekends. While similar provisions were provided for in Raise the Age, this bill would be applicable to JDs arrested pursuant to a family court warrant. (A.7959-A; Passed Assembly; Children and Families)

**Requires Social Services Agencies to Provide Notice to Attorneys in Advance of Modification in a Foster Child's Placement** This is an Office of Court Administration proposal. This bill would require a local social services district or authorized agency, having custody of a child, to provide ten days' notice to the attorney for the child and the attorney for the parties, in advance of any anticipated change in a foster child's placement. If a change in the child's placement is required on an emergency basis, the parties would be notified no later than the next business day. The bill would also require that the parties be notified within five days of an indicated report of child abuse or maltreatment involving the child or another child in the home. The local social services district or authorized agency would be required to protect the confidentiality of any identifying or address information of the foster or prospective adoptive parents. (A.7974/S.6215; Delivered to the Governor; Children and Families)

## **C. Protecting Victims**

**Eliminates DNA Requirements for Victims of Trafficking** This bill would eliminate the requirement that a defendant provide a DNA sample if the court finds the defendant's participation in the offense was a result of having been a victim of sex trafficking under New York law or sex trafficking or labor trafficking under federal law,

or where the defendant was convicted of offering or providing prostitution services or loitering for the purpose of offering or providing prostitution services. This follows-up on recent laws, such as Chapter 385 of the Laws of 2014 and Chapter 426 of the Laws of 2015 which waived the required payment of a DNA collection fee from such defendants under such circumstances. (A.459-A/S.3370-A; Passed Assembly)

**Clarifies Statutes Related to Rape** This bill would remove the requirement of penetration from the definition of sexual intercourse for the purposes of the rape statutes, sections 130.25, 130.30, and 130.35 of the Penal Law. It would redefine rape to include sexual intercourse, as well as oral sexual contact and anal sexual contact, which are currently charged as a criminal sexual act. (A.794-C/S.2938-B; Passed Assembly)

**Enhances Access to HIV-post Exposure Care for Sexual Assault Victims** This bill would enhance access to HIV-post exposure medication for sexual assault victims by requiring that the cost for the full course of prophylaxis treatment be paid by the state Office of Crime Victim Services (OCVS). As under existing law, to protect the privacy of sexual assault victims and encourage them to seek treatment, payment would be available through OCVS regardless of private insurance or ability to pay. (A.1204-A/S.2279-A; Delivered to the Governor; Health)

**Allows Domestic Partners to be Eligible for Compensation from the Crime Victims Board** This bill would amend the Executive Law to include domestic partners among those eligible for compensation by the Office of Victim Services (OVS) when a person dies as a result of a crime. The law currently permits compensation to be awarded to other family members including spouses, children, parents, brothers, sisters, and grandparents. If OVS pays compensation, current law provides that the Board may seek to recoup some of those expenditures from the person or persons convicted of the crime. (A.2566/S.4958; Passed both Houses; Governmental Operations)

**Safe Way Home Act** This bill would provide that in cases involving a sexual assault, a crime victim award paid by the state shall include, if requested, reimbursement for the cost the alleged victim and any a crime victim advocate incurred in traveling to a medical facility where the person received initial treatment. (A.5775-A/S.3966-A; Passed both Houses; Governmental Operations)

**Vacates Convictions for Human Trafficking Victims** This bill would expressly allow a person who was a victim of human trafficking to bring a motion under the Criminal Procedure Law to set aside any criminal conviction where such offense was a result of having been a victim of human trafficking. This bill would expand current law which, under such circumstances, allows such a person to seek to vacate a conviction for prostitution. (A.6983-A/S.4981-A; Passed Assembly)

#### **D. Protecting Victims of Domestic Violence**

**Training for Aestheticians to Recognize Signs of Domestic Violence** This bill would require the advisory committee of the appearance enhancement industry to develop and implement training on domestic violence and sexual assault for prospective students seeking a license. This training would be voluntary for those renewing their license. The purpose of the bill is to give hairdressers, nail techs, and others in the appearance enhancement industry information on how to sensitively interact with victims of domestic violence and supply some tools such as a list of referral information for victims to seek help. (A.57/S.6307; Passed both Houses; Economic Development)

**Requires Insurers to Provide Victims with Mailing Alternatives** This bill would require insurance companies to allow victims of domestic violence the opportunity to provide an alternate mailing address for health insurance related information. It would require the victim to provide the insurance company with a signed statement under oath indicating he or she is a victim of domestic violence in order to receive this service. This bill would also prohibit the insurance companies from disclosing contact information about such victim or the child or children of such victim. (A.2832/S.67; Passed Assembly; Insurance)

**Provides for Early Lease Terminations by Domestic Violence Survivors** This bill would streamline the procedure for early lease termination by domestic violence survivors, allowing more survivors to exercise this provision when necessary to ensure both their immediate physical safety and long-term financial security. The bill prohibits disclosure of the termination of tenancy by the landlord to future landlords and imposes penalties for violations of these provisions on the landlord. Landlords who knowingly or intentionally violate this section may be liable for liquidated damages up to \$1,000, actual damages, costs and fees. (A.4267-A/S.4281-A; Passed both Houses)

**Requires Law Enforcement to Notify Domestic Violence Victims of their Rights** This is an Office of Court Administration proposal. This bill would clarify the notice of rights and expectations that is required to be provided by law enforcement to domestic violence victims. (A.7395/S.6158; Delivered to the Governor; Judiciary)

#### **E. Anti-discrimination**

**Adds "Sex" as a Protected Class to the State Constitution** This bill would amend the New York State Constitution to add "sex" as a protected class, prohibiting discrimination on the basis of sex. (A.271/S.3249; Passed Assembly; Judiciary)

**Establishes a Model Policy regarding the Prevention of Discrimination in the Workplace** This bill would establish a policy and model training program for the prevention of discrimination in the workplace; require bids made to state or any public department for work or services performed, or the sale of goods, to have a written policy implemented addressing discrimination prevention in the workplace; require employers to provide employees with annual discrimination prevention training; prohibit mandatory arbitration clauses related to discrimination in the workplace; require an employee to personally reimburse such state agency or public entity within 90 days of the state agency or entity's payment of such award in discrimination claims; and require the department to consult with the Division of Human Rights to create and publish a model discrimination prevention policy that employers may utilize. Discrimination is defined by the bill as an unlawful discriminatory practice, as defined in section 296 of the Executive Law, and/or discrimination or harassment based on race, color, sex, national origin, creed, sexual orientation, age, disability, military status, familial status, marital status, predisposing genetic characteristics, or domestic violence victim status. The intent of the bill is to add these protections to those recently enacted to protect against sexual harassment. The bill would apply the various civil penalties that may be imposed for discrimination against those who engage in sexual harassment in the workplace. A violation would be subject to potential enforcement by the Division of Human Rights; sanctions may include injunctive relief, fines, and damages. The Division may impose a civil fine of up to \$100. In addition, any person who willfully violates an order of the Division or Commissioner is guilty of a class A misdemeanor, punishable by imprisonment of up to one year or by a fine of up to \$500. (A.5976/S.4109; Passed Assembly; Governmental Operations)

**Requires DCJS and OCA to Collect Demographic Data Related to Hate Crimes** This bill would require the Division of Criminal Justice Services (DCJS), in conjunction with the Office of Court Administration (OCA), to collect demographic data of the victim or victims of hate crimes as well as the persons arrested for such crimes including, but not limited to, race, color, national origin, ancestry, gender, religion, religious practice, age, disability, sexual orientation of a person, regardless of whether the belief or perception is correct, or gender identity or expression. The data collected would be public but not allowed to reveal the identity of any person. DCJS would be required to compile a publicly-available annual report and submit such report to the Governor, Legislature, Attorney General, and OCA. (A.8070-A/S.6066-A; Passed Assembly)

## **F. Health**

**Requires Insurance Companies to Cover Eating Disorders** This bill would amend the Insurance Law to clarify what types of eating disorders insurance companies are required to provide coverage for. Under current law, insurance companies are required to cover bulimia and anorexia. This bill would replace those specific disorders with a

more comprehensive definition of eating disorders that appropriately addresses all the diagnoses. Any insurer that fails to provide the required coverage would be subject to the general penalty provisions within section 109 of the Insurance Law. (A.1619/S.3101; Delivered to the Governor; Insurance)

**Adds Synthetic Fentanyl Substances to the Controlled Substances List** This bill would add further synthetic fentanyl analog substances to schedule I of the controlled substances list. Any person who would possess or sell any of these substances would be subject to criminal penalties as applicable in Article 220 of the Penal Law. (A.5838-A/S.3416-A; Passed Assembly; Health)

**Aligns New York with the Uniform Anatomical Gift Act** This bill would establish certain protocols for possible organ and whole body donations, particularly in circumstances where the patients' wishes with respect to donation were not recorded in writing. Among other features, it establishes a priority among family members who could approve donation in absence of a contrary written direction by the patient. (A.7800-A/S.6000-A; Passed both Houses; Health)

## **G. Safety**

**Requires Licensed Professionals to Report Certain Convictions, Determinations, and Employment Actions** This bill would require licensed professionals to report any conviction of a crime, determination of professional misconduct, or adverse employment action to the State Education Department (SED) within 30 days and would establish a summary suspension process after a determination that the public health, safety or welfare imperatively requires emergency action against a professional license or registered entity. The bill also amends the Criminal Procedure Law to require district attorneys to notify SED if a licensee is convicted of a misdemeanor; currently district attorneys are required to only notify SED of felony convictions. Any licensee that fails to report the conviction of a crime, determination of professional misconduct, or adverse employment action to SED within 30 days would be subject to disciplinary proceedings by the department. Additionally under the provisions of this bill, a licensee could have their privileges to practice summarily suspended if the commissioner or the deputy commissioner for the professions believes public health, safety or welfare imperatively requires emergency action against such licensee. (A.1184/S.6240; Passed Assembly; Higher Education)

**Requires Stretch Limousines to be Equipped with Seatbelts** This bill would create safety measures related to seatbelts in stretch limousines. Stretch limousines altered on or after January 1, 2020 would be required to be equipped with seatbelts for all seating positions. All seatbelts so installed would be required to be clearly visible, accessible, and maintained in good working order, and the bill would prohibit the removal of

seatbelts from these vehicles. Additionally, every stretch limousine altered after January 1, 2020 would be required to post a notice in the vehicle instructing passengers to wear their seatbelts. Under current law, taxis and liveries must post such a notice. Under current law, no stretch limousine shall be sold, registered, or operated in this state unless such vehicle is equipped with safety belts approved by and conforming to standards established by the state Department of Transportation. (A.2157-A/S.6530; Passed Assembly; Transportation)

**Clarifies the Licensing of Drivers After Incidents of Loss of Consciousness** This bill would add a new subdivision eight to section 502 of the Vehicle and Traffic Law which provides that a person, to whom the new subdivision applies, is only fit for a driver's license as determined by the Department of Motor Vehicles (DMV) in accordance with their Rules and Regulations. The new subdivision would cover/include any applicant for an original driver's license who has ever suffered a loss of consciousness, any applicant for a renewal driver's license who has suffered a loss of consciousness since their last license was issued, any person who is or has been required to submit a medical statement as a condition for continued licensing, and any licensee concerning whom DMV has received evidence of a loss of consciousness. This bill would codify existing DMV rules and regulations regarding loss of consciousness. (A.4751-A/S.5225-A; Passed both Houses; Transportation)

**Requires DMV to Annually Review and Provide Stretch Limousine Records** This bill would require the Department of Motor Vehicles (DMV) to annually review the driving record of persons employed by motor carriers to operate stretch limousines seating fifteen or more passengers in addition to the driver, and annually verify whether these persons hold valid driver's licenses to operate stretch limousines. This bill would also create a public database on DMV's website on motor carriers of passengers which operate these stretch limousines in New York in order to provide important information for consumer protection (e.g. company record/violations, number of miles travelled annually, accidents, and driver licensing information). This would provide the consumer a way to check important information before hiring a company, similar to the Department of Transportation's existing online database of information on commercial bus operators. (A.5774-A/S.6604; Passed Assembly; Transportation)

**Requires Stretch Limousines to Use GPS** This bill would amend the Vehicle and Traffic Law to require stretch limousines to use commercial global positioning system technology. Failure to adhere to this requirement would be an infraction. (A.8171-A; Passed Assembly; Transportation)

**Prohibits Stretch Limousines from Making U-Turns** This bill would amend the Vehicle and Traffic Law to prohibit operators and drivers of stretch limousines from making U-turns. Any person convicted of a violation of this subdivision for a first conviction would be punished by a fine of not less than \$250 nor more than \$400 or by



imprisonment for not more than fifteen days or by both such fine and imprisonment. For a second conviction or subsequent violation, both of which were committed within eighteen months, such person would be punished by a fine of not less than \$600 nor more than \$750 or by imprisonment for not more than 45 days or by both such fine and imprisonment. A violation wherein the violator is operating a stretch limousine carrying at least one passenger other than the driver would be punishable by a fine of not less than \$750 nor more than \$1,000 or by imprisonment for not more than 180 days or by both such fine and imprisonment. (A.8172-A; Passed Assembly; Transportation)

**Authorizes DOT to Impound Stretch Limousines that Fail Safety Inspections** This bill would authorize and require the Department of Transportation (DOT) to impound stretch limousines that fail state safety inspections until the vehicle is safely repaired. The vehicle would remain impounded until repairs have been arranged and fees have been paid. The DOT would provide owners with notice for the impoundment and the reasons. Additionally, if the vehicle is not retrieved within 30 days, it would be considered abandoned property. (A.8302; Passed Assembly; Transportation)

## **H. Protecting Consumers**

**Sets Standards of Practice for the Student Debt Consulting Industry** This bill would set standards of practice for the student debt consulting industry in New York. The penalties provision in the bill would permit an agreement to be nullified and a civil penalty imposed of \$10,000 for each violation if, after notice and hearing, a consultant is found to have intentionally committed violations; provide for the borrower to recover actual and consequential damages and costs if the borrower suffers damage due to the consultant's violations; provide for the borrower to recover attorneys' fees and costs if a consultant's violations are found to be reckless; and provide for recovery of treble damages, attorneys' fees and costs if a consultant's violations are found to be intentional. (A.3408-A/S.2426-A; Passed Assembly; Banks)

## **I. Miscellaneous**

**Securing Wages Earned Against Theft (SWEAT)** This bill would work within the existing mechanics lien law to create an "employee's lien" that would provide a lien remedy for all employees, not just the home-improvement workers currently protected under the mechanics' lien provisions. It would also authorize the Department of Labor to commence actions on behalf of an employee. The Civil Practice Law and Rules would be amended to create a new ground for attachment, allowing victims of wage theft to seek attachment of their employers' assets during the pendency of a court action. The bill would amend the Business Corporation Law to enable an employee to hold the ten largest shareholders of a non-publicly-traded corporation personally liable for wage

theft. The Limited Liability Company Law would be amended to streamline procedures for employees to hold ten members with the largest interest in a company personally liable for wage theft. (A.486-B/S.2844-B; Passed both Houses; Judiciary)

**Zombie Property Remediation Act of 2019** This bill would permit municipalities to compel a mortgage holder, such as a bank, to either complete all required court filings for a mortgage foreclosure proceeding within one year or issue a certificate of discharge of the mortgage for any property which has been certified abandoned under section 1971 of the Real Property Actions and Proceedings Law. The purpose of the bill is to incentivize lenders to move forward with respect to abandoned “zombie” properties, which are often considered a nuisance by neighbors. (A.1859-A/S.5079-A; Delivered to the Governor; Judiciary)

**Lowers the Tax Redemption Period for Abandoned Buildings** This bill would reduce the tax redemption period for properties certified as vacant and abandoned from the local building department official from two years to one year. Under this bill, an owner of residential structure whose building has been deemed vacant and abandoned who then becomes delinquent on his or her taxes would forfeit the one year out of the two to redeem their property. (A.4403/S.1864; Passed both Houses; Real Property Taxation)

**Requires the Licensing of Elevator Workers** This bill would put in a licensing mechanism for elevator contractors, mechanics and inspectors and prescribes the application procedure and requirements to obtain such licenses. It would also require a permit to be issued for work on elevators. There would be exemptions from the licensing or permitting requirements in the case of an emergency when the public is put at risk. An individual who would violate any provision of this article could face a \$1,000 fine. If the violation results in serious threat to health or safety of an individual or individuals, the fine could be increased to \$5,000. (A.4509-A/S.4080-C; Passed both Houses; Labor)

#### **IV. Summary of Significant Bills the Governor Vetoes<sup>3</sup>**

**Prohibits Children Less than Ten being Left Unattended in a Vehicle** This bill would create a traffic infraction under the Vehicle and Traffic Law for any parent who leaves a child, defined as younger than ten years of age, unattended in the vehicle under conditions that present a substantial health or safety violation. The bill would provide that a driver in violation of this proposed new section pay a fine for a first infraction, \$50; for a second infraction within eighteen months, \$100; and for a third or subsequent infraction within eighteen months, \$250. (A.1851/S.2497; Veto Memo 176; Transportation)

**Requires Utilities to Repair or Replace Damaged Water or Sewer Lines** This bill would require public utility companies to repair or replace residential lateral water and sewer lines where such lines have been damaged as a result of the actions or negligence of the public utility company, as determined by the New York City Department of Environmental Protection (DEP). Currently, New York City homeowners' only recourse is to bring a civil action against utilities or file a complaint with the Public Service Commission. (A.5254-C/S.4118-C; Veto Memo 217; Cities)

**Expands the Possible Venues of Certain Special Proceedings** This bill would allow special proceedings against certain state respondents to be commenced in the judicial district where the petitioner resides or has its principal place of business, in addition to Supreme Court, Albany County. It would retain the requirement that a special proceeding against the Public Service Commission be commenced in Supreme Court, Albany County. Issues raised in the Governor's 2018 Veto Message were addressed by extending the effective date to one year. (A.6240/S.5139; Veto Memo 125)

**Expands Charitable Bail** This bill would amend the Insurance Law to enable more charitable bail organizations to provide assistance to persons in need of such services. This bill would reduce the certification fee required for non-profit organizations from \$1,000 to \$500 and make it a one-time fee, would raise the monetary amount that such organizations may provide in bail assistance to \$10,000, would clarify that organizations may contribute bail for felony charges as well as misdemeanor charges, and remove the geographical restriction that an organization may only offer bail in one county. (A.6980/S.494; Veto Memo 205)

**Allows Public Defense Providers to have Access to Criminal History Record Information** This bill would add institutional public defense providers to the list of qualified agencies that may have access without cost to the criminal history record information maintained by the Division of Criminal Justice Services. This bill would

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<sup>3</sup> Veto Memo numbers refer to those issued in 2019. For a complete list of bills that were reviewed by the Committee on Codes and that were vetoed by the Governor, see Appendices G and H.

help level the playing field among prosecution and defense. It would help expedite the discovery process and provide a better mechanism for these offices to evaluate cases, assist their clients, and avoid adverse consequences from errors on rap sheets. (A.7644/S.2198; Veto Memo 211)

**Provides for Permanency Planning for JDs and PINS** This is an Office of Court Administration proposal. This bill would provide permanency planning at earlier stages of juvenile delinquency (JD) and persons in need of supervision (PINS) adjudication and would also require JDs in limited secure settings to receive permanency planning, currently only available in non-secure and residential placement. The planning consists of several measures such as contact with a parent or guardian if appropriate, ascertaining and arranging transition into the appropriate and applicable educational setting, including special education if required, and, if the youth would not be going to school, a component to ascertain employment. This bill would allow the Family Court, after a hearing extending certain placements in a PINS proceeding, to include in such extension of placement a period of probation supervision pursuant to section 757 of the Family Court Act. (A.7940/S.6535; Veto Memo 202; Children and Families)

**Allows Certain Children to Return to Foster Care** This is an Office of Court Administration proposal. This bill would make clear, in a broader category of circumstances, that children placed in foster care who have left the foster care system may return to foster care, even in their older years, when circumstances warrant. Specifically, destitute children, children who were voluntary placed, require PINS, and youth placed as juvenile delinquents, who are between the ages of eighteen and twenty may re-enter foster care programs. (A.7941/S.6472; Veto Memo 203; Children and Families)

**Revises How Records Are Maintained on the State Central Registry** This bill would make certain changes to how records are maintained on the State Central Registry as it relates to conditional sealing of maltreatment records and the standard of proof required to determine whether a report should be indicated for abuse or maltreatment. This bill would also expand an individual's right as it relates to requesting an amendment to an indicated report. (A.8060-A/S.6427-A; Veto Memo 232; Children and Families)

## V. Budget Highlights from State Fiscal Year 2019-20

### A. Fiscal Highlights

The Legislature was able to restore \$2.83 million in Legal Services Assistance Fund (LSAF) support for civil and criminal legal services grants. The Legislature was also able to restore a total of \$7.33 million to support various legislative restorations, including:

- \$1.06 million for the New York State Defenders Association;
- \$750,000 for Prisoners' Legal Services;
- \$609,000 in domestic violence related civil and criminal legal services support;
- \$600,000 for immigrant legal services;
- \$400,000 for Neighborhood Legal Services; and
- \$147,000 for rape crisis centers.

Additionally, the Legislature restored \$600,000 for Byrne Justice Assistance Grant legislative allocations. The Legislature also received a commitment from the Executive to fund New York City gun violence street outreach programs.

### B. Article VII Highlights

The 2019-20 SFY enacted budget included Article VII language to:

- Extend for one year various criminal justice and public safety programs.
- Expand the "rape shield law" to prosecutions for the crime of sex trafficking.
- Enact the "Pre-Trial Justice Reform Act," including provisions to reform the bail system, criminal discovery laws, and speedy trial laws. The Assembly has long supported, proposed, and passed proposals to reform New York's antiquated bail, discovery, and speedy trial laws.
  - Bail reform includes provisions to eliminate cash bail-based detention for lower level offenses that include violations, most misdemeanors, and non-violent felonies. The law retains a class of charges for which the court may still require cash or property bail, or remand the person to the custody of the sheriff. The new law requires issuance of an appearance ticket, rather than a custodial arrest, for many lower level charges, with certain exceptions. "Risk of flight" continues to be the touchstone for consideration, allowing judges to remand individuals who are alleged to have committed a felony involving violence. Bail reform authorizes use of electronic monitoring when no other

- realistic conditions would suffice to reasonably assure the defendant's return to court. A number of post-arraignment events will make a person charged with a lower-level offense nonetheless eligible for a monetary bail order.
- Discovery reform includes provisions for expeditious, fair and equitable exchange, prosecution-to-defense, as well as defense-to-prosecution, of pre-trial information and documents in criminal cases. Initial disclosure must be made by the government within fifteen days after arraignment, but an additional 30 days is permitted by the law if the materials are voluminous or, if after making earnest efforts, the materials are not in the prosecution's actual possession and the prosecutor is not reasonably able to obtain the materials. In effect, the prosecution has up to 45 days to turn over most initial discovery. Under the law, the defense must provide reciprocal discovery within 30 days after the prosecution has certified compliance with its disclosure duties. The new law does not alter or enlarge the types of cases in which discovery is required nor does it require the creation of additional records. The law provides for oversight and involvement by the judge throughout discovery process. Enhanced language will enable the judge to issue a protective order, at any time, to condition, limit or deny disclosure to assure the safety of any person, and to bar the disclosure of irrelevant information. A provision in the law formalizes the means by which a defendant, through counsel, may view a relevant location or crime scene, such as a business or residence.
  - Speedy trial reforms allow the court to inquire, on the record, as to the prosecution's actual readiness for trial when the prosecution claims readiness and require that the prosecution's statement of readiness be accompanied by a good faith certification by the prosecution that it has complied with its discovery requirements. Such a statement of readiness shall not be valid unless the prosecuting attorney certifies that all the counts on the accusatory instrument are facially sufficient, and that those which are not sufficient on their face have been dismissed. Additionally, these reforms eliminate generalized court congestion, in most circumstances, as an excuse for the prosecution's lack of readiness for trial.
- Increase criminal history search fee from \$65 to \$95 and directs revenue from such increased fee to the Indigent Legal Services Fund (ILSF).
  - Enact a comprehensive reentry package to help improve outcomes for formerly incarcerated individuals, including components that: remove certain mandatory bars to employment and licensing; repeal the mandatory suspension of a driver's license for a drug offense conviction; limit disclosure of booking information; remove inaccurate information from criminal history reports; and expand protections against discrimination for cases adjourned in contemplation of dismissal.

- Reduce the maximum length of sentence for class A misdemeanors and a number of unclassified misdemeanors from one year to 364 days in order to avoid harsh immigration consequences under federal law.
- Change certain asset forfeiture laws in Article 13-A of the Civil Practice Law and Rules, including to allow law enforcement officials to seek a civil court money judgment when proceeds or instrumentalities of a crime cannot be located, to require that funds obtained by way of asset forfeiture be deposited in a separate escrow account, and require entities forfeiting assets and maintaining forfeited funds to report demographic data concerning the individuals from whom property was forfeited.
- Establish a use of force policy to be adopted by any agency that employs police or peace officers that includes: guidelines regarding when use of force is permitted; requirements for documenting use of force; procedures for investigating use of force incidents; guidelines regarding excessive use of force including duty to intervene, reporting, and timely medical treatment for injured persons; standards for failure to adhere to use of force guidelines; training mandates on use of force, conflict prevention, conflict resolution and negotiation, de-escalation techniques and strategies, including, but not limited to, interacting with persons presenting in an agitated condition; and prohibited uses of force.

The following Article VII proposals advanced by the Executive were agreed to outside of the budget<sup>4</sup>:

- The Child Victims Act;
- Criminalizing “revenge porn”;
- Domestic Violence Survivors Justice Act;
- Prohibiting rapid-fire devices;
- Expanding waiting periods for gun sales where a person has not passed a background check; and
- Establishment of extreme risk protection orders.

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<sup>4</sup> For descriptions and summaries of this legislation, see Part II.

## **VI. Codes Committee Hearings in 2019**

### **A. Alternatives to incarceration (ATI) and pretrial services**

On Thursday, November 14 in Albany, the standing committee on Correction, together with the standing committee on Codes, jointly held a hearing to examine the adequacy of alternatives to incarceration (ATI) and pretrial services in light of recent criminal justice reform initiatives.

New York State's prison population has been steadily decreasing since 1999 while the crime rate has also dropped and remained at historic lows. The Assembly has a long history of working to end mass incarceration and promoting alternative to incarceration and pretrial service programs which have played a vital role in both reducing recidivism and the prison population. Alternative to incarceration (ATI) programs allow people to receive mental health counseling, substance abuse treatment, education, employment and other crucial services that will help end mass incarceration. This hearing is intended to examine such programs and how we can better support these successful sentencing alternatives.

In April 2019, New York State passed sweeping criminal justice reforms which will largely limit the use of cash bail. Pursuant to these reforms, persons released from custody pretrial may be ordered by the court to abide by certain restrictions or conditions of release in order to ensure their return to court. The availability of pretrial services will be vital to the success of these reforms. This hearing examined what pretrial services currently exist within the State in light of the criminal justice reforms.

The committees heard testimony from the Legal Action Center, the Fortune Society, the Correctional Association of New York, the Osborne Association, Women's Prison Association, the New York State Association of Counties, the Delaware County Probation Director, the Warren County Probation Director, the Bronx Defenders, the Brooklyn Defenders, the Broome County Public Defender, the Drug Policy Alliance, Truth Pharm, Urban Youth Alliance International Inc., Center for Employment Opportunities, Center for Alternative Sentencing and Employment Services, TASC of the Capital District, Greenburger Center for Social and Criminal Justice, From Punishment to Public Health at John Jay College, Brooklyn Community Bail Fund, and JustLeadershipUSA. Additionally, the New York Civil Liberties Union submitted written testimony.



## **B. Sealing of criminal records and expansion of youthful offender status**

On Tuesday, December 10 in New York City, the standing committee on Codes, together with the standing committee on Correction, jointly held a hearing to examine the effectiveness of current laws regarding the sealing of criminal records and to explore expansion of such laws as well as expanding laws related to youthful offender status.

The sealing of criminal convictions has been a critical component of New York's success in reforming its criminal justice system. As a result of sealing, people with records of certain arrests, prosecutions, and convictions are more able to rebuild their lives. The Assembly has a long history of working to remove barriers for individuals who come into contact with the criminal justice system in order to promote successful reentry and reduce recidivism. While the sealing provisions enacted as part of Rockefeller Drug Law reform and Raise the Age legislation marked a significant step forward, the laws have been underutilized. This hearing will examine the reasons why more people have not been able to benefit from the sealing provisions and consider ways to improve and potentially expand the laws.

Youthful offender status may be granted to individuals who are charged with committing a crime while being at least sixteen years of age but less than nineteen. Similar to sealing, youthful offender status removes the stigma of a criminal conviction and allows young people to continue through life unencumbered by a criminal record. While youthful offender status has been an effective reentry tool, there have been calls to expand the law's provisions as well as to allow older youth to benefit. This hearing examined these proposals and considered how the youthful offender law can be improved.

The committees heard testimony from Kings County District Attorney Eric Gonzalez, Albany County District Attorney P. David Soares, the Community Service Society of New York, Legal Action Center, New Yorkers United for Justice, Brooklyn Defender Services, The Bronx Defenders, Legal Services of Central New York, The Next100, The Legal Aid Society, Youth Represent, Children's Defense Fund-NY, Citizens' Committee for Children of New York, as well as citizen advocates.

## Appendix A: 2019 Committee Workload Summary

<u>Final Action</u>	<u>Assembly Bills</u>	<u>Senate Bills</u>	<u>TOTAL</u>
<b>Bills Reported with or without Amendment</b>			
To Floor; Not Returning to Committee	192	0	192
To Ways and Means	84	0	84
To Rules	180	0	180
<b>TOTAL</b>	<b>456</b>	<b>0</b>	<b>456</b>
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<b>Bills Having Committee Reference Changed</b>			
To Ways and Means	1	0	1
<b>TOTAL</b>	<b>1</b>	<b>0</b>	<b>1</b>
<hr/>			
<b>Bills Never Reported, Held in Committee</b>	<b>651</b>	<b>43</b>	<b>694</b>
<b>Bills Never Reported, Held for Consideration (with roll call vote)</b>	<b>31</b>	<b>0</b>	<b>31</b>
<b>Bills Having Enacting Clauses Stricken</b>	<b>4</b>	<b>0</b>	<b>4</b>
<b>TOTAL BILLS IN COMMITTEE</b>	<b>682</b>	<b>43</b>	<b>725</b>
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**Total Number of Committee Meetings Held: 21**

## **Appendix B: Schedule of 2019 Codes Committee Meetings**

<b><u>Month</u></b>	<b><u>Date</u></b>	<b><u>Day</u></b>
January	14	Monday
January	15	Tuesday
January	28	Monday
February	11	Monday
February	27	Wednesday
March	5	Tuesday
March	12	Tuesday
March	18	Monday
April	9	Tuesday
April	30	Tuesday
May	7	Tuesday
May	21	Tuesday
May	30	Thursday
June	4	Tuesday
June	5	Wednesday
June	11	Tuesday <sup>5</sup>
June	13	Thursday
June	17	Monday
June	18	Tuesday
June	19	Wednesday

**Total Number of Committee Meetings Held: 21**

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<sup>5</sup> The Committee held two committee meetings on June 11.

## **Appendix C: Codes Laws of 2019**

<b><u>Bill Number</u></b>	<b><u>Chapter</u></b>	<b><u>Sponsor</u></b>	<b><u>Summary</u></b>
A.748	446	Cook	Relates to the assignment of counsel
A.763-A	134	Abinanti	Establishes certain crimes relating to the criminal possession or manufacture of an undetectable firearm, rifle, or shotgun
A.1213	242	Hunter	Relates to access to foreign state records concerning previous or present mental illness of applicants for firearms license
A.1715-A	138	Griffin	Limits educational institutions ability to authorize the possession of a weapon on school grounds
A.2333	450	Otis	Relates to the definition of an accusatory instrument
A.2683	11	L. Rosenthal	Provides for the timeliness of commencing criminal and civil action for sexual offenses committed against children
A.2684	130	Fahy	Prohibits the possession, manufacture, transport and disposition of rapid-fire modification devices
A.2685	139	L. Rosenthal	Establishes the municipal gun buyback program and municipal gun buyback program fund
A.2686-A	135	Paulin	Relates to requirements for the safe storage of rifles, shotguns and firearms; repeals sections of law related thereto
A.2689	19	Simon	Establishes extreme risk protection orders as a court-issued order of protection prohibiting a person from purchasing, possessing or attempting to purchase or possess a firearm, rifle or shotgun

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.2690	129	Paulin	Establishes an extension of time of up to thirty calendar days for national instant background checks
A.3974	31	Aubry	Relates to sentencing and resentencing in domestic violence cases
A.3985	151	Weprin	Creates the crime of staging a motor vehicle accident
A.4816	146	Colton	Prohibits the manufacture, transport, shipment or possession of an undetectable knife
A.5614	180	Weinstein	Exempts parties liable for failure to obey or enforce domestic violence orders of protection or temporary orders of protection from limited liability provisions
A.5937	634	Galef	Relates to the removal of an action from a problem solving court
A.5944	34	Quart	Removes references of gravity knives as a dangerous weapon from certain provisions of the Penal Law relating to firearms and other dangerous weapons
A.5981	109	Braunstein	Establishes the crime of unlawful dissemination or publication of an intimate image
A.6188	573	Lentol	Relates to harassment of a rent regulated tenant
A.6653	374	Lentol	Relates to presidential reprieve, pardon or other form of clemency and previous prosecution
A.7128	279	Paulin	Relates to treatment programs and treatment court during interim probation supervision

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.7739	244	Paulin	Relates to local and state law enforcement's access to records of applications for licenses of firearms
A.7751	569	Weprin	Permits suspension of jury deliberations for a certain period of time
A.7752	104	Dinowitz	Relates to the transport of pistols or revolvers by licensees
A.7756-A	611	Gottfried	Exempts certain parcels of land from the provisions of law which generally restrict manufacturers, wholesalers and retailers from sharing an interest in a liquor license
A.7797-A	95	Wright	Prohibits race discrimination based on natural hair or hairstyles
A.7921	354	Magnarelli	Relates to possession of firearms on property owned by or held in trust for SUNY ESF
A.8159	632	Garbarino	Relates to granting peace officer status to uniformed members of the bureau of fire prevention of the Town of Islip
A.8174	133	Buttenschon	Relates to storage of firearms
A.8184	356	Byrne	Exempts certain land from the provisions of law which generally restrict manufacturers, wholesalers and retailers from sharing an interest in a liquor license
A.8290-B	175	Gottfried	Prohibits vessels from operating, anchoring or mooring in the navigable waters of the state while operating a digital billboard board
A.8315	240	Lentol	Relates to proceedings against juvenile and adolescent offenders

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.8375	45	O'Donnell	Relates to affirmative defenses for certain homicide offenses
A.8404	377	Cahill	Establishes protections from excess hospital charges
A.8412	315	Simotas	Relates to statutes of limitations for certain sex crimes
A.8420-A	131	Peoples-Stokes	Relates to vacating records for certain proceedings and modifies the definition of smoking
A.8421	160	Simotas	Relates to increased protections for protected classes and special protections for employees who have been sexually harassed
A.8424	161	Simotas	Relates to increased protections for protected classes and special protections for employees who have been sexually harassed

## Appendix D: Dual Referenced Laws of 2019

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.21	1	Glick	Enacts the reproductive health act; repealer
A.29-A	162	L. Rosenthal	Requires the anchoring of furniture and electronics in child day care centers and certain other facilities
A.92-A	166	Perry	Relates to the obligations of banks and financial institutions during the sale of a mortgage subject to an application for modification
A.164-B	362	L. Rosenthal	Relates to menstrual product labeling
A.216	149	Paulin	Relates to the care of animals
A.217-A	165	Paulin	Relates to prohibiting the sale of crib bumper pads and the restriction of the use of such pads in certain settings
A.220	181	Paulin	Authorizes the authorities budget office to suspend local authority board members and executive staff
A.230	358	Braunstein	Prohibits emergency service providers from selling patient health information without written consent
A.264-B	375	Cahill	Relates to establishing protections from excessive hospital emergency charges
A.433	445	Paulin	Relates to the regulation of key persons
A.434	384	Paulin	Authorizes shareholders to attend meetings via remote communication and to be deemed present for voting purposes



<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.453	620	Steck	Relates to liability of members for wages due to laborers, servants or employees by domestic and foreign limited liability companies
A.558-A	100	L. Rosenthal	Increases the age to purchase tobacco products from 18 years old to 21 years old
A.576	7	Glick	Designates engaging in sexual orientation change efforts by mental health care professionals upon patients under 18 years of age
A.584	457	Jaffee	Relates to the prohibition of discrimination based on an individual's or a dependent's reproductive health decision making
A.585-A	25	Cahill	Enacts the "comprehensive contraception coverage act"
A.623	407	Paulin	Restricts certain corporations from participating or intervening in any political campaign on behalf of or in opposition to any candidate for public office
A.747	8	Gottfried	Prohibits discrimination based on gender identity or expression and includes offenses regarding gender identity or expression under the hate crimes statute
A.776	4	Simon	Relates to political contributions by limited liability companies
A.781	23	Perry	Relates to the state commission on prosecutorial conduct
A.951	148	Peoples-Stokes	Relates to establishing in the city of Buffalo a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.1078	494	Gottfried	Relates to conforming the definition of palliative care throughout the public health law
A.1244	292	Crouch	Relates to the qualifications for holding the offices of assistant district attorney and assistant public defender in the County of Chenango
A.1303-B	107	L. Rosenthal	Relates to the prohibition of the declawing of cats
A.1370-C	535	Abinanti	Relates to notices be posted in programs licensed, certified or operated, by the Office of Mental Health
A.1641	416	Seawright	Requires campaign finance information of certain candidates or committees to be filed on an electronic reporting system
A.1646	444	Hunter	Relates to unlawful occupation, provides that if any dwelling or structure be occupied without a certificate of occupancy, no rent shall be recovered by the owner
A.1740	465	Seawright	Relates to the elimination of duplicate electronic filing
A.1826-A	324	Pichardo	Requires agents of licensed money transmitters to remit moneys to the licensee within the time frame provided in the contract between the agent and the licensee
A.1916	197	Perry	Relates to artificially deflating or otherwise lowering cost data used for adjusted claims
A.1945	245	Zebrowski	Establishes a time period in which an action to recover damages for injury arising from domestic violence must be brought

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.2118	320	Hunter	Relates to individuals with disabilities being able to terminate their leases when moving to a residence of a family member or entering certain facilities
A.2224	572	Paulin	Enacts the nuisance call act
A.2349	426	Perry	Relates to requirements for the transfer of patient medical records upon the closure of a health care provider's office
A.2374	115	Dinowitz	Relates to requiring a consumer credit reporting agency to offer identity theft prevention and mitigation services in the case of a breach of the security of such agency's system
A.2501-A	647	Englebright	Relates to the reduction of mercury in mercury-added lamps
A.2634	199	Cusick	Relates to permitting certain physicians to practice medicine in New York state if they are licensed to practice in another state or territory
A.2640	262	Lavine	Relates to electronic permit applications and electronic recordkeeping
A.2665-A	263	Lavine	Establishes the right of tenants to call police or emergency assistance without fear of losing their housing
A.2880-B	640	Hunter	Relates to denial of coverage of additional or alternative services or procedures related to health care services for which pre-authorization was granted or did not require pre-authorization; repealer
A.2998	298	Bichotte	Authorizes expedited partner therapy for certain sexually transmitted infections

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.3075	468	Hunter	Relates to requests for unclaimed life insurance benefits
A.3168	423	Ortiz	Relates to requiring posting notice of the department of financial services toll free consumer's hotline telephone number
A.3217	496	Cook	Relates to the suspension of hunting and fishing licenses pursuant to the interstate wildlife violator compact
A.3245-A	537	Dinowitz	Prohibits the unauthorized change of a natural gas or electric service provider
A.3276	140	Joyner	Relates to establishing maternal mortality review boards and the maternal mortality and morbidity advisory council
A.3360	530	Carroll	Relates to the mailing of compliance unit notices
A.3425	116	Dilan	Relates to expanding the scope of unlawful discriminatory practices to include public educational institutions
A.3471	388	Zebrowski	Decreases the amount of alcohol in a person's system necessary to be considered to be intoxicated while hunting
A.3548	498	Dinowitz	Relates to voiding and rendering unenforceable contract provisions limiting certain speech by contractees
A.3675-B	37	Crespo	Relates to the "driver's license access and privacy act"; repealer
A.4054	291	Englebright	Permits antitrust fines or penalties to be paid to the office of victim services in the court's discretion

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.4204	154	Weprin	Prohibits discrimination against religious attire
A.4258	624	Hevesi	Relates to providing rent subsidies to individuals living with roommates
A.4421-B	163	Zebrowski	Enacts "Harper's Law" requiring tip restraint devices on certain furniture
A.4451	123	Stec	Relates to allowing health care professionals to perform services at the Ironman Lake Placid and the Ironman 70.3
A.4467-A	152	Zebrowski	Relates to the reporting of domestic violence incidents
A.4668	454	Zebrowski	Relates to disclosure of the identities of political committees making certain expenditures for political communications
A.4784-C	182	Fall	Relates to restrictions on a sex offender's custody of a child
A.4853-A	147	Jean-Pierre	Relates to enacting Brianna's Law
A.4950-B	145	Magnarelli	Relates to statewide school bus cameras
A.5059-A	188	Barrett	Relates to authorizing the sale of certain beverages at games of chance
A.5195	396	Blankenbush	Authorizes a person holding the office of assistant district attorney in the County of Lewis to reside in an adjoining county within the state
A.5294	540	Crespo	Prohibits a consumer reporting agency or lender from using certain information to determine an individual's credit worthiness

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.5308-B	94	Crespo	Prohibits employers from seeking salary history from applicants
A.5318	186	Rozic	Requires companies to allow victims of domestic violence to cancel contracts when there is a domestic violence incident report, a police report, an order of protection or a signed affidavit
A.5477-C	442	Thiele	Relates to the statute of limitations for public water suppliers to commence an action for injury to property
A.5494	491	Weprin	Establishes the right of adoptees to receive a certified copy of their birth certificate upon reaching the age of 18
A.5501	126	Crespo	Provides for penalties for discrimination or retaliation against immigrant employees
A.5502-A	143	Jean-Pierre	Enacts "Shannon's law"
A.5608	153	Weinstein	Expands the crimes included in domestic violence to include identity theft, grand larceny and coercion, for purposes of assistance to victims thereof
A.5615	167	Weinstein	Provides for the regulation of distressed home loans
A.5618	176	Weinstein	Relates to domestic violence; repealer
A.5622	580	Weinstein	Relates to enacting the uniform voidable transactions act; repealer
A.5626	581	Weinstein	Provides for the regulation of federal home equity conversion mortgages
A.5635-B	117	DenDekker	Relates to a notification of a security breach

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.5841-A	41	Glick	Relates to interim multiple dwelling units and making certain provisions relating to such permanent
A.5842	164	Nolan	Relates to child abuse in an educational setting
A.5972	73	Glick	Extends health care professionals' authorizations to practice in this state at an event sanctioned by New York Road Runners
A.5975	271	Reyes	Amends the definition of pregnancy-related condition to include lactation as a possible way of determining if an individual possesses such condition
A.6149	541	Lupardo	Relates to home inspection professional licensing
A.6186-A	207	Gunther	Relates to mental health and substance use disorder parity reporting; repeals provisions in relation thereto
A.6219-A	532	Ryan	Relates to certain misdemeanors involving the revocation and suspension of hunting, trapping or fishing licenses
A.6292	183	Mosley	Enacts the pension poaching prevention act
A.6295-A	613	Englebright	Relates to prohibiting household cleansing products, cosmetic products and personal care products that contain 1,4-dioxane
A.6325-C	360	Solages	Relates to the performance of a pelvic examination on an anesthetized or unconscious person
A.6338-A	597	Fahy	Relates to electric vehicle charging station installation in condominiums

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.6449	30	Glick	Relates to photo speed violation monitoring systems program for school speed zones in the City of New York
A.6504-A	549	Jaffee	Relates to the exemption of certain parcels of land
A.6551	464	Finch	Relates to the qualifications for holding the office of assistant district attorney or senior district attorney in the County of Cayuga
A.6556-A	424	Buchwald	Relates to notice of enforcement of a lien on the goods in a self-storage facility
A.6593	155	Zebrowski	Extends the effectiveness of certain provisions of Chapter 329 of the Laws of 2009, relating to removing special powers granted to the society for the prevention of cruelty to children
A.6600	651	Englebright	Requires the department of environmental conservation to designate certain species as vulnerable species
A.6737	349	Woerner	Relates to qualifications for holding the office of assistant district attorney in the County of Washington
A.6916-B	174	Magnarelli	Relates to the sale of alcoholic beverages for consumption at the New York State Fair; repealer
A.7051	178	Burke	Relates to the definition of a "child victim" and to awards for certain child victims
A.7053	137	Thiele	Relates to the confinement of companion animals in unattended motor vehicles under conditions that endanger the health or well-being of an animal



<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.7079	179	McMahon	Relates to victim compensation for unlawful surveillance crimes
A.7080-A	247	Jacobson	Relates to motor vehicle key and key fob replacement contracts
A.7131	280	Peoples-Stokes	Relates to an exemption for certain property from the prohibition of alcohol sales within a certain distance from a church
A.7500-A	214	Dinowitz	Relates to judgment by confession
A.7515	141	Cruz	Relates to participation in the address confidentiality program
A.7529-A	335	Wallace	Relates to orders for temporary spousal support in conjunction with temporary and final orders of protection in family court and calculation of maintenance cap in family and supreme court
A.7531	550	Buttenschon	Relates to home improvement contract provisions
A.7548-A	429	McDonald	Exempts certain parcels of land from the provisions of law which generally restrict manufacturers, wholesalers and retailers from sharing an interest in a liquor license
A.7565	560	Barrett	Relates to county, city, village or town commissions on human rights
A.7584	359	Lentol	Relates to sealing petty offenses
A.7600	627	Abinanti	Relates to the permitted submissions in a default judgment
A.7665	430	Lupardo	Relates to approving a license to sell liquor at retail for consumption on certain premises

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.7673	80	Epstein	Authorizes certain health care professional licensed to practice in other jurisdictions to practice in this state in connection with an event sanctioned by New York Road Runners
A.7690	303	Santabarbara	Relates to diesel fuel grade posting requirements
A.7939	310	Jaffee	Relates to adjustment of juvenile delinquency cases by local departments of probation in the family court
A.8087	306	Gunther	Relates to transfer of patient in mental health facilities to a foreign nation upon request
A.8092	602	Jaffee	Relates to the determination of capacity to stand trial in juvenile delinquency proceedings in family court
A.8093-A	93	McMahon	Relates to prohibiting certain wage differentials
A.8126-A	108	Paulin	Establishes the "Gateway Development Commission Act"
A.8281	36	Heastie	Enacts the "Housing Stability and Tenant Protection Act of 2019"
A.8318	184	Carroll	Relates to the statute of limitations for certain crimes related to fraudulent practices
A.8319	414	Romeo	Relates to the practice of registered pharmacy technician

## Appendix E: 2019 Codes Bills that Passed the Assembly<sup>6</sup>

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.34-A	Perry	Relates to the unauthorized release of sealed records
A.459-A	Paulin	Relates to the definition of designated offender
A.492*	Lifton	Relates to policies or contracts which are not included in the definition of student accident and health insurance
A.745	Aubry	Relates to criminal mischief in the third degree and criminal mischief in the second degree
A.746	Lentol	Relates to the possession of opioid antagonists
A.794-C	Simotas	Relates to the offenses of rape in the first, second and third degrees; repealer
A.1510-A	Richardson	Relates to a judicial diversion program for certain felony offenders
A.1824	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.2373*	Dinowitz	Permits a plaintiff to recover directly against a third party defendant found to be liable to the defendant in certain actions
A.3486*	Paulin	Relates to the licensing board in the County of Westchester
A.3564	Cusick	Relates to the enforcement of provisions relating to carriers of household goods by motor vehicles
A.5464	Goodell	Designates the uniformed court officers of the Town of Busti, as peace officers

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<sup>6</sup> Bill numbers with an asterisk (\*) next to such bill number indicates that such bill was approved by both the Assembly and Senate.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.5472-A	Lentol	Relates to the functions of the chief administrator of the courts
A.6089-A	Manktelow	Grants uniformed court officers in the Village of Palmyra in the County of Wayne peace officer status
A.6193-A*	Lavine	Relates to home heating system conversion; requires certification by a utility company, gas corporation, electric corporation or contractor
A.6684	Galef	Designates uniformed court officers in the Town of Ossining, County of Westchester as peace officers
A.6983-A	Gottfried	Relates to confidentiality of records in proceedings to vacate convictions for offenses resulting from sex trafficking, labor trafficking and compelling prostitution
A.7250-B*	Fall	Relates to trampoline park safety
A.7670	Pretlow	Relates to the sealing of law enforcement records
A.8070-A	Reyes	Relates to enacting the "hate crimes analysis and review act"
A.8078-A	Woerner	Permits 4-H certified shooting sports instructors to supervise and instruct persons under sixteen years of age at shooting ranges
A.8160	Simotas	Relates to the determination of youthful offender status

## Appendix F: 2019 Dual Referenced Bills that Passed the Assembly<sup>7</sup>

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.57*	L. Rosenthal	Requires domestic violence and sexual assault awareness education for persons engaged in the practice of nail specialty, waxing, natural hair styling, esthetics and cosmetology
A.117-A**	Buchwald	Prohibits telemarketers from knowingly placing unsolicited telemarketing sales calls during a state of emergency or disaster emergency
A.222	Paulin	Relates to audit committee membership and voting requirements of the board of certain corporations
A.268*	Cahill	Relates to expanding the definition of service contracts with respect to automobile leases
A.271	Seawright	Relates to equal rights for women
A.412-B	Jaffee	Relates to licensure, certification or registration and required inspections, background clearances and training for child care providers; repealer
A.414-A*	Paulin	Relates to preference given to an appeal to the appellate division of the supreme court regarding a denial of an exception from disclosure
A.431	Braunstein	Bans the use of employer data information
A.445-A*	Steck	Relates to reducing the use of PFAS chemicals in firefighting activities
A.452	Steck	Relates to specification of objections to designating petitions, independent nominating petitions, certificates of nomination or ballot access documents

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<sup>7</sup> Bill numbers with an asterisk (\*) next to such bill number indicates that such bill was approved by both the Assembly and Senate. Bill numbers with two asterisks (\*\*) next to such bill number indicates that such bill was delivered to the Governor.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.486-B*	L. Rosenthal	Relates to securing payment of wages for work already performed; creates an employee lien
A.567-C*	L. Rosenthal	Relates to enacting the "New York call center jobs act"
A.629	Rozic	Prohibits businesses from charging a price for goods on the basis of gender
A.711	Niou	Requires debt collectors to inform debtors that written communications are available in large print format
A.714	Paulin	Relates to requiring gas corporations to file annual gas safety reports
A.972-A	L. Rosenthal	Relates to prohibiting co-payments for treatment at an opioid treatment program
A.1033	Gottfried	Relates to the use of psychotropic medications in nursing homes and adult care facilities
A.1047-B*	Simotas	Relates to fair, non-biased compensation
A.1162-A*	Gottfried	Relates to execution of orders not to resuscitate and orders pertaining to life sustaining treatments by physician assistants; repealer
A.1184	Glick	Relates to mandatory reporting of certain convictions, professional misconduct and/or adverse employment actions
A.1204-A**	Peoples-Stokes	Relates to HIV post-exposure prophylaxis and other health care services for sexual assault victims
A.1416-C	Santabarbara	Relates to information cable television companies must provide to subscribers
A.1434-B	Santabarbara	Authorizes the delivery of liquefied petroleum gas in times of emergency

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.1569-A*	Jones	Provides for the removal of persons from campgrounds by the owner or operator thereof, or his or her agent
A.1619**	Rozic	Relates to coverage for eating disorders
A.1823	Pretlow	Relates to the jurisdiction of a coroner or medical examiner
A.1859-A**	Magnarelli	Enacts the “zombie property remediation act of 2019” relating to foreclosure actions involving abandoned properties
A.2101-A*	Woerner	Relates to additional information provided to employees on public work contracts
A.2157-A	Paulin	Relates to the installation of safety belts in stretch limousines and the posting of notice, therein
A.2199-A**	Joyner	Relates to orders committing guardianship and custody of a child
A.2223-A	Cahill	Relates to title insurance
A.2284*	Gunther	Authorizes the Town of Wallkill to adopt hotel or motel tax of up to 5%
A.2566*	Glick	Expands eligibility for crime victims’ compensation to include domestic partners
A.2625	Dinowitz	Establishes time restrictions for court issued consent orders for work performance to remove or remedy conditions in such petition
A.2832	Cymbrowitz	Requires health insurers to provide victims of domestic violence with the option of providing alternative contact information
A.2836*	Gottfried	Provides for pharmacy benefit management and the procurement of prescription drugs at a negotiated rate for dispensation; repealer

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.2904*	Quart	Prohibits certain insurance policies from requiring prior authorization for certain medications used in the treatment of substance use disorders; repealer
A.2969-A*	Peoples-Stokes	Relates to prescription drug formulary changes during a contract year
A.3043	Joyner	Relates to the purchase of prescription drugs
A.3050-A	Simon	Specifies procedures for the closure and/or decertification of assisted living residences
A.3190-A	Hunter	Relates to allowing a tenant to deduct water payments he or she makes for a deficient landlord from his or her rent
A.3214-A*	Cook	Relates to immunity from civil liability for certain information from the National Insurance Crime Bureau
A.3318	Zebrowski	Authorizes the attorney general to bring an action for violation of the prohibitions concerning unlawful selling practices and specifies damages awardable
A.3349	Englebright	Prohibits persons or business entities from filing unnecessary personal identifying information with an agency
A.3408-A	Zebrowski	Relates to student debt consultants
A.3923	Weprin	Requires counties to maintain a confidential registry of people of all ages with disabilities for disaster preparedness
A.3939*	Englebright	Relates to access to certain records
A.4267-A*	Hevesi	Relates to the termination of a residential lease by a victim of domestic violence; repealer



<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.4403*	McDonald	Relates to the redemption of real property subject to a delinquent tax lien
A.4452*	Buchwald	Relates to licenses to purchase, use or store certain compounds
A.4509-A*	Crespo	Requires the licensing of persons engaged in the design, construction, inspection, maintenance, alteration and repair of elevators
A.4520*	Glick	Requires the posting of notice by certain establishments upon the submission of an application or application for renewal for a liquor license to sell liquor
A.4574	Jean-Pierre	Relates to requiring utility companies to include a notice of public hearings concerning rate increases
A.4751-A*	Carroll	Relates to the licensing of drivers where there is evidence of the loss of consciousness by such person
A.4757-A**	Gottfried	Relates to reporting abuses of persons receiving care or services in residential care facilities
A.4990	Seawright	Relates to labeling requirements for electric assisted bicycles
A.5147	Galef	Relates to the manufacture and sale of seasonal and decorative lighting products containing lead
A.5187	Thiele	Relates to zone pricing of gasoline
A.5194	DenDekker	Requires motor vehicle dealers to search for recalls and make certain repairs prior to selling a used motor vehicle
A.5306	Gunther	Relates to the use of voice recognition features on certain products
A.5390-A	Lupardo	Relates to operation of a three-wheeled vehicle

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.5415	Thiele	Relates to liability insurance rate reductions upon completion of a boating safety course or an advanced boating safety course
A.5621	Weinstein	Relates to court ordered forensic evaluations and reports in child custody and visitation proceedings
A.5630	Weinstein	Reforms the statutory short form and other powers of attorney for purposes of financial and estate planning; repealer
A.5774-A	Santabarbara	Relates to motor carriers of stretch limousines
A.5775-A*	Lentol	Relates to enacting the "safe way home act"
A.5838-A	Cusick	Relates to adding substances to the schedules of controlled substances
A.5976	Wright	Relates to the prevention of discrimination
A.6041*	Ryan	Relates to jewelry containing lead
A.6062	Ryan	Relates to prohibiting the exclusion of coverage for losses or damages caused by exposure to lead-based paint
A.6296-A*	Englebright	Relates to regulation of toxic chemicals in children's products
A.6346-C*	Crespo	Requires certain car wash workers to be paid the minimum wage without allowance for gratuities
A.6658-C	Woerner	Relates to support orders for adult dependent children
A.6884	Cook	Requires persons offering weight loss services to provide notice of certain weight loss and dieting information
A.7169	Glick	Relates to equal pay disclosure with respect to state contracts

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.7172	Gunther	Relates to orders not to resuscitate; repealer
A.7372	Paulin	Relates to transfers of cable systems
A.7390*	Lifton	Imposes an occupancy tax in the City of Cortland
A.7395**	Weinstein	Relates to notification of rights of victims of domestic violence in criminal and family court proceedings
A.7431-B*	Rozic	Relates to bicycles with electronic assist and electric scooters
A.7462	Epstein	Ensures that the provisions governing liquor licenses are consistent with respect to public interest factors
A.7476*	Magnarelli	Relates to comptroller audits of certain organizations controlled by municipal corporations and certain other government entities
A.7540-B**	McDonald	Relates to regulatory fines for small businesses
A.7569-B*	Galef	Relates to the employees of the Indian Point Nuclear Power Plant
A.7800-A*	Gottfried	Implements amended provisions of the Uniform Anatomical Gift Act as drafted by the National Conference of Commissioners on Uniform State Laws; repealer
A.7959	Raynor	Relates to the execution of warrants in juvenile delinquency cases when family courts are closed
A.7974**	Richardson	Relates to indicated reports of child maltreatment; repealer
A.8025	Buttenschon	Relates to temporary manufacturing permits; repealer

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.8061	Williams	Requires state contractors to submit a statement on preventing human trafficking
A.8082*	De La Rosa	Relates to wages and supplements for building service employees employed at certain properties held in the cooperative or condominium form of ownership receiving a tax abatement
A.8083-A*	Niou	Ensures that utility employees receive the prevailing wage
A.8090-B	Davila	Relates to juvenile delinquency charges of violations in the family court
A.8091	Magnarelli	Relates to the residential-commercial urban exemption program
A.8171-A	Santabarbara	Requires stretch limousines to use commercial global positioning system technology
A.8172-A	Santabarbara	Relates to the punishment for certain traffic infractions committed by certain limousine operators
A.8302	Magnarelli	Allows the commissioner of transportation to impound stretch limousines in certain situations

## Appendix G: 2019 Codes Bills Vetoed by the Governor

<u>Bill Number</u>	<u>Veto Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.6240	125	Magnarelli	Designates venue of certain special proceedings against certain state bodies or officers
A.6980	205	Blake	Relates to charitable bail organizations

## **Appendix H: 2019 Dual Referenced Bills Vetoed by the Governor**

<b><u>Bill Number</u></b>	<b><u>Veto Number</u></b>	<b><u>Sponsor</u></b>	<b><u>Summary</u></b>
A.215	170	Braunstein	Relates to ground leases
A.364-B	195	Paulin	Relates to the professional certification of doulas
A.670-A	171	Bronson	Requires blanket health insurance policies to provide coverage for outpatient treatment by mental health practitioners; repealer
A.677	172	Niou	Requires the collection of certain demographic information by certain state agencies, boards and commissions
A.1235	165	Abinanti	Relates to state liability for potholes on state highways
A.1460	214	Woerner	Relates to advertising and labeling of locally produced food
A.1851	176	Magnarelli	Prohibits a child less than ten years of age from being left unattended in a motor vehicle under conditions presenting substantial risk
A.2477-B	193	Englebright	Relates to prohibiting the use of chlorpyrifos
A.2632-B	213	Dinowitz	Relates to reverse cooperative apartment unit loans for persons seventy years of age or older
A.2698-A	206	Lentol	Relates to authorizing the issuance of a license to certain motion picture theatres
A.4417-A	177	DenDekker	Relates to requiring charter buses to use commercial global positioning system technology

<u>Bill Number</u>	<u>Veto Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.4623	152	Pretlow	Requires a New York state legend on all bell jar tickets sold in New York state
A.5254-C	217	Weprin	Relates to the repair or replacement of damaged residential lateral sewer and water pipes
A.5342	227	Abbate	Requires various public transit authorities and their employees to submit all unresolvable contract negotiations to binding arbitration
A.5922	162	Hunter	Relates to the granting of continuing education credits by the superintendent of financial services
A.6740-B	199	Jean-Pierre	Establishes a Black youth suicide prevention task force
A.7578-A	183	Gottfried	Relates to automatic enrollment and recertification simplification for Medicaid eligible recipients
A.7587-A	201	Abinanti	Relates to enacting the “toll payer protection act”
A.7644	211	Lentol	Relates to the definition of qualified agencies
A.7929	191	Bronson	Requires the collection of certain demographic information by certain state agencies, boards and commissions
A.7940	202	Jaffee	Relates to permanency planning in juvenile delinquency and persons in need of supervision proceedings in family court
A.7941	203	Jaffee	Relates to the reentry of certain foster children after they have left foster care

<u>Bill Number</u>	<u>Veto Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.8060-A	232	Jaffee	Relates to the standards of proof for unfounded and indicated reports of abuse or maltreatment and the admissibility of reports of child abuse and maltreatment



## Appendix I: 2019 Committee Hearings

<u>Title</u>	<u>Committees</u>	<u>Date/Location</u>
Alternatives to incarceration (ATI) and pretrial services	Codes Correction	November 14 Albany
Sealing of criminal records and expansion of youthful offender status	Codes Correction	December 10 New York City