

S. 1505--C

35

A. 2005--C

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

4 2. Notwithstanding any other provision of this law or any general or  
5 special law, where there is a construction emergency, as defined by  
6 subdivision one of this section, the commissioner of general services  
7 may, upon written notice of such construction emergency from an author-  
8 ized officer of the department or agency having jurisdiction of the  
9 property, let emergency contracts for public work or the purchase of  
10 supplies, materials or equipment without complying with formal compet-  
11 itive bidding requirements, provided that all such contracts shall be  
12 subject to the approval of the attorney general and the comptroller and  
13 that no such contract shall exceed [~~six~~] **one million five** hundred thou-  
14 sand dollars. Such emergency contracts shall be let only for work  
15 necessary to remedy or ameliorate a construction emergency.

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

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

22 § 3. This act shall take effect immediately.

23

## PART II

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

49

## SUBPART A

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

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1 6 of part LL of chapter 56 of the laws of 2010, is amended to read as  
2 follows:

3 6. The superintendent may, consistent with article twenty-three-A of  
4 the correction law, refuse to issue a license pursuant to this article  
5 if he shall find that the applicant, or any person who is a director,  
6 officer, partner, agent, employee or substantial stockholder of the  
7 applicant, (a) has been convicted of a crime in any jurisdiction or (b)  
8 is associating or consorting with any person who has, or persons who  
9 have, been convicted of a crime or crimes in any jurisdiction or juris-  
10 dictions[; ~~provided, however, that the superintendent shall not issue~~  
11 ~~such a license if he shall find that the applicant, or any person who is~~  
12 ~~a director, officer, partner, agent, employee or substantial stockholder~~  
13 ~~of the applicant, has been convicted of a felony in any jurisdiction or~~  
14 ~~of a crime which, if committed within this state, would constitute a~~  
15 ~~felony under the laws thereof]. For the purposes of this article, a~~  
16 person shall be deemed to have been convicted of a crime if such person  
17 shall have pleaded guilty to a charge thereof before a court or magis-  
18 trate, or shall have been found guilty thereof by the decision or judg-  
19 ment of a court or magistrate or by the verdict of a jury, irrespective  
20 of the pronouncement of sentence or the suspension thereof[; ~~unless such~~  
21 ~~plea of guilty, or such decision, judgment or verdict, shall have been~~  
22 ~~set aside, reversed or otherwise abrogated by lawful judicial process or~~  
23 ~~unless the person convicted of the crime shall have received a pardon~~  
24 ~~therefor from the president of the United States or the governor or~~  
25 ~~other pardoning authority in the jurisdiction where the conviction was~~  
26 ~~had, or shall have received a certificate of relief from disabilities or~~  
27 ~~a certificate of good conduct pursuant to article twenty three of the~~  
28 ~~correction law to remove the disability under this article because of~~  
29 ~~such conviction]. The term "substantial stockholder," as used in this  
30 subdivision, shall be deemed to refer to a person owning or controlling  
31 ten per centum or more of the total outstanding stock of the corporation  
32 in which such person is a stockholder. In making a determination pursu-  
33 ant to this subdivision, the superintendent shall require fingerprinting  
34 of the applicant. Such fingerprints shall be submitted to the division  
35 of criminal justice services for a state criminal history record check,  
36 as defined in subdivision one of section three thousand thirty-five of  
37 the education law, and may be submitted to the federal bureau of inves-  
38 tigation for a national criminal history record check.  
39 § 2. This act shall take effect immediately.~~

40

## SUBPART B

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

44 (f) A person [~~who has been convicted of a felony, or has been removed~~  
45 ~~from a city wide council established pursuant to this section or commu-~~  
46 ~~nity district education council for any of the following shall] may be~~  
47 permanently ineligible for appointment to a city-wide council for any of  
48 the following:  
49 (i) an act of malfeasance directly related to his or her service on  
50 such city-wide council or community district education council; or  
51 (ii) conviction of a crime, [~~if such crime is directly related to his~~  
52 ~~or her service upon such city wide council or community district educa-~~  
53 ~~tion council] provided that any such conviction shall be considered in  
54 accordance with article twenty-three-A of the correction law.~~

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

3 5. No person may serve on more than one community council or on the  
4 city-wide council on special education, the city-wide council on English  
5 language learners, or the city-wide council on high schools and a commu-  
6 nity council. A member of a community council shall be ineligible to be  
7 employed by the community council of which he or she is a member, any  
8 other community council, the city-wide council on special education, the  
9 city-wide council on English language learners, the city-wide council on  
10 high schools, or the city board. No person shall be eligible for member-  
11 ship on a community council if he or she holds any elective public  
12 office or any elective or appointed party position except that of dele-  
13 gate or alternate delegate to a national, state, judicial or other party  
14 convention, or member of a county committee.

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

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

38 § 3. This act shall take effect immediately, provided that the amend-  
39 ments to subdivision 7 of section 2590-b of the education law made by  
40 section one of this act shall not affect the repeal of such subdivision  
41 and shall be deemed repealed therewith; provided, further, that the  
42 amendments to subdivision 5 of section 2590-c of the education law made  
43 by section two of this act shall not affect the repeal of such subdivi-  
44 sion and shall be deemed to repeal therewith.

45

## SUBPART C

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

50 (1) a person convicted of a crime ~~[who has not received a pardon, a~~  
51 ~~certificate of good conduct or a certificate of relief from disabili-~~  
52 ~~ties]~~ if there is a direct relationship between one or more of the  
53 previous criminal offenses and the integrity and safety of bingo.

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

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

8 § 2. This act shall take effect immediately.

9

SUBPART D

10 Section 1. Subdivision 1 of section 130 of the executive law, as  
11 amended by section 1 of part LL of chapter 56 of the laws of 2010, para-  
12 graph (g) as separately amended by chapter 232 of the laws 2010, is  
13 amended to read as follows:

14 1. The secretary of state may appoint and commission as many notaries  
15 public for the state of New York as in his or her judgment may be deemed  
16 best, whose jurisdiction shall be co-extensive with the boundaries of  
17 the state. The appointment of a notary public shall be for a term of  
18 four years. An application for an appointment as notary public shall be  
19 in form and set forth such matters as the secretary of state shall  
20 prescribe. Every person appointed as notary public must, at the time of  
21 his or her appointment, be a citizen of the United States and either a  
22 resident of the state of New York or have an office or place of business  
23 in New York state. A notary public who is a resident of the state and  
24 who moves out of the state but still maintains a place of business or an  
25 office in New York state does not vacate his or her office as a notary  
26 public. A notary public who is a nonresident and who ceases to have an  
27 office or place of business in this state, vacates his or her office as  
28 a notary public. A notary public who is a resident of New York state and  
29 moves out of the state and who does not retain an office or place of  
30 business in this state shall vacate his or her office as a notary  
31 public. A non-resident who accepts the office of notary public in this  
32 state thereby appoints the secretary of state as the person upon whom  
33 process can be served on his or her behalf. Before issuing to any appli-  
34 cant a commission as notary public, unless he or she be an attorney and  
35 counsellor at law duly admitted to practice in this state or a court  
36 clerk of the unified court system who has been appointed to such posi-  
37 tion after taking a civil service promotional examination in the court  
38 clerk series of titles, the secretary of state shall satisfy himself or  
39 herself that the applicant is of good moral character, has the equiv-  
40 alent of a common school education and is familiar with the duties and  
41 responsibilities of a notary public; provided, however, that where a  
42 notary public applies, before the expiration of his or her term, for  
43 reappointment with the county clerk or where a person whose term as  
44 notary public shall have expired applies within six months thereafter  
45 for reappointment as a notary public with the county clerk, such quali-  
46 fying requirements may be waived by the secretary of state, and further,  
47 where an application for reappointment is filed with the county clerk  
48 after the expiration of the aforementioned renewal period by a person  
49 who failed or was unable to re-apply by reason of his or her induction  
50 or enlistment in the armed forces of the United States, such qualifying  
51 requirements may also be waived by the secretary of state, provided such  
52 application for reappointment is made within a period of one year after  
53 the military discharge of the applicant under conditions other than  
54 dishonorable. In any case, the appointment or reappointment of any

1 applicant is in the discretion of the secretary of state. The secretary  
 2 of state may suspend or remove from office, for misconduct, any notary  
 3 public appointed by him or her but no such removal shall be made unless  
 4 the person who is sought to be removed shall have been served with a  
 5 copy of the charges against him or her and have an opportunity of being  
 6 heard. No person shall be appointed as a notary public under this article  
 7 who has been convicted, in this state or any other state or territory,  
 8 of a ~~[felony or any of the following offenses, to wit:~~

9 ~~(a) Illegally using, carrying or possessing a pistol or other dangerous~~  
 10 ~~weapon; (b) making or possessing burglar's instruments; (c) buying~~  
 11 ~~or receiving or criminally possessing stolen property; (d) unlawful~~  
 12 ~~entry of a building; (e) aiding escape from prison; (f) unlawfully~~  
 13 ~~possessing or distributing habit forming narcotic drugs; (g) violating~~  
 14 ~~sections two hundred seventy, two hundred seventy a, two hundred seven-~~  
 15 ~~ty b, two hundred seventy c, two hundred seventy one, two hundred seven-~~  
 16 ~~ty five, two hundred seventy six, five hundred fifty, five hundred~~  
 17 ~~fifty one, five hundred fifty one a and subdivisions six, ten or eleven~~  
 18 ~~of section seven hundred twenty two of the former penal law as in force~~  
 19 ~~and effect immediately prior to September first, nineteen hundred~~  
 20 ~~sixty seven, or violating sections 165.25, 165.30 or subdivision one of~~  
 21 ~~section 240.30 of the penal law, or violating sections four hundred~~  
 22 ~~seventy eight, four hundred seventy nine, four hundred eighty, four~~  
 23 ~~hundred eighty one, four hundred eighty four, four hundred eighty nine~~  
 24 ~~and four hundred ninety one of the judiciary law; or (h) vagrancy or~~  
 25 ~~prostitution, and who has not subsequent to such conviction received an~~  
 26 ~~executive pardon therefor or a certificate of relief from disabilities~~  
 27 ~~or a certificate of good conduct pursuant to article twenty three of the~~  
 28 ~~correction law to remove the disability under this section because of~~  
 29 ~~such conviction] crime, unless the secretary makes a finding in conform-~~  
 30 ~~ance with all applicable statutory requirements, including those~~  
 31 ~~contained in article twenty-three-A of the correction law, that such~~  
 32 ~~convictions do not constitute a bar to appointment.~~

33 § 2. This act shall take effect immediately.

34

SUBPART E

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

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

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

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

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

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

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

10 (iii) that such games are to be conducted in accordance with the  
11 provisions of this article and in accordance with the rules and regu-  
12 lations of the ~~board~~ gaming commission and applicable local laws or  
13 ordinances and that the proceeds thereof are to be disposed of as  
14 provided by this article~~;~~; and

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

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

26 9. "Authorized commercial lessor" shall mean a person, firm or corpo-  
27 ration other than a licensee to conduct bingo under the provisions of  
28 this article, who or which ~~shall own~~ owns or ~~be~~ is a net lessee of  
29 premises and offer the same for leasing by him, her or it to an author-  
30 ized organization for any consideration whatsoever, direct or indirect,  
31 for the purpose of conducting bingo therein, provided that he, she or  
32 it, as the case may be, shall not be

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

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

41 (c) a public officer who receives any consideration, direct or indi-  
42 rect, as owner or lessor of premises offered for the purpose of conduct-  
43 ing bingo therein;

44 (d) a firm or corporation in which a person defined in ~~subdivision~~  
45 paragraph (a), (b) or (c) ~~above~~ of this subdivision or a person  
46 married or related in the first degree to such a person has greater than  
47 a ten ~~percentum (10%)~~ percent proprietary, equitable or credit inter-  
48 est or in which such a person is active or employed.

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

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

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

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

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

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

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

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

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

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

41 § 5. This act shall take effect immediately.

42 SUBPART F

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

45 § 2. This act shall take effect immediately.

46 SUBPART G

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

51 § 440-a. License required for real estate brokers and salesmen. No  
 52 person, co-partnership, limited liability company or corporation shall

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1 engage in or follow the business or occupation of, or hold himself or  
 2 itself out or act temporarily or otherwise as a real estate broker or  
 3 real estate salesman in this state without first procuring a license  
 4 therefor as provided in this article. No person shall be entitled to a  
 5 license as a real estate broker under this article, either as an indi-  
 6 vidual or as a member of a co-partnership, or as a member or manager of  
 7 a limited liability company or as an officer of a corporation, unless he  
 8 or she is twenty years of age or over, a citizen of the United States or  
 9 an alien lawfully admitted for permanent residence in the United States.  
 10 No person shall be entitled to a license as a real estate salesman under  
 11 this article unless he or she is over the age of eighteen years. No  
 12 person shall be entitled to a license as a real estate broker or real  
 13 estate salesman under this article who has been convicted in this state  
 14 or elsewhere of a ~~[felony, of a sex offense, as defined in subdivision~~  
 15 ~~two of section one hundred sixty eight a of the correction law or any~~  
 16 ~~offense committed outside of this state which would constitute a sex~~  
 17 ~~offense, or a sexually violent offense, as defined in subdivision three~~  
 18 ~~of section one hundred sixty eight a of the correction law or any~~  
 19 ~~offense committed outside this state which would constitute a sexually~~  
 20 ~~violent offense, and who has not subsequent to such conviction received~~  
 21 ~~executive pardon therefor or a certificate of relief from disabilities~~  
 22 ~~or a certificate of good conduct pursuant to article twenty three of the~~  
 23 ~~correction law, to remove the disability under this section because of~~  
 24 ~~such conviction] crime, unless the secretary makes a finding in conform-~~  
 25 ~~ance with all applicable statutory requirements, including those~~  
 26 ~~contained in article twenty-three-A of the correction law, that such~~  
 27 ~~convictions do not constitute a bar to licensure.~~ No person shall be  
 28 entitled to a license as a real estate broker or real estate salesman  
 29 under this article who does not meet the requirements of section 3-503  
 30 of the general obligations law.  
 31 Notwithstanding ~~[the above]~~ anything to the contrary in this section,  
 32 tenant associations<sup>[r]</sup> and not-for-profit corporations authorized in  
 33 writing by the commissioner of the department of the city of New York  
 34 charged with enforcement of the housing maintenance code of such city to  
 35 manage residential property owned by such city or appointed by a court  
 36 of competent jurisdiction to manage residential property owned by such  
 37 city shall be exempt from the licensing provisions of this section with  
 38 respect to the properties so managed.  
 39 § 2. This act shall take effect immediately.

40

## SUBPART H

41 Section 1. Subdivision 5 of section 336-f of the social services law,  
 42 as added by section 148 of part B of chapter 436 of the laws of 1997, is  
 43 amended to read as follows:  
 44 5. The social services district shall require every private or not-  
 45 for-profit employer that intends to hire one or more work activity  
 46 participants to certify to the district ~~[that]~~ whether such employer has  
 47 ~~[not]~~, in the past five years, been convicted of a felony or a misdemea-  
 48 nor the underlying basis of which involved workplace safety and health  
 49 or labor standards. Such employer shall also certify as to all  
 50 violations issued by the department of labor within the past five years.  
 51 The social services official in the district in which the participant is  
 52 placed shall determine whether there is a pattern of convictions or  
 53 violations sufficient to render the potential employer ineligible.



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1 Employers who submit false information under this section shall be  
2 subject to criminal prosecution for filing a false instrument.  
3 § 2. This act shall take effect immediately.

## 4 SUBPART I

5 Section 1. Subdivision 9 of section 394 of the vehicle and traffic  
6 law, as separately renumbered by chapters 300 and 464 of the laws of  
7 1960, is amended to read as follows:

8 9. Employees. [~~No licensee shall knowingly employ, in connection with  
9 a driving school in any capacity whatsoever, any person who has been  
10 convicted of a felony, or of any crime involving violence, dishonesty,  
11 deceit, indecency, degeneracy or moral turpitude~~] A licensee may employ,  
12 in connection with a driving school a person who has been convicted of a  
13 crime, in accordance with article twenty-three-A of the correction law.  
14 § 2. This act shall take effect immediately.

## 15 SUBPART J

16 Section 1. Subparagraphs (v), (vi) and (vii) of paragraph b of subdi-  
17 vision 2 of section 510 of the vehicle and traffic law are REPEALED.

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

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

22 2. Notwithstanding any other provision of law, except subdivision five  
23 of section twenty-eight hundred six of the public health law or para-  
24 graph (b) of subdivision two of section eleven hundred ninety-three of  
25 the vehicle and traffic law, a conviction of a crime or of an offense  
26 specified in a certificate of relief from disabilities shall not cause  
27 automatic forfeiture of any license, other than a license issued pursu-  
28 ant to section 400.00 of the penal law to a person convicted of a class  
29 A-I felony or a violent felony offense, as defined in subdivision one of  
30 section 70.02 of the penal law, permit, employment, or franchise,  
31 including the right to register for or vote at an election, or automatic  
32 forfeiture of any other right or privilege, held by the eligible offen-  
33 der and covered by the certificate. Nor shall such conviction be deemed  
34 to be a conviction within the meaning of any provision of law that  
35 imposes, by reason of a conviction, a bar to any employment, a disabili-  
36 ty to exercise any right, or a disability to apply for or to receive any  
37 license, permit, or other authority or privilege covered by the certifi-  
38 cate; provided, however, that a conviction for a second or subsequent  
39 violation of any subdivision of section eleven hundred ninety-two of the  
40 vehicle and traffic law committed within the preceding ten years shall  
41 impose a disability to apply for or receive an operator's license during  
42 the period provided in such law; and provided further, however, that a  
43 conviction for a class A-I felony or a violent felony offense, as  
44 defined in subdivision one of section 70.02 of the penal law, shall  
45 impose a disability to apply for or receive a license or permit issued  
46 pursuant to section 400.00 of the penal law. [~~A certificate of relief  
47 from a disability imposed pursuant to subparagraph (v) of paragraph b of  
48 subdivision two and paragraphs i and j of subdivision six of section  
49 five hundred ten of the vehicle and traffic law may only be issued upon  
50 a determination that compelling circumstances warrant such relief.~~]  
51 § 4. This act shall take effect immediately.

1 SUBPART K

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

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

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

- 27 i. disclosure of employment, medical or credit histories or personal
- 28 references of applicants for employment;
- 29 ii. disclosure of items involving the medical or personal records of a
- 30 client or patient in a medical facility;
- 31 iii. sale or release of lists of names and addresses if such lists
- 32 would be used for solicitation or fund-raising purposes;
- 33 iv. disclosure of information of a personal nature when disclosure
- 34 would result in economic or personal hardship to the subject party and
- 35 such information is not relevant to the work of the agency requesting or
- 36 maintaining it;
- 37 v. disclosure of information of a personal nature reported in confi-
- 38 dence to an agency and not relevant to the ordinary work of such agency;
- 39 vi. information of a personal nature contained in a workers' compen-
- 40 sation record, except as provided by section one hundred ten-a of the
- 41 workers' compensation law; [✖]
- 42 vii. disclosure of electronic contact information, such as an e-mail
- 43 address or a social network username, that has been collected from a
- 44 taxpayer under section one hundred four of the real property tax law; or
- 45 viii. disclosure of law enforcement booking information about an indi-
- 46 vidual, including booking photographs, unless public release of such
- 47 information will serve a specific law enforcement purpose and disclosure
- 48 is not precluded by any state or federal laws.

49 § 3. This act shall take effect immediately.

50 SUBPART L

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

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

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

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

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

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

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

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

4

## SUBPART M

5 Section 1. The commissioner of the division of criminal justice  
6 services shall direct that records of any action or proceeding termi-  
7 nated in favor of the accused, as defined by section 160.50 of the crim-  
8 inal procedure law, before November 1, 1991 maintained by the division  
9 of criminal justice services be sealed in the manner provided for by  
10 section 160.50 of the criminal procedure law.

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

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

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

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

38

## SUBPART N

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

41 § 845-d. Criminal record searches: reports for civil purposes. 1.  
42 When, pursuant to statute or the regulations of this division, the divi-  
43 sion conducts a search of its criminal history records for civil  
44 purposes, and returns a report therein, it shall only report any crimi-  
45 nal convictions, and any criminal arrests and accompanying criminal  
46 actions which are pending.

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

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

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

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

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

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

21

SUBPART 0

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

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

37 16. It shall be an unlawful discriminatory practice, unless specif-  
38 ically required or permitted by statute, for any person, agency, bureau,  
39 corporation or association, including the state and any political subdivi-  
40 sion thereof, to make any inquiry about, whether in any form of appli-  
41 cation or otherwise, or to act upon adversely to the individual  
42 involved, any arrest or criminal accusation of such individual not then  
43 pending against that individual which was followed by a termination of  
44 that criminal action or proceeding in favor of such individual, as  
45 defined in subdivision two of section 160.50 of the criminal procedure  
46 law, or by an order adjourning the criminal action in contemplation of  
47 dismissal, pursuant to section 170.55, 170.56, 210.46, 210.47, or 215.10  
48 of the criminal procedure law, or by a youthful offender adjudication,  
49 as defined in subdivision one of section 720.35 of the criminal proce-  
50 dure law, or by a conviction for a violation sealed pursuant to section  
51 160.55 of the criminal procedure law or by a conviction which is sealed  
52 pursuant to section 160.59 or 160.58 of the criminal procedure law, in  
53 connection with the licensing, housing, employment, including volunteer  
54 positions, or providing of credit or insurance to such individual;

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1 provided, further, that no person shall be required to divulge informa-  
2 tion pertaining to any arrest or criminal accusation of such individual  
3 not then pending against that individual which was followed by a termi-  
4 nation of that criminal action or proceeding in favor of such individ-  
5 ual, as defined in subdivision two of section 160.50 of the criminal  
6 procedure law, or by an order adjourning the criminal action in contem-  
7 plation of dismissal, pursuant to section 170.55 or 170.56, 210.46,  
8 210.47 or 215.10 of the criminal procedure law, or by a youthful offen-  
9 der adjudication, as defined in subdivision one of section 720.35 of the  
10 criminal procedure law, or by a conviction for a violation sealed pursu-  
11 ant to section 160.55 of the criminal procedure law, or by a conviction  
12 which is sealed pursuant to section 160.58 or 160.59 of the criminal  
13 procedure law. An individual required or requested to provide informa-  
14 tion in violation of this subdivision may respond as if the arrest,  
15 criminal accusation, or disposition of such arrest or criminal accusa-  
16 tion did not occur. The provisions of this subdivision shall not apply  
17 to the licensing activities of governmental bodies in relation to the  
18 regulation of guns, firearms and other deadly weapons or in relation to  
19 an application for employment as a police officer or peace officer as  
20 those terms are defined in subdivisions thirty-three and thirty-four of  
21 section 1.20 of the criminal procedure law; provided further that the  
22 provisions of this subdivision shall not apply to an application for  
23 employment or membership in any law enforcement agency with respect to  
24 any arrest or criminal accusation which was followed by a youthful  
25 offender adjudication, as defined in subdivision one of section 720.35  
26 of the criminal procedure law, or by a conviction for a violation sealed  
27 pursuant to section 160.55 of the criminal procedure law, or by a  
28 conviction which is sealed pursuant to section 160.58 or 160.59 of the  
29 criminal procedure law. For purposes of this subdivision, an action  
30 which has been adjourned in contemplation of dismissal, pursuant to  
31 section 170.55 or 170.56, 210.46, 210.47 or 215.10 of the criminal  
32 procedure law, shall not be considered a pending action, unless the  
33 order to adjourn in contemplation of dismissal is revoked and the case  
34 is restored to the calendar for further prosecution.  
35 § 3. This act shall take effect on the ninetieth day after it shall  
36 have become a law.

37

SUBPART P

38

Intentionally omitted

39 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
40 sion, section or part of this act shall be adjudged by any court of  
41 competent jurisdiction to be invalid, such judgment shall not affect,  
42 impair, or invalidate the remainder thereof, but shall be confined in  
43 its operation to the clause, sentence, paragraph, subdivision, section  
44 or part thereof directly involved in the controversy in which such judg-  
45 ment shall have been rendered. It is hereby declared to be the intent of  
46 the legislature that this act would have been enacted even if such  
47 invalid provisions had not been included herein.  
48 § 3. This act shall take effect immediately provided, however, that  
49 the applicable effective date of Subparts A through P of this act shall  
50 be as specifically set forth in the last section of such Subparts.

51

PART JJ

1 Intentionally Omitted

2 PART KK

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

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

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

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

31 1. "Eligible inmate" means a person sentenced to an indeterminate term  
32 of imprisonment who will become eligible for release on parole within  
33 three years or sentenced to a determinate term of imprisonment who will  
34 become eligible for conditional release within three years, who has not  
35 reached the age of fifty years, who has not previously been convicted of  
36 a violent felony as defined in article seventy of the penal law, or a  
37 felony in any other jurisdiction which includes all of the essential  
38 elements of any such violent felony, upon which an indeterminate or  
39 determinate term of imprisonment was imposed and who was between the  
40 ages of sixteen and fifty years at the time of commission of the crime  
41 upon which his or her present sentence was based. Notwithstanding the  
42 foregoing, no person who is convicted of any of the following crimes  
43 shall be deemed eligible to participate in this program: (a) a violent  
44 felony offense as defined in article seventy of the penal law[~~7~~];  
45 provided, however, that a person who is convicted of burglary in the  
46 second degree as defined in subdivision two of section 140.25 of the  
47 penal law, or robbery in the second degree as defined in subdivision one  
48 of section 160.10 of the penal law, or an attempt thereof, is eligible  
49 to participate, (b) an A-I felony offense, (c) any homicide offense as  
50 defined in article one hundred twenty-five of the penal law, (d) any  
51 felony sex offense as defined in article one hundred thirty of the penal  
52 law and (e) any escape or absconding offense as defined in article two  
53 hundred five of the penal law.