

**FY 2020 NEW YORK STATE EXECUTIVE BUDGET**

**PUBLIC PROTECTION AND GENERAL GOVERNMENT**  
**ARTICLE VII LEGISLATION**

**MEMORANDUM IN SUPPORT**

**FY 2020 NEW YORK STATE EXECUTIVE BUDGET**  
**PUBLIC PROTECTION AND GENERAL GOVERNMENT**  
**ARTICLE VII LEGISLATION**

**MEMORANDUM IN SUPPORT**

**CONTENTS**

<b>PART</b>	<b>DESCRIPTION</b>	<b>STARTING PAGE NUMBER</b>
A	Implement a sliding scale reimbursement of health care costs for future New York State civilian hires at retirement	14
B	Cease Reimbursement of the Medicare Income Related Monthly Adjustment Amount (IRMAA) to high income State retirees	15
C	Provide State reimbursement of the Standard Medicare Part B (Medical) premium paid to eligible NYSHIP retirees and their dependents at the 2019 level of \$135.50 per month	16
D	Provide a market-based interest rate on court judgments and accrued claims.	17
E	Protecting the Personal Privacy of Union Members	18
F	Extend Binding Arbitration until July 1, 2024	19
G	Make the Property Tax Cap Permanent	19
H	Extend authorization for eight municipalities to operate red light cameras	20
I	Adjust AIM to Certain Towns and Villages Based on Reliance	21
J	Authorize Nassau County Class One Reassessment Exemption	21
K	Authorization for transfers, temporary loans, and amendments to miscellaneous capital/debt provisions, including bond caps	22
L	Extend the Service-Disabled Veteran Owned Business Development	27
M	Stabilize State Insurance Fund's investments	28
N	Strengthen compliance with State Insurance Fund audits	29
O	Extend various criminal justice and public safety programs that would otherwise sunset	30
P	Child Victim's Act	31
Q	Prohibiting a sexual orientation panic defense	32
R	Amend the Rape Shield Law	33
S	End Revenge Porn	33

<b>PART</b>	<b>DESCRIPTION</b>	<b>STARTING PAGE NUMBER</b>
T	Eliminate the Statute of Limitations for Rape in the 2nd and 3rd degrees	34
U	Domestic Violence Survivors Justice Act	34
V	Increase criminal penalties for assault on the press	35
W	Eliminate the death penalty	36
X	Prohibit rapid-fire modification devices	37
Y	Establish a waiting period before firearms may be delivered to a purchaser	37
Z	Establish Extreme Risk Protection Orders	38
AA	Pre-Trial Justice Reform Act	39
BB	FOIL Reform	40
CC	Workers' Compensation Medical Providers	41
DD	Increase the biennial registration fee for attorneys and the criminal history search fee	42
EE	Grand Jury Reform	43
FF	Authorize the Alienation of Certain Parklands in Hastings, New York	43
GG	Permanently Provide Energy as a Centralized Service	44
HH	Permanent Emergency Construction Authority	45
II	Enact a Comprehensive Reentry Package to Improve Outcomes for Formerly Incarcerated Individuals	46
JJ	Reform segregated confinement by creating a more progressive, therapy-based sanction in an effort to reduce recurrent infractions.	46
KK	Shock Incarceration	47
LL	Continuous Recruitment Exams	48
MM	Non-Competitive and Labor Class Promotional Exams	49
NN	Grant Salary Protection for Provisional Employees	49
OO	Reducing Certain Misdemeanor Sentences to 364 Days	50
PP	Asset Forfeiture	51
QQ	Establish the child-parent security act	52
RR	Create an Office of Special Investigation within the Department of Law	52

## MEMORANDUM IN SUPPORT

A BUDGET BILL submitted by the Governor in  
Accordance with Article VII of the Constitution

AN ACT to amend the civil service law, in relation to the state's contribution to the cost of health insurance premium for future retirees of the state and their dependents (Part A); to amend the civil service law, in relation to reimbursement for medicare premium charges (Part B); to amend the civil service law, in relation to capping the standard medicare premium charge (Part C); to amend the civil practice law and rules and the state finance law, in relation to the rate of interest to be paid on judgment and accrued claims (Part D); to amend the civil service law, in relation to protection of the personal privacy of public employees (Part E); to amend the civil service law, in relation to the expiration of public arbitration panels (Part F); to amend chapter 97 of the laws of 2011, amending the general municipal law and the education law relating to establishing limits upon school district and local government tax levies, in relation to making the tax cap permanent (Part G); to amend chapter 123 of the laws of 2014, amending the vehicle and traffic law, the general municipal law, and the public officers law relating to owner liability for failure of operator to comply with traffic-control indications, in relation to extending the provisions thereof; to amend chapter 101 of the laws of 2014, amending the vehicle and traffic law, the general municipal law, and the

public officers law relating to owner liability for failure of operator to comply with traffic-control indications in the city of Mt. Vernon, in relation to extending the effectiveness thereof; to amend chapter 19 of the laws of 2009, amending the vehicle and traffic law and other laws relating to adjudications and owner liability for a violation of traffic-control signal indications, in relation to extending the provisions of such chapter; to amend chapter 99 of the laws of 2014, amending the vehicle and traffic law, the general municipal law, and the public officers law relating to owner liability for failure of operator to comply with traffic-control indications in the city of New Rochelle, in relation to extending the effectiveness thereof; to amend chapter 746 of the laws of 1988, amending the vehicle and traffic law, the general municipal law and the public officers law relating to the civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof; to amend local law number 46 of the city of New York for the year 1989, amending the administrative code of the city of New York relating to civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof; to amend chapter 23 of the laws of 2009, amending the vehicle and traffic law and the public officers law relating to adjudications and owner liability for a violation of traffic-control signal indications, in relation to extending the provisions of such chapter; to amend chapter 222 of the laws of 2015, amending the vehicle and traffic law, the general municipal law, and the public officers law relating

to owner liability for failure of an operator to comply with traffic-control indications in the city of White Plains, in relation to extending the provisions of such chapter; and to amend chapter 20 of the laws of 2009, amending the vehicle and traffic law, the general municipal law, and the public officers law, relating to owner liability for failure of operator to comply with traffic control indications, in relation to extending the provisions thereof (Part H); to amend the state finance law, in relation to base level grants for per capita state aid for the support of local government (Part I); to amend the real property tax law, in relation to a class one reassessment exemption in a special assessing unit that is not a city (Part J); to provide for the administration of certain funds and accounts related to the 2019-20 budget, authorizing certain payments and transfers; to amend the state finance law, in relation to the school tax relief fund; to amend the state finance law, in relation to payments, transfers and deposits; to amend the state finance law, in relation to reductions in enacted appropriations; to amend chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, in relation to the issuance of certain bonds or notes; to amend part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of certain bonds or notes; to amend the private housing finance law, in relation to the issuance of bonds or notes; to amend chapter 329 of the laws of 1991, amending the state

finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of certain bonds or notes; to amend the public authorities law, in relation to the issuance of certain bonds or notes; to amend part Y of chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to the issuance of certain bonds or notes; to amend part X of chapter 59 of the laws of 2004, authorizing the New York state urban development corporation and the dormitory authority of the state of New York to issue bonds or notes, in relation to the issuance of such bonds or notes; to amend part K of chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to the issuance of certain bonds or notes; to amend chapter 392 of the laws of 1973, constituting the New York state medical care facilities finance agency act, in relation to the issuance of certain bonds or notes; to amend chapter 359 of the laws of 1968, constituting the facilities development corporation act, in relation to the mental hygiene facilities improvement fund income account; and to amend the state finance law, in relation to mental health services fund; and providing for the repeal of certain provisions upon expiration thereof (Part K); to amend chapter 22 of the laws of 2014, relating to expanding opportunities for service-disabled veteran-owned business enterprises, in relation to extending the provisions thereof (Part L); to amend the workers'

compensation law, in relation to the investment of surplus funds of the state insurance fund (Part M); to amend the workers' compensation law, in relation to the right to cancel an insurance policy for failure by an employer to cooperate with a payroll audit and to the collection of premiums in case of default (Part N); to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to the effectiveness thereof; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to the effectiveness thereof; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to the effectiveness thereof; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to the effectiveness thereof; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon



expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to the effectiveness thereof; to amend chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 62 of the laws of 2011, amending the correction law and the executive law relating to merging the department of correctional services and division of parole into the department of corrections and community supervision, in relation to the effectiveness thereof; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law

of such chapter; to amend chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the civil practice law and rules and general filing fee provision and inmate property claims exhaustion requirement of the court of claims act of such chapter; to amend chapter 222 of the laws of 1994 constituting the family protection and domestic violence intervention act of 1994, in relation to extending the expiration of certain provisions of the criminal procedure law requiring the arrest of certain persons engaged in family violence; to amend chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, in relation to extending the expiration thereof; to amend chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, in relation to the effectiveness thereof; to amend chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of

correctional services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, in relation to the effectiveness of such chapter; to amend chapter 152 of the laws of 2001 amending the military law relating to military funds of the organized militia, in relation to the effectiveness thereof; to amend chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to the effectiveness thereof; and to amend chapter 55 of the laws of 2018 amending the criminal procedure law relating to pre-criminal proceeding settlements in the city of New York, in relation to the effectiveness thereof (Part O); to amend the criminal procedure law, in relation to the statute of limitations in criminal prosecution of a sexual offense committed against a child; to amend the civil practice law and rules, in relation to the statute of limitations for civil actions related to a sexual offense committed against a child, and granting trial preference to such actions; to amend the general municipal law, in relation to providing that the notice of claim provisions shall not apply to such actions; to amend the court of claims act, in relation to providing that the notice of intention to file provisions shall not apply to such actions; to amend the education law, in relation to providing that the notice of claim provisions shall not apply to such actions; and to amend the judiciary law, in relation to judicial training relating to sexual abuse of minors and

rules reviving civil actions relating to sexual offenses committed against children (Part P); to amend the penal law, in relation to prohibiting a sexual orientation panic defense (Part Q); to amend the criminal procedure law, in relation to admissibility of a victim's sexual conduct in a sex offense (Part R); to amend the penal law, the criminal procedure law, the family court act and the civil rights law, in relation to establishing the crime of unlawful dissemination or publication of an intimate image (Part S); to amend the criminal procedure law, in relation to the statute of limitations for rape in the second degree and rape in the third degree (Part T); to amend the penal law and the criminal procedure law, in relation to sentencing and resentencing in domestic violence cases (Part U); to amend the penal law, in relation to assault on a journalist (Part V); to amend the penal law and the criminal procedure law, in relation to eliminating the imposition of the death penalty; and to repeal certain provisions of the criminal procedure law, the judiciary law, the county law, the correction law and the executive law relating to the imposition of the death penalty (Part W); to amend the penal law, in relation to prohibiting the possession, manufacture, transport and disposition of rapid-fire modification devices (Part X); to amend the penal law and the general business law, in relation to establishing a waiting period before a firearm, shotgun or rifle may be delivered to a person (Part Y); to amend the civil practice law and rules and the penal law, in relation to establishing extreme risk protection orders as court-issued orders of

protection prohibiting a person from purchasing, possessing or attempting to purchase or possess a firearm, rifle or shotgun (Part Z); to amend the criminal procedure law and the judiciary law, in relation to the issuance of securing orders; and to repeal certain provisions of the criminal procedure law and the insurance law relating thereto (Subpart A); to amend the criminal procedure law and the penal law, in relation to discovery reform and intimidating or tampering with a victim or witness; and to repeal certain provisions of the criminal procedure law relating thereto (Subpart B); and to amend the criminal procedure law, in relation to a waiver and time limits for a speedy trial (Subpart C) (Part AA); to amend the public officers law, the civil practice law and rules and the executive law, in relation to the freedom of information law; and to repeal section 88 of the public officers law, section 70-0113 of the environmental conservation law and subdivision 4 of section 308 of the county law relating thereto (Part BB); to amend the workers' compensation law, in relation to extending the board's authority to resolve medical bill disputes and simplify the process (Part CC); to amend section 14 of part J of chapter 62 of the laws of 2003, amending the county law and other laws relating to fees collected, in relation to certain fees collected by the office of court administration; and to amend the judiciary law, in relation to the biennial registration fee for attorneys (Part DD); to amend the criminal procedure law, in relation to grand jury procedures (Part EE); authorizing the alienation of certain parklands in the town of Hastings,

county of Oswego (Part FF); to amend the state finance law, in relation to authorizing use of centralized services by public authorities and public benefit corporations to acquire energy products as centralized services from the office of general services; to amend chapter 410 of the laws of 2009, amending the state finance law relating to authorizing the aggregate purchases of energy for state agencies, institutions, local governments, public authorities and public benefit corporations, in relation to the effectiveness thereof; and to amend part C of chapter 97 of the laws of 2011, amending the state finance law and other laws relating to providing certain centralized service to political subdivisions and extending the authority of the commissioner of general services to aggregate purchases of energy for state agencies and political subdivisions, in relation to the effectiveness thereof (Part GG); to amend the public buildings law, in relation to increasing the maximum contract amount during construction emergencies; and to amend chapter 674 of the laws of 1993, amending the public buildings law relating to value limitations on contracts, in relation to making such provisions permanent (Part HH); to amend the banking law, in relation to licensing considerations for check cashers (Subpart A); to amend the education law, in relation to eligibility for serving on a New York city community district education council and city-wide council (Subpart B); to amend the executive law, in relation to licensing considerations for bingo suppliers (Subpart C); to amend the executive law, in relation to licensing considerations for notary publics

(Subpart D); to amend the general municipal law, in relation to licensing considerations for suppliers of games of chance, for games of chance licensees, for bingo licensees, and for lessors of premises to bingo licensees (Subpart E); to amend the insurance law, in relation to licensing considerations for insurer adjusters and for employment with insurance adjusters; and to repeal certain provisions of such law relating thereto (Subpart F); to amend the real property law, in relation to licensing considerations for real estate brokers or real estate salesmen (Subpart G); to amend the social services law, in relation to participation as employer in subsidized employer programs (Subpart H); to amend the vehicle and traffic law, in relation to eligibility for employment by a driver's school (Subpart I); to repeal certain provisions of the vehicle and traffic law, relating to mandatory suspension of drivers' licenses for certain offenses (Subpart J); to amend the public officers law, in relation to prohibiting disclosure of law enforcement booking information and photographs (Subpart K); to amend the executive law and the judiciary law, in relation to exclusion of undisposed cases from criminal history record searches (Subpart L); directs the commissioner of the division of criminal justice services to seal certain records of any action or proceeding terminated in favor of the accused or convictions for certain traffic violations (Subpart M); to amend the executive law and the judiciary law, in relation to preventing employment discrimination against persons whose criminal charges have been adjourned in contemplation of dismissal (Subpart N); to amend the

executive law, in relation to preventing employment discrimination against persons whose criminal charges have been adjourned in contemplation of dismissal (Subpart O); and to amend the executive law, in relation to release on compassionate parole for inmates affected by age-related disability (Subpart P) (Part II); to amend the correction law, in relation to segregated confinement (Part JJ); to amend the penal law and the correction law, in relation to shock incarceration (Part KK); to amend the civil service law, in relation to establishing continuing eligible lists (Part LL); to amend the civil service law, in relation to promotional examination eligibility (Part MM); to amend the civil service law, in relation to salary protection to incumbents (Part NN); to amend the penal law, in relation to reducing certain sentences of imprisonment for misdemeanors to three hundred sixty-four days (Part OO); to amend the civil practice law and rules, the county law and the general municipal law, in relation to restricting forfeiture actions and creating greater accountability for seized assets; and to amend the criminal procedure law and the penal law, in relation to reporting certain demographic data (Part PP); to amend the family court act, in relation to establishing the child-parent security act; and to repeal section 73 and article 8 of the domestic relations law, relating to artificial insemination and surrogate parenting contracts (Part QQ); and to amend the executive law, in relation to creating an office of special investigation within the department of law, requiring reports on the discharge of a firearm, and requiring the



establishment of a model law  
enforcement use of force policy (Part  
RR)

**PURPOSE:**

This bill contains provisions needed to implement the Public Protection and General Government portions of the FY 2020 Executive Budget.

This memorandum describes Parts A through RR of the bill which are described wholly within the parts listed below.

**Part A – Implement a sliding scale reimbursement of health care costs for future New York State civilian hires at retirement**

Purpose:

Lifetime taxpayer support for health insurance coverage of a State retiree with 10 years of service is the same as that for a retiree with 30 years of service. Under this proposal, taxpayer support for health insurance coverage would be gradually increased based on years of service of the retiree, comparable to the calculation for pension benefits. This proposal would be effective for new civilian, non-disability retirees who begin employment on or after April 1, 2019.

Summary of Provisions and Statement in Support:

Currently, the taxpayer subsidy for retiree health insurance coverage is the same regardless of whether the retiree has 10 years of State service or 30 or more years of service. This is inconsistent with most employee benefit programs (e.g., pensions) that provide greater benefits and taxpayer funding to reward a longer career. This lifetime retiree health care support is currently projected at \$500,000 per retiree.

Under this bill, taxpayer support for new civilian, non-disability State employees who begin their employment on or after April 1, 2019 and subsequently retire with less than 30 years of service would receive benefits calculated on a graduated scale based on years of service.

Budget Implications:

This change will be fully implemented in approximately 30 years once the current retiree group is largely replaced with post April 1, 2019 hires and will result in an overall reduction of about 5% or \$4B, in other post-employment benefits liability.

Effective Date:

This bill would take effect for new retirees on or after April 1, 2019.

## **Part B – Cease Reimbursement of the Medicare Income Related Monthly Adjustment Amount (IRMAA) to high income State retirees**

### Purpose:

This bill would eliminate automatic State reimbursement of the Income Related Monthly Adjustment Amounts (IRMAA), to high income State retirees. Current State law provides automatic reimbursement of a 2007 federal law that was implemented to reduce federal Medicare expenses by requiring higher-income enrollees to pay more into Part B (Medical).

### Summary of Provisions and Statement in Support:

It is imprudent for the State to reimburse high-income retirees for the costs of a program designed to make Medicare coverage more affordable and sustainable, particularly since these higher-earners do not pay more for supplemental NYSHIP coverage than lower-income retirees in NYSHIP.

This State taxpayer reimbursement provides higher income retirees a greater subsidy for NYSHIP coverage than received by middle and lower income retirees (the extra taxpayer subsidy ranges from \$649 per year to \$3,900 per year; and increases as the retiree's income grows).

Providing reimbursement for IRMAA is a costly fringe benefit that is rarely offered. We are aware of no private sector companies that provide this reimbursement to its retirees. The federal government does not provide reimbursement for its retirees, and we are only aware of two states that provide reimbursement for IRMAA (Connecticut and Hawaii; although Hawaii does not reimburse the full amount).

Over the past three fiscal years, New York State Health Insurance Program (NYSHIP) costs have increased approximately 14 percent, from \$3,201 million in FY 2016 to \$3,659 million in FY 2018 (retirees and dependent survivors comprise about half of this cost). This is well beyond the benchmark growth rate of two percent per year, and thus challenges the State's ability to remain economically competitive. Reasonable actions are necessary to control this spending growth and prudent changes, such as the implementation of this proposal, would contribute to this objective.

### Budget Implications:

Effective January 1, 2020, with savings beginning in January 2020, elimination of the extra IRMAA subsidy provided to roughly 7,600 wealthier retirees/dependents would

save \$3 million in FY20 and \$12 million in FY21. Out-year savings are valued at roughly \$15 million in FY 2022 and \$19M in FY 2023.

Effective Date:

This bill would take effect on January 1, 2019 for premiums incurred on or after January 1, 2019.

**Part C – Provide State reimbursement of the Standard Medicare Part B (Medical) premium paid to eligible NYSHIP retirees and their dependents at the 2019 level of \$135.50 per month**

Purpose:

This bill would cap State reimbursement of the Medicare Part B standard premium for eligible State NYSHIP retirees and their dependents at the 2019 level of \$135.50 per month. Subsequent increases in reimbursement would be considered as part of the annual budget process.

Summary of Provisions and Statement in Support:

This bill would amend section 167-a of the Civil Service Law to provide that, effective April 1, 2019, State reimbursement to eligible retirees and their dependents for the Medicare Part B standard premium shall not exceed the federally established 2019 level of \$135.50 per month. Capping reimbursement at the 2019 level would ensure that automatic escalators (that drive increasing taxpayer costs) be considered as part of the annual budget process.

Providing reimbursement for the standard Medicare Part B premium is a costly fringe benefit that is rarely offered elsewhere. We are aware of only five other states that reimburse the standard premium (California, Connecticut, Hawaii, Nevada and New Jersey) and the state of Ohio recently phased out reimbursement. The federal government does not provide reimbursement to its retirees, and we do not know of any private sector employers that provide this benefit to its retirees.

Over the past three fiscal years, New York State Health Insurance Program (NYSHIP) costs have increased by about 14 percent, from \$3,201 million in FY 2016 to \$3,659 million in FY 2018 (retirees and dependent survivors comprise about half of this cost). This is well beyond the benchmark growth rate of two percent per year, and challenges the State's ability to remain economically competitive. Reasonable actions are necessary to control this spending growth and prudent changes, such as the implementation of this proposal, would contribute to this objective.

Budget Implications:

This proposal would reduce the State's unfunded OPEB liability by roughly \$9.5 billion, and provide savings of \$2.3 million and \$12.3 million in FY20 and FY21, respectively.

Since the current standard premium level is \$134 per month, none of the projected 153,000 retirees would be impacted by this proposal in FY 2020. If the reimbursement level is not increased in the out-years, State taxpayer savings is projected at \$24.5 million in FY22 and \$36.7 million in FY 2023.

Effective Date:

This bill would take effect immediately and shall apply to the standard Medicare premium amount on and after April 1, 2019.

**Part D – Provide a market-based interest rate on court judgments and accrued claims.**

Purpose:

This bill would provide that the interest rate on all court judgments and accrued claims paid by public and private entities would be based on the weekly average one-year constant maturity treasury yield.

Summary of Provisions and Statement in Support:

Currently, the interest rate is 9 percent per annum on judgments and accrued claims. This rate was established in a year when the prevailing market rate averaged 15 percent.

This bill would establish that the rate of interest be calculated at a prevailing market rate identical to that used by the Federal Court System. The rate would be set at the weekly average one-year constant maturity treasury yield as published by the Board of Governors of the Federal Reserve System for the calendar week preceding the date of entry of the judgment awarding damages.

The proposed process and market-based rate of interest is identical with federal court processes. Payment of a prevailing market rate will ensure that neither party will be disadvantaged by an interest rate that is above or below what otherwise could be earned during the pendency of a case.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget, which seeks to contain increasing litigation costs that are growing beyond the State's annual growth benchmark.

The DOB estimates that this bill would reduce the amount of interest paid by the State on court judgments and accrued claims by roughly \$6 million annually. Additionally, passage of this bill would provide fiscal relief to local governments.

Effective Date:

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

**Part E – Protecting the Personal Privacy of Union Members**

Purpose:

This bill prohibits the disclosure of personal information by public employers for all public sector employees, including State and municipal employees. It fulfills the Governor's pledge to protect all public employees from union-busting campaigns following the Supreme Court's Janus decision.

Summary of Provisions and Statement in Support:

This bill is necessary to protect union members from organizations who commenced campaigns designed to undermine unions following the Supreme Court's Janus decision. Such organizations obtained personal information through freedom of information policies and used the information to disseminate propaganda designed to erode union membership.

This bill would protect the privacy of all public employees. It follows the issuance of Governor Cuomo's Executive Order No. 183, which prohibited State entities from disclosing personal contact information for State employees.

Section 1 would amend Section 209-a of the Civil Service Law to prohibit a public employer from disclosing home addresses, personal telephone numbers, personal cell phone numbers, and personal e-mail addresses of all public sector employees, as the term is defined in Section 201 of the Civil Service Law except: i) in matters under the jurisprudence of the Public Employment Relations Board regarding union enrollment and employee organization representation; and ii) where compelled to do so by lawful service of process, subpoena, court order, or as otherwise required by law.

Section 2 would add a new paragraph (d) to subdivision 1 of Section 208 of the Civil Service Law authorizing public employers to provide employee organizations the name, address, job title, employing agency and work location of their members (i.e. upon request, not more than quarterly).

Section 3 provides that this act would take effect immediately.

Budget Implications:

This bill will have no impact on State and local finances.

Effective Date:

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

**Part F – Extend Binding Arbitration until July 1, 2024**

Purpose:

This bill would extend binding arbitration for public safety unions until July 1, 2024.

Summary of Provisions and Statement in Support:

When public employers and certain unions (primarily those that represent police, fire and other "uniform" employees) reach an impasse in their contractual negotiations, current law provides for a binding arbitration process to settle the dispute. For arbitration involving an automatically fiscally eligible municipality, the binding arbitration panel must weigh the municipality's "ability to pay" as 70 percent of their decision for any awards and also consider the limitations of the property tax cap.

First enacted in 1974, binding arbitration for public safety unions has been routinely extended. It was most recently extended in the FY 2017 Enacted Budget and will expire on July 1, 2019.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget because current provisions governing such arbitration are set to expire within the upcoming State fiscal year.

Effective Date:

This bill would take effect immediately.

**Part G – Make the Property Tax Cap Permanent**

Purpose:

This bill would make the property tax cap permanent.

Summary of Provisions and Statement in Support:

This bill would eliminate the sunset from the property tax cap. Currently, the property tax cap is scheduled to expire at the same time as rent regulation but no earlier than June 16, 2020.

Making the property tax cap permanent would enable the tax cap's success at reducing the growth of property taxes to continue.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget as it will ensure the continuation of the property tax cap.

Effective Date:

This bill would take effect immediately.

**Part H – Extend authorization for eight municipalities to operate red light cameras**

Purpose:

Extend authorization for eight municipalities to operate red light cameras within their boundaries until 12/1/2024.

Summary of Provisions and Statement in Support:

Current law authorizes nine municipalities to operate varying numbers of red light cameras within their boundaries, with various expiration dates. The City of Rochester repealed its local law authorizing its program in 2016. Each expiration date, except for the City of Rochester, would be extended until 12/1/2024. These municipalities, the number of authorized cameras, and the current expiration dates are:

<b>Municipality</b>	<b>Authorized Cameras</b>	<b>Current Expiration</b>	<b>Proposed Expiration</b>
City of Albany	20	8/21/2019	12/1/2024
City of Mt. Vernon	12	8/21/2019	12/1/2024
County of Nassau	100	12/1/2019	12/1/2024
City of New Rochelle	12	8/21/2019	12/1/2024
City of New York	150	12/1/2019	12/1/2024
County of Suffolk	100	12/1/2019	12/1/2024
City of White Plains	12	9/12/2020	12/1/2024
City of Yonkers	25	12/1/2019	12/1/2024

Budget Implications:

This bill would ensure local governments receive revenues from the operation of red light cameras within their boundaries.

Effective Date:

This bill would take effect immediately.

**Part I – Adjust AIM to Certain Towns and Villages Based on Reliance**

Purpose:

Adjust Aid and Incentives to Municipalities (AIM) to certain towns and villages where this funding supports less than two percent (2%) of the municipalities' All Funds budgets.

Summary of Provisions and Statement in Support:

The State has annually disbursed approximately \$715 million in AIM to cities, towns, and villages throughout the State. As of January 10, 2019, of the 1,524 municipalities that received AIM in FY 2019, there are 1,250 towns and villages for which AIM makes up less than two percent of total expenditures and 76 towns and villages that have not reported expenditure data to the State Comptroller for their local fiscal years ending in 2017.

Budget Implications:

This bill is necessary to implement the State's FY 2020 Budget because it reduces Local Government Assistance (LGA) spending by \$59.2 million.

Effective Date:

This bill would take effect immediately.

**Part J – Authorize Nassau County Class One Reassessment Exemption**

Purpose:

This bill would provide Nassau County with the local option to phase-in, over a five-year period, the effects of any assessment changes on class one properties that will be reflected on the upcoming 2020-21 assessment roll.



Summary of Provisions and Statement in Support:

This bill will allow the County to create an exemption in order to phase-in assessment and tax bill changes for properties that would be facing increases with the enforcement of the 2020-21 assessment roll.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This bill would take effect immediately.

**Part K – Authorization for transfers, temporary loans, and amendments to miscellaneous capital/debt provisions, including bond caps**

Purpose:

This bill would provide the statutory authorization necessary for the administration of funds and accounts included in the fiscal year 2019-20 Executive Budget and propose certain modifications to improve the State's General Fund position in the upcoming fiscal year. Specifically, it would: (1) authorize temporary loans and the deposits of certain revenues to specific funds and accounts, (2) authorize the transfers and deposits of funds to and across various accounts, (3) extend various provisions of Chapter 59 of the Laws of 2017 in relation to capital projects and certain certifications, and (4) modify various debt and bond provisions necessary to implement the budget.

Summary of Provisions and Statement in Support:

This bill is necessary to execute a balanced Financial Plan in accordance with the 2019-20 Executive Budget. Similar legislation is enacted annually to authorize the transfer of funds budgeted in the financial plan (that do not have permanent statutory authorization) and to provide for other transactions necessary to effectuate the provisions of the budget. The bill includes the following provisions:

- Section 1 of this bill would authorize the Comptroller to make temporary loans to specific State funds and accounts during fiscal year 2019-20.
- Section 1-a of this bill would authorize the Comptroller to make temporary loans to accounts within specific Federal funds during fiscal year 2019-20.
- Section 1-b of this bill would authorize the Comptroller to make temporary loans to specific funds for payment of any fringe benefit or indirect cost liabilities or obligations incurred.

- Sections 2 and 3 of this bill would authorize the Comptroller to make transfers between designated funds and accounts.
- Section 4 of this bill would authorize the Comptroller to deposit funds into the Banking Services Account.
- Section 5 of this bill would authorize the Dormitory Authority of the State of New York (DASNY), at the direction of the Director of the Division of Budget (DoB) and upon request by the State University of New York (SUNY), to transfer up to \$22 million to SUNY for bondable equipment costs, which in turn would be repaid to the General Fund.
- Section 6 of this bill would authorize the Comptroller, at the request of the Director of DoB and upon consultation with the SUNY Chancellor, to transfer up to \$16 million to the General Fund for debt service costs related to capital project costs for the NY-SUNY 2020 Challenge Grant program at the University at Buffalo.
- Section 7 of this bill would authorize the Comptroller, at the request of the Director of DoB and upon consultation with the SUNY Chancellor, to transfer up to \$6.5 million to the General Fund for debt service costs related to capital project costs for the NY-SUNY 2020 Challenge Grant program at the University at Albany.
- Section 8 of this bill would authorize the SUNY Chancellor to transfer the estimated tuition revenue balances from the State University Collection Fund to the State University Fund, State University General Revenue Offset Account.
- Section 9 of this bill would authorize the Comptroller, at the request of the Director of DoB, to transfer up to \$1,001.8 million from the General Fund to the State University Income Fund, State University Hospitals Income Reimbursement Account.
- Section 10 of this bill would authorize the Comptroller to transfer up to \$109.5 million from the General Fund to the State University Income Fund, State University General Revenue Offset Account during the period of April 1, 2019 through June 30, 2019 to support operations at the state university.
- Section 11 of this bill would authorize the Comptroller to transfer up to \$20 million from the General Fund to the State University Income Fund, State University General Revenue Offset Account during the period of July 1, 2019 through June 30, 2020.
- Section 12 of this bill would authorize the Comptroller to transfer up to \$55 million from the State University Income Fund, State University Hospitals Income

Reimbursable and Long Island Veterans' Home accounts, to the State University Capital Projects Fund.

- Section 13 of this bill would authorize the Comptroller, after consultation with the SUNY Chancellor, to transfer monies from the State University Collection and the State University Income funds to the State University Income Fund, State University Hospitals Income Reimbursable Account, in the event that insufficient funds are available to permit the full transfer of moneys authorized for transfer to the General Fund for SUNY Hospitals' debt service.
- Section 14 of this bill would authorize the Comptroller, at the direction of the Director of DoB and the SUNY Chancellor, to transfer up to \$80 million between the State University Dormitory Income Fund and the State University Residence Hall Rehabilitation Fund.
- Section 15 of this bill would authorize the Comptroller, at the request of the Director of DoB, to transfer up to \$350 million between the following accounts, in any combination: the Miscellaneous Special Revenue Fund, Patient Income Account; the Miscellaneous Special Revenue Fund, Mental Hygiene Program Fund Account; the Miscellaneous Special Revenue Fund, Federal Salary Sharing Account; and the General Fund.
- Section 16 of this bill would authorize the Comptroller, at the request of the Director of DoB, to transfer up to \$650 million from the unencumbered balance of any Special Revenue Fund or Account, Agency Fund or Account, Internal Services Fund or Account, or Enterprise Fund or Account, or any combination thereof (excluding Federal funds, or any fund in which the eligibility for Federal benefits would be impacted), to the General Fund.
- Section 17 of this bill would authorize the Comptroller, at the request of the Director of DoB, to transfer up to \$100 million from any non-general fund or account, or combination thereof (excluding funds in which the eligibility for Federal benefits would be impacted), to the Technology Financing Account or the Miscellaneous Capital Projects Fund, Information Technology Capital Financing Account, or the centralized technology services account for the consolidation of costs related to technology services.
- Section 18 of this bill would authorize the Comptroller, at the request of the Director of DoB, to transfer up to \$400 million from any non-general fund or account, or combination thereof (excluding funds in which the eligibility for Federal benefits would be impacted), to the General Fund as reimbursement for costs related to technology services.
- Section 19 of this bill would authorize the transfer of up to \$20 million from the New York State Power Authority to the State Treasury to credit of the General Fund, after April 1, 2018.

- Section 20 of this bill would authorize the transfer of up to \$23.9 million from the New York State Energy Research and Development Authority to the credit of the General Fund, on or before March 31, 2020.
- Section 21 of this bill would amend State Finance Law (SFL) §97-rrr to allow the State Comptroller to deposit up to \$2.2 Billion into the School Tax Relief Fund.
- Section 22 of this bill would authorize the Comptroller, at the request of the Director of DoB, to transfer designated special revenue fund balances to the capital projects fund for the purpose of reimbursement to that fund for expenses related to the maintenance and preservation of State assets.
- Section 22-a of this bill would amend Subdivision 4 of State Finance Law (SFL) §97-rrr to permanently exclude disbursements from the Debt Reduction Reserve Fund from the calculation of annual growth in state operating funds spending.
- Section 23 allows the Director of the Budget to submit a plan to the Legislature to reduce General Fund and State Special Revenue Fund appropriations in the event that Federal financial participation in Medicaid funding to New York State or its subdivision is reduced by \$850 million or more.
- Section 24 allows the Director of the Budget to submit a plan to the Legislature to reduce General Fund and State Special Revenue Fund appropriations and related disbursements in the event that Federal financial participation or other Federal Aid funding, exclusive of Medicaid, to New York State is reduced by \$850 million or more.
- Section 25 authorizes the Director of the Budget to prepare a plan for across-the-board reductions to all general fund and special revenue fund aid to localities appropriations, exempting certain types of appropriations, not to exceed three percent in the event that the annual estimate for receipts is reduced by \$500 million or more compared to the 2019-20 Executive Budget financial plan.
- Section 26 would continue the authorization to use any balance remaining in the debt service appropriation for Mental Hygiene facilities to make rebates necessary to protect the tax-exempt status of the bonds.
- Section 27 of this bill would increase the bond cap for the office of information technology services from \$540.954 million to \$662.654 million.
- Section 28 of this bill would increase the bond cap for financing correctional facilities from \$8.083 billion to \$8.478 billion.
- Section 29 of this bill would increase the bond cap for financing housing programs from \$5.981 billion to \$6.179 billion.

- Section 30 of this bill would increase the bond cap for financing local highway projects from \$10.252 billion to \$10.739 billion.
- Section 31 of this bill would increase the bond cap for financing library facilities from \$217 million to \$231 million.
- Section 32 of this bill would increase the bond cap for financing state police capital projects from \$220.1 million to \$271.6 million.
- Section 33 of this bill would increase the bond cap for financing economic development projects from \$8.301 billion to \$9.302 billion.
- Section 34 of this bill would decrease the bond cap for financing project costs of the Empire Opportunity Fund; Rebuilding the Empire State Through Opportunities in Regional Economies New York Program; and the Community Capital Assistance Program from \$293.3 million to \$243.3 million.
- Section 35 of this bill would increase the bond cap for financing environmental infrastructure projects from \$5.147 billion to \$5.388 billion.
- Section 36 of this bill would increase the bond cap for financing homeland security and training facilities from \$253 million to \$286 million, and increase the bond cap for financing improvements to State office buildings and other facilities from \$748.8 million to \$952.8 million.
- Section 37 of this bill would increase the bond cap for financing transportation initiatives from \$4.500 billion to \$5.042 billion.
- Section 38 of this bill would increase the bond cap for financing SUNY educational facilities from \$13.2 billion to \$13.8 billion.
- Section 39 of this bill would increase the bond cap for financing City University of New York senior and community colleges from \$8.31 billion to \$8.67 billion.
- Section 40 of this bill would increase the bond cap for financing SUNY community colleges from \$969 million to \$1.006 billion.
- Section 41 of this bill would increase the bond cap for financing youth facilities from \$769.6 million to \$804.6 million.
- Section 42 of this bill would increase the bond cap for financing mental health services facilities improvement from \$8.78 billion to \$9.33 billion.

- Section 43 of this bill would increase the bond cap for financing public protection facilities in the Division of Military and Naval Affairs from \$67 million to \$92 million.
- Section 44 of this bill would increase the bond cap for financing transportation facilities for the metropolitan transportation authority from \$1.694 billion to \$2.080 billion.
- Section 45 of this bill would increase the bond cap for financing private special education from \$55 million to \$110 million.
- Section 46 of this bill would create a bond cap for financing the acquisition of equipment at \$93 million.
- Section 47 of this bill would increase the bond cap for the SUNY residence hall bonding program from \$944 million to \$1.394 billion.
- Section 48 and 49 of this bill would allow debt service payments for mental hygiene facilities to be paid directly to bond trustees, simplifying the process and allowing monies collected from non-profits to be remitted to bondholders sooner.

All of the sections of this bill would become permanent upon enactment except for sections one through eight, sections thirteen through twenty, and sections twenty-two through twenty-four, which are subject to expiration on March 31, 2020.

Budget Implications:

Enactment of this bill is necessary to implement the 2019-20 Executive Budget, including the transfer of funds budgeted in the financial plan and the provision of temporary loans from the State Treasury for cash flow purposes. This bill is also necessary to reimburse projected Capital Projects Fund spending with the proceeds of bonds sold by public authorities, to ensure the continued borrowing necessary for certain State-supported debt issuances to implement the budget, and to permit the State to carry out basic administrative functions.

Effective Date:

This bill takes effect April 1, 2019.

**Part L – Extend the Service-Disabled Veteran Owned Business Development**

Purpose:

This bill would extend the Service-Disabled Veteran Owned Business Act ("SDVOB") for a period of five years.

Summary of Provisions and Statement in Support:

This bill would extend the Service-Disabled Veteran Owned Business Act to allow the program to provide participation opportunities with respect to State contracts and continue to expand economic opportunity for service-disabled veterans.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This bill would take effect immediately.

**Part M – Stabilize State Insurance Fund's investments**

Purpose:

This bill would authorize the New York State Insurance Fund (SIF) to better diversify its surplus funds investment portfolio. Diversification reduces risk while increasing returns.

Summary of Provisions and Statement in Support:

SIF is one of New York State's largest providers of Workers' Compensation, Disability, and Paid Family Leave insurance, and is required by law to provide policies for all applicants, including employers, unable to otherwise obtain these mandated insurances. SIF invests a small portion of its assets in the financial markets and proceeds help to defray premium costs to employers.

Under current Law, SIF is limited to investing its funds in a narrow pool of equities. These restrictions prohibit investments in diversified index funds, which balance higher graded equities with investments providing a higher rate of return. The proposed limited investment in index funds would permit a more diversified portfolio while also reducing management fees. This bill would allow SIF to invest:

- Any surplus funds in the obligations of American companies that are rated "A" or higher as described in subdivision (2) of Insurance Law § 1404(a);
- Up to 25% of surplus funds in obligations of American companies that are rated investment grade by a nationally recognized securities rating organization; and
- Up to 50% of surplus funds in the equities of American companies irrespective of the rating of an institution's obligations or qualitative standard described in § 1404(a).

State law restricts SIF's investment authority to ensure the stable assets for payment of claims. Even after inclusion of these proposed changes, SIF would still be required to be more conservative in its investments than private carriers.

Included in the proposed changes is also a provision to provide consistency between investment authority of reserves and surplus. Currently, SIF is authorized to invest up to 100% of reserves in U.S. corporate bonds rated A or higher, but only up to 50% of surplus in A rated corporate debt. The change would allow SIF to invest surplus similarly to reserves.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget in order to provide greater stability for SIF's assets. New York State is legally required to ensure payment of claims to SIF's policyholders. Ensuring solvency of SIF alleviates risk to the State's General Fund.

Effective Date:

This bill would take effect immediately after enactment.

**Part N – Strengthen compliance with State Insurance Fund audits**

Purpose:

This bill would permit the New York State Insurance Fund (SIF) to cancel a workers' compensation policy based on the policyholder's failure to cooperate with a payroll audit.

Summary of Provisions and Statement in Support:

Under current law, Worker's Compensation (WC) insurers, including SIF, have the right to audit their policyholders' records to verify the amount of payroll and number of employees. Without this tool, an insurer cannot assess the extent of the risk posed by the policyholder's business and determine appropriate premiums.

Current law allows SIF to cancel a WC policy only for non-payment of premiums. However, private WC insurers, may cancel a policy on any ground merely by providing the policyholder with 30 days' advance notice. If a private insurer has difficulty obtaining an audit, it may either cancel the policy or refuse to renew the policy at the next policy anniversary. SIF, however, must continue to provide coverage unless the policyholder defaults on its premium payments even if SIF is unable to gain access to the policyholder's books and records.



This bill authorizes SIF to cancel a workers' compensation policy based on the policyholder's failure to cooperate with a payroll audit when: 1) the policyholder fails to keep at least two appointments with a payroll auditor; or 2) fails to furnish relevant business records in the course of a payroll audit. Prior to cancellation, SIF will be required to provide policyholders with 45 days advance notice, giving policyholders time to act and avoid losing coverage.

Providing SIF with the authority to cancel a policy for the policyholder's failure to cooperate with a payroll audit would allow SIF to better determine appropriate premiums on the WC insurance policies it writes.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget. This bill is required to ensure SIF has the stability and effectiveness needed to provide Worker's Compensation benefit payments.

Effective Date:

This bill would take effect 90 days after enactment.

**Part O – Extend various criminal justice and public safety programs that would otherwise sunset**

Purpose:

This bill would extend various criminal justice and public safety programs and continues the existing formula for distribution of certain monies recovered by county district attorneys that would otherwise expire in 2019.

Summary of Provisions and Statement in Support:

This bill would extend the authorization of various sections of law to ensure the continuation of a host of criminal justice programs -- all of which have been extended multiple times. Key programs and statutory provisions continued by this bill include: psychological testing of correctional officer candidates; expanding the geographic area of employment of certain police officers; determinate sentencing; inmate work release programs and furloughs; the earned eligibility program; substance abuse treatment for inmates; incarceration, parole and probation fees; mandatory surcharge and crime victim assistance fees; alternatives to incarceration; armory rent; the ignition interlock program for individuals convicted of alcohol-related violations; electronic court appearances; the adult interstate compact; mandatory arrest in cases of domestic violence; and protective measures for child witnesses.

This bill would also extend Part F of Chapter 55 of the laws of 2018, for two years. Pursuant to that law, a county district attorney in New York City may retain a portion of recoveries it makes before the filing of an accusatory instrument, and the remaining amount is distributed equally between the State and the City of New York.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget to ensure that the State continues to receive a share of such revenues.

Effective Date:

The bill shall take effect immediately, provided, however, that the applicable effective date of each part of this act shall be as specifically set forth in the last section of such part.

**Part P – Child Victim's Act**

Purpose:

This bill would increase the length of time during which a child sex abuser may be held criminally liable. In addition, it also allows the victim of that abuse to commence a civil lawsuit at any time until they reach the age of 50 years old. Finally, to ensure that every victim has an opportunity to seek justice, it opens up a one-year window for those individuals whose claims have previously been time barred to bring their lawsuit.

Summary of Provisions and Statement in Support:

This bill would increase the age for which a statute of limitation begins to run in the case of a sexual offense committed against a child from 18 to 23 years of age. Depending upon the crime, an abuser may be held criminally responsible for his or her actions up until the date the child victim reaches the age of 26 or 28.

Child victims of sexual assault have been known to suppress the memories of their abuse until long after any statutes of limitation have expired. This bill ensures that 1) those individuals who have committed these heinous crimes are more likely to be held accountable for their actions, and 2) these child victims are provided with their day in court to address their abusers.

In addition, there are needless statutory hurdles that make it difficult for these victims to bring lawsuits against those entities that have harbored these abusers. By eliminating the need to file a notice of claim in these child sex abuse cases, this bill removes those hurdles and ensures that these victims are not denied their day in court. Finally, since many individuals have previously been subjected to these unjust statutes of limitation,

this bill would provide a one-year window during which any victim whose claim is time-barred may bring that cause of action anew.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget to ensure child victims have their day in court to address their abusers.

Effective Date:

This bill would take effect immediately.

**Part Q – Prohibiting a sexual orientation panic defense**

Purpose:

This bill would prohibit a defendant from being able to ask a jury to find that a harmed individual's actual or perceived gender, gender identity, gender expression, or sexual orientation is to blame for a defendant's violent reaction – whether it be murder or a physical assault.

Summary of Provisions and Statement in Support:

This bill would prohibit a jury from considering whether it was reasonable for a defendant who acted under the influence of extreme emotional disturbance to use as an explanation or excuse that it resulted from the defendant's discovery of, knowledge about, or potential disclosure of the harmed individual's actual or perceived gender, gender identity, gender expression, or sexual orientation.

Under current law, there is no statute preventing a defendant from claiming that he or she acted in an extreme emotional disturbance or, his or her acts were justified because they were based on their discovery of, knowledge about, or potential disclosure of the harmed individual's actual or perceived gender, gender identity, gender expression, or sexual orientation.

This proposal would make clear that one is not justified or relieved of criminal culpability because one is responding to the victim's actual or perceived gender, gender identity, gender expression, or sexual orientation.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This bill would take effect immediately.

## **Part R – Amend the Rape Shield Law**

### Purpose:

This bill would amend the criminal procedure law to relation to admissibility of a victim's sexual conduct in a sex offense.

### Summary of Provisions and Statement in Support:

New York criminal procedure law Section 60.42 currently prevents evidence of a victim's sexual conduct from being admissible in a prosecution for a sex offense or attempt to commit a sex offense as defined in Section 130 of the penal law. Also known as a rape shield law, this provision provides crucial protection to victims of sexual violence from having their own sexual histories used to against them when they seek justice in a court of law.

However, the current rape shield law suffers gaps that leave many, in particular those who are too often at high risk of violence, out. The current law does not apply to victims of sex trafficking crimes and it does not shield victims from having their own convictions for prostitution used against them. This bill would close these gaps.

### Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

### Effective Date:

This bill would take effect immediately.

## **Part S – End Revenge Porn**

### Purpose:

This bill would criminalize revenge porn.

### Summary of Provisions and Statement in Support:

Advances in technology and social media have enabled new forms of sexual exploitation are not sufficiently addressed by existing state law. Revenge porn is the non-consensual dissemination of sexually explicit images or videos intended to harm another.

To send the message that this type of behavior has no place in New York, this bill will prohibit the unlawful publication of sexual materials consensually shared when the person had a reasonable expectation that such material would not be disclosed. Specifically, the crime will be a class A misdemeanor punishable by up to one year in jail or three years of supervision for any person who disseminates such materials. Further, this bill would create private right of action for such unlawful dissemination or publication of intimate images.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This bill would take effect immediately.

**Part T – Eliminate the Statute of Limitations for Rape in the 2nd and 3rd degrees**

Purpose:

This bill would amend the criminal procedure law to eliminate the statute of limitations for Rape in the 2<sup>nd</sup> and 3<sup>rd</sup> degrees.

Summary of Provisions and Statement in Support:

Statutes of limitations impose a ticking clock on how long victims are able to come forward if they want to seek criminal charges. For crimes of sexual violence in particular, the clock ticks against a culture of silence that prevents victims from speaking out. In recognition of this fact, states across the country are lengthening or eliminating the statutes of limitations on crimes of sexual violence. While New York removed the statute of limitations for Rape in the First Degree over a decade ago, a five-year statute of limitations remains for Rape in the Second Degree and Rape in the Third Degree. Therefore, this bill would remove the statute of limitations for Rape in the Second Degree and the Third Degree. Eliminating the statute of limitations for these crimes will allow victims the full opportunity to obtain justice.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This bill would take effect immediately.

**Part U – Domestic Violence Survivors Justice Act**

Purpose:

This bill would amend the penal law and the criminal procedure law, in relation to sentencing and resentencing in domestic violence cases.

Summary of Provisions and Statement in Support:

This bill would expand sentencing and resentencing options for judges in cases in which defendant were domestic violence victims at the time of their offense. The bill specifies offenses that may be considered by judges for alternate sentencing and resentencing. It provides ranges for sentencing that could be imposed if the judge determines the defendant or incarcerated person was a victim of domestic violence at the time of the offense and such abuse was a significant factor in committing the offense. The bill also allows eligible incarcerated persons access to their presentencing reports to aid them in applying for resentencing appealing their sentences.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This bill would take effect immediately; provided however, that sections one and two of this act shall apply to offenses committed on, after and prior to such effective date where the sentence for such offense has not yet been imposed; provided, further that sections three, four and five of this act shall take effect on the ninetieth day after it shall have become law.

**Part V – Increase criminal penalties for assault on the press**

Purpose:

This bill would make it a felony to assault a journalist while on the job.

Summary of Provisions and Statement in Support:

Section one of the bill amends Penal Law §120.05 to include a journalist within the list of applicable employees for which felony assault may be charged.

Section two of the bill provides for an effective date of November 1st.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This act shall take effect on the first day of November next succeeding the date on which it shall have become a law.

**Part W – Eliminate the death penalty**

Purpose:

This bill would eliminate capital punishment from State law.

Summary of Provisions and Statement in Support:

The imposition of death upon an individual by a government demeans those who strive to preserve human life and dignity and its use as a form of punishment in the State of New York serves as a stain on both our collective conscience and history.

One of the most fundamental and critical roles instilled in our government is that of peace keeper. Indeed, the safety and security of our communities is of paramount importance. Without it, we simply cannot succeed. Our government has no choice but to maintain law and order. But, in so doing, we must equally ensure that the rights of the innocent are not infringed and the example that we as a society display presents only the purest of ideals. It is clear, in the twenty-first century, that the death penalty has no place in the State of New York.

The toll exacted upon society as a whole through the imposition of the death penalty is incalculable. Morally, there can be no justification for a government to exact capital punishment upon another human. Committing the very crime sought to be punished displays no sense of justice and only furthers societal acceptance of violent behavior. Moreover, despite our continued best efforts to achieve a perfect criminal justice system in which only those who perpetrate crime are determined guilty by their peers, the fact remains that our system is not perfect. Time and time again, we are left dumbstruck at the discovery that the wrong person was convicted and sentenced to years behind bars. Standing alone, that fact should give pause to any supporter of the death penalty. The chance, however remote, that an innocent person could be executed by government demands the removal of such a penalty from our laws.

The State of New York must finally be free from any association with the death penalty. This bill will bring an end to a chapter of this State's history that has remained open for far too long.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This bill would take effect immediately.

**Part X – Prohibit rapid-fire modification devices**

Purpose:

This bill would prohibit the possession, manufacture, transportation, shipment and sale of items that accelerate the firing rate of firearms, rifles, or shotguns.

Summary of Provisions and Statement in Support:

The State's, and even the Nation's, recognition that civilians must not possess machine guns or any gun that mimics a machine gun is clearly memorialized in existing law and has been for over one hundred years. Still, a loophole exists that permits an individual to manufacture and possess the very devices that can be used to create these deadly weapons of war.

This bill would amend the penal law to finally close this loophole and ensure that machine guns and devices used to mimic them are removed entirely from the State of New York.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This bill would take effect immediately; however, section two shall take effect 120 days after it becomes law.

**Part Y – Establish a waiting period before firearms may be delivered to a purchaser**

Purpose:

This bill would establish a ten-day waiting period before a licensed gun dealer may deliver a firearm, shotgun or rifle to a purchaser when the sale has not been approved or denied by the National Instant Criminal Background Check System (NICS).

Summary of Provisions and Statement in Support:



Most firearm, rifle and shotgun sales in New York require a background check through the NICS. When a background check is requested, a firearms dealer will receive one of three responses from NICS. Either the sale may proceed, be denied, or be delayed. If a sale is delayed and three business days have elapsed without a response from NICS, current law permits the firearms transfer to proceed. According to the Federal Bureau of Investigation, nationwide, in 92% of cases, a dealer requesting a NICS background check receives an immediate determination. In 5% of cases, when a delay is issued, the case is finalized, resulting in deny or proceed status, within the three-day window. Approximately 3% of checks remain open past the three-day window.

NICS may be unable to complete a background check immediately when the search finds a record that requires more research to determine whether the prospective transferee is disqualified from possessing a firearm by federal or State law. In some cases, NICS must contact a court or law enforcement agency for further information. For example, federal law prohibits the purchase or possession of firearms by an individual convicted of a misdemeanor crime of domestic violence. When a purchaser's criminal history indicates a conviction for certain misdemeanors, NICS staff must contact the police or court to determine whether the victim was a family or household member. Obtaining that can occasionally take more than three business days and may result in a sale to a prohibited person.

Expanding the time that NICS officials have to perform an investigation to ten days would assist in ensuring that firearms sales will not be made to persons prohibited from possessing a firearm without unduly burdening legitimate sales.

#### Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

#### Effective Date:

This bill would take effect on the forty-fifth day after it shall have become law.

### **Part Z – Establish Extreme Risk Protection Orders**

#### Purpose:

This bill would prevent individuals determined by a court to be likely to engage in conduct that would result in serious harm to themselves or others from purchasing, possessing, or attempting to purchase or possess a firearm, rifle, or shotgun.

#### Summary of Provisions and Statement in Support:

New York currently lacks a procedure permitting a court to issue an order to temporarily seize firearms from a person who is believed to pose a severe threat of harm to himself,

herself, or others unless that person has also been accused of a crime or family offense. Under the current law, despite the fact that family members often contact law enforcement when they fear that a loved one poses a threat of violence to others or him or herself, a court can only issue a temporary order of protection in connection with a criminal or family offense proceeding. More protections are needed to prevent unnecessary gun violence by those who pose a threat of harm to themselves or others.

This bill would provide all of the necessary procedural safeguards to ensure that no firearm is removed without due process while ensuring that tragedies like the school shooting in Parkland, FL and the mass killing at the Waffle House in Nashville, Tennessee do not occur in New York. In both of those cases, the shooter was reported by multiple sources to be disturbed and dangerous yet was allowed to purchase and possess deadly firearms. An extreme risk protection order would have prevented countless, needless deaths.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This bill would take effect on the one hundred eightieth day after it becomes law.

**Part AA – Pre-Trial Justice Reform Act**

Purpose:

This bill would address injustice in the justice system by passing reforms to end cash bail, ensure the right to a speedy trial, and modernize the discovery process.

Summary of Provisions and Statement in Support:

The Pre-Trial Justice Reform Act amends various sections of law to ensure fairness in the criminal justice system.

**Reform Bail and Pretrial Detention:** New York's current bail system fails to recognize that freedom before trial should be the rule, not the exception, and by tying freedom to money, it has created a two-tiered system that puts an unfair burden on the economically disadvantaged. This bill would 1) mandate that police issue appearance tickets instead of making custodial arrests in low-level cases, 2) eliminate cash bail and release people on their own recognizance, or, only if the judge makes necessary findings, under pretrial conditions, and 3) implement a new procedure whereby a district attorney may move for a hearing to determine whether a limited number of eligible defendants may be held in jail pretrial.

**Improve Access to a Speedy Trial:** The Sixth Amendment to the United States Constitution and State law guarantee all citizens accused of a crime the right to a speedy and public trial. Despite this foundational right, defendants are too often held in custody for excessive periods of time before their day in court while the court system remains overburdened with an overwhelming number of cases. This bill would obligate courts to take a more proactive role in actively advising litigants regarding how time will be charged and will not take at face value an assertion that the government is ready to proceed with trial.

**Expand the Discovery Process:** New York is one of only 10 states that enable prosecutors to withhold basic evidence until the actual day a trial begins. In addition, New York is known for having one of the nation's most restrictive discovery rules. This bill would require prosecutors and the defense to share information well before a trial takes place. This will include disclosure of evidence and information favorable to the defense; intended exhibits; expert opinion evidence; witnesses' criminal history information; and search warrant information will be made available to defendants in a timely and consistent manner. Second, with these additional disclosure requirements, victims and witnesses must be protected from intimidation or worse. To that end, this bill will provide prosecutors the ability to petition a court for a protective order, shielding identifying information when necessary, along with numerous other special procedures to ensure the safety of those witnesses and the sanctity of the judicial process.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget because it would reduce the number of individuals being held unnecessarily and unfairly in pre-trial confinement, and provide more equal justice for all New Yorkers.

Effective Date:

This bill would take effect immediately, however, the effective date for amendments to bail would commence on November 1, 2020, and the amendments for speedy trial and the discovery process would commence 180 days after the bill is enacted.

**Part BB – FOIL Reform**

Purpose:

This bill would comprehensively reform the State's Freedom of Information Law.

Summary of Provisions and Statement in Support:

Section 1 would amend section 86 of the Public Officers Law to clarify the definition of state legislature, and add a definition of “respective house of the state legislature.”

Section 2 would amend section 87 of the Public Officers Law to incorporate the state legislature into the provisions of FOIL; make proposed terms of a collective bargaining agreement available to the public; clarify that access to records may be denied where disclosure could endanger critical infrastructure; and codify proactive disclosure.

Section 3 would repeal section 88 of the Public Officers Law.

Section 4 would amend section 89 of the Public Officers Law to incorporate the state legislature into the provisions of FOIL; include personal communications between a legislator and a constituent in the definition of an unwarranted invasion of personal privacy; require commercial entities to renew requests for trademark protection; and outline the process to handle suits by commercial entities to block disclosure.

Section 5 would amend section 105 of the CPLR to define state legislature.

Section 6 of the part would amend section 7802 of the CPLR to include the state legislature within the definition of “body or officer.”

Section 7 would amend section 713 of the Executive Law to make reference to article six of the Public Officers Law, instead of section eighty-eight.

Section 8 would repeal section 70-0113 of the Environmental Conservation Law.

Section 9 would repeal section 308 of the County Law.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This bill would take effect immediately; provided however that the amendments to paragraphs (j), (k), (l), (m), (n), and (o) of subdivision 2 of section 87 of the Public Officers Law made by section two of this act shall not affect the repeal of such paragraphs and shall be deemed repealed therewith.

**Part CC – Workers' Compensation Medical Providers**

Purpose:

This bill would amend workers' compensation law to extend workers' compensation board (WCB) authority to resolve medical bill disputes, simplify the dispute process, and expand the list of authorized providers for workers' compensation claimants.

Summary of Provisions and Statement in Support:

The bill would amend the Workers' Compensation Law (WCL) §13-b to update the authorization process and reflect modern medical practice by expanding the types of health care providers and streamlining the process to authorize those providers, while preserving the role of County Medical Societies with respect to physicians. This will lead to better medical care for injured workers and reduced costs for employers.

The bill would also make technical amendment to WCL § 13-d specifying that all provider types are subject to removal for misconduct. The bill would also amend WCL § 13-g and WCL § 54-b to expressly permit the Board to resolve disputes concerning any medical service or supply rendered under the broad authority of WCL §13. Lastly, the bill would amend § 13-k (podiatrists), 13-l (chiropractors), and 13-m (psychologists) to reflect the changes to the authorization process.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget in order to provide better coverage for New York residents claiming workers' compensation benefits. There is no impact to the State's General Fund.

Effective Date:

This bill would take effect 90 days after it becomes law.

**Part DD – Increase the biennial registration fee for attorneys and the criminal history search fee**

Purpose:

This bill would increase the biennial registration fee for attorneys and the criminal history search fee to support the expansion of the *Hurrell-Harring Settlement* reforms to all of the State's counties and the City of New York.

Summary of Provisions and Statement in Support:

The biennial registration fee for attorneys is increased by \$50 to \$425 and the criminal history search fee is increased by \$25 to \$90 per search. The revenue generated from the fee increases will be directed to the Indigent Legal Services Fund.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget because the additional revenue generated from these fee increases will support important reforms in indigent defense.

Effective Date:

This bill would take effect immediately.

**Part EE – Grand Jury Reform**

Purpose:

This bill would amend existing procedures for grand jury proceedings, in an effort to lower the costs of grand jury proceedings for taxpayers, reduce the burden on private businesses, reduce the hardships on civilian witnesses, and ensure grand juries can truly be used as an investigatory device through the transition from transactional immunity to use immunity.

Summary of Provisions and Statement in Support:

As recommended by the New York State White Collar Crime Task Force, this bill would allow witnesses located out-of-state or more than 100 miles from the grand jury location to testify *via* a secure video conference connection, rather than require in-person testimony. It would also allow businesses to authenticate by certification any records they keep and maintain in the ordinary court of business, allow lack of consent to be established by sworn certification for identity theft cases, authorize a grant of use immunity rather than transactional immunity so that the State is no longer the only state in America to provide transactional immunity for grand jury testimony, and eliminate the accomplice corroboration requirement of the Criminal Procedure Law to allow cross corroboration by a separate accomplice.

These proposals are critical to improve upon New York's antiquated grand jury rules.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

Effective Date:

This bill would take effect on the ninetieth day after it becomes law.

**Part FF – Authorize the Alienation of Certain Parklands in Hastings, New York**

Purpose:

This bill would authorize the Town of Hastings, located in the County of Oswego, to transfer ownership of certain real property for the purpose of constructing a new State Police station.

Summary of Provisions and Statement in Support:

Section 1 of the bill would authorize the Town of Hastings to discontinue a certain portion of designated parklands and transfer ownership of such land to the State Police.

Section 2 requires the Town to dedicate certain funds for the future acquisition of new parklands and/or the improvement of existing facilities, in compliance with laws applicable to the discontinuance and transfer of parklands.

Section 3 specifies the lands to be conveyed.

Section 4 addresses compliance with federal law.

Section 5 provides for the immediate effectiveness of the bill.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget because it gives statutory authority to the Town of Hastings to complete the transfer of title for the portion of the designated parklands on which the new station will be constructed. There are certain restrictions on the use and alienability of these parklands under New York common law. The Town requires legislative authorization.

Effective Date:

This bill would take effect immediately.

**Part GG – Permanently Provide Energy as a Centralized Service**

Purpose:

This bill would make permanent the current law that allows agencies and political subdivisions to acquire electricity as a centralized service through the Office of General Services (“OGS”) and to extend the authority to acquire such services to public authorities and public benefit corporations.

Summary of Provisions and Statement in Support:

This bill would make permanent State Finance Law § 97-g and would amend this section of law to authorize public authorities and public benefit corporations to acquire energy products as a centralized service from OGS. State Finance Law already permits State agencies and local governments to purchase energy products (primarily electricity) as a centralized service provided by OGS to reduce their costs for energy products. By expanding the centralized service program for energy products, this bill would produce energy cost savings for public authorities and public benefit corporations. Making the law permanent would benefit the State with regard to securing energy savings.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget because the expiration of the centralized service program for energy products would result in increased energy costs to State agencies and local governments.

Effective Date:

This bill would take effect immediately.

**Part HH – Permanent Emergency Construction Authority**

Purpose:

This bill would make permanent the authority of the Office of General Services (OGS) to perform emergency construction without formal competitive bidding and increase the dollar threshold to \$2,000,000.

Summary of Provisions and Statement in Support:

This bill would amend Public Buildings Law § 9 to make permanent the authority of OGS to enter into certain emergency construction contracts up to a value of \$2,000,000 without formal competitive bidding. The emergency contracting authority granted by Public Buildings Law § 9 has allowed OGS to quickly respond to damage sustained by buildings and facilities as a result of extreme weather or other natural disaster, fire, explosion or other casualty, equipment failure and similar breakdowns occurring on State properties. Such construction emergencies frequently create a direct threat to the health, safety, and lives of State employees, institutional residents, and members of the public.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget. OGS' emergency contracting authority prevents additional repair and restoration costs for



damaged State facilities by permitting OGS to promptly respond to emergencies and preserve significant public assets.

Effective Date:

This bill would take effect immediately.

**Part II – Enact a Comprehensive Reentry Package to Improve Outcomes for Formerly Incarcerated Individuals**

Purpose:

This comprehensive reentry package would help to improve outcomes for formerly incarcerated individuals.

Summary of Provisions and Statement in Support:

This bill would enact into law major components of legislation that remove unnecessary barriers to reentry. Specifically, this bill would:

- amend various occupational licensing laws to remove mandatory bans on applicants with criminal convictions;
- amend vehicle and traffic law to remove six month mandatory drivers' license suspension for non-driving related offenses;
- amend public officers law to protect the release of mugshots under freedom of information law;
- amend criminal procedure law and executive law to prevent the use in a civil context of past arrest information that did not result in a conviction;
- amend corrections law to provide for consideration of compassionate release for older incarcerated individuals facing health issues exacerbated by age.

Budget Implications:

Enactment of this bill is necessary to implement the FY2020 Executive Budget.

Effective Date:

This bill would take effect immediately.

**Part JJ – Reform segregated confinement by creating a more progressive, therapy-based sanction in an effort to reduce recurrent infractions.**

Purpose:

This bill would create a more therapeutic based sanction in relation to solitary confinement with a progressive path back to general confinement. It aims to cut down the amount of time spent in solitary confinement and allow the inmate to understand his or her actions.

Summary of Provisions and Statement in Support:

Continuing the historic settlement reached between the Department of Corrections and Community Supervision and the New York Civil Liberties Union under Governor Cuomo, this bill would provide additional infrastructure investments to allow for incarcerated individuals to significantly reduce their time in such confinement, offer new program opportunities that will address the underlying behavior of the individual, and drastically alter their day-to-day living conditions, while separated from the general population.

To achieve this goal and ensure the safety and security of staff and inmates, the Department intends to incorporate within its alternatives to segregated confinement, the philosophy of restrain rather than isolate, that has been successfully adopted by the Colorado Department of Corrections. The use of restraints will allow formerly violent, restrictive housing incarcerated individuals to remain out of their cells for increased periods of time with other incarcerated individuals, for programming and other activities. The goal being meaningful out of cell time that encourages the transition to safely remove restraints.

Budget Implications:

Enactment of this bill allows New York State to continue its ground-breaking efforts in SHU reform.

Effective Date:

This bill would take effect as stipulated as follows: No incarcerated individual may be placed in segregated confinement for longer than necessary and no more than ninety days of segregated confinement on April 1, 2021; no more than sixty days of segregated confinement on October 1, 2021; and no more than thirty days effective April 1, 2022.

**Part KK – Shock Incarceration**

Purpose:

This bill would amend the penal law and correction law in relation to shock incarceration.

Summary of Provisions and Statement in Support:

The proposed reform allows sentencing judges to issue a shock incarceration enrollment order at their discretion for individuals convicted of burglary in the second degree or robbery in the second degree.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2019 Executive Budget and will send the strong signal that New York is rededicating itself to a progressive and responsive justice system that leads the nation.

Effective Date:

This bill would take effect on September 1, 2019.

**Part LL – Continuous Recruitment Exams**

Purpose:

This bill would allow the Department of Civil Service to establish a continuing eligible list for any open-competitive class position.

Summary of Provisions and Statement in Support:

This bill would amend Civil Service Law (CSL) section 57 to allow the Department of Civil Service to establish a continuing eligible list in connection with open-competitive examinations, whenever it deems it appropriate to do so.

Continuous recruitment examinations offer a flexible and valuable selection tool under various circumstances. Eliminating the requirement that there must be a limited number of well qualified candidates available will enable the Department or municipal civil service commission to use the device when it is found that it can provide for a more efficient and modernized examination process. This proposal would also effectuate a recommendation by the NYS Advisory Council on Diversity and Inclusion regarding enhanced career mobility opportunities in State government.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget because it would provide for a more efficient examination process.

Effective Date:

This bill would take effect immediately.

## **Part MM – Non-Competitive and Labor Class Promotional Exams**

### Purpose:

This bill would allow State employees in non-competitive or labor class positions, who have already established their merit and fitness in their current position, to compete for competitive positions without regard to the method by which s/he became a State employee.

### Summary of Provisions and Statement in Support:

This bill would amend subdivision 11 of section 52 of the Civil Service Law to eliminate the requirement that the New York State Department of Civil Service hold an open competitive examination at the same time as the promotional examination in order for non-competitive and labor class employees to compete in a promotional examination.

In certain circumstances, non-competitive and labor class employees serve in positions which would logically prepare them for promotion to competitive class positions. There is not usually a need to conduct an open-competitive examination to provide a sufficient pool of candidates to fill existing and anticipated vacancies nor is there a need to incur the additional expense of administering an open-competitive examination.

This proposal would also effectuate a recommendation by the NYS Advisory Council on Diversity and Inclusion regarding the accelerated hiring of highly-qualified diverse candidates and enhanced career mobility opportunities in State government.

### Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget. Efficiencies and savings would be realized in staff time by eliminating the necessity to administer an open-competitive examination when a sufficient promotion field exists.

### Effective Date:

This bill would take effect immediately.

## **Part NN – Grant Salary Protection for Provisional Employees**

### Purpose:

This bill would grant salary protection to provisional and temporary incumbents and to provide salary protection to permanent incumbents who take a lateral transfer.

### Summary of Provisions and Statement in Support:

This bill would amend paragraph a of subdivision 2 of section 121 of the Civil Service Law to extend its salary protection to provisional and temporary incumbents as well as to permanent incumbents at the same grade, upon transfer to other positions, by reason of reclassification or reallocation.

When action initiated by the Department of Civil Service to maintain salary equity among titles results in lowering the grade of a title, permanent incumbents are currently granted salary protection as long as they retain such position. This bill would increase career mobility by expanding that salary protection to provisional and temporary employees, as well as grant permanent incumbents this protection when transferring to lateral positions.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget because it provides increased career mobility at no additional cost.

Effective Date:

This bill would take effect immediately.

**Part OO – Reducing Certain Misdemeanor Sentences to 364 Days**

Purpose:

This bill would reduce the maximum potential sentence for class A misdemeanors by one day, changing the maximum sentence for misdemeanors from one year to 364 days.

Summary of Provisions and Statement in Support:

For class A misdemeanors, including graffiti, criminal mischief, and harassment, the maximum sentence of imprisonment is exactly one year – 365 days. Due to federal law, any immigrant who is convicted of a crime that may be punishable by a sentence of one year or more can be deported. Shockingly, this deportation can take place even if the individual ultimately receives a sentence of incarceration or probation of less than one year.

To protect these immigrants from excessive punishment that does little to protect public safety, this bill would reduce the maximum sentence for class A misdemeanors by one day from 365 to 364 days. This one day would guarantee immigrants are entitled to the protections they deserve and prevent unwarranted deportation.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 budget.

Effective Date:

This bill would take effect immediately.

**Part PP – Asset Forfeiture**

Purpose:

This bill would amend the Civil Practice Rules and Law as it relates to Civil Asset Forfeiture.

Summary of Provisions and Statement in Support:

This bill would reform the current Civil Asset Forfeiture System to provide a path for increased public trust in the justice system.

First, this legislation will require all funds seized via asset forfeiture to be deposited into an escrow account managed by professionals with oversight of the authorities. This process will ensure that only eligible property is seized and, when the property is forfeited, all proceeds are dispersed in accordance with the law.

Second, claiming authorities will be required to report demographic data – such as race, ethnicity, age, and gender – on the individuals who have had their property seized. This will enable the State to further study the issue of civil asset forfeiture, identify any underlying biases in the process, and take further corrective action if warranted.

Finally, when authorities expend any of the seized assets to purchase equipment or fund programs, they will be required to record the purpose, bringing transparency and accountability to the criminal justice system.

These measures will ensure that New Yorkers accused of crimes are considered innocent until proven guilty, both in practice as well as in law.

Budget Implications:

Enactment of this bill is necessary to implement the FY2020 Executive Budget.

Effective Date:

This bill would take effect on 180 days after the bill has become a law and shall apply to crimes which were committed on or after such date.

## **Part QQ – Establish the child-parent security act**

### Purpose:

This bill would legally establish a child's relationship to his or her parents when the birth is a result of assisted reproduction, artificial insemination or a gestational carrier arrangement.

### Summary of Provisions and Statement in Support:

Section one enacts the Child-Parent Security Act.

Section two repeals section 73 of the Domestic Relations Law.

Section three repeals Article 8 of the Domestic Relations Law.

Section four provides for the effective date of the bill.

### Budget Implications:

Enactment of this bill is necessary to implement the FY2020 Executive Budget.

### Effective Date:

This bill would take effect one hundred and twenty days after it becomes law. Effective immediately are the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act.

## **Part RR – Create an Office of Special Investigation within the Department of Law**

### Purpose:

This legislation creates an Office of Special Investigation within the Office of the Attorney General to investigate and, if necessary, prosecute local police officers in cases whereby the death of an unarmed suspect occurs in connection with an officer's performance of his or her regular duties.

### Summary of Provisions and Statement in Support:

In 2015 Governor Cuomo issued Executive Order No. 147, which appointed the New York State Attorney General as a special prosecutor in matters relating to the deaths of unarmed civilians caused by law enforcement officers. The order also allows the special prosecutor to review cases where there is a question whether the civilian was armed and dangerous at the time of his or her death.

Although the Governor has issued an Executive Order there is currently no statutory law that appoints a special prosecutor in matters relating to the deaths of unarmed civilians caused by law enforcement officers. The potential for conflict can occur when a local prosecutor investigates and prosecutes a serious criminal offense alleged to have been committed by a police officer. This conflict arises from the day-to-day interdependency between a prosecutor and police officers as they fulfill their law enforcement duties.

District attorneys must, by the nature of their professional responsibilities, maintain cooperative working relationships with their colleagues in law enforcement. But when the legality of a police officer's conduct comes into question in cases when an unarmed suspect loses his or her life, or other extraordinary circumstances are present, that cooperative working relationship is placed in jeopardy. The result is the perceived, if not actual, conflict of interest for the prosecutor.

This legislation will help restore public confidence in our legal system by placing through New York State statute investigative and prosecutorial authority within the Attorney General's office in cases where the death of an unarmed suspect occurs in connection with a local police officer or officers' performance of his or her official duties. Since the State Attorney General's relationship with local law enforcement is more autonomous, this new office is a necessary tool to ensure effective and independent prosecution of such cases.

To avoid a similar appearance of conflict of interest in cases involving the State Police, with whom the Office of the Attorney General has a closer relationship, the Attorney General must distance his or her office further by appointing a special, independent prosecutor to assume the duties and responsibilities of the Office of Special Investigation.

In the same vein, this bill will bring additional accountability to policing throughout the State by requiring police departments to report to the Division of Criminal Justice Services certain use of force data and would require all police departments throughout the State to implement a use of force policy to be created by the Division of Criminal Justice Services. This reporting and standardization of police practices will further confidence in our criminal justice system.

#### Budget Implications:

Enactment of this bill is necessary to implement the FY 2020 Executive Budget.

#### Effective Date:

This bill would take effect immediately.



The provisions of this act shall take effect immediately, provided, however, that the applicable effective date of each part of this act shall be as specifically set forth in the last section of such part.