



**New York State Assembly**

**Sheldon Silver**  
Speaker



# 2013

## ANNUAL REPORT

Committee on  
**Codes**

**Joseph R. Lentol**  
Chairman





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ALBANY

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December 15, 2013

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

Chairman  
Committee on Codes

COMMITTEES  
Rules  
Ways & Means  
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**Re: Annual Report of the Committee on Codes - 2013**

Dear Speaker Silver:

It is with great pleasure that on behalf of the Committee on Codes, I submit to you the committee's 2013 Annual Report highlighting its activities during the first half of the 2013-2014 Legislative Session.

Among the committee's many notable accomplishments was the passage of the NY SAFE Act, which strengthens New York's assault weapons ban, limits high-capacity magazines, regulates ammunition, increases criminal penalties for gun crimes, and addresses the mental-health aspect of gun safety. Additionally, the Committee on Codes worked with other standing committees to enact legislation to protect children, the elderly and other vulnerable populations.

There were numerous other legislative accomplishments of which the Committee and the Assembly can be justly proud that are set forth in this report.

The Committee extends its appreciation to you for your support. In addition, I would like to thank the committee members and staff for their hard work during the 2013 Legislative Session.

Sincerely,

Joseph R. Lentol, Chairman  
Standing Committee on Codes

**2013 ANNUAL REPORT  
STANDING COMMITTEE ON CODES**

**Joseph R. Lentol, Chair**

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## **I. Committee Jurisdiction**

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

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

## **II. Summary of Legislation Moved by the Committee on Codes and Enacted in 2013<sup>1</sup>**

### **A. Protecting Children, the Vulnerable and the Elderly**

**Enacts the Uniform Guardianship and Protective Proceedings Jurisdiction Act** This law, based on the Uniform Guardianship and Protective Proceedings Jurisdiction Act, addresses the issue of jurisdiction over adult guardianships, and provides for a mechanism for resolving multi-state jurisdictional disputes. This law will also allow an assessment, against parties wrongfully requesting a protective order or bringing a guardianship action, for expenses including attorney's fees, investigative fees, court costs, communication expenses, witness fees and expenses and travel costs. (A.857/S.2534; Chapter 427; Judiciary)

**Aggravated Assault of Children** Increases the look back period for aggravated assault upon a person less than eleven years old from 3 years to 10 years and increases what would otherwise be an A misdemeanor to an E felony in some cases. (A.2623-A/S.5869; Chapter 172)

**Medical Care for Minors in Local Correctional Facilities** Ensures that inmates under age 18 who are pre-trial detainees, serving a definite sentence in a local correctional facility, or being held for transfer to a state correctional facility, receive routine medical, dental and mental health treatment during confinement. This law also ensures such treatment by providing that where there is no parent or guardian to provide consent, that a commitment order shall be deemed to grant to such minor the capacity to give consent for his or her own medical, dental and mental health treatment. Nothing in this law would prohibit a parent or guardian, when present, from refusing such consent. Parents would also have the right to make a motion objecting to such consent after it has been granted. (A.5008-B/S.5426-A; Chapter 437; Correction)

**Clarifying Background Check Requirements of Employees** Makes technical amendments regarding background checks by the new Justice Center concerning certain prospective employees. Removes certain inadvertent references to State Education Department (SED) emergency placement programs; include Federal Bureau of Investigation (FBI) background checks for prospective employees for certain Office for Children and Family Services (OCFS) residential programs; and maintains background checks for OCFS foster care and adoptive agencies. (A.7904/S.4861-A; Chapter 83; Mental Health)

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<sup>1</sup> Except where noted, legislation cited in this discussion originated in the Committee on Codes. Where such legislation did not so originate, but was dual referenced into the Committee on Codes from another committee and the Codes Committee had substantial impact on such legislation, then the original committee of reference will appear with the bill number. All chapter numbers are to chapters of the Laws of 2013.

## **B. Fighting Gun and Weapon Violence**

**NY SAFE Act** Enacts the NY Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013. (A.2388/S.2230; Chapter 1)

## **C. Protecting Crime Victims**

**Crime Scene Cleanup Assistance** Expands the definition of “out of pocket” expenses to allow the state Office of Victim Services to provide compensation for crime scene cleanup costs to certain surviving members of the family of a homicide victim. (A.6899/S.4345; Chapter 119; Governmental Operations)

**Provides Awards for Relocation Expenses** Includes certain household members' expenses within the definition of “relocation expenses” for which a crime victim may receive an award from the Office of Victim Services. An award for relocation expenses may also include relocation expenses related to the victim's spouse and any other person who is dependent for his or her principal support upon the victim or spouse who lives at the same residence as the victim. In cases where a victim may be a child, the relocation expenses of that child's parent, stepparent, or guardian who lives in the same residence as the child victim may also be included. (A.6900/S.4344; Chapter 261; Governmental Operations)

## **D. Health and Safety**

**Licensure of Perfusionists** Provides for the licensure of perfusionists by the State Education Department. Perfusionists operate the heart-lung machine to which a patient's entire blood supply is diverted during surgeries (such as cardiac surgery), as well as performing blood testing. (A.526-B/S.5353-A; Chapter 409; Higher Education)

**Prohibits Unsafe Cribs** Prohibits the use of baby cribs that do not meet ASTM safety standards in hotels and certain child care (day care) settings. This law adds this prohibition to a section of the GBL, added in 2010, that prohibits the distribution and retail sale of such unsafe cribs. A civil penalty of up to \$1,000 per violation may be imposed. (Enforceable by the Attorney general) (A.460-A/S.774-A; Chapter 381; Consumer Affairs)

**Requires Children to Wear Helmets while Horse Riding** Raises the age from less than 14 to less than 18 for which a helmet must be worn when riding a horse. Any person who violates this section shall pay a civil fine not to exceed \$250, but a police officer shall only issue a summons for a violation of this section to the parent or guardian of such person if the violation occurs in the presence of such parent or guardian and where such parent or guardian is over the age of 18. Additionally increases the age from less than 14 to less than 18 for whom the horse providers must provide helmets. A knowing violation of this section may result in a civil penalty not to exceed \$250. (A.1890/S.2007; Chapter 246; Transportation)

**Prohibits Smoking on Hospital Grounds** Prohibits smoking on the grounds of general hospitals and residential health care facilities. Those who violate this law will be subject to the general public smoking penalty of the Public Health Law. (A.1115-A/S.1987-A; Chapter 179; Health)

**Prohibits Smoking on Playgrounds** Prohibits smoking on the grounds of a playground during the hours of sunrise to sunset when children under the age of 12 are present. Playgrounds constructed on one, two and three-family residential real properties are exempt. Provides further that this is essentially a secondary offense: a law enforcement officer may not arrest, ticket, stop or question a person based upon an alleged violation of this law. A violation is subject to a civil penalty of up to \$2,000 under the general penalty provision of Public Health Law §12. (A.4025/S.1643; Chapter 102; Health)

**Freelancers Health Plan Demonstration Program** Creates the freelancers health plan demonstration program and provides that such program would be a self-funded plan maintained by an association for the purpose of providing medical, surgical, or hospital services to independent workers. Expires December 31, 2014. A freelancers association that fails to file any report or statement required by this chapter, or fails to reply within thirty days to a written inquiry by the superintendent in connection therewith shall, in addition to other penalties provided by this chapter, be subject, upon notice an opportunity to be heard, to a penalty of up to one thousand dollars per day of delay, not to exceed twenty-five thousand dollars in the aggregate, for each such failure. (A.6519-B/S.4526-B; Chapter 203; Insurance)

**Establishes the Practice of Surgical Technology** Sets minimum qualifications for surgical technologists working in certain health care facilities. Certain persons will be unable to work or continue to work absent additional training and experience. Surgical technologists assist in surgery and/or clean, sanitize, maintain and repair certain medical equipment. In accordance with the general penalty provisions in section 12 of the Public Health Law, violation by health care facilities would be subject to a civil penalty of up to \$2,000. (A.7419-A/S.5185-A; Chapter 292; Health)

**Statewide Immunization Information System** Expands access to information maintained in the New York Statewide Immunization Information System (NYSIIS) allowing access by, for example, summer camp staff. The law will permit adults to give oral consent rather than written consent for their immunizations to be recorded in NYSIIS. (A.7734-A/S.4528-A; Chapter 154; Health)

#### **E. Drug Abuse Prevention**

**Bans Synthetic “Bath Salts”** Adds new synthetic stimulants, or substituted cathinones commonly referred to as “bath salts,” to subdivision (f) of schedule I of section 3306 (list of controlled substances) of the Public Health Law. For the purposes of the Penal Law, these bath salts would be considered a “stimulant.” (A.717-A/S.3469-A; Chapter 341; Health)

**Restricts the Sale of Products Containing DXM** Prohibits retail establishments from selling products containing dextromethorphan (DXM) as an active ingredient to any person under 18 years of age without a valid prescription. This law also requires retail establishments to request proof of age from any individual purchasing a product containing DXM as an active ingredient unless such individual reasonably appears to be over 25 years of age. The law also clarifies that such appearance shall not constitute a defense in any proceeding alleging the sale of a product containing DXM as an active ingredient to an individual under 18 years of age. The law also authorizes a fine of \$250 for each violation. (A.933-B/S.696-B; Chapter 357; Higher Education)

**Authorizes Pharmacists to Take Back Prescription Drugs** Authorizes pharmacies to receive voluntarily-surrendered controlled substances. Prior to this law, only law enforcement offices could arrange and sponsor controlled substance turn-in events and sites. This law will provide a safe harbor from prosecution for persons surrendering controlled substances (otherwise unlawful to possess) in accordance with the surrender program authorized by this law. (A.1101-B/S.3944-B; Chapter 343; Health)

#### **F. Assault**

**Assault Against a Prosecutor** Increases the penalty for causing physical injury to a person who is a prosecutor (district attorney or assistant district attorney) from assault in the third degree to assault in the second degree. The elevated crime is a class D violent felony, punishable by a determinate sentence of up to seven years in prison. (A.5210-A/S.4160-A; Chapter 259)

**Visitation Restrictions by Certain Sex Offenders** Restricts court awards of custody and visitation to persons convicted of certain sex offenses with any child conceived as a result of such a sex offense. Creates a presumption against an award of custody and/or visitation rights in such circumstances. (A.7188-A/S.5069-A; Chapter 371; Judiciary)

## **G. Police and Community Relations**

**Police Dog Vaccination Waivers** Allows police departments to apply for a waiver from the department of health from the mandatory 10 day quarantine period for police dogs who bite a person in the course of their official duty if such dog has up-to-date records of being vaccinated for rabies. (A.1287-A/S.1993-A; Chapter 163; Health)

**EPA Peace Officers** This bill gives peace officer powers to Environmental Protection Agency (EPA) special agents with law enforcement powers. (A.1473/S.4003; Chapter 366)

**Increasing the Penalty for the Intentional Death of a Police Animal** Increases the penalty for intentionally killing a trained police work dog or police work horse while such dog or horse is in the performance of its duties and under the supervision of a police officer. The former penalty for killing a police animal was an A misdemeanor. This law increases the penalty to an E Felony. (A.2596-A/S.1079-A; Chapter 162)

## **H. Protecting Consumers**

**Prohibits the Sale of Novelty Lighters** Prohibits the distribution or retail sale of novelty lighters in New York. Novelty lighter is defined as a lighter designed to appear to be a toy, or designed to resemble a cartoon character, gun, watch, musical instrument, vehicle, animal food or beverage or that features a flashing light or creates audio effects. For each lighter possessed in violation of this law (presumably for purposes of sale), the following civil penalties may be imposed: up to \$10,000 by a manufacturer or importer; up to \$1,000 by a wholesaler or wholesale distributor; and up to \$500 for a retailer seller or other person distributing lighters. (A.1011-A/S.933-A; Chapter 359; Consumer Affairs)

**Fights VIN Fraud** Prohibits, with the intent to defraud, knowingly manufacturing, producing or reproducing an unofficial vehicle identification number (VIN) label, sticker or plate. A violation of this section would be subject to an E Felony. (A.3180-A/S.2098-A; Chapter 186)

**Prohibits Counterfeit and Nonfunctional Airbags** Defines non-functional and counterfeit airbags and creates a misdemeanor for knowingly manufacturing, offering to install, installing, distribute or sell such item. A single violation is subject to a misdemeanor penalty of up to one year in jail. If the violation involves more than 25 airbags, or is an offender's second offense, he/she will be subject to an additional civil fine of \$1000 per airbag. (A.6378-B/S.5037-B; Chapter 201; Consumer Affairs)

**Bans Retailers from Adulterating Alcoholic Beverages** Provides that no retail licensee for on-premises consumption shall intentionally adulterate, dilute or fortify the contents of any container of alcoholic beverages as received from the manufacturer or wholesaler. (A.7166/S.352; Chapter 224; Economic Development)

## **I. Protecting Animals**

**Suspension of Pet Dealer Licenses** Requires that an administrative hearing be held to determine whether a pet dealer's license should be suspended or revoked once a licensee has failed three consecutive inspections. (A.1205-A/S.3955-A; Chapter 256; Agriculture)

**Bans the Sale of Shark Fins** Prohibits persons from possessing, selling, offering for sale, trading or distributing a shark fin unless such legally taken shark fins were taken from a spiny dogfish caught by a licensed commercial fisherman; or were taken from a shark caught by a recreational fisherman who has complied with the recreational marine fishing. A violation of this section is punishable by imprisonment of not more than fifteen days or by a fine of the greater of two hundred fifty dollars; or simply, a \$250 fine. (A.1769-A/S.1711-B; Chapter 171; Environmental Conservation)

**Relates to the Control of Wild Boars** Prohibits the importation, possession, sale, or release of Eurasian Boar in New York State. (A.3767-A/S.5733; Chapter 417; Environmental Conservation)

**Protects Pets and Owners** Changes the current period of time of 14 days to 180 days, to allow for a return, reimbursement, or cost of treatment to be provided by a pet dealer if an animal purchased from such pet dealer is found to have a congenital malformation. Further, the bill requires a broker's name and address and information regarding the location of a dog's birth in addition to current information that is already required including date of birth, sex, breed, color, etc. (A.5114-B/S.3723-B; Chapter 251; Agriculture)

## **J. Miscellaneous Legislation**

**Penalties for Illegal Cigarettes** Designed to assure that a person who illegally ships cigarettes to a government employee acting undercover as part of "sting" operations may be prosecuted as if the sale were made to a member of the general public. The law increases the civil penalty for prohibited sales to up to \$100 per pack shipped in violation of the law or up to \$5,000, whichever is greater. The law also allows the attorney general to bring actions to recover such civil penalties. (A.365-B/S.5215-A; Chapter 342; Health)

**Restitution of Funds** Allows a volunteer fire company to seek restitution for funds expended for the purposes of restoration, rehabilitation or cleanup of the site of arson, provided no other victim is seeking restitution in the case. (A.392-A/S.337-A; Chapter 356)

**Increases Community Service Requirements for Underage Purchase of Alcohol** Increases community service requirements for the purchase or attempt to purchase an alcoholic beverage by a person under twenty-one years of age. This law toughens the community service requirement under the Alcohol and Beverage Control laws from 30 hours to 60 hours for a second violation when an underage drinker buys or attempts to buy liquor, beer, wine, or spirit with a fake ID. For a third or subsequent violation, this law would increase community service from 30 hours to 90 hours. (A.2530-B/S.4101-A; Chapter 257; Economic Development)

**Speed Cameras in NYC** Authorizes 20 speed cameras in NYC to be installed in school zones. A speeding violation captured by one of these cameras is subject to a \$50 civil penalty. (A.4327-A/S.4459-A; Chapter 189; Transportation)

**Prohibits U-turns in School Zones** Prohibits U-turns in school zones. Violators are subject to a traffic infraction and up to \$150 fine. (A.6647-A/S.3528-A; Chapter 249; Transportation)

**Electronic Death Registration System** Directs DOH to establish an electronic death registration system for collecting, storing, recording, transmitting, amending, correcting and authenticating information relating to deaths occurring in the state. All confidentiality provisions apply in this law. (A.7500-A/S.4668-B; Chapter 352; Health)

**Creates a Farm Cider License** This was a governor's program bill that creates a farm cidery license. This will allow cideries to expand the activities which can be conducted on their licensed premises. It is expected that these businesses, much like farm wineries, will become destination locations that will promote tourism within their communities. In addition, the need for apples in the manufacture of New York State labeled cider will create a sustained demand for products from our farmers. (A.8047/S.5833; Chapter 384; Economic Development)

**NY Gaming Economic Development Act of 2013** Authorizes legislation for the creation of four casinos in NYS. This law creates ten new crimes: Gaming Fraud in the second degree (A misdemeanor); Gaming fraud in the first degree (E felony); Use of counterfeit, unapproved or unlawful wagering instruments (A misdemeanor); Possession of unlawful gaming property in the third degree (A misdemeanor); Possession of unlawful gaming property in the second degree (E felony); Possession of unlawful gaming property in the first degree (D felony); Use of unlawful gaming property (E felony); Manipulation of gaming outcomes at an authorized gaming establishment (E felony); Unlawful manufacture, sale, distribution, marking, altering or modification of equipment and devices associated with gaming (E felony); Operating an unlawful electronic sweepstakes (E felony). Also included in the law is a lifetime ban on any felon entering a casino. The penalty is forfeiture of winnings. The commission is also given extensive background check authority, and makes persons convicted of any felony (and certain misdemeanors related to public integrity) ineligible for employment. This includes any employee who works in the casino or works on the equipment. (A.8101/S.5883; Chapter 174; Racing and Wagering)

### **III. Summary of Significant Legislation Moved by the Committee on Codes in 2013 that only the Assembly Passed<sup>2</sup>**

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

**Bans Discrimination Against Religious Attire** This bill is designed to protect individuals from religious discrimination based on the person wearing clothing and garment accessories required by religious convictions, so long as such clothing and accessories do not pose a hazard to the individual or others. Under this bill, a violation would be a discriminatory practice subject to civil penalties and enforcement by civil litigation, in accordance with the Human Rights Law. (A.864-A/S.5828; Passed Assembly; Governmental Operations)

**Child Sensitive Arrest Policy** This bill would require state and municipal police to be trained on child sensitive arrests. Directs the development of such training and guidelines. (A.1507/S.1416; Passed Assembly)

**Permanency Planning for JDs and PINS** This bill would provide permanency planning at earlier stages of juvenile delinquency and persons in need of supervision (PINS) adjudication and would also require juvenile delinquents in limited secure settings to receive permanency planning (currently only non-secure & residential placement). The planning would consist of several measures such as contact with parent/guardian if appropriate, ascertaining and arranging transition into the appropriate and applicable educational setting, including if special education is required or if the youth would not be going to school the plan would have a component to ascertain employment. (A.2601/S.4083; Passed Assembly; Children and Families)

**Restores ACDs for Juvenile Delinquency Cases** This bill would provide for procedures for restoring actions in contemplation of dismissal (ACDs) to the calendar in juvenile delinquency cases. Also provides that the time of the ACD shall be tolled during the pendency of the violation proceeding and credited back to the time if no violation is found. (A.2602-B/S.3831-A; Passed Assembly; Children and Families)

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<sup>2</sup> Except where noted, legislation cited in this discussion originated in the Committee on Codes. Where such legislation did not so originate, but was dual referenced into the Committee on Codes from another committee and the Codes Committee has substantial impact on such legislation, then the original committee of reference will appear with the bill number. Additionally, legislation that was in fact passed by both Houses will be listed as such.

**Establishes the Independent Office of Child Advocate** This bill would create a new statewide Office of the Child Advocate. The office would displace the more limited role played by the State Commission on the Quality of Foster Care Services. Under this bill, the Child Advocate and his or her staff as well as certain volunteers would be indemnified from liability for certain actions undertaken in the course of their duties. Under this proposed clause, the Attorney General would defend and the state would indemnify these persons. (A.2676/S.5778; Passed Assembly; Children and Families)

**Crime Reports at Adult Care Facilities** This bill would amend the law concerning the duty of certain adult home operators to report any death, attempted suicide or felony crime committed against a resident. The bill would also expand the current reporting requirement to include operators of enriched housing programs; and require such report concerning a felony crime to be made to law enforcement as soon as possible, but in any event within 24, rather than the current 48, hours. (A.5147-A; Passed Assembly; Health)

**Managed Care for Persons with Developmental Disabilities Advocacy Program** This bill would create the Managed Care for Persons with Developmental Disabilities Advocacy Program. Advocacy program staff would advise individuals of applicable rights and responsibilities, provide information, referrals and technical assistance to address the needs of these persons, and pursue legal, administrative and other appropriate remedies for the protection of the rights of the enrollees. (A.6962-A/S.4885-A; Passed Assembly; Mental Health)

## **B. Reforming the Criminal Justice System**

**Court Appointed Interpreters** This bill would require that where an interpreter has been appointed by the court to assist in the proceeding before the court, the court shall also direct such interpreter to translate into the appropriate language any order of protection issued by the court. Such translation shall not affect the validity or enforceability of the order. (A.1084-A/S.1728-A; Passed Assembly; Judiciary)

**Establishes new Discovery Rules** This bill would establish the power of a court to order disclosure by the prosecution of relevant property that is shown to be material to preparation of the defense, whether or not the prosecution intends to introduce the property at trial. Further, this bill would address court rulings that have barred such court-ordered disclosure. The government would continue to have effective tools to bar disclosure when needed, such as a motion for a protective order. (A.3801/S.4089-A; Passed Assembly)

**Comparing Fingerprints Against the Statewide Database** This bill would allow a judge, upon a motion by the defendant, to order that a fingerprint obtained in the course of an investigation be compared against the state and/or national fingerprint identification system upon a showing that such comparison is material to his or her defense or prosecution of such defendant be compared against the state and national fingerprint identification systems upon a showing that such comparison is material to his or her defense. The bill would also allow a judge, upon a motion by the defendant after a conviction or a guilty plea, to order that a fingerprint obtained in the course of the investigation or prosecution of such defendant be compared against the state and national fingerprint identification systems upon a showing that had the results been admitted at trial or available prior to the plea of guilty a reasonable probability exists that the verdict would have been more favorable or the conviction would not have resulted. Such fingerprints would have to comply with the state or federal requirements, as applicable. (A.6915; Passed Assembly)

**Foreclosure Fraud Prevention Act of 2013** This bill would create the crime of residential mortgage fraud in the 1st and 2nd degree. Residential mortgage fraud in the 2nd degree would be a class A misdemeanor, 1st degree would be an E felony. (A.7395/S.5251; Passed Assembly)

**Prostitution Offenses by Certain Juveniles** This bill would allow criminal court judges to treat individuals who are charged with prostitution or loitering for the purposes of prostitution when sixteen or seventeen years of age as persons in need of supervision (“PINS”) under the Family Court Act. It also provides that if such an individual is convicted of or pleads guilty to such a charge, the judge must substitute a youthful offender adjudication. (A.8071-A/S.5839-A; Passed Both Houses)

### **C. Drug Reform and Prevention**

**Bans Synthetic Cannabinoids** This bill would add new synthetic cannabinoids, commonly referred to as “synthetic marijuana,” to new subdivision (g) of schedule I of section 3306 (list of controlled substances) of the Public Health Law. For the purposes of the Penal Law, these synthetic cannabinoids would be considered a general controlled substance. (A.1451-A; Passed Assembly; Health)

**Marijuana Decriminalization** This bill equalizes the penalty for possession of less than 15 grams of marijuana in “public view” with the penalties applicable to possession of such a quantity that is not in public view. Specifically, the bill amends Penal Law 221.10; burning or smoking marijuana remains a class B misdemeanor under that section. Possession of less than 15 grams in public view would be a violation subject to a fine of up to \$100 pursuant to PL §221.05. A second such violation committed within three years would be subject to a fine of up to \$200; a third or subsequent violation within three years would be subject to a fine of up to \$250 and imprisonment for up to 15 days, or both such fine and imprisonment. (A.6716-A/S.3105-A; Passed Assembly)

#### **D. Health and Safety**

**Restricts the Display of Human Remains** This bill would require pre-death consent of the decedent (or post-death consent of authorized representative) and a Department of Health-issued permit before a person may display human remains. Includes exceptions for museums, funeral homes, teeth and hair, remains more than 100 years old, and “objects of religious veneration.” A violation would be punishable by a civil penalty of up to \$5,000. (A.287-A/S.827; Passed Assembly; Health)

**Prohibits the Sale of Flavored Tobacco Products** This bill would prohibit the sale of flavored tobacco products with a “characterizing flavor,” including cigars, chewing tobacco, snuff, and paraphernalia such as rolling papers, although allows sale of such products in tobacco stores. A similar ban on flavored cigarettes is already in place. “Characterizing flavor” is defined as a distinguishable taste or aroma, such as fruit, chocolate, vanilla, honey candy, cocoa, dessert, alcoholic beverage, herb or spice flavoring. Flavors such as tobacco itself, menthol, mint and wintergreen are excluded. Under this bill, a fine of up to \$100 may be imposed for each individual package of tobacco product sold or offered for sale. Further, a manufacturer may be subject to a civil penalty of up to \$50,000 for each brand or style of that manufacturer’s tobacco products that is found to be offered for sale in violation. (A.1179-A/S.5686; Passed Assembly; Health)

**Partner Therapy for STIs** This bill would allow health care providers who may prescribe medications for sexually transmitted infections (STIs) to also prescribe such medications for a partner who is not present for treatment before the practitioner. This has been permitted since 2005; this bill would eliminate an upcoming sunset on the program (making it permanent) and also allows prescribing for additional STIs. Under the existing and extended law, a practitioner who prescribes such medication acting reasonably and in good faith is immune from civil and criminal liability. (A.1919-A; Passed Assembly; Health)

**Posting of Restaurant Inspections** This bill would require the Department of Health (DOH) to post the results of restaurant inspections for the past 3 years. It also requires that if a county health department maintains a website with restaurant inspection information, that it must have a link to the state DOH's website. This bill exempts the City of New York. Posting of inspection results, in the revised bill, is limited to the inspection agency’s public website. (A.2116-C/S.2375-B; Passed Both Houses; Health)

**Safe Patient Handling Act** This bill would require each residential health care facility in the state to establish a Safe Patient Handling Committee, to implement the recommendation of an eleven member NYS Safe Patient Handling Task Force created by the bill. Provides that certain health care professionals employed by the facility may not be disciplined for refusing patient assignments and duties when the tasks and duties directed would not be in compliance with the guidelines. (A.2180-B/S.1123-B; Passed Assembly; Health)

**Possession of Condoms** This bill bans admission of evidence of possession of a condom in certain civil proceedings and criminal prosecutions, such as for prostitution, patronizing a prostitute or promoting prostitution, or loitering for the purposes of a prostitution offense. The bill is a public health initiative designed to remove any disincentive for persons engaged in prostitution from possessing and using condoms. (A.2736/S.1379; Passed Assembly)

**Licensing Elevator Workers** This bill would put in a licensing mechanism for elevator contractors, mechanics and inspectors and prescribes the application procedure and requirements to obtain such licenses. It would also require a permit to be issued for work on elevators. There are exemptions from the licensing or permitting requirements in the case of an emergency when the public is put at risk. Under this bill, the penalty for a violation is a \$1,000 civil penalty for a first violation or \$2,000 penalty for a second or subsequent violation within three years or, if the violation resulted in a serious risk to the health or safety of an individual or individuals the civil penalty may be increased to \$5,000. (A.5233-B/S.2917-C; Passed Assembly; Labor)

**Requires all Persons in the Back Seat to Use Seatbelts** This bill would lift the age limitation on the required use of seat belts in the back seat of a motor vehicle (currently those under 16 years of age), so that the restriction would apply to all back seat passengers regardless of age. A violation would be punishable by a civil fine of not less than twenty-five dollars nor more than one hundred dollars. (A.6657/S.389; Passed Assembly; Transportation)

**Licensing of Behavioral Analysts** This bill would license applied behavioral analysts and require good moral character in order to be licensed. This provision is the same as other licensing provisions in the Education Law. (A.6963-B/S.4862-B; Passed Both Houses; Higher Education)

## **E. Protecting Crime Victims and Victims of Domestic Violence**

**Prohibits Discrimination Against Victims of Domestic Violence** This bill would prohibit most employers from discriminating against persons who have been a victim of domestic violence. Violations would be subject to the existing penalties established in the Civil Rights Law to remedy discrimination based on race, religion, gender and the like, including, for each violation, a civil penalty of up to \$50,000. In certain proceedings, attorney's fees may also be awarded to a prevailing complainant. (A.898/S.3385; Passed Assembly; Governmental Operations)

**Domestic Violence Orders of Protection** This bill exempts parties liable for failure to obey or enforce domestic violence order of protection or temporary orders of protection from limited liability provisions. This would allow domestic violence victims to recover non-economic and economic damages from any or all defendants found liable. (A.899; Passed Assembly)

**Expands the Definition of Rape** This bill removes the penetration requirement from the definition of sexual intercourse for the purposes of the rape statutes and also adds oral and anal sexual conduct to the definition of rape, as opposed to criminal sexual act. (A.3339-A; Passed Assembly)

**Expands Eligibility for Awards** The bill would assure that domestic partners of homicide victims may seek compensation from the state Office of Victim Services for actual out-of-pocket losses and for counseling expenses. This bill would provide that the partners of homicide victims may recover for certain economic losses in the same manner as spouses. If the Office of Victim Services pays compensation, current law provides that the Board may seek to recoup some of those expenditures from the person or persons convicted of the crime. (A.4024/S.215; Passed Assembly; Governmental Operations)

**Requires Justification for FOIL Denials** Provides that when an agency is considering denying access to certain records under FOIL on grounds that disclosure would interfere with a judicial proceeding, the decision of whether there would be such interference should be made by the judge presiding in that judicial proceeding. The bill clarifies that a denial of access under FOIL does not bar requests for access under any other law. The bill also clarifies that parties to any civil or criminal action or proceeding may use FOIL to seek records requested for purposes of such action or proceeding and that access to records may not be withheld based solely on the type or category of record. Therefore, under the law enforcement exemption, records could not be withheld entirely solely because they relate, in some manner, to a criminal investigation or proceeding. Also, the bill clarifies that only those portions of a record that would identify a sexual offense victim are exempt from disclosure. (A.5170; Passed Assembly; Governmental Operations)

**Directs Certain Funds to the Office of Victim Services** Provides that, in the court's discretion, fines and penalties ordered for monopolistic practices in violation of the state's anti-trust law may be directed in whole or in part to the state Office of Victim Services, rather than the state's general fund. (A.5386; Passed Assembly; Governmental Operations)

**Prohibits Housing Discrimination against Victims of Domestic Violence** Prohibits discrimination against persons who have been a victim of domestic violence with respect to housing, employment, accommodations and certain group memberships. Violations would be subject to the existing penalties established in the Civil Rights Law to address discrimination based on race, religion, gender and the like, including, for each such violation, a civil penalty of up to \$50,000 and up to \$100,000 for violations that are willful, wanton or malicious. In certain proceedings, attorney's fees could also be awarded to a prevailing complainant. The court could also award punitive damages of up to \$10,000. (A.5387; Passed Assembly; Governmental Operations)

**Revises Reporting Requirements by the Office of Victim Services** Requires that local probation departments report to the state Division of Probation and Correctional Alternatives (DPCA) regarding crime victim impact statements be transmitted annually and included in a biennial report prepared by DPCA. Requires DPCA to report biennially on "the manner in which the rights, needs and interests of crime victims are being addressed by the state's criminal justice system." (A.5388; Passed Assembly; Governmental Operations)

## **F. Protecting Consumers**

**Requires Certain Notices to be in Large Print** This bill requires debt collectors, in any initial communication to a consumer debtor, to notify the debtor of the right to receive future notices in large print format. A violation would be punishable by a civil penalty of up to \$250 for a first violation and up to \$500 for a subsequent violation. (A.374/S.5386; Passed Assembly; Consumer Affairs)

**Enacts the Consumer Credit Fairness Act** This bill would require more specific pleading requirements in consumer credit actions; reduce the statute of limitations on consumer credit actions from six years to three years [many other states have three year statutes]; bar debt collectors from collecting debts on which the statute of limitations has expired; require notice of a pending consumer credit action be mailed to the defendant by the clerk of the court; preserve improper service and statute of limitations as defenses; and require that applications for default judgments state that the statute of limitations has not expired. (A.2678/S.2454; Passed Assembly; Judiciary)

**Prohibits Banks from Issuing Mail-loan Checks without Request** This bill would prohibit banking organizations from issuing mail-loan checks without request or application therefore. Under this bill, mailing or issuing a loan check in violation of this section would be punishable by a civil penalty not to exceed \$500 per violation. (A.2792/S.703; Passed Assembly; Banks)

## **G. Police and Community Relations**

**Peace Officers in Monroe County** This bill would grant peace officer status to deputy sheriffs of Monroe County who are assigned to and work under the direction of OCA to deliver security services to the courts. (A.3765-A/S.4892-A; Passed Assembly)

## **H. Protecting Animals**

**Local Laws Protecting Dogs and Cats** This bill would allow municipalities to regulate pet dealers as long as the law, rule, regulation, or ordinance is not less stringent than state law or essentially bans the sale of dogs and cats. These regulations include the source of animals offered for sale, whether spaying or neutering requirements, and the health or safety of animals maintained by pet dealers. The penalty of any local law, rule, regulation or ordinance may not exceed a civil penalty of up to \$500. (A.740-A/S.3753-A; Passed Both Houses; Agriculture)

**Bans Devocalization of Dogs and Cats** This bill would prohibit the performance of surgical devocalization procedures on dogs and cats unless medically necessary to treat or relieve a physical illness, disease or injury or to correct a congenital abnormality suffered by the animal. The bill also requires that information related to the medical necessity of the procedure be maintained in the animal's treatment record. Under this bill, any person who knowingly performs the devocalization procedure, or knowingly causes it to be performed would be guilty of a B misdemeanor punishable by imprisonment of up to 90 days or by a fine of up to \$500 or both. Additionally, a veterinarian who violates these provisions would be subject to revocation or suspension of their license. (A.1204/S.2271; Passed Assembly; Agriculture)

## **I. Miscellaneous Legislation**

**Special Proceedings in the State** This bill would allow special proceedings against certain state respondents to be commenced in the judicial district where the petitioner resides or has its principal place of business, in addition to Supreme Court, Albany County. Retains the requirement that a special proceeding against the Public Service Commission be commenced in Supreme Court, Albany County. (A.479/S.165; Passed Assembly)

**Requires Radiator Covers in Certain Instances** This bill would require landlords of residential units in the state to install radiator covers in the dwelling, if requested by a tenant, in which a child under the age of twelve resides. Under this bill, if the landlord fails to install the covers within ninety days of receiving a written request, the tenant is authorized to offset the costs from the dwelling's rent. (A.749/S.4243; Passed Assembly; Housing)

**Farmworkers Fair Labor Practices Act** This is a comprehensive fair labor bill for farm workers, which mandates: an 8-hour day, automatic overtime, one day out of seven as rest-time, sanitary-code protection for housing, and workers compensation for injury or death. It would be a misdemeanor for an employer to not keep records of employees on-the-job injuries, punishable by a fine of no more than \$2000. Any employer who fires an employee for filing a work compensation injury complaint or asking for such a form would be fined from \$100 to \$500. Any other violation of the bill's requirements would be punishable by a fine of up to \$500. (A.1792-A/S.1743-A; Passed Assembly; Labor)

**Creates a Homeowners' Bill of Rights** This bill would create a homeowners' bill of rights with regard to homeowner's insurance. The bill would make it an unfair claim settlement practice to knowingly misrepresent or failing to provide pertinent facts of policy provisions under the requirements set forth in the bill. Under this bill, an unfair claim settlement practice is punishable by a civil penalty not to exceed \$1000, but would not be a misdemeanor. (A.2287-A; Passed Assembly; Insurance)

**2013 Fair Elections Act** This bill would establish a mechanism for optional public financing of statewide and state legislative elections (Assembly and Senate) in New York and mandated enhanced disclosure of independent expenditures in elections. Specifically, the bill would add a new Title II to Article 14 to provide for public financing of primary and general election campaigns for statewide office, primary, general and special election campaigns for state legislative office, and primary and general election campaigns for constitutional convention delegates. In addition, it would define (for the first time in New York statute) "independent expenditures" and "express advocacy," to require greater disclosure concerning outside sources of contributions to campaigns for public office. The bill further establishes a new enforcement counsel, who would be appointed by a new Fair Elections Board, a five member board appointed by the legislative leaders and the governor. The counsel, who would serve within the state Board of Elections, would be responsible for all campaign finance investigations and enforcement. The bill provides that violations of the new Title II of Article 14 would be subject to criminal prosecution by the attorney general. (A.4980-C/S.4705-A; Passed Assembly; Election Law)

**New York State Commercial Goods Transportation Industry Fair Play Act** This bill addresses the misclassification of truck drivers who are considered independent contractors, but are in fact employees. This is modeled after the Construction Fair Play Act signed into law in 2010. Misclassification of workers has a fiscal impact on the state in that monies are not paid into unemployment or worker's compensation and workers who are misclassified are therefore not eligible for such programs. Misclassification of an employee may result in a civil penalty of up to \$2500 per misclassified employee and for a second or subsequent violation within 5 years a civil penalty of up to \$5000 per misclassified employee. (A.5237-B/S.5867; Passed Both Houses; Labor)

**Written Agreements for Contractors** This bill would require independent contractors and clients to enter the work terms into a written agreement. It also requires that independent contractors be paid in accordance with such work terms, but payment shall not be later than the last day of the month following the month in which the compensation is earned. The agreed work terms must be kept on file by the client for a period of not less than six years and made available to the commissioner of DOL upon request. A client who fails to pay compensation of its independent contractors would be guilty of a misdemeanor for the first offense and shall be fined not less than five hundred, nor more than twenty thousand dollars or imprisoned for no more than one year, for a second or subsequent offense within six years the client shall be guilty of a felony and shall be fined not less than five hundred nor more than twenty thousand dollars or imprisoned for not more than one year plus one day, or punished by both such fine and imprisonment. (A.5472/S.2556; Passed Assembly; Labor)

**Enacts the NYS Fair Pay Act** Under this bill, employers would be prohibited from discriminating on the basis of race, sex, or national origin, between employees who work in equivalent jobs (includes those jobs that while dissimilar, their requirements are the same when viewed as a composite of skills, effort, responsibility, and working conditions) by paying a lower wage rate. This includes paying lower wage rates for equivalent jobs that are dominated by employees of a particular sex, race, or national origin. Employers may not discriminate against any employee who seeks to enforce these provisions, or reduce the wages of any employee to comply with these provisions. An employee or the department of labor may bring an action to enforce these provisions. A court or jury shall award to any affected employee monetary relief, including back pay (difference between actual earnings and proper wages), compensatory and punitive damages, attorney's fees, expert witness fees, and other costs. A court shall enjoin an employer from continuing to discriminate against affected employees and may order reinstatement or reclassification of affected employees. (A.5958/S.1491; Passed Assembly; Labor)

**Sale of Certain Fireworks** This bill would legalize the sale, use and possession of certain types of sparkling devices by/to a person over the age of 18. This bill would provide for a misdemeanor penalty for the sale of a firework, dangerous firework or sparkling device to a person under the age of 18 and a E felony upon subsequent conviction within the next five years. Sale of a firework or dangerous firework to anyone remains a misdemeanor and possession or use of a firework or dangerous firework remains a violation. The definition of “fireworks” in NYC remains unchanged and includes sparkling devices. Further, there is a requirement that all retailers, manufacturers, distributors and wholesalers be licensed by the NYS Office for Fire Prevention and Control. (A.6695/S.4718-A; Passed Both Houses)

**Women’s Equality Act of 2013** This is a governor’s program bill that would enact the “Women’s Equality Act.” Part A would prohibit a differential in rate of pay because of sex. This part would also forbid employers from prohibiting employees from sharing wage information. Part B would amend the law to apply the existing provisions of the Human Rights Law to employers with fewer than four employees in cases of sexual harassment. Part C would amend the law to provide for attorney's fees in employment or credit discrimination cases when sex is a basis of discrimination and retain the existing allowance for attorney's fees in housing and housing related credit cases. Part D would amend the law to prohibit discrimination in employment based on familial status. Part E would prohibit discrimination against domestic violence victim status in housing. Part F would amend the law to make clear that a protected party in whose favor the order of protection or temporary order of protection is issued may not be held to violate such order and that the protected party cannot be arrested for violating such order. Part G would amend the law to allow for the development and establishment of a pilot program in family courts for the remote, ex parte petitioning and issuance by audio-visual means of temporary orders of protection. Part H would amend the law to create new crimes and elevate other crimes relating to prostitution and patronizing a person of prostitution. Part I would amend the law to clarify that employers must perform a reasonable accommodation analysis for employees with pregnancy-related conditions. A pregnancy-related condition would be defined as a medical condition related to pregnancy or childbirth. Part J would amend the Public Health Law to protect a woman's right to abortion services, by expressly codifying in state law the United States Supreme Court decision in Roe v. Wade, 410 U.S. 113 (1973). (A.8070; Passed Assembly)

**Non-profit Revitalization Act of 2013** This bill intends to reduce unnecessary and outdated burdens on non-profit organizations and to enhance non-profit governance and oversight to prevent fraud and improve public trust. This bill would: Require all corporations to adopt conflict of interest policies and whistleblower policies for corporations with 20+ employees and \$1 million+ in revenue; Prohibit corporations/charitable trusts from entering into related-party transaction that is not in the best interest of the corporation; Would allow AG to commence a cause of action to rescind, enjoin, avoid any improper third party transaction and require the violator to pay restitution to the corporation, removal of directors or officers, require the violator to account for personal profits and pay them back to the corporation, require the violator to pay for use of corporation's property and require the violator to return or replace property lost to the corporation. Further, this bill would require corporations which solicit funds to submit to audits as determined by their income level. (A.8072/S.5845; Passed Both Houses; Corporations)

#### **IV. Original Codes Bills and Bills Dual Referenced to the Committee on Codes that the Governor Vetoed<sup>3</sup>**

1. Creates a process for local disciplinary actions against assessors. (A.4070/S.877; Veto 212)
2. Designates seasonal constables in Lake George as peace officers for the purposes of issuing appearance tickets and simplified traffic information. (A.5011-A/S.3496-A; Veto 213)
3. Authorizes the care and treatment of injured employees by licensed or certified acupuncturists under the workers' compensation program. (A.5940-C/S.3131-A; Veto 215)
4. Grants those assigned or employed for three continuous years as investigators and senior investigators in the bureau of criminal investigation or as a station commander, corporal, zone commander, zone sergeant, first sergeant, staff sergeant, captain or major within the division of state police protection from removal or other disciplinary action without a hearing. (A.7219/S.96; Veto 206)
5. Relates to the reentry of foster children into foster care. (A.7339-A/S.4529-B; Veto 226)
6. Designates uniformed marine patrol officers in Cayuga County peace officer status. (A.7597/S.4941; Veto 228)
7. Designates certain persons employed by the Steuben County sheriff's office as court security deputies. (A.7858/S.5701; Veto 233)
8. Designates certain employees of the Seneca County sheriff's office serving as uniformed marine patrol officers and uniformed court security officers as peace officers. (A.7879/S.4893; Veto 227)

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<sup>3</sup> Veto Memo. Numbers refer to those issued in 2013.

## **V. Codes Committee Participation in Hearings in 2013**

### **A. An examination of the statute of limitations applicable to sexual abuse against minors.**

On March 8, 2013, the Codes Committee convened a hearing concerning the statute of limitations applicable to sexual abuse against minors in New York State.

The committee accepted testimony from organizations, groups and individuals that discussed whether the statute of limitations for sexual abuse against a minor as contained in existing law warrants amendment, to allow additional time for prosecution of criminal and/or civil actions against those liable for the commission of such acts.

### **B. An examination of the laws governing the age of adult criminal responsibility.**

On December 6, 2013, the Codes Committee, together with the committees on Judiciary, Children and Families, and Education and the New York State Black, Puerto Rican, Hispanic, and Asian Legislative Caucus, convened a hearing examining the laws governing the age of adult criminal responsibility in New York State.

New York is one of only two states (New York and North Carolina) to mandate that all youth aged sixteen and seventeen, charged with any offense, be prosecuted and sentenced in adult criminal court. Many states have considered this issue anew in light of new evidence on child development and cognitive thinking (including North Carolina), but New York's age of adult criminal responsibility remains unchanged. While New York does have a "Youthful Offender" statute which may allow for sentence consideration and sealed records for youth in certain circumstances, there are significant and sometimes life-long consequences for a youth that may follow from arrest, adult court proceedings and a conviction or youthful offender adjudication.

The committees accepted testimony from organizations, groups and individuals discussing the age of adult criminal responsibility in New York and identify the effects of treating individuals as young as sixteen as adults in the criminal justice system. The hearing examined policies that could be improved to more effectively rehabilitate young offenders while also holding them accountable as delinquents. This hearing also examined the experiences of other states that have recently amended their laws governing the age of adult criminal responsibility and how New York may learn from those experiences.

**See Appendix J**

## Appendix A: 2013 Committee Workload Summary

<u>Final Action</u>	<u>Assembly Bills</u>	<u>Senate Bills</u>	<u>TOTAL</u>
<b>Bills Reported with or without Amendment</b>			
To Floor; Not Returning to Committee	110		110
To Ways and Means	95		95
To Rules	188		188
<b>TOTAL</b>	<b>393</b>		<b>393</b>
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<b>Bills Having Committee Reference Changed</b>			
To Corrections Committee	1		1
<b>TOTAL</b>	<b>1</b>		<b>1</b>
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<b>Senate Bills Substituted or Recalled</b>			
SUBSTITUTED		48	48
RECALLED		3	3
<b>TOTAL</b>		<b>51</b>	<b>51</b>
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<b>Bills Never Reported, Held in Committee</b>	710	165	875
<b>Bills Never Reported, Held for Consideration (with roll call vote)</b>	34		34
<b>Bills Having Enacting Clauses Stricken</b>	11		11
<b>TOTAL BILLS IN COMMITTEE</b>	<b>1149</b>	<b>216</b>	<b>1365</b>
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<b>Total Number of Committee Meetings Held: 19</b>			

## **Appendix B: Schedule of 2013 Codes Committee Meetings**

<b><u>Month</u></b>	<b><u>Date</u></b>	<b><u>Day</u></b>
January	14	Monday
January	23	Wednesday
February	5	Tuesday
February	27	Wednesday
March	5	Tuesday
April	16	Tuesday
April	23	Tuesday
April	30	Tuesday
May	7	Tuesday
May	21	Tuesday
May	30	Thursday
June	4	Tuesday
June	5	Wednesday
June	10	Monday
June	12	Wednesday
June	17	Monday
June	18	Tuesday
June	19	Wednesday
June	20	Thursday

**Total Number of Committee Meetings Held: 19**

## Appendix C: Codes Laws of 2013

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.195	21	Zebrowski	Amends provisions relating to pleadings in actions involving the conduct of business requiring licensure by the state; removes provision allowing plaintiff to amend a complaint to include a license which was acquired after the commencement of the action.
A.196	7	Weinstein	Relates to orders of observation for the purpose of determining incapacitation.
A.197	22	Braunstein	Makes technical changes to provisions of the judiciary law relating to practicing or appearing as an attorney-at-law without being admitted or registered.
A.392-A	356	Magnarelli	Provides for the payment of restitution to volunteer fire companies in certain instances.
A.1394-A	180	Gunther	Prohibits the throwing, tossing, expectorating or expelling of saliva or other bodily secretion or excretion at or on an employee of a correctional facility; such conduct shall be aggravated harassment of an employee.
A.1473	366	Colton	Expands the list of persons designated as peace officers to include special agents with law enforcement authority of the U.S. Environmental Protection Agency.
A.2388	1	Silver	Enacts the NY Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013.
A.2596-A	162	Zebrowski	Provides that when a person intentionally kills a police work horse or police work dog in the performance of its duties under the supervision of a police officer it shall constitute a class E felony.

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.2623-A	172	Gabryszak	Provides that an assault of a child where the defendant has a previous conviction for an assault or an attempted assault of a child shall be an assault in the first degree.
A.3180-A	186	Abbate	Relates to unlawful manufacture, production or reproduction of a vehicle identification number with intent to defraud.
A.5210-A	259	Titone	Relates to assault with intent to prevent a prosecutor or while the prosecutor is in performance of assigned duties is deemed assault in the 2nd degree.
A.6356-A	98	Lentol	Relates to exempting qualified retired law enforcement officers from certain limitations related to the possession of firearms.
A.7181	287	Zebrowski	Relates to jury deliberations.
A.7951	270	Titus	Relates to income withholding for child support.
A.7970	135	O'Donnell	States that the chairman of the board of parole is responsible for the administrative functions and daily operations of the parole board and its staff.
A.8105	305	Weisenberg	Relates to management of the American lobster.

## Appendix D: Dual Referenced Laws of 2013

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.365-B	342	Dinowitz	Relates to penalties for the illegal shipment of cigarettes and the authority of state and local authorities to bring actions to recover civil fines for such violations.
A.460-A	381	Dinowitz	Prohibits the sale of unsafe cribs and restricts the use of such cribs in certain settings.
A.526-B	409	Magnarelli	Relates to the licensure of perfusionists.
A.581	17	Dinowitz	Relates to cancellation of certain membership camping contracts; amends provisions relating to the use of certain information provided by victims of domestic violence.
A.717-A	341	Braunstein	Establishes certain substances as schedule I stimulant controlled substances.
A.814	23	Pretlow	Relates to the podiatric scope of practice.
A.857	427	Weinstein	Enacts the uniform guardianship and protective proceedings jurisdiction act.
A.914	8	Lifton	Relates to residency restrictions for peace officers employed by Cornell University assigned to the Ithaca campus.
A.933-B	357	Jaffee	Directs any retail establishment that sells any product or products containing as an active ingredient dextromethorphan, or DXM, to prohibit the sale of such products to persons under the age of eighteen without a valid prescription; requires establishments to require proof of legal age for purchase of such products.

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.1011-A	359	Dinowitz	Prohibits the retail sale, distribution or offer to sell at retail to any person in the state, novelty lighters; provides definition of novelty lighters; establishes civil penalties; makes certain exceptions; provides no person is subject to a civil penalty for any violation occurring before the 90th day after enactment.
A.1050	19	Glick	Relates to eliminating certain exemptions from private school agent licensing requirements.
A.1075	2	Heastie	Makes technical corrections relating to permitting the holder of a wholesalers license to sell certain food and seasonal specialty items and to install and operate automated teller machines.
A.1101-B	343	Gunther	Authorizes pharmacies to take back controlled substances.
A.1115-A	179	Jaffee	Prohibits smoking on the grounds of general hospitals and residential health care facilities.
A.1205-A	256	Paulin	Relates to administrative hearings and processes as they apply to pet dealers.
A.1287-A	163	Zebrowski	Exempts certain police work dogs, that may bite an individual in the course of their official duty, from confinement and observation periods.
A.1382-B	248	Cahill	Includes emergency vehicles displaying certain flashing light color combinations in provisions of law that require operators of vehicles to exercise due care when approaching.

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.1512	355	Magee	Authorizes licensed roadside farm markets to sell wine from up to two farm or special wineries or micro-winereries located within 20 miles of such licensed roadside farm market.
A.1769-B	171	Maisel	Prohibits the possession, sale, offering for sale, trade or distribution of shark fins; makes certain exceptions.
A.1890	246	Thiele	Requires that persons less than eighteen years of age wear a helmet when riding a horse; imposes a \$250 fine for any violation.
A.2087	15	Lavine	Relates to the adoption information registry.
A.2285-A	169	Weisenberg	Relates to driving while intoxicated and the installation of interlock ignition devices.
A.2530-B	257	Crespo	Increases the community service requirements for underage purchase of alcoholic beverages.
A.2598	46	Pretlow	Permits the transportation and display of gambling devices within the state for certain specific circumstances.
A.2600	430	Paulin	Relates to severely or repeatedly abused children in child protective and parental termination proceedings.
A.3471-A	361	Galef	Requires boating safety certificates of all persons operating a mechanically propelled vessel.
A.3767-A	417	Glick	Relates to the sale, distribution, transport and trade of Eurasian boars.
A.4025	102	Galef	Relates to smoking restrictions on playgrounds and enforcement by park police.

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.4100	395	Weisenberg	Relates to the release of mental hygiene records pertaining to allegations and investigations of abuse or mistreatment.
A.4105	335	Aubry	Extends the expiration of the provisions of chapter 29 of the laws of 2011 from September 1, 2013 to September 1, 2015.
A.4327-A	189	Glick	Authorizes the city of New York to establish a demonstration program imposing liability on owners of motor vehicles found to be in violation of the speed limit in school speed zones of the city through the use of a speed limit photo device which combines speed sensing technology which determines the speed of a vehicle and captures/records that date by photographic, microphotographic, video tape or other recording system and produces an image of a motor vehicle at the moment that it exceeds the speed limit; provides for the expiration of this demonstration program five years after the effective date.
A.4834	192	Perry	Authorizes the state liquor authority to issue a retail license for on-premises consumption of alcoholic beverages for certain premises located within 200 feet of a church.
A.4851	110	Lentol	Authorizes the issuance of a retail liquor license to a business that is otherwise prohibited from obtaining a license based upon their geographic location.

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.4859	141	Stec	Authorizes any person licensed as a physician, physician's assistant, massage therapist, physical therapist, chiropractor, dentist, optometrist, nurse, nurse practitioner or podiatrist in another state or territory and appointed by the World Triathlon Corporation to practice his or her profession in this state in connection with an athletic event sanctioned by such corporation.
A.5008-B	437	Ryan	Authorizes local correctional facilities to provide medical services to minor inmates in the absence of the consent of a parent or guardian when a definite sentence of imprisonment has been imposed.
A.5114-B	251	Paulin	Relates to the sale of animals; brokers and dealers; fines and penalties.
A.5470-A	302	Weinstein	Provides that Saturday and Sunday shall not be included in the grace period for repairs of defective motor vehicle equipment.
A.6234	199	Robinson	Relates to automated teller machine fee disclosure; eliminates provisions requiring an automated teller machine operator to post a sign that a fee is imposed for the use of such machine, as well as the amount of such fee.
A.6378-B	201	Dinowitz	Relates to counterfeit and non-functional airbags; makes it unlawful to offer to distribute or sell, distribute or sell, a counterfeit or non-functional airbag.
A.6415	28	Markey	Extends certain provisions of law relating to the resale of tickets to places of entertainment through May 14, 2014.

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.6505-C	267	McKevitt	Allows the town board of the town of Hempstead to adopt a local law or ordinance providing for a residential parking permit system.
A.6519-B	203	Silver	Creates the freelancers health plan demonstration program; provides that such program would be a self-funded plan maintained by an association for the purpose of providing medical, surgical, or hospital services to independent workers; provides for an expiration of December 31, 2014.
A.6539	29	Glick	Authorizes certain health care professionals licensed to practice in other jurisdictions to practice in this state in connection with certain events sanctioned by New York Road Runners and extends the provisions thereof.
A.6632	491	Zebrowski	Authorizes streamlined adjudicatory proceedings for small businesses appearing as respondents before certain state agencies; authorizes a pilot program by the departments of environmental conservation, health and labor; requires a report after 1 year.
A.6647-A	249	Cusick	Prohibits U turns within a school zone during posted hours.
A.6724-B	444	Gottfried	Includes optometrists within provisions relating to clinical laboratories.
A.6899	119	Hennessey	Relates to eligibility and awards to certain family members for crime scene clean-up.
A.6900	261	Englebright	Defines and establishes the extent of relocation expenses for crime victim awards.

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.6960	87	Titus	Extends a section of law relating to the enforcement of support through the suspension of driving privileges.
A.6703-A	443	Pretlow	Relates to mandatory continuing education for social workers.
A.7048-A	401	Giglio	Relates to expanding the lands at the college of technology at Alfred which the trustees of the state university are authorized to lease to Alfred Technology Resources, Incorporated; also relates to regulating the work and activities authorized to be conducted on such lands.
A.7166	224	Schimminger	Provides that no retail licensee for on-premises consumption shall intentionally adulterate, dilute or fortify the contents of any container of alcoholic beverages as received from the manufacturer or wholesaler.
A.7188-A	371	Paulin	Relates to an order of visitation or custody to a person who has been convicted of sexual assault when the child was conceived as a result of such assault.
A.7245-A	372	Ryan	Provides that a land bank may tender a bid on sales of property made pursuant to public sale, county charter, city charter, administrative code or special law, when no municipality elects to do so.
A.7307	286	Brindisi	Relates to the demutualization of domestic mutual health insurance companies.
A.7328-A	232	Mayer	Authorizes the city of Yonkers to merge the functions of its parking violations bureau and administrative adjudication bureau.

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.7336	47	Pretlow	Relates to the transportation and possession of gambling devices and effectiveness of the provisions of a chapter of the laws of 2013 relating thereto.
A.7375	402	Weinstein	Establishes a procedure for the signatory to an acknowledgment of paternity to rescind the acknowledgment by filing a petition with the court to vacate the acknowledgment.
A.7405	284	Wright	Increases the bonding authority of the New York city housing development corporation from \$10,250,000,000 to \$11,250,000,000.
A.7408	127	Englebright	Relates to enhancing fire safety on state property.
A.7419-A	292	Cahill	Relates to the practice of surgical technology and surgical technologists; defines terms.
A.7460	283	Buchwald	Requires attorneys to file a record of a criminal conviction in any court in the United States with the appellate division.
A.7500-A	352	Steck	Establishes the electronic death registration system.
A.7664	148	Heastie	Relates to the power of the public employment relations board to investigate unfair labor practices.
A.7689-A	236	Gantt	Imposes sanctions for credit card charge backs on motor vehicle fees.
A.7690	368	Weinstein	Relates to access to computer systems that carry information of orders of protection and warrants of arrest.

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.7734-A	154	Paulin	Relates to the statewide immunization information system and the administration of certain immunizations.
A.7807-A	238	Cahill	Relates to providing for increased efficiency for certain insurance regulations.
A.7819	82	Morelle	Extends provisions of the general business law relating to rental vehicle protections.
A.7833	151	Wright	Relates to the powers of the State of New York Mortgage Agency.
A.7834-B	455	Wright	Authorizes the commissioner of housing preservation and development for the city of New York to bring a special proceeding for appointment of an administrator for distressed property; provides for owner liability for costs of operating property and costs of the administrator after the administrator takes over management of the property.
A.7835-A	414	Gottfried	Directs the department of health to develop a streamlined application and review process for adult care facility and assisted living operators who are in good standing.
A.7904	83	Gunther	Makes technical corrections to provisions of law relating to the protection of people with special needs.
A.7911-B	456	Rozic	Permits the disclosure of unemployment insurance information with public entities for certain purposes.
A.7965-B	241	Stec	Directs the state liquor authority to issue a distiller's license and alcoholic beverage sales license to the Fort William Henry Corporation for premises owned by such corporation in the village of Lake George, county of Warren.

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.7971	101	Englebright	Relates to state fire mobilization and mutual aid plan; relates to the acceptance of gifts by the state; relates to immunity from liability for emergency alerts.
A.8047	384	Schimminger	Creates a farm cidery license; relates to farm cidery sales tax information return filing requirements.
A.8101	174	Pretlow	Enacts the upstate New York gaming economic development act of 2013.

## Appendix E: 2013 Codes Bills that Passed the Assembly<sup>4</sup>

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.185-A	Hevesi	Directs the division of criminal justice services to publish a brochure describing the resources available to the general public for gathering criminal background information.
A.357	Dinowitz	Establishes a time limit on the bringing of an impleader complaint (utilizing third-party practice) of no later than ninety days after completion of the examinations before trial of the parties in the main action unless consented to be the parties or upon written application of any of the parties to the main action or upon the consent of the court such time is extended.
A.374	Dinowitz	Requires debt collectors to inform debtors in each initial communication that written communications are available in large print format.
A.479	Magnarelli	Permits special proceedings against certain designated state officials to be commenced in a supreme court in the judicial district of the petitioner's residence or principal place of business; provides that a proceeding against the public service commission shall only be commenced in the supreme court, Albany county.
A.899	Weinstein	Exempts parties liable for failure to obey or enforce certain child protective, domestic relations, or domestic violence orders of protection or temporary orders of protection from limited liability provisions pertaining to non-economic loss and providing for limitation of joint liability.
A.1507	Lentol	Directs the superintendent of state police to develop and institute child-sensitive arrest policies and procedures for instances where police are arresting an individual who is a parent, guardian or other person legally charged with the care or custody of a child.
A.1652-A	Maisel	Relates to the disposal of counterfeit products.

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<sup>4</sup> Bill numbers with an asterisk (\*) next to such bill number indicates that such bill passed both Houses.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.2092	Colton	Prohibits the manufacture, transport, shipment or possession of an undetectable knife.
A.2259-A	Quart	Provides that possession of a gravity knife shall constitute criminal possession of a weapon in the fourth degree only if the defendant has intent to use the same unlawfully against another.
A.2736	Clark	Provides that possession of a condom may not be received in evidence in any trial, hearing or proceeding as evidence of prostitution, patronizing a prostitute, promoting prostitution, permitting prostitution, maintaining a premises for prostitution, lewdness or assignation, or maintaining a bawdy house.
A.3339-A	Simotas	Relates to the offenses of rape in the first, second and third degrees.
A.3765-A	Gantt	Includes certain deputy sheriffs from Monroe County as peace officers.
A.3801	Lentol	Relates to discovery.
A.5142	Gottfried	Provides that an affirmation of a health care practitioner may be served or filed in an action in lieu of and with same force and effect as an affidavit (changes the current reference in existing provisions from "physician, osteopath or dentist" to "health care practitioner").
A.6390	O'Donnell	Enacts the domestic violence escalation prevention act including certain offenses against members of the same family or household within the definition of serious offense.
A.6695-A*	Morelle	Relates to offenses relating to possession or sale of fireworks and sparkling devices.
A.6716-A	Camara	Relates to the offense of criminal possession of marihuana in the fifth degree.
A.6915	Lavine	Authorizes a court to order the division of criminal justice services to compare fingerprints of the defendant against the statewide database.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.7080	Lupinacci	Designates uniformed officers of the fire marshal's office of the town of Huntington as peace officers.
A.7182*	Mosley	Provides for the refund of certain mandatory surcharges and fees to be made by the department, agency or court that collected such refund or fee.
A.7395	Weinstein	Enacts "the foreclosure fraud prevention act of 2013"; creates the crimes of residential mortgage foreclosure fraud in the first and second degrees.
A.7989	Weprin	Creates the crimes of staging a motor vehicle accident in the first and second degrees; prohibits acting as a passenger or an operator of a motor vehicle with intent to defraud by means of planning and execution of an accident; provides crime is a class D felony if an uninvolved party is injured.
A.8070	Titus	Establishes the "Women's Equality Act"; relates to prohibition of differential pay because of sex (part A); relates to unlawful discriminatory practices (part B); provides for attorney's credit discrimination (part C); relates to the unlawful discriminatory practice because of familial status (part D); relates to domestic violence victim status and lawful source of income (part E); relates to the duties of interpreters appointed by the courts in certain cases (part F); relates to establishing a pilot program for the filing of petitions for temporary orders of protection by electronic means and for issuance of such orders ex parte by audio-visual means (part G); relates to prostitution in a school zone; enacts the trafficking victims protection and justice act (part H); relates to reasonable accommodation (part I); and relates to access to reproductive services (part J).
A.8071-A*	Paulin	Provides that local criminal courts shall treat and retain persons aged 16 and 17 who commit certain prostitution offenses as PINS proceedings.

## Appendix F: 2013 Dual Referenced Bills that Passed the Assembly<sup>5</sup>

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.145-A	Nolan	Increases penalties relating to the protection of underground facilities.
A.158-A*	Crespo	Implements the immigrant assistance service enforcement act; increases fines imposed upon those who violate laws regarding immigrant assistance services; requires certain immigrant assistance service providers to be registered with the department of state.
A.191-A	Kavanagh	Relates to the recycling of film plastic.
A.287-A	Kavanagh	Relates to the commercial display of human remains; requires the department of health to implement a permit process for anyone displaying human remains for payment or other consideration; exempts remains more than 100 years old, consisting solely of human hair or teeth, part of the ordinary display at a funeral establishment or memorial, an object of religious veneration, consisting solely of bodies transported into and remaining in the state for display prior to the effective date of this section, or in the possession of a museum facility.
A.309-A*	Dinowitz	Prohibits the unsolicited sale of memorials and monuments unless such offer has first been solicited by the individual to which it is sent; provides an exception where such an offer is permissible where, in large, bold-face type at the top of such offer, "SOLICITATION" is clearly printed; imposes civil penalties for violations thereof.

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<sup>5</sup> Bill numbers with an asterisk (\*) next to such bill number indicates that such bill passed both Houses. Bill numbers with two asterisks (\*\*) next to such bill number indicates that such bill was delivered to the Governor.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.311	Dinowitz	Creates a private right of action for unlawful price gouging for injunctive relief and recovery of actual damages or \$1000 whichever is greater, or both, in addition to right of action granted to attorney general; permits the court to award a prevailing plaintiff an additional penalty of up to \$5,000 for a willful or knowing violation and reasonable attorney's fees.
A.315	Dinowitz	Requires persons or entities providing benefits in the event of disability to not impose "onerous or unreasonable conditions" for the payment or continued payment of benefits thereunder, and provides for the enforcement thereof including actual damages, interest and penalties, reasonable costs and attorney's fees, and in the court's discretion, exemplary damages; exempts worker's compensation and NYS disability insurance.
A.355	Dinowitz	Establishes time restrictions for court issued consent orders for work performance to remove or remedy dangerous conditions or building code violations; permits sixty days for consent orders to be performed by an owner, mortgagee, or lienor of record and further restricts such person from using consent orders more than once.
A.431	Dinowitz	Requires the commissioner of health to take action when high risk areas of lead poisoning are designated; requires the commissioner of health to provide written notice instructing such condition be discontinued within a specified period of time.
A.496	Paulin	Provides that a business entity may not provide false caller identification with the intent to defraud or harass any party; provides definition of business entity.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.517	Cusick	Relates to requiring notice to neighboring landowners within one thousand feet of intention to develop in wetland areas; requires a public hearing on a wetland application.
A.604-A	Dinowitz	Relates to arbitration organizations; requires private arbitration organizations involved in fifty or more consumer arbitrations per year to collect, publish at least quarterly, and make available to the public in a computer-searchable database certain information relating to such arbitrations; prohibits financial conflicts of interest.
A.630	Rosenthal	Prohibits the sale of pavement products containing coal tar; prohibits the use of pavement products containing coal tar.
A.740*	Rosenthal	Relates to preemption of local law.
A.748	Rosenthal	Relates to the effect on rent reduction orders on the period preceding the filing of an overcharge complaint.
A.749	Rosenthal	Relates to the installation of radiator covers.
A.812-A	Rosenthal	Requires child day care centers, public institutions for children and certain other facilities installing new or replacement window coverings on or after October 1, 2016, to install cordless window coverings; requires child day care centers, public institutions for children and certain other facilities that have window coverings in place before October 1, 2016, to meet certain safety standards.
A.856	Weinstein	Requires awarding of costs and attorney fees in frivolous action involving public petition and participation; expands application of actions involving public petition and participation.
A.864-A	Weprin	Prohibits discrimination against religious attire and appurtenances thereto, including facial hair.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.898	Weinstein	Defines “victim of domestic violence”; prohibits employers from discriminating against victims of domestic violence.
A.1041	Jaffee	Prohibits the selling, offering for sale or distribution of any electrical or extension cords with fraudulent seals for the Underwriters' Laboratory; authorizes local code enforcement entities to enforce the provisions of the section; provides that for the first civil penalty of this section, a one hundred dollar fine shall be issued and such seller or distributor shall complete a training seminar on how to identify false Underwriters' Laboratory labels and increases fines for the second or subsequent violations of this section; provides that a training component shall be created and provided by the office of fire prevention and control and shall be made available on its website.
A.1084-A	Weinstein	Requires orders of protection and temporary orders of protection issued in family court or in cases of family offenses in criminal court or in matrimonial actions to be translated by an interpreter into the native language of the parties.
A.1179-A	Paulin	Prohibits the sale of flavored tobacco products; violation by any person other than manufacturer constitutes fine of \$100 for each individual package sold or offered for sale; provides for a civil penalty up to \$50,000 for violations within a thirty day period for manufacturers; affirmative defense.
A.1186-A	Kim	Requires the collection of certain demographic information by certain state agencies, boards and commissions.
A.1204	Zebrowski	Restricts the performance of surgical devocalization procedures on dogs and cats.
A.1441	Zebrowski	Authorizes the attorney general to bring an action for violation of the prohibitions concerning unlawful selling practices and specifies damages awardable.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.1451-A	Zebrowski	Adds synthetic cannabinoids to the schedule of controlled substances.
A.1585	Rosenthal	Makes conforming technical changes to the New York City administrative code and the emergency tenant protection act relating to vacancy decontrol.
A.1654	Maisel	Prohibits the manufacture, sale or distribution of business transaction paper containing bisphenol A.
A.1783-B	Millman	Relates to the report of suspected financial exploitation; requires the superintendent of the department of financial services to develop guidelines relating to reporting suspected financial exploitation; provides that a financial institution who reports suspected financial abuse shall have immunity from any civil or criminal liability as a result.
A.1787-A	Millman	Requires disclosures in advertisements that include a description that indicates the person has expertise or training in issues specifically related to seniors in their field that set forth the basis or source of such senior specific designation.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.1792-A	Nolan	Enacts the farmworkers fair labor practices act: grants collective bargaining rights to farm laborers; requires employers of farm laborers to allow at least 24 consecutive hours of rest each week; provides for an 8 hour work day for farm laborers; requires overtime rate at one and one-half times normal rate; makes provisions of unemployment insurance law applicable to farm laborers; provides sanitary code shall apply to all farm and food processing labor camps intended to house migrant workers, regardless of the number of occupants; provides for eligibility of farm laborers for workers' compensation benefits; requires employers of farm laborers to provide such farm laborers with claim forms for workers' compensation claims under certain conditions; requires reporting of injuries to employers of farmworkers.
A.1795	Skartados	Prohibits the imposition of any charge or fee on the telephone bill of a consumer when such fee or charge is imposed by a third party, unless the consumer explicitly agrees to the nature and amount of such fee or charge; makes the unauthorized imposition of such a fee void and unenforceable; directs the public service commission to enforce such provisions.
A.1919-A	Schimel	Authorizes expedited partner therapy for certain sexually transmitted infections.
A.2046	Kavanagh	Relates to animal control and licensing of animals; relates to the better protection of lost and strayed animals and to securing the rights of owners thereof; relates to licensing of dogs in certain cities; relates to the animal population control fund.
A.2048	Kavanagh	Relates to the reduction of mercury in mercury-added lamps.
A.2070	Paulin	Amends the definition of place of public accommodation, resort or amusement for the purposes of the human rights law.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.2116-C*	Paulin	Requires the department of health to post inspection results of public food service establishments on the department's website for the most recent three years; includes exemptions.
A.2177-A	Espinal	Relates to the presence of official full or partial lane markings on roadways.
A.2180-B	Gunther	Enacts the safe patient handling act to establish a statewide safe patient handling policy for health care facilities in the state; creates the statewide safe patient handling work group.
A.2287-A	Silver	Creates a homeowners' bill of rights; directs the superintendent of financial services to issue a consumers guide on insuring against catastrophic loss.
A.2599-B	Paulin	Relates to notice of indicated reports of child maltreatment and changes of placement in child protective and voluntary foster care placement and review proceedings.
A.2601	Paulin	Relates to permanency planning in juvenile delinquency and persons in need of supervision proceedings.
A.2602-B	Paulin	Relates to actions in contemplation of dismissal in juvenile delinquency and persons in need of supervision cases.
A.2653	Simotas	Relates to prescription prices and pharmacies for injured employees.
A.2674	Gottfried	Provides for clarification of the disposition of human remains.
A.2676	Clark	Establishes the independent office of child advocate to ensure the protection and promotion of the rights of children in the care of any state agency or local social services district; repeals certain provisions relating to the office of the ombudsman.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.2678	Weinstein	Enacts the “consumer credit fairness act”; establishes a 3 year statute of limitations for commencement of a cause of action arising out of a consumer credit transaction where the defendant is a purchaser, borrower or debtor; establishes a notice of lawsuit which must be mailed to the defendant in such a cause of action; establishes certain requirements for the complaint in such an action; provides for arbitration of such actions; requires debt collectors to send consumers a written notice of their rights under state law along with their initial debt collection correspondence; such notice would contain information such as who and when a principal creditor may contact a debtor about the debt owed as well as the fact that a principal creditor cannot disclose information affecting a consumer debtor's reputation for creditworthiness if the principal creditor knows or has reason to know such information is false; applies to consumer rather than commercial debts.
A.2727	Weisenberg	Requires sunscreen products to be labeled with expiration dates and storage recommendations; authorizes the attorney general to seek injunctive relief, restitution, and civil penalties in the case of violations; authorizes persons injured by a violation of this law to bring an action for injunctive relief and actual damages or two hundred and fifty dollars, whichever is greater; authorizes the court, in such an action, to increase the award of damages up to one thousand dollars and to award reasonable attorneys' fees to a prevailing plaintiff.
A.2734-B*	Brindisi	Requires that snowmobile noise emissions do not exceed specified levels.
A.2792	Pretlow	Prohibits banking organizations from issuing mail-loan checks without request or application therefor; provides that failure to destroy or return a mail-loan check does not constitute an acceptance thereof; provides that mail-loan checks shall have the transaction fee and interest rate included on the check.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.3107-D*	Morelle	Relates to the issuance of certificates of insurance and requires the issuance of a certificate of insurance as a summary or evidence of property or casualty insurance.
A.3633	Magnarelli	Relates to audits by the state comptroller of certain organizations directly or indirectly controlled by municipal corporations and certain other government entities.
A.3735	Benedetto	Authorizes the retail sale of alcoholic beverages at eleven a.m. on Sunday.
A.3751-B	Crespo	Relates to price gouging of medicine.
A.3754	Colton	Provides for source separation and disposal of recyclable materials and requires municipalities to adopt local laws providing therefor; prohibits transporters from commingling recyclables with other materials; prohibits incinerators and landfills from accepting recyclables.
A.3859	Pretlow	Provides that if it appears that a death may have resulted from the commission of a crime, the coroner or medical examiner in any county with geographic jurisdiction over the crime shall have concurrent jurisdiction and authority to investigate the death.
A.3944	Brennan	Relates to the functioning of the port authority as an open, transparent and accountable interstate public authority.
A.3952	Glick	Prohibits insurers from refusing to issue or renew, cancel, or charge or impose an increased premium for homeowners' insurance policies based on the breed of a dog owned.
A.4024	Glick	Expands eligibility for those who receive awards under crime victims' compensation to include a domestic partner; defines domestic partner; further provides for out-of-pocket loss to include the cost of counseling for surviving family members of homicide victims.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.4099*	Thiele	Provides authorized leave for volunteer fire department members or volunteer ambulance squad members for states of emergency; leave is deemed excused when a state of emergency is declared by the federal or state government and such person is engaged in the actual performance of his or her duties as an emergency responder; such period of leave shall not be charged against any other leave to which the employee is entitled; the employer may request a statement from the department or service stating the period of time the employee responded to the state of emergency.
A.4208	Camara	Relates to the bonds required by employment agencies, disclosure of the right to the return of fees and deposits and the language of employment contracts.
A.4582-B*	O'Donnell	Relates to imposing sentences of probation and to waiving pre-sentence investigations and written reports thereon in any city having a population of one million or more for certain offenses.
A.4589-A	O'Donnell	Prohibits employment discrimination against persons whose criminal charges have been adjourned in contemplation of dismissal.
A.4720	Lentol	Relates to the definition of qualified agencies; adds public defenders, legal aid societies, and assigned counsel administrators.
A.4741	Sweeney	Relates to expanding the TRIS-free children and babies act; expands the definition of "TRIS" to include TDCPP (TRIS (1,3-dichloro-2-propyl) phosphate).

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.4810-A*	Abbate	Relates to labor performed under certain public work contracts; defines "job order contract" as certain competitive bid, indefinite quantity, fixed price, multi-task contracts; provides that such contracts shall have a defined scope of work and detailed description of such work; provides that such information shall be filed with the fiscal officer before soliciting for bids; provides that the cost of a job order contract may not exceed \$500,000.
A.4822	Sweeney	Relates to the regulation of cadmium-added novelty consumer products.
A.4841-C	Paulin	Prohibits the use of pesticides at children's overnight or summer day camps; provides an exception where emergency application is approved by local or state officials.
A.4946	Kavanagh	Requires certain corporations to permit shareholders to attend meetings via remote communication and to be deemed present for voting purposes.
A.4980-C	Silver	Enacts the "2013 Fair Elections Act"; relates to providing for optional partial public financing of certain election campaigns in this state; relates to identification of the source of certain political contributions.
A.5113-A*	Paulin	Authorizes DA on behalf of impounding organizations to file a petition seeking a security for reasonable costs for caring for seized animals from individuals convicted of certain animal cruelty and animal fighting offenses.
A.5147-A	Gottfried	Relates to death and felony crime reports in certain adult care facilities.
A.5170	Englebright	Relates to requiring a particularized and specific justification for denial of access to records under the freedom of information law, exemption from disclosure under the freedom of information law of certain law enforcement related records and to records identifying victims.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.5177	Wright	Relates to recovery of certain housing accommodations by a landlord; limits a landlord's ability to take possession of units for their own primary residence: permits recovery of only one unit, and restricts such ability if the tenant has occupied the apartment for twenty or more years.
A.5224	Cusick	Provides that students may be employed for up to five hours on any day preceding a school day as a qualified lifeguard or aquatic supervisory staff, provided that the employer receives and maintains both the written consent of the minor's parent or guardian and a certificate which shall be provided to the employer at the end of each marking period by the minor's school which shall assert that such minor is in satisfactory academic standing.
A.5233-B	Wright	Requires the licensing of persons engaged in the design, construction, operation, inspection, maintenance, alteration and repair of elevators and other automated people moving conveyances and creates the New York state elevator safety and standards board and the elevator and related conveyances safety program account.
A.5237-B*	Wright	Enacts the "New York State Commercial Goods Transportation Industry Fair Play Act"; redefines the definition of "employee".
A.5308-B	Otis	Establishes movable soccer goal safety; requires compliance with the United States consumer product safety commission's guidelines for movable soccer goal safety.
A.5309-A	Skoufis	Relates to the appointment of a health care agent or surrogate who is the subject of an order of protection protecting the principal.
A.5345	Gottfried	Requires health care professionals to order, prescribe, administer and dispense pain-relieving medications in accordance with professional standards and guidelines.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.5352	Gottfried	Provides for pharmacy benefit management and the procurement of prescription drugs to be dispensed to patients, or the administration or management of prescription drug benefits; sets forth definitions; provides for funds received by a pharmacy benefit manager to be received by the pharmacy in trust for the health plan or provider and provides for accountability of such funds.
A.5376	Brennan	Relates to electric capacity and power procurement; further relates to the powers of the Long Island Power Authority respecting portfolio management services.
A.5386	Englebright	Provides that in any action commenced under the state's anti-trust law, the court may direct that all or any part of a criminal fine or civil penalty imposed upon a violator may, in the court's discretion, be ordered to be deposited with the office of victim services.
A.5387	Englebright	Prevents housing discrimination against victims of domestic violence.
A.5388	Englebright	Changes the reporting requirements relative to restitution and fair treatment standards for the office of victims services from annual to every two years; consolidates reporting requirements regarding victims service programs; requires information collected by local and state probation departments relating to victim impact statements to be included in the biennial report.
A.5424-A	Sweeney	Suspends the issuance of permits for drilling wells for natural gas extraction in certain areas.
A.5443*	Brennan	Relates to claims and actions against the New York city school construction authority arising out of contracts; provides accrual of claims shall be deemed to have occurred as of the date payment for the amount claimed was denied.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.5472	Silver	Relates to payment of independent contractors and authorizes the department of labor to investigate complaints, make claims for compensation, assess liquid damages, civil penalties and criminal penalties; authorizes the award of attorney fees and liquidated damages; excludes construction contractors.
A.5538-A	Hevesi	Relates to meetings of the interagency task force on human trafficking and extends such provisions relating thereto; adds additional members to the board; requires meeting no less than three times per year and annual reporting.
A.5553-A	Benedetto	Relates to participation by service-connected disabled veterans and veterans with respect to state contracts.
A.5556*	Buchwald	Relates to the types of complaints which may be filed with the public service commission and requires the form and instructions for completing the form to be published on the commission's website.
A.5570	Titone	Relates to expediting actions involving insurance claims for damages resulting from a state disaster emergency.
A.5696-A	Benedetto	Provides protection to employees and former employees from retaliatory actions by employers for the reporting of illegal business activities.
A.5780	Weinstein	Establishes a private right of action for the insured for unfair insurance settlement practices when the claim relates to loss or injury in an area where the governor has declared a disaster emergency.
A.5847-A	Sweeney	Relates to violations of the uniform fire prevention and building code.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.5958	Heastie	Enacts the “New York State Fair Pay Act”; provides that it shall be an unlawful employment practice for an employer to discriminate between employees on the basis of sex, race and/or national origin by paying different wages.
A.6059-A	O’Donnell	Prohibits the release of personally identifiable student information where parental consent is not provided.
A.6112	Englebright	Prohibits persons or business entities from filing unnecessary personal identifying information with an agency; provides for enforcement by the attorney general.
A.6259	Cook	Requires persons selling or offering to sell weight loss services or weight loss products to provide consumers with a weight loss and dieting information notice; sets forth such notice which includes the dangers of rapid weight loss, dieting information, risks associated with certain medications used with weight loss programs; delineates deceptive practices; provides for penalties, including fines and injunctions; further provides for attorney general enforcement.
A.6328	Sweeney	Relates to regulation of toxic chemicals in children's products; establishes the interstate chemical clearinghouse.
A.6432	Cusick	Requires counties to maintain a confidential registry of people of all ages with disabilities for the purpose of evacuating and sheltering such persons during disasters.
A.6445	Cusick	Establishes an emergency evacuation plan for individuals with disabilities; establishes \$500 fine for failure to comply with such plan within one year of the effective date.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.6448-B**	Lupardo	Provides for the formation of mutual holding companies by certain domestic mutual life insurers, and the reorganization of such life insurers into domestic stock life insurers.
A.6498	Lavine	Relates to health care professional applications and terminations.
A.6522-B	DenDekker	Requires motor vehicle dealers to search for recalls prior to selling a used motor vehicle and requires the dealer to either make the required repairs or to notify the purchaser, in writing, of the recall.
A.6547-B*	Weinstein	Provides that communications or contact between protected parties with a party against whom an order of protection or temporary order of protection is issued shall not affect the validity of such order; requires notice thereof to be included in such orders; prohibits protected parties from being held to have violated an order of protection or a temporary order of protection.
A.6557	Sweeney	Prohibits the use of chemical flame retardants on residential upholstered furniture.
A.6570	Wright	Relates to limited-profit housing companies; authorizes certain companies to pay dividends or interest in excess of six percent per annum; relates to the dissolution of certain rental housing companies.
A.6657	Mosley	Provides that no person shall be a passenger in the back seat of a motor vehicle unless such person is restrained by a safety belt approved by the commissioner of motor vehicles.
A.6786-B*	Weprin	Requires public adjusters to work for the benefit of insureds and requires disclosure of conflicts of interest.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.6790	Braunstein	Bans the sale of employment data reports without written consumer consent; provides such employment data reports shall include, but not be limited to, payroll and earnings information, hours worked, consumer history and health insurance information.
A.6962-A	Gunther	Creates the managed care for persons with developmental disabilities advocacy program.
A.6963-B*	Morelle	Provides for the regulation of the profession and practice of applied behavior analysis.
A.7025	Simanowitz	Relates to the statewide central register of child abuse and maltreatment and verifying a report of child abuse.
A.7056	Dinowitz	Enacts the "Credit Privacy in Employment Act" to prohibit the use of consumer credit reports in hiring and employment determinations.
A.7158	Abbate	Relates to the release of personnel records or information contained therein of first responders; allows such release upon the authorization of the subject employee.
A.7187	Hevesi	Makes technical corrections to certain provisions of the general municipal law relating to the temporary state commission on local government ethics and repeals railroad aid bond provisions.
A.7225*	DenDekker	Provides for mandatory continuing education for mental health counselors, marriage and family therapists, psychoanalysts and creative arts therapists.
A.7269-A	Braunstein	Relates to ground leases.
A.7294**	Gjonaj	Relates to failure to pay statutory inspection fees.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.7302-A*	Nolan	Relates to special education services and programs for preschool children with disabilities; establishes audits by the state comptroller of the expenses reported by program providers of special education services for preschool children with disabilities.
A.7345-B	Robinson	Establishes the opt in program for reporting of suspected financial exploitation.
A.7400*	Weinstein	Adds identity theft, larceny and coercion to those offenses over which criminal and family courts have concurrent jurisdiction when involving family or household members; authorizes a court which issues an order of protection to order the respondent to return certain documents, and credit and debit devices to the protected party.
A.7407	Buchwald	Relates to a complainant's option to appeal a final order or bring a de novo action after a dismissal for lack of probable cause or lack of jurisdiction.
A.7482-A	Camara	Relates to prevailing wage for service workers; includes public authorities providing public utility services.
A.7623	Weinstein	Relates to the treatment of non-respondent parents in child protective, destitute child and permanency proceedings in family court.
A.7757-A	Heastie	Relates to contesting personal injury or wrongful death actions; provides that determinations made by the workers' compensation board or ALJ as to cause of injury, degree of disability and/or permanency of injury shall not be given preclusive effect in any other forum, court or proceeding.
A.7828-A*	Weinstein	Protects the parties to a tort settlement from any claims by an insurer.
A.7838	Silver	Prohibits Medicare charges by healthcare providers in excess of statutory limitations.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.7872-A	Nolan	Relates to the release of personally identifiable student information.
A.7907	Weisenberg	Requires notice be posted in programs subject to regulation by the office for people with developmental disabilities, informing employees to call 911 during an emergency and directing them to make required reports relating to abuse or neglect to the justice center for the protection of people with special needs or to law enforcement.
A.7909	Gunther	Grants employees of employers, which provide services pursuant to the mental hygiene law, protection from retaliatory actions for the reporting of certain violations.
A.7992*	Quart	Relates to licenses to sell liquor at retail for consumption on certain premises.
A.8013*	Gabryszak	Authorizes the chief administrator of the courts to establish rules for special proceedings authorized under section 9-518 of the uniform commercial code relating to wrongful financial statements.
A.8072*	Brennan	Enacts the "Non-Profit Revitalization Act of 2013"; relates to the reform of charitable organizations.

## Appendix G: 2013 Codes Bills Vetoed by the Governor

<u>BILL NUMBER</u>	<u>VETO NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.5011-A	213	Stec	Designates Lake George seasonal constables as peace officers.
A.7597	228	Finch	Designates uniformed marine patrol officers in Cayuga County peace officer status.
A.7858	233	Palmesano	Includes as peace officers, certain persons employed by the Steuben County sheriff's office as court security deputies.
A.7879	227	Kolb	Relates to designating certain employees of the Seneca County sheriff's office serving as uniformed marine patrol officers and uniformed court security officers as peace officers.

## **Appendix H: 2013 Dual Referenced Bills Vetoed by the Governor**

<b><u>BILL NUMBER</u></b>	<b><u>VETO NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A.4070	212	Galef	Creates a process for local disciplinary actions against assessors.
A.5940-C	215	Bronson	Authorizes the care and treatment of injured employees by licensed or certified acupuncturists under the workers' compensation program.
A.7219	206	Abbate	Grants those assigned or employed for three continuous years as investigators and senior investigators in the bureau of criminal investigation or as a station commander, corporal, zone commander, zone sergeant, first sergeant, staff sergeant, captain or major within the division of state police protection from removal or other disciplinary action without a hearing.
A.7339-A	226	Lupardo	Relates to the reentry of foster children into foster care.

**Appendix I: 2013 Dual Referenced Bills that Amend the State Constitution**

1. Authorizes the Legislature to settle the land dispute between the state and private parties in township 40, Totten and Crossfield Purchase in the Town of Long Lake, County of Hamilton, such lands being in the state forest preserve. (Second Passage through the Legislature; A.7684/S.4689; Delivered to the Secretary of State; Environmental Conservation)

## Appendix J: 2013 Committee Hearings

<u>TITLE</u>	<u>COMMITTEES</u>	<u>DATE/LOCATION</u>
The statute of limitations applicable to sexual abuse against minors	Codes	March 8, 2013 New York City
Raising the age of criminal responsibility	Codes Judiciary Children and Families Education New York State Black, Puerto Rican, Hispanic, and Asian Legislative Caucus	December 6, 2013 New York City