

NEW YORK STATE ASSEMBLY • SHELDON SILVER, SPEAKER



2014 ANNUAL REPORT



Committee on
Codes

Joseph R. Lentol, Chair



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

Chairman
Committee on Codes
COMMITTEES
Rules
Ways & Means
Election Law

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December 15, 2014

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

Re: Annual Report of the Standing Committee on Codes - 2014

Dear Speaker Silver:

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

Among the committee's many notable accomplishments was the enactment of several bills related to the heroin and prescription painkiller epidemic, which seeks to curb drug abuse through public awareness and education, enhanced insurance coverage, and enforcement. Additionally, the committee worked with other standing committees to enact legislation to protect children 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 2014 Legislative Session.

Sincerely,

A handwritten signature in black ink that reads "Joseph R. Lentol".

Joseph R. Lentol, Chair
Standing Committee on Codes

**2014 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON CODES**

Joseph R. Lentol, Chair

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I. Committee Jurisdiction

The New York State Assembly Standing Committee on Codes considers issues and legislation regarding the State's criminal and civil justice system. 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 Reported by the Committee on Codes and Enacted in 2014¹

A. Protecting Children, the Vulnerable and the Elderly

Expands Mandated Reporting of Suspected Child Abuse Adds full-time and part-time compensated school sports coaches to the list of persons who must report instances of child abuse, child neglect and related circumstances they learn in a professional capacity. Failure to report is a class A misdemeanor. (A.421-C/S.4751-B; Chapter 205; Children and Families)

Disclosing Advertising of Products for the Elderly Amends the General Business Law to require that persons or businesses that purport to have expertise or training specifically related to serving seniors, disclose in their advertisements the source of the title or designation of such senior specific expertise or training. In addition to the applicable civil penalty available under the General Business Law, injunctive relief can be sought against a violator. (A.1787-C/S.7254-A; Chapter 432; Aging)

Requires the Examination of Past Records Related to Child Abuse Requires the statewide central registry to transmit any prior reports, including those from other counties, taken by the registry involving the subject or children named in such report to the local social services district in which the abuse or maltreatment is alleged. (A.1987-A/S.5942-A; Chapter 357; Children and Families)

Reports Pertaining to Missing Vulnerable Adults Allows law enforcement agencies to report to the Division of Criminal Justice Services specified cases of missing vulnerable adults that are closed. (A.6710-A/S.1100-A; Chapter 255; Children and Families)

Requires the Justice Center to Develop Interviewing Guidelines Requires the Justice Center for the Protection of People with Special Needs to develop guidelines on interviewing vulnerable persons including whether or not interviewing individuals is clinically contraindicated, appropriateness of notifying a qualified person, and establishing timely notification procedures to administrative agency personnel. (A.9605-A/S.7232-A; Chapter 394; Mental Health)

¹ Except where noted, legislation cited in this discussion originated in the Committee on Codes. Where such legislation did not so originate, but was dual referenced into the Committee on Codes from another committee and the Codes Committee had substantial impact on such legislation, then the original committee of reference will appear with the bill number. All chapter numbers are chapters of the Laws of 2014.

B. Protecting Crime Victims and Victims of Domestic Violence

Adds the Use of GPS to the Crime of Stalking in the Fourth Degree Adds the use of GPS tracking or other devices within the meaning of “following” to the crime of stalking in the fourth degree. (A.7720-B/S.4187-C; Chapter 184)

Requires a Waiver of Mandatory Surcharges and Crime Victim Assistance Fees Requires a court to waive the mandatory financial surcharge otherwise required to be imposed following conviction if the court finds that the convicted person is a victim of sex trafficking under section 230.34 of the Penal Law, or a victim of trafficking under federal law. (A.8812/S.6803; Chapter 385)

Expedited Missing Persons’ Identification Act Requires the Division of Criminal Justice Services (DCJS) to make available personal descriptions and other identifying data, including date and place of death, of unidentified discovered deceased persons to all law enforcement agencies in the state. This law also directs DCJS to provide such information to out of state law enforcement agencies upon request. (A.9006/S.6750; Chapter 331; Governmental Operations)

Amends Aggravated Harassment Statute to Address Constitutional Concerns Adds new language to the aggravated harassment statute that would criminalize a threat to an individual’s physical safety, property, or the safety or property of a member of such person's same family or household. (A.10128/S.7869; Chapter 188)

C. Sex Crimes

Disseminating Unlawful Surveillance Images Amends the Penal Law to allow prosecution for unlawful surveillance when a person surreptitiously broadcasts or videotapes an unclothed image of himself or herself engaging in sexual conduct with another person, without such other person’s consent. Former laws may have been interpreted as criminalizing such broadcasting or recording only if the victim is shown unclothed. (A.2053-C/S.1982-C; Chapter 193)

Persistent Sexual Abuse Look Back Persistent sexual abuse, a class E felony sex offense created in 2003, arises when a person commits a specified misdemeanor sex offense and has previously been convicted two or more times, within the past 10 years, of a misdemeanor sex offense or a felony sex offense. This law excludes from the 10 year look back period “any time during which such person was incarcerated for any reason.” Persistent sexual abuse is a class E felony, punishable by up to four years in prison. (A.2711/S.612; Chapter 192)

Requires Disclosure of Certain Information Pertaining to Sex Offenders When posting sex offender registration information in accordance with law, the Division of Criminal Justice Services sometimes lists the highest level crime requiring registration but not necessarily all other registration crimes. This bill requires that all crimes which trigger a registration requirement be posted on the website. There would be no express penalty, but this bill would require that certain information about certain convicted persons be posted on the state's Sex Offender Registration Act website. (A.6074-A/S.6231-A; Chapter 462; Correction)

D. Drug Abuse Prevention

Non-Patient Specific Naloxone Prescriptions Allows a health care professional with prescribing authority to prescribe, dispense, and distribute naloxone or other opioid antagonists to family members, a friend, or an overdose prevention program in a position to assist a person experiencing an opioid-related overdose. This law also allows the aforementioned prescription recipients to possess the naloxone and to administer it to a person that the recipient reasonably believes is experiencing an opioid overdose. Further, this law requires the Department of Health to publish a report to be submitted to the legislature related to overdose death rates; the age, gender, ethnicity and geographic location of opioid overdose deaths; emergency room utilization for treatment of opioid overdoses; and any other information on the success of the naloxone pilot program in preventing overdose deaths. The law indemnifies prescription recipients/administrators or opioid overdose prevention programs, who were acting reasonably and in good faith, from criminal, civil, or administrative liability. (A.8637-B/S.6477-B; Chapter 42; Health)

Criminal Sale of a Controlled Substance by a Practitioner or Pharmacist Adds the criminal sale of a controlled substance by a licensed practitioner or pharmacist to the existing crime of sale of a prescription for a controlled substance. The practitioner must be purporting to act within the scope of his or her license when he or she knowingly and unlawfully sells a controlled substance. Criminal sale of a controlled substance by a practitioner or pharmacist is a class C felony. (A.10154/S.7902; Chapter 31)

Prescription Medication Fraud and Deceit This law transfers provisions of the Public Health Law regarding fraud and deceit related to controlled substances to the Penal Law. This transfer maintains the class A misdemeanor. (A.10155/S.7907; Chapter 36)

Criminal Sale of Controlled Substances in Eavesdropping and Enterprise Corruption Statutes This law includes the criminal sale of a prescription for a controlled substance or a controlled substance by a practitioner or pharmacist in the designated offenses for an eavesdropping warrant and in the predicate felonies for the crime of enterprise corruption. Enterprise corruption is a B felony. (A.10157/S.7908; Chapter 37)

BNE Access to Criminal History Information This law allows authorized investigators in the Bureau of Narcotic Enforcement (BNE) within the Department of Health who have peace officer powers to access criminal history information upon request to the director of BNE. Patients under investigation must be the subject of an ongoing and identified criminal investigation. (A.10158/S.7906; Chapter 35)

Includes Substance Abuse Evaluation in Diversion Services for PINS This law allows diversion services for persons in need of supervision (PINS) petitions to include an alcohol and substance abuse evaluation. (A.10162/S.7909; Chapter 38)

E. Assault

Elevates the Crime of Assaulting a School Crossing-Guard Increases the penalty for assaulting a school crossing-guard while on duty or otherwise on school grounds from a class A misdemeanor to the class D felony of assault in the second degree. (A.3757-B/S.122-B; Chapter 196)

Elevates the Crime of Assaulting a NYCHA Employee Provides that any act constituting a misdemeanor assault in the third degree pursuant to Penal Law section 120.00 is elevated to a class D violent felony offense if committed against an employee of the New York City Housing Authority (NYCHA) performing duties at a New York City public housing project. (A.4999-A/S.3965-A; Chapter 197)

F. Health

Medical Use of Marijuana Decriminalizes the possession of relatively small quantities of marijuana based on the written authorization of a medical practitioner. Such authorization may be given to the patient for certain therapeutic medical purposes. (A.6357-E/S.7923; Chapter 90; Health)

Authorizes Schools to Have EpiPens Authorizes schools to have epinephrine autoinjectors (EpiPens) available to trained staff that would be permitted to administer EpiPens in the case of someone who goes into anaphylaxis, even where the person has no history or prescription for such anaphylaxis or allergy. (A.7791-A/S.7262-A; Chapter 424; Health)

Limits FOIL in Biomedical Research Laboratories Amends the Public Health Law to provide that when an agency receives a freedom of information law (FOIL) request for records concerning a biomedical research laboratory, access to the records may be denied when such disclosure would be reasonably likely to endanger the security of such biomedical research laboratory. Although there is no express penalty, there is a more restrictive right to disclosure under FOIL. (A.8109-B/S.5731-B; Chapter 440; Governmental Operations)

Reporting of Immunizations of Adults Requires registered nurses and pharmacists, who are authorized to administer immunizations and authorized as users of the New York Statewide Immunization Information System (NYSIIS), to report immunizations of adults upon consent. An authorized user is immune from any civil or criminal liability, or being deemed to have engaged in unprofessional conduct for reporting to, receiving from, or disclosing information relating to NYSIIS when made reasonably and in good faith and in accordance with the provisions of this section or any regulation adopted thereto. (A.9561-A/S.7253-A; Chapter 420; Health)

Allowing Schoolchildren to Self-administer Certain Medications Allows school children to self-administer glucagon, epinephrine autoinjectors (EpiPens), and inhalers when they have a prescription for such medication and have also shown to be able to self-administer such medication. This measure also allows schools to train unlicensed personnel to administer glucagon and EpiPens in an emergency situation when no licensed individual is available. No express penalty exists, but this law would give immunity to school personnel for reasonable and good faith compliance with the relevant sections. (A.9334-B/S.7758; Chapter 423; Education)

G. Safety

Requires Hand Washing Facilities at Animal Petting Zoos Requires operators of petting zoos to maintain hand washing or hand cleansing facilities for persons attending such petting zoos within no more than fifty feet of the exit from the petting zoo area; and requires other public establishments featuring animals that patrons may reasonably come in contact with to provide hand washing or hand cleansing facilities. Any operator of a petting zoo who fails to maintain a hand washing or hand cleansing facility and proper signage shall be subject to a civil penalty in an amount of up to \$500. (A.4735-A/S.7846; Chapter 358; Health)

Enacts “Vince’s Law” Creates an enhanced penalty upon conviction for a fourth driving while intoxicated- (DWI) related offense within fifteen years. A fourth conviction for a DWI-related offense within fifteen years is punishable by a D felony with a fine of not less than \$2,000 and up to \$10,000 and/or up to seven years of imprisonment. (A.8021-A/S.7108; Chapter 191; Transportation)

Prohibits Directing a Laser at an Aircraft Establishes new crimes for aiming the beam of a laser at an aircraft or in the flight path of an aircraft. There are exceptions in this bill for entities authorized by the Federal Aviation Administration to continue the use of lasers on aircraft, including members or elements of the United States Department of Defense, and those in emergency situations. Directing a laser at an aircraft in the second degree is a class A misdemeanor. Directing a laser at an aircraft in the first degree, which thereby causes a significant change of course or other serious disruption that threatens the physical safety of the aircraft’s passengers or crew, is a class E felony. (A.8236-C/S.7418-A; Chapter 98)

Rochester Red Light Camera Program Extends the City of Rochester's red light camera demonstration program until 2019. A \$50 maximum fine is authorized for each violation, with a penalty not to exceed \$25 for failure to respond to a notice of violation. (A.9498/S.7704; Chapter 122; Transportation)

Albany Red Light Camera Program Authorizes the City of Albany to begin a red light camera demonstration program and to install and operate red light cameras at no more than 20 intersections until 2019. A \$50 maximum fine is authorized for each violation, with a penalty not to exceed \$25 for failure to respond to a notice of violation. (A.9583-A/S.7295-A; Chapter 123; Transportation)

Suffolk County Red Light Camera Program Extends the County of Suffolk's red light camera demonstration program until 2019. Violations are punishable by a fine of not less than \$45 but not more than \$150, and/or by imprisonment for not more than fifteen days. (A.9737-A/S.7648; Chapter 127; Transportation)

Yonkers Red Light Camera Program Extends the City of Yonkers' red light camera demonstration program until 2019. A \$50 maximum fine is authorized for each violation, with a penalty not to exceed \$25 for failure to respond to a notice of violation. (A.9739/S.7702; Chapter 128; Transportation)

Nassau County Red Light Camera Program Extends the County of Nassau's red light camera demonstration until 2019. A \$50 maximum fine is authorized for each violation, with a penalty not to exceed \$25 for failure to respond to a notice of violation. (A.9803/S.7647; Chapter 133; Transportation)

Lowers the NYC Speed Limit to 25 MPH Authorizes the City of New York to lower the speed limit to 25 miles per hour (MPH). Prior to lowering any speed limit by more than 5 MPH, the city must provide written notice and an opportunity to comment to the community board having jurisdiction over the area within which the lower speed limit will apply. The city must also issue a report by 2015 which includes a comparison of accidents before and after lower speed limits and street calming measures have been implemented. Violating the speed limit would be punishable by a fine of not less than \$45 but not more than \$150, and/or by imprisonment for not more than fifteen days. (A.10144/S.7892; Chapter 248; Transportation)

H. Protecting Animals

Limits the Taking of Sharks Prohibits the taking of sharks, excluding spiny dogfish, for contests, commercial, or recreational purposes by baited hooking except with the use of non-stainless steel, non-offset circle hooks. This law seeks to protect shark species as well as the traditional shark-fishing sport. (A.5421-A/S.3884-A; Chapter 378; Environmental Conservation)

Increases the Penalty for Stealing Domesticated Animals Increases the fine for the stealing of domesticated animals under section 366 of the Agriculture and Markets law. The penalty is increased from up to six months imprisonment and/or up to a \$200 fine to up to six months imprisonment and/or up to a \$1,000 fine. (A.8185-B/S.7684-A; Chapter 185; Agriculture)

Bans the General Public From Having Direct Contact with “Big Cats” Prohibits any person licensed, or required to be licensed, as an exhibitor or dealer, from knowingly allowing the public to have direct contact with a big cat. “Big cat” is defined as any live species of lion, tiger, leopard, cheetah, jaguar, cougar, or any hybrid of such species. Any violation of this law would result in a fine of not more than \$500 for the first offense, and not more than \$1,000 for the second and subsequent offenses. (A.9004-C/S.6903-C; Chapter 307; Environmental Conservation)

Prohibits the Sale and Purchase of Articles Containing Ivory Prohibits the purchase and sale of ivory articles and rhinoceros horns, with limited exceptions. This law increases the criminal penalties to a class D felony for ivory valued at \$25,000 or more and civil penalties for the illegal sale of these articles. (A.10143/S.7890; Chapter 326)

Exempts Certain Museums from the Ivory Prohibition This law is a chapter amendment to Chapter 326 of the Laws of 2014. This amendment allows the distribution of certain ivory articles and rhinoceros horns to a museum authorized by special charter from the legislature of the state. (A.10153/S.7916; Chapter 327)

I. Protecting the Environment

Protects State Waterways from Invasive Species This law is designed to prevent the spread of aquatic invasive species by bolstering the Invasive Species Act of 2008. Specifically, it prohibits any person from launching a watercraft if reasonable precautions are not undertaken to prevent any plant or animal visible to the human eye from being in or on the watercraft, any equipment, trailing or any other device used to transport or launch a watercraft that comes into contact with the water. This law also requires the Department of Environmental Conservation (DEC) to promulgate regulations establishing reasonable precautions to protect state waterways within one year. (A.9619-B/S.7851-B; Chapter 330; Environmental Conservation)

J. Miscellaneous Legislation

Extends the Maximum Length of Specialized Material Delivery Vehicles Extends the maximum length of specialized material delivery vehicles (those with cranes, booms or similar devices attached or loaded with material and festooned with a red flag) allowed on New York roads from 40 to 45 feet. (A.3491-A/S.391-A; Chapter 252; Transportation)

Establishes the Licensed Profession of Geology Establishes the licensed practice of the profession of geology under the State Education Department. This law also makes conforming amendments to the Education Law, Business Corporation Law, Limited Liability Company Law, and Partnership Law. (A.4753-D/S.3810-D; Chapter 358; Higher Education)

Public Lewdness Crime Creates the new crime of public lewdness in the first degree. This elevates the crime of public lewdness from a B to an A misdemeanor when being age nineteen or more and intending to be observed by a person less than age sixteen, in a public place, or in private premises with intent to be observed, he or she intentionally exposes private or intimate parts of his or her body in a lewd manner for the purpose of alarming or seriously annoying such person, and he or she is thereby observed by such person in such place; or he or she commits a second public lewdness crime within three years. (A.8196/S.5957; Chapter 186)

Provides for Civil Rights Protections for Unpaid Interns Provides unpaid interns the same civil rights protections as paid interns. (A.8201-A/S.5951-A; Chapter 97; Governmental Operations)

Enacts the Immigrant Assistance Service Enforcement Act Provides greater enforcement of laws applicable to immigrant assistance service providers, increases both civil penalties and fines, provides a private right of action for an individual aggrieved by a provider, and provides for Attorney General enforcement of the criminal provisions of the article. This law also codifies the Office of New Americans and creates two new penal law crimes. The civil penalty for violating this law is an amount not to exceed \$10,000 and there is an additional civil penalty for certain acts. The fine available for the misdemeanor is increased to \$3,000 for a second offense and there are two new penal law crimes related to fraud committed by immigrant assistance service providers, an A misdemeanor and E felony. (A.8974-B/S.6732-A; Chapter 206; Governmental Operations)

Revising Certain Laws Related to Alcoholic Beverages Makes major revisions to the laws regarding licensed manufacturers and wholesalers of alcoholic beverages. This law seeks to provide New York alcoholic beverage manufacturers with greater opportunities to market their products by expanding the activities that they can conduct at their facilities, including serving by the bottle and by the glass, as well as permitting small distilleries to increase the retail outlets where they can sell, serve, and offer samples of their products. (A.10122/S.7813-A; Chapter 431; Economic Development)

Selling of Certain Firework and Sparkling Devices 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 class 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 the City of New York remains unchanged and sparkling devices would continue to be prohibited. Further, this bill would require that all retailers, manufacturers, distributors and wholesalers be licensed by the New York State Office for Fire Prevention and Control. (A.10141/S.7888; Chapter 477)

III. Summary of Significant Legislation Reported by the Committee on Codes in 2014 that the Assembly Passed²

A. Protecting Children, the Vulnerable and the Elderly

Protecting Air Quality at Day Care Centers The bill would provide that no license may be issued or renewed for a child care center if the facility would be adversely impacted by the proximity of a known environmental hazard. The bill would also require the Department of Environmental Conservation to provide information to the Office of Children and Family Services concerning such hazardous locations. The bill would provide that in the event that such a new environmental hazard is identified in proximity to a child care center, the Department of Health shall require that the facility creating the hazard remediate the hazard within ninety days, without any adverse action being taken against the licensed child care facility. (A.918/S.7282; Passed Assembly; Health)

Preventing Financial Abuse of the Elderly This bill would require the Department of Financial Services to develop guidelines for the voluntary reporting by financial institutions of suspected financial exploitation of the elderly. Financial institutions, who report suspected financial abuse reasonably and in good faith would be immune from any civil liability that might otherwise result by reason of such reporting. (A.1783-B/S.5675; Passed Assembly; Aging)

Emergency Preparedness for Home-Bound Patients This bill relates to the establishment of local emergency preparedness plans, particularly preparedness for natural disasters such as hurricanes and floods. It would require consultation and coordination of such plans with organizations that provide home health care and hospice services to home-bound patients, in addition to consultation and coordination with other entities already listed in existing law. (A.6530-B/S.4719-B; Delivered to the Governor; Governmental Operations)

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

B. Protecting Crime Victims and Victims of Domestic Violence

Orders of Protection Enforcement Strengthened This bill would permit victims to recover non-economic damages from any or all defendants found liable for failure to obey or enforce a domestic violence order of protection or a temporary order of protection. The bill would hold those tasked with enforcement orders of protection accountable and give victims the same right of recovery as workers compensation claimants and automobile accident victims. (A.899/S.6928; Passed Assembly)

Crime Victims Compensation This bill would expand the circumstances under which a crime victim may be reimbursed for the travel expenses he or she incurred in order to appear before a court. The bill would also allow compensation not just to facilitate testimony of the victim, but also to allow victims to attend other scheduled court appearances from arraignment through trial and sentencing. (A.5916-A/S.3360-A; Passed Assembly; Governmental Operations)

Domestic Violence Escalation Prevention Act This bill would make it illegal for an individual to possess a firearm if he or she has committed a family offense. Under the bill, perpetrators of domestic violence that possess a rifle or shotgun could be convicted of a class A misdemeanor while possessing a handgun would be a felony. The legislation seeks to prevent the escalation of hostilities by keeping firearms out of the hands of individuals involved in domestic disputes. (A.6390/S.5432; Passed Assembly)

Cell Phone Service Fee Exemption for Domestic Violence Victims This bill would require wireless telephone companies to allow victims of domestic violence to opt-out of shared or family plans without incurring any penalties. The bill would help domestic violence victims eliminate financial ties with abusive partners. (A.7964-B/S.5032-B; Passed Assembly; Corporations)

Housing Discrimination Protections for Domestic Violence Victims This bill would establish the right of tenants to call police or emergency assistance without fear of losing their homes as the result of landlord actions or local nuisance laws. (A.9056/S.6924; Passed Assembly; Judiciary)

Translating Domestic Violence Reports This bill would require law enforcement throughout the state to translate domestic incident reports when such reports are not made in English. The bill would further provide that the notification of victim's rights be provided to a victim of domestic violence in his or her native language. (A.9251; Passed Assembly)

Requiring Police to Share Certain Information with the Office of Victim Services

This bill would require that the Division of State Police, county and municipal police departments and agencies, and other state or municipal departments or agencies provide assistance and data requested by the Office of Victim Services that would enable it to carry out its functions and duties, provided that such information is not otherwise protected from disclosure. (A.9691/S.7117; Passed Assembly; Governmental Operations)

C. Sex Crimes

Sexual Assault Definition Expanded This bill would strengthen the current law adding other forms of sexual assault, specifically oral and anal sexual conduct, to the current definition of rape and also would remove the penetration requirement to establish a rape charge. Existing law defines the crime of rape only in cases of vaginal penetration. This bill would amend the law to better define criminal sexual acts. (A.3339-A; Passed Assembly)

D. Drug Abuse Prevention

Bans the Use and Possession of Opioid Antagonists as Evidence This bill would prohibit the receipt into evidence of possession of opioid antagonists, such as naloxone, in a criminal or civil case charging alleged illegal possession of controlled substances. Further, this bill would require police and peace officers to receive appropriate instruction regarding such prohibition. (A.10015-A; Passed Assembly)

Forfeiture Funding for Chemical Dependency Programs This bill would amend section 1349 of the Civil Practice Law and Rules to place chemical dependency programs earlier in the hierarchy of priorities for moneys realized through forfeiture actions for property seized as a result of a criminal investigation. (A.10055; Passed Assembly)

E. Assault

Assaulting a Person Providing Direct Patient Care This bill would provide that any act constituting a misdemeanor assault in the third degree pursuant to Penal Law section 120.00 would be elevated to a class D violent felony offense if committed against a person providing “direct patient care.” (A.1498-B/S.1089-B; Passed Assembly)

F. Health

Bans the Practice of Conversion Therapy This bill would make the practice of conversion therapy professional misconduct for licensed mental health professionals. Conversion therapy is defined as the attempt to change or alter an individual's sexual orientation or identity. Under the bill, a licensed mental health professional would be subject to revocation of their license or other licensure penalties. (A.6983-B/S.4917-B; Passed Assembly; Higher Education)

Prohibits Retaliation Against Employees for Reproductive Health Choices This bill would prohibit retaliation against employees for their reproductive health choices or the choices of such employee's dependent. Under the bill, an employee could bring a civil cause of action against an employer who retaliates against them under these provisions. (A.8769-A/S.6578-B; Passed Assembly; Labor)

Bans the Sale of Liquid Nicotine to Minors This bill would prohibit the sale of nicotine in liquid form to minors and require the container in which liquid nicotine is sold to provide a list of ingredients and a warning label. This bill would also require that the container in which liquid nicotine is sold be child-proof. Sale of liquid tobacco to a minor would be punishable in the same manner as sale of tobacco to a minor: a civil penalty of a minimum of \$300, but not to exceed \$1,000 for a first violation, and a minimum of \$500, but not to exceed \$1,500 for each subsequent violation. A licensed retailer could also face suspension or revocation of a tobacco retail license. The New York City Administrative Code would be similarly amended. Violation of the labeling requirement would be punishable by a civil penalty of up to \$1,000. (A.9299-D/S.7027-C; Delivered to the Governor; Health)

G. Safety

Banning Magnetic Jewelry This bill would prohibit all sales of magnetic jewelry that uses a magnet to mimic a tongue, lip or nose piercing. It also would require a warning label on certain other products containing one or more small magnets. Under the bill the attorney general, in a civil action, may recover a civil penalty of up to \$2,000. (A.733; Passed Assembly; Consumer Affairs)

Requiring Field Sobriety Testing This bill would require police officers investigating fatal and serious physical injury accidents to request motorists to submit to a field sobriety test if they have reasonable grounds to believe that the motorist committed a serious traffic violation in the course of the accident. (A.8560-A; Passed Assembly; Transportation)

Requiring Carbon Monoxide Detectors in Certain Dwellings in NYC This bill would amend the Administrative Code of the City of New York to require carbon monoxide detectors in certain residential buildings in the City of New York. Under the bill, any person who shall knowingly violate or fail to comply with any laws, rules, or regulations enforceable by the fire department would be guilty of a misdemeanor and, upon conviction thereof, would be punished by a fine of not more than \$10,000, or imprisonment for not more than six months, or both for each offense. Such person would also be liable for a civil penalty of not more than \$10,000 which may be recovered in a civil action brought in the name of the commissioner. (A.8875-C/S.7677; Delivered to the Governor; Governmental Operations)

Requiring Carbon Monoxide Detectors in Restaurants This bill would amend the New York State Uniform Fire Prevention and Building Code to require carbon monoxide detectors in restaurants and certain other commercial buildings statewide. Under this bill, a violation of the uniform fire prevention and building code would be punishable by a fine of not more than \$1,000 per day of violation, or imprisonment not exceeding one year, or both. (A.8963-A/S.6657-C; Delivered to the Governor; Governmental Operations)

Kerry Rose Fitzsimons Fire Safety Act This bill would require all residential buildings currently mandated to have smoke detectors and alarms to install inter-connectable smoke detectors and alarms within ten years. Inter-connectable smoke detectors communicate with each other, alarming together, in series, when a fire or smoke condition is detected. The bill would take effect in 2024. This time frame is designed to give retailers and manufacturers time to sell existing stock and to outlive the life span of most smoke detectors currently in use. (A.9214-A/S.7728; Passed Assembly; Governmental Operations)

H. Protecting Animals

Prohibiting Animal Tattoos and Piercings This bill would prohibit tattooing or piercing or causing to tattoo or pierce a companion animal. It would exclude piercing for a medical benefit and tattooing to indicate a medical procedure had been done or for identification purposes. Any authorized piercing and tattooing would have to be done by a licensed veterinarian or under the supervision of a licensed veterinarian. Under the bill, knowingly violating this provision would be punishable by a violation under the penal law, up to fifteen days in jail and/or up to a \$250 fine. (A.739-D/S.6769-C; Delivered to the Governor; Agriculture)

Requiring the Licensing of Dogs in NYC This bill would authorize the City of New York to require that dogs within the city be licensed through the city Department of Health and Mental Hygiene. This bill would also allow the city to set licensing fees. Additionally, penalties for failure to renew or obtain a license would be created along with a notice of violation requirement. (A.2046/S.5048; Delivered to the Governor; Cities)

I. Protecting the Environment

Detecting Petroleum Discharges This bill would condition the issuance or renewal of a major petroleum storage facility license by DEC on the submission of satisfactory evidence that the applicant has implemented or is implementing state and federal plans and/or regulations for the prompt detection of petroleum discharges. (A.1352; Passed Assembly; Environmental Conservation)

Microbead-free Waters Act This is an Attorney General's program bill. This bill would establish the Microbead-free Waters Act, which would prohibit the manufacture, distribution and sale of personal cosmetic products that contain microbeads. This bill would create the following penalties: For a first violation, a civil penalty not to exceed \$2,500 for each day the violation continues; and for second and subsequent violations, a civil penalty not to exceed \$5,000 for each day the violation continues. (A.8744-A; Passed Assembly; Environmental Conservation)

Prohibiting Mercury-added Rotational Balancing Products This bill would direct the Department of Environmental Conservation to promulgate regulations, no later than April 1, 2016, to prohibit the sale of mercury-added rotational balancing products for use on devices for which a mercury-free alternative is available. This bill would also prohibit a person, after April 1, 2015, from selling or using tire weights if such product contains intentionally-added mercury. Any violation would be punishable by a civil penalty not to exceed \$250 for the first violation, \$500 for the second violation, and \$1,000 for the third violation within twelve months. (A.9143-A/S.6907-A; Passed Assembly; Environmental Conservation)

Ensuring Proper Cleanup of Petroleum Spills This bill would help to ensure adequate financing for the cleanup of certain flammable, or difficult to remediate, crude oil. The bill would require petroleum bulk storage facilities provide a surety bond in the case of accidents necessitating cleanup and decontamination. (A.9926/S.7718; Passed Assembly; Environmental Conservation)

J. Reforming the Criminal Justice System

Establishes the Crime of Concealment of a Human Corpse This bill would add a new section to the Penal Law to establish the crime of concealment of a human corpse. Concealment of a human corpse would be a class E felony. (A.6092-A; Passed Assembly)

Sealed Records This bill would clarify that records sealed following an acquittal or conviction of a violation that is not a crime could not be used for any purpose unless authorized by law. This would clarify that sealed records may not be used after the seal order even if obtained before the order was issued. (A.7683; Passed Assembly)

Presentencing Reports This bill would permit a defendant to receive a copy of the county probation department's presentence report prior to sentencing. Currently, the law permits the report to be shown to counsel and to an unrepresented defendant. This has led to inconsistent practices with respect to whether the defendant may see this report prior to sentencing. Other laws, however, already provide that a defendant may see the report when preparing for an appeal and, whether represented or not, in advance of a release consideration proceeding by the Board of Parole. (A.9282; Passed Assembly)

K. Police and Community Relations

Prohibiting Police Officers from Using Racial Profiling This bill would prohibit police officers from using racial and ethnic profiling. This bill would also require that procedures be established for the receipt and review of complaints against police officers for racial or ethnic profiling. (A.2941; Passed Assembly)

Allowing Retired State Police Troopers to Apply for a Firearms License This bill amends two penal law statutes, relating to firearms' licensing to expressly provide that retired State Police troopers may apply for a firearms license, like regular civilians, through their county licensing officer. Former statutes suggested or implied that such licenses must be issued, or refused to be issued, only by the Superintendent of State Police. (A.7598/S.5188; Delivered to the Governor)

L. Protecting Consumers

Protecting Consumers in Debt Collection Procedures This bill would align New York law with the Federal Fair Debt Collection Practices Act. It prohibits certain creditor practices and sets forth the acceptable boundaries for interaction with debtors. The bill creates a cause of action for aggrieved debtors. Violations of the article are class B misdemeanors. (A.596/S.1277; Passed Assembly; Consumer Affairs)

Banning Zone Pricing of Motor Fuel This bill would end unfair zone pricing of motor fuel based on geographical locations. This bill reflects changes recommended by the Office of the Attorney General in a 2011 report. (A.2290/S.2124; Passed Assembly; Economic Development)

Banning the Sale of Children’s Products Containing Formaldehyde This bill would ban the sale of children’s products that contain formaldehyde. The bill would define “children’s product” to mean a product primarily designed, intended, or marketed by a manufacturer to be physically applied to or introduced into a child’s body, or used by a child. The bill would also define “child” to mean those aged twelve and under. Lastly, the bill would prohibit, beginning in 2016, retailers from selling or offering for sale a children’s product that contains intentionally-added formaldehyde or ingredients that chemically degrade under normal conditions to release formaldehyde. (A.8886-B/S.6415-C; Passed Assembly; Environmental Conservation)

Consumer Credit Fairness Act This bill would enact more specific pleading requirements in consumer credit actions; reduce the statute of limitations in consumer credit actions from six years to three years; bar debt collectors from collecting debts for which the statute of limitations for suit has expired; require notice of a pending consumer credit action be mailed to the defendant by the clerk of the court; assure improper service and statute of limitations as defenses; and require that applications for default judgment state that the statute of limitations has not expired. This bill would reduce the statute of limitations and would end the power to collect once the right to sue has expired. (A.9053/S.7349; Passed Assembly; Judiciary)

M. Miscellaneous Legislation

Criminalizing the Staging of Accidents This bill would criminalize the intentional staging of motor vehicle accidents for the purpose of committing insurance fraud. The bill would add driving a vehicle and causing or attempting to cause an accident to the crime of insurance fraud. Committing the crime of insurance fraud in the fourth degree would be an E felony punishable by up to four years imprisonment and/or a \$5,000 fine. (A.756-A; Passed Assembly)

Cemetery Bill of Rights This bill would require cemetery corporations to provide customers with a bill of rights. A violation, pursuant to section 1514 of the Not-for-Profit Corporation Law, would be a misdemeanor, which would be punishable by up to six months imprisonment and a fine of up to \$500. (A.3538-B; Passed Assembly; Corporations)

The Port Authority of New York and New Jersey Transparency and Accountability Act of 2014 The Port Authority of New York and New Jersey is a multi-billion dollar company that performs and provides vital transportation and infrastructure functions and services in the state of New York. The Port Authority's operations include Newark, LaGuardia and Kennedy airports; the Port of New York and New Jersey, which is the leading maritime cargo port on the east coast of North America; PATH mass transit system; the World Trade Center; and numerous bridges and tunnels, including the George Washington Bridge and the Lincoln and Holland Tunnels. This bill would require the Port Authority of New York and New Jersey to adhere to accountability and transparency standards that were imposed on New York state public authorities in 2005 and 2009. (A.3944-C/S.7721; Delivered to the Governor; Corporations)

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

Aggravated Leaving the Scene of an Accident This bill would create the crime of aggravated leaving the scene of an accident. A person would be guilty under this new crime when he or she drives recklessly and commits the crime of leaving the scene of the accident as defined in subdivision 2(a) of section 600 of the Vehicle and Traffic Law (an accident that they know or had cause to know caused personal injury), and causes death or serious physical injury to more than one other person while having a suspended license or prior conviction for certain offenses. Aggravated leaving the scene of an accident would be a class C felony and punishable by one to three years to five to fifteen years of imprisonment. (A.7315-D; Passed Assembly; Transportation)

Increasing Penalties for Wage Payment Violations This bill repeals the annual notice that employers must provide to employees that lists their wages and supplements. This bill increases penalties for: failure to comply with other notification requirements (upon hiring and with paycheck) and retaliating against employees who report. This bill would also require contractors who have been found guilty of wage theft to notify their employees and the employees of their subcontractors. This bill would also allow individuals to pierce the corporate veil for limited liability corporations. (A.8106-C/S.5885-B; Delivered to the Governor; Labor)

Disclosure of Records by the Port Authority of New York and New Jersey This bill would require the Port Authority of New York and New Jersey to comply with the articles 6 and 6-A of the Public Officers Law, commonly referred to as the Freedom of Information Law (FOIL) and Open Meetings Law, and New Jersey's Open Public Meetings Act. In cases where these laws are inconsistent, the law that provides the greatest right of access would apply. The bill would also create a right of action for an aggrieved person or party for the purposes of enforcing any provision of these laws. (A.8785-C/S.6718-C; Delivered to the Governor; Corporations)

Industrial Hemp Agricultural Pilot Program This bill would establish an agricultural pilot program for the growth of industrial hemp. This bill would allow up to ten sites for the growth or cultivating of industrial hemp by institutions of higher education or the Department of Agriculture, so that they may study the growth and cultivation of hemp. Sites must be certified by and registered with the department of agriculture. The sale, distribution or export of industrial hemp would be prohibited. (A.9140/S.7047; Delivered to the Governor; Agriculture)

IV. Original Codes Bills and Bills Dual Referenced to the Committee on Codes that the Governor Vetoed³

1. Requires a study and report on methods to modernize information collection, retention and dissemination in the state. (A.486-B/S.2838-B; Veto 514)
2. Makes provisions for payment to certain peace officers employed by department of corrections and community supervision for salary and medical expenses while subject to sickness. (A.5899-A/S.4095; Veto 516)
3. Prohibits the filling, emptying or use of any liquefied petroleum gas container, except by the owner thereof or by a person authorized in writing by such owner. (A.6804/S.2049-B; Veto 513)
4. Designates, as peace officers, special deputy sheriffs of the County of Chautauqua within the grounds of and properties owned by the Chautauqua Institution. (A.6937-A/S.3894-B; Veto 515)
5. Relates to the administration of services offered by the Office for People with Developmental Disabilities. (A.8846-C/S.6641-C; Veto 519)
6. Designates court attendants in the Town of Ossining, County of Westchester as peace officers. (A.9330/S.6994; Veto 503)
7. Grants uniformed members of the Bureau of Fire Prevention of the Town of Islip peace officer status. (A.9780/S.7470; Veto 524)
8. Designates uniformed court officers of the Town of Highlands as peace officers. (A.9840/S.7786; Veto 525)
9. Designates uniformed court officers of the Town of New Windsor as peace officers. (A.9843/S.7787; Veto 508)

³ Veto Memo. Numbers refer to those issued in 2014.

V. Codes Committee Participation in Hearings and Roundtables in 2014

A. A Comprehensive Approach to the Opiate and Heroin Crisis.

On May 14, 2014 in Albany and June 5, 2014 in New York City, the Codes Committee, together with the standing committees on Health and Alcoholism and Drug Abuse, convened roundtables concerning policies related to opiate and heroin abuse, including treatment options, in order to develop awareness and potential legislation.

Illicit opiate and heroin use has sharply increased recently throughout the country, including New York State. There are daily news reports of opiate overdoses, which often result in death. This scourge has especially affected young people throughout the state. These roundtables examined the problem from a public health perspective and explored solutions, including prevention and treatment options. The roundtables included representatives of groups from across the state, including chemical dependence prevention and treatment providers, physicians, drug policy experts, and law enforcement.

The Assembly, together with the Executive and the State Senate, enacted legislation that seeks to curb illicit opiate and heroin use in New York State. These laws:

- Enable authorized employees of the Department of Health's Bureau of Narcotic Enforcement (BNE) to access criminal history information of individuals that are subject to an open and ongoing investigation regarding illegal use of controlled substances. (A.10158/S.7906; Chapter 35; Codes);
- Transfer provisions of the Public Health Law regarding fraud and deceit related to controlled substances to the Penal Law. (A.10155/S.7907; Chapter 36; Codes);
- Add the criminal sale of a controlled substance by a practitioner or pharmacist to the existing crime of sale of a prescription for a controlled substance. The practitioner must be purporting to act within the scope of his or her license when they knowingly and unlawfully sell a controlled substance. (A.10154/S.7902; Chapter 31; Codes);
- Include the criminal sale of a prescription for a controlled substance by a practitioner or pharmacist within the designated offenses appropriate for granting an eavesdropping warrant. Under this law, warrants also could be granted for predicate felonies involving crimes of enterprise corruption. (A.10157/S.7908; Chapter 37; Codes);

- Enhance the Opioid Overdose Prevention Program by requiring an informational safety card or sheet be provided with each of the naloxone kits distributed through the program. Each card or sheet will provide vital information on how to recognize an overdose, step by step instructions on what to do in the event of an overdose, how to access substance use treatment services, and help save lives. (A.10156/S.7905; Chapter 34; Ways and Means);
- Promote access to substance use treatment services by authorizing an assessment of a youth who may be suffering from the abuse of a controlled substance and in need of diversion services that are available through the PINS Program. (A.10162/S.7909; Chapter 38; Codes);
- Authorize the State Education Department to make recommendations to update curriculum on alcohol, tobacco, heroin, opioids, and other drugs. (A.10163/S.7910; Chapter 39; Ways and Means); and
- Increase access to substance use treatment services for individuals suffering from a heroin or opioid addiction by requiring health insurers to utilize providers who specialize in substance use disorder services and standardize clinical review criteria of such disorders. This law also would provide coverage during an appeals process. It also calls for a workgroup to be convened to examine barriers to coverage for addiction treatment. (A.10164/S.7912; Chapter 41; Ways and Means).

B. Civil Forfeiture and Deferred Prosecution Agreements

On December 9, 2014 in New York City, the Codes Committee, together with the Judiciary Committee, convened a hearing concerning the current methods of civil forfeiture and the use of deferred prosecution agreements (DPAs) in New York.

The committee accepted testimony from law enforcement, organizations, and groups and individuals that are experts in civil forfeiture and DPAs. Hearing witnesses discussed the current methods of civil forfeiture and the use of DPAs and their impact on law enforcement and municipalities in New York. Other topics discussed included other means by which monetary penalties are obtained, and forfeited monies and property are distributed. The committees also received further information and testimony concerning current accounting practices, and whether appropriate information about these seizures and monetary payments is made available to putative owners, third-party lienholders and the public-at-large.

Potential legislation may be developed from testimony and discussion that took place at this hearing during the 2015-16 legislative session.

See Appendix I

Appendix A: 2014 Committee Workload Summary

<u>Final Action</u>	<u>Assembly Bills</u>	<u>Senate Bills</u>	<u>TOTAL</u>
Bills Reported with or without Amendment			
To Floor; Not Returning to Committee	107		107
To Ways and Means	94		94
To Rules	175		175
TOTAL	376		376
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Bills Having Committee Reference Changed			
To Corrections Committee	1		1
TOTAL	1		1
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Senate Bills Substituted or Recalled			
SUBSTITUED		39	39
RECALLED		2	2
TOTAL		41	41
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Bills Never Reported, Held in Committee	681	161	842
Bills Never Reported, Held for Consideration (with roll call vote)	97		97
Bills Having Enacting Clauses Stricken	44		44
TOTAL BILLS IN COMMITTEE	1,199	202	1,401
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Total Number of Committee Meetings Held: 20			

Appendix B: Schedule of 2014 Codes Committee Meetings

<u>Month</u>	<u>Date</u>	<u>Day</u>
January	22	Wednesday
February	4	Tuesday
February	26	Wednesday
March	4	Tuesday
March	19	Wednesday
March	31	Monday
April	1	Tuesday
April	7	Monday
April	29	Tuesday
May	6	Tuesday
May	13	Tuesday
May	20	Tuesday
May	28	Wednesday
June	3	Tuesday
June	9	Monday
June	12	Thursday
June	16	Monday
June	17	Tuesday
June	18	Wednesday
June	19	Thursday

Total Number of Committee Meetings Held: 20

Appendix C: Codes Laws of 2014

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.2053-C	193	Paulin	Relates to unlawful surveillance
A.2711	192	Simotas	Excludes any time during which a person was incarcerated from the ten year period relevant to the definition of the crime of persistent sexual abuse
A.3757-B	196	DenDekker	Elevates an intentional assault upon a school crossing-guard to the class D felony of assault in the second degree
A.4999-A	197	Lentol	Imposes increased penalties on assaults of certain New York City Housing Authority employees
A.7720-B	184	Peoples-Stokes	Relates to stalking in the fourth degree
A.7754-A	459	Skoufis	Designates as peace officers the United States Mint Police
A.8196	186	Fahy	Establishes the crime of public lewdness in the first degree
A.8236-C	98	Otis	Establishes the offense of directing a laser at an aircraft
A.8331-A	262	Magnarelli	Relates to peace officer status of certain federal law enforcement officers
A.8395	17	O'Donnell	Relates to probation sentences and the revocation thereof
A.8749-A	402	Paulin	Relates to the treatment of certain persons aged sixteen or seventeen for certain prostitution offenses

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.8812	385	Paulin	Requires the court to waive any mandatory surcharge and crime victim assistance fee when it is found that the defendant is a victim of sex trafficking
A.9006	331	Lentol	Enacts the Expedited Missing Persons' Identification Act
A.10128	188	Rules/ Weinstein	Relates to the crime of aggravated harassment in the second degree
A.10141	477	Rules/ Morelle	Relates to fireworks, dangerous fireworks and sparkling devices; repealer
A.10143	326	Rules/ Sweeney	Prohibits the sale, purchase, trade, barter and distribution of certain ivory articles and rhinoceros horns
A.10153	327	Rules/ Sweeney	Relates to the distribution of certain ivory articles and rhinoceros horns to a museum authorized by special charter from the legislature of the state
A.10154	31	Rules/ Hennessey	Relates to criminalizing the sale of a controlled substance by a practitioner or pharmacist
A.10155	36	Rules/ Peoples- Stokes	Creates the offense of prescription medication fraud and deceit
A.10157	37	Rules/Stirpe	Relates to the designation of criminal sale of a prescription for a controlled substance or a controlled substance by a practitioner or pharmacist
A.10158	35	Rules/ Cymbrowitz	Allows certain employees of the bureau of narcotic enforcement access to criminal history information

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.10162	38	Rules/ Lupardo	Relates to assessment services for youth alleged to be suffering from substance use disorder

Appendix D: Dual Referenced Laws of 2014

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.421-C	205	Paulin	Expands the persons responsible for reporting cases of suspected child abuse
A.1787-C	432	Millman	Requires disclosures in advertisements that include a description that the person has expertise or training in issues specifically related to seniors
A.1869-D	353	Schimel	Requires notice to be given to the fire department with jurisdiction over a residential building where construction will utilize truss type, pre-engineered wood or timber construction
A.1987-A	357	Titus	Requires the office of children and family services to examine the call history prior to making any determinations to report incidents of child abuse
A.2318-D	198	Gunther	Prohibits people registered under the Sex Offender Registration Act from being a volunteer firefighter
A.3491-A	252	Magnarelli	Relates to authorizing limited rear overhang for specialized material delivery vehicles
A.4735-A	358	Perry	Requires operators of petting zoos and other public establishments featuring animals to maintain hand washing or hand cleansing facilities for patrons
A.4753-D	475	Englebright	Establishes the profession of geology; provides for professional licensing for geologists; repealer
A.5179-C	435	Thiele	Allows recreational spearfishing in New York's marine and coastal waters; and provides for the repeal of such provisions upon expiration thereof

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.5421-A	378	Thiele	Limits the taking of sharks to the use of non-stainless non-offset circle hooks
A.5476-D	94	Cymbrowitz	Requires the review of the criminal history of prospective employees of adult homes, enriched housing programs or residences for adults; relates to the effectiveness
A.6074-A	462	Gunther	Requires the division of criminal justice services to include all sex crimes of an offender on the registered sex offender database
A.6357-E	90	Gottfried	Relates to the medical use of marihuana
A.6710-A	255	Mayer	Relates to semi-annual reports by police agencies on missing children and vulnerable adults
A.7357-A	296	DiPietro	Establishes a conservation easement agreement in the town of Eden, County of Erie
A.7392-A	295	Markey	Establishes a resident curator program for the rehabilitation of state park buildings
A.7791-A	424	Abinanti	Authorizes schools to administer epinephrine auto-injectors in the event of an emergency
A.7844-B	26	Gantt	Relates to automobile manufacturers and unfair practices by franchisors
A.7880-B	141	Fahy	Authorizes big game hunting in Albany County with a rifle
A.8021-A	191	Roberts	Relates to enacting Vince's law
A.8109-B	440	Englebright	Relates to personally identifiable information and certain researchers
A.8185-B	185	Otis	Relates to penalties for stealing of companion animals

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.8201-A	97	O'Donnell	Provides certain civil rights protections for interns
A.8250-A	99	Paulin	Relates to owner liability for failure of operator to comply with traffic control indications in the City of New Rochelle
A.8277	100	Lentol	Relates to an exemption for a liquor license at 161 Grand Street
A.8368-B	101	Pretlow	Relates to owner liability for failure of operator to comply with traffic control indications in the City of Mt. Vernon
A.8394	5	Rosenthal	Makes technical corrections to certain provisions of law relating to local laws governing pet dealers
A.8451	7	Wright	Makes technical corrections to the New York State Commercial Goods Transportation Fair Play Act
A.8479	46	Santabarbara	Extends the time limitations to commence certain actions
A.8518	8	Morelle	Provides for the regulation of the profession and practice of applied behavior analysis
A.8579	301	Magee	Relates to the exemption of certain parcels of land
A.8611	4	Glick	Extends health care professionals' authorizations to practice at NYRR event
A.8637-B	42	Dinowitz	Provides for the use of opioid antagonists
A.8727-A	21	Markey	Extends certain provisions of law relating to the resale of tickets to places of entertainment through May 14, 2015

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.8760-A	225	Stec	Authorizes person holding the office of assistant district attorney in the County of Essex to reside in an adjoining county within the state
A.8842-A	304	Morelle	Authorizes the commissioner of general services to transfer and convey certain unappropriated state land to Monroe County
A.8955-B	441	Dinowitz	Relates to credit record freezes and protected minors
A.8974-B	206	Crespo	Relates to implementing the Immigrant Assistance Service Enforcement Act; creates the Office of New Americans; and establishes crime of immigrant assistance fraud
A.9004-C	307	Rosenthal	Relates to public safety and big cats
A.9117	23	Brennan	Makes technical amendments to Chapter 549 of the Laws of 2013 relating to the implementation of the Non-profit Revitalization Act of 2013
A.9201-A	142	Nojay	Relates to hunting in the County of Livingston
A.9202	116	Glick	Establishes September 28, 2014 as the date of the Bronx Marathon for the purposes of authorizing certain health care professionals licensed in other jurisdictions to practice in New York state during that event
A.9217-B	45	Aubry	Relates to the membership and duties of the board of trustees and the oversight of the executive director and key library executive personnel of the Queens Borough Public Library

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.9225-B	325	Zebrowski	Extends the provisions of Chapter 329 of the Laws of 2009
A.9314	314	Weinstein	Relates to business records of non-parties
A.9334-B	423	Nolan	Relates to health services in schools; pupils afflicted with allergies, diabetes, asthma or another respiratory disease
A.9346-A	451	Morelle	Relates to court ordered appraisals under fire insurance policies
A.9354	29	Weinstein	Extends expiration of provisions of civil practice law and rules requiring settlement conferences in residential foreclosure actions
A.9498	122	Gantt	Relates to owner liability for failure of operator to comply with traffic control indications
A.9517-A	276	Gottfried	Relates to restricted clinical laboratory licenses issued under the Clinical Laboratory Technology Practice Act
A.9561-A	420	Paulin	Relates to adult immunization registry
A.9583-A	123	Fahy	Relates to owner liability for failure of operator to comply with traffic control indications in the City of Albany
A.9605-A	394	Gunther	Relates to investigations to ensure the safety and rights of an individual with a disability or a vulnerable person
A.9611	348	Gottfried	Provides for quality assurance for trauma and emergency care
A.9619-B	330	Lifton	Relates to aquatic invasive species and spread prevention
A.9719-A	278	Fahy	Relates to conservation agreement exemptions in certain towns

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.9729	478	Jaffee	Relates to transitional care
A.9733-A	126	Gunther	Makes technical changes to the Protection of People with Special Needs Act
A.9737-A	127	Hennessey	Extends provisions of law relating to adjudications and owner liability for a violation of traffic-control signal indications in Suffolk County
A.9739	128	Mayer	Extends provisions relating to owner liability for failure of operator to comply with traffic-control indications in the City of Yonkers
A.9762	380	Titus	Relates to an affirmation by any person in a civil action
A.9803	133	Hooper	Extends provisions of law relating to adjudications and owner liability for a violation of traffic-control signal indications in Nassau County
A.9834	134	Heastie	Amends Chapter 746 of the Laws of 1988 extending the effectiveness of provisions relating to civil liability of vehicle owners for traffic-control signal violations
A.9846	200	Barrett	Relates to authorizing a restaurant-brewers license for the Culinary Institute of America in Hyde Park
A.9864-A	282	Magnarelli	Adds to list of premises which are exempt from provisions that restrict manufacturers, wholesalers and retailers from sharing an interest in a liquor license
A.9923	317	Rules/ Buchwald	Relates to consolidation of statutory procurement and consulting reports

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.9986	320	Rules/Abbate	Relates to the exchange of information between the workers' compensation board and the New York City employees' retirement system
A.9987	319	Rules/Abbate	Relates to the disclosure of records to public retirement systems of the City of New York
A.10094	457	Rules/Silver	Relates to the siting of certain premises licensed to sell liquor for consumption on the premises
A.10122	431	Rules/ Schimminger	Relates to licenses and permits regarding the manufacture of alcoholic beverages; repealer
A.10144	248	Rules/ O'Donnell	Authorizes the City of New York to establish reduced speed limits throughout the city and on certain designated highways

Appendix E: 2014 Codes Bills that Passed the Assembly⁴

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.756-A	Weprin	Creates the crime of staging a motor vehicle accident
A.1498-B	Gunther	Relates to assault of certain persons providing direct patient care
A.1500-A**	Gunther	Designates security hospital treatment assistants in the office of mental health as peace officers
A.2941	Wright	Prohibits police officers from using racial and ethnic profiling
A.4337	Perry	Relates to the unauthorized release of sealed records
A.6092-A	Schimminger	Establishes the crime of concealment of a human corpse
A.6257	Cook	Excludes certain judgments, orders or decrees issued in a matrimonial action from a stay of enforcement without a court order
A.7333-B**	Lentol	Provides Queens County with jurisdiction for cases arising from Rikers Island facilities
A.7598**	Morelle	Relates to retired members of the State Police who have opted to make an application to obtain a license to carry or possess a firearm
A.7683	O'Donnell	Clarifies lawful uses of sealed records
A.8907**	Englebright	Relates to the disposal of counterfeit products
A.9251	Davila	Provides that translations and notifications regarding family offense interventions be in languages other than English

⁴ 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.9281	Lentol	Provides that a city, town or village court may not order recognizance or bail when it appears the defendant has two previous felony convictions pursuant to certain provisions of law
A.9282	Lavine	Provides that the presentence report or memorandum shall be made available by the court for examination and copying by the defendant, the defendant's attorney and the prosecutor
A.9283-A	Abinanti	Amends provisions of law relating to the methods of fixing bail
A.9284	Simanowitz	Makes technical corrections to provisions of law relating to statements and requests required for a search warrant
A.10015-A	Rules/Lentol	Relates to the possession of opioid antagonists
A.10055	Rules/Peoples-Stokes	Relates to asset forfeiture

Appendix F: 2014 Dual Referenced Bills that Passed the Assembly⁵

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.596	Dinowitz	Relates to provisions concerning debt collection procedures
A.606	Dinowitz	Requires debt collectors to send consumers a written notice of their rights under state law along with their debt collection correspondence
A.733	Weprin	Prohibits the sale of magnetic jewelry which is meant to mimic a tongue piercing and requires a warning printed on other products containing a small magnet
A.739-D**	Rosenthal	Prohibits companion animal piercing and tattooing except done in conjunction with a medical procedure for the benefit of a companion animal
A.748	Rosenthal	Relates to the effect of rent reduction orders on the period preceding the filing of an overcharge complaint
A.918	Englebright	Provides for the protection of the air quality at day care centers licensed by the state and head start day care centers funded pursuant to federal law
A.1307	Zebrowski	Expands the description of unfair insurance claim settlement practices
A.1352	Lentol	Requires operators of major facilities to implement plans and to install equipment for prompt detection of petroleum discharges
A.1585	Rosenthal	Makes conforming technical changes to the New York City administrative code and the Emergency Tenant Protection Act relating to vacancy decontrol; repealer

⁵ 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.1783-B	Millman	Relates to the report of suspected financial exploitation
A.1793-B	Nolan	Provides benefits for injury, sickness, pregnancy or family leave
A.2046**	Kavanagh	Relates to animal control and licensing of animals; makes various amendments to dog licensing laws in New York City; establishes an animal population control fund; repealer
A.2287-A	Silver	Creates a homeowners' bill of rights to inform consumers with regards to insuring against catastrophic loss
A.2290	Thiele	Relates to zone pricing of gasoline
A.2380	Dinowitz	Prohibits any person from interfering with any official traffic control device or railroad sign or signal
A.3103	Morelle	Relates to the educational preparation for practice of professional nursing
A.3303-B**	Abbate	Enacts the "Steven Kovacs Law" to impose an affirmative duty upon a host to render assistance to a guest on private premises in the event of a medical emergency
A.3351	Thiele	Relates to providing recourse for manufactured homeowners in manufactured home parks confronted with unjustifiable rent increases
A.3538-B	Weisenberg	Requires cemetery corporations to provide customers with a bill of rights
A.3702-C*	Peoples-Stokes	Authorizes certain cities to adjudicate traffic infractions
A.3944-C**	Brennan	Enacts the "Port Authority of New York and New Jersey Transparency and Accountability Act of 2014"

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.4002	Cook	Relates to the suspension of hunting and fishing licenses pursuant to the interstate wildlife violator compact
A.4060-A	Wright	Provides that child in foster care freed for adoption from an authorized agency shall continue to be represented by an attorney until adoption
A.4094	Perry	Requires any passenger-type motor vehicles to be equipped with an outside passenger mirror
A.4192-A	Magnarelli	Authorizes mutual aid agreements between counties for the provision of services by coroners and medical examiners
A.4226-B	Gottfried	Prohibits discrimination based on gender identity or expression and includes offenses regarding gender identity or expression under the hate crimes statute
A.5117-C*	Weisenberg	Requires the licensure of mold assessment and remediation specialists and sets minimum work standards for mold assessment and remediation specialists
A.5177	Wright	Relates to recovery of certain housing accommodations by a landlord
A.5233-B	Wright	Requires the licensing of persons engaged in the design, construction, operation, inspection, maintenance, alteration and repair of elevators
A.5299-B**	Pretlow	Authorizes the care and treatment of injured employees by duly licensed social workers under the workers' compensation program
A.5337	Dinowitz	Requires publisher of magazine subscriptions to disclose on the billing statement or invoice a customer service telephone number
A.5400-B	Thiele	Requires the use of seatbelts by volunteer firefighters and voluntary ambulance service workers

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.5472	Silver	Relates to payment of independent contractors
A.5696-A	Benedetto	Provides protection to employees and former employees from retaliatory actions by employers for the reporting of illegal business activities
A.6530-B**	Cusick	Requires counties and cities with a population of one million or more to prepare comprehensive emergency management plans
A.6654	Simotas	Creates a private right of action for improper debt collection procedures
A.6761	Abbate	Provides paid time off for Port Authority of New York and New Jersey police officers who become ill or injured in the performance of their duties
A.6932	Steck	Relates to the applicability of provisions relating to liability of shareholders for wages due to laborers, servants or employees for certain foreign corporations
A.6983-B	Glick	Designates engaging in sexual orientation change efforts by mental health care professionals upon patients under 18 years of age
A.7312-D	Abinanti	Relates to the creation of a bill of rights for family and guardians of people with developmental disabilities that reside in residences certified or approved by the OPWDD
A.7315-D	Hennessey	Relates to aggravated leaving the scene of an incident without reporting
A.7669-A	Bronson	Requires the collection of certain demographic information by certain state agencies, boards and commissions
A.7979-B**	Lavine	Relates to clarifying the permissibility of commissions, fees, or other compensation paid to real estate brokers

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.8106-C**	Heastie	Increases penalties for wage payment violations; relates to liability of members of limited liability companies and establishes the wage theft prevention account
A.8164-B**	Otis	Relates to energy services company marketing standards
A.8187-C	Zebrowski	Requires the disclosure of the identity of certain entities making expenditures for political communications and provides penalties for failure to do so; repealer
A.8192-A**	Ryan	Relates to including probation officers with respect to the confidentiality of personnel records of police officers, firefighters and correction officers
A.8337-C	Englebright	Permits nebulizers in schools and athletic fields; every nebulizer permitted must be maintained in working order by the school district, BOCES or non-public school
A.8365	Abbate	Requires the New York State Power Authority and its employees to submit all unresolvable contract negotiations to binding arbitration
A.8560-A	Benedetto	Enacts Ruby's law providing for mandatory testing of breath, blood or urine in the event of a motor vehicle collision resulting in death or injury
A.8744-A	Sweeney	Enacts the "Microbead-free Waters Act" to prohibit the sale of personal cosmetic products containing microbeads
A.8757-A	Abbate	Requires job order contracts to be in use for labor performed under certain public work contracts
A.8769-A	Jaffee	Relates to the prohibition of discrimination based on an individual's or a dependent's reproductive health decision making

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.8783	Sweeney	Relates to the Suffolk County Water Authority's ability to assess a lien against users for non-payment
A.8785-C**	Paulin	Relates to the disclosure of records by the Port Authority of New York and New Jersey
A.8805**	Brennan	Relates to claims and actions against the New York City School Construction Authority arising out of contracts
A.8816-A	Weprin	Requires counties to maintain a confidential registry of people of all ages with disabilities for disaster preparedness
A.8817-A	Weprin	Establishes emergency evacuation plan for individuals with disabilities; and establishes \$500 fine for failure to comply
A.8824-A	Sweeney	Prohibits the sale, purchase, trade, barter and distribution of certain ivory articles and rhinoceros horns
A.8875-C**	Perry	Requires the New York state uniform fire prevention and building code to address standards for the installation and maintenance of carbon monoxide detectors in restaurants and other commercial buildings
A.8886-B	Kavanagh	Relates to banning formaldehyde in certain children's products
A.8963-A**	Englebright	Requires the New York state uniform fire prevention and building code to include provisions mandating the installation of operable carbon monoxide detectors in commercial buildings
A.8987	Quart	Requires public authorities to conduct open meetings and provide an internet broadcast of its meetings
A.9053	Weinstein	Enacts the "Consumer Credit Fairness Act"

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.9140**	Lupardo	Authorizes the growing of industrial hemp as part of an agricultural pilot program
A.9143-A	Rosenthal	Prohibits mercury-added rotational balancing products
A.9214-A	DenDekker	Enacts the Kerry Rose Fitzsimons Fire Safety Act
A.9256**	Rosenthal	Requires a veterinary examination of all cats prior to their sale to determine if the animal has any adverse medical conditions
A.9259-A**	Lupardo	Authorizes massage therapists licensed in other jurisdictions to perform massage therapy demonstrations as part of an approved continuing education program
A.9299-D**	Rosenthal	Prohibits the sale of liquid nicotine to minors
A.9391-B	Abbate	Relates to limitations of binding arbitration for members of the state police; repealer
A.9428-C	Millman	Specifies procedures for the closure of for profit assisted living residences
A.9498	Gantt	Relates to owner liability for failure of operator to comply with traffic control indications
A.9590*	Morelle	Relates to certificates of insurance
A.9691	Hennessey	Relates to information provided to the office of victim services
A.9694	Glick	Relates to the requirements for a license as a professional engineer; repealer
A.9717-A	Hennessey	Establishes the sober living task force
A.9721-B**	Bronson	Relates to authorizing the care and treatment of injured employees by duly licensed or certified acupuncturists under the workers' compensation program

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.9742	Moya	Relates to employment agencies, including application for license; procedures; granting of licenses and enforcement of provisions relating thereto
A.9749	Thiele	Provides that certain prospective employees of the department of education have a criminal background check conducted on them
A.9853*	Abbate	Declares that all competitive class employees are entitled to collective bargaining with respect to matters pertaining to disciplinary procedures
A.9916-A	Rules/Lupardo	Relates to the sealing and expungement of records in persons in need of supervision cases in family court
A.9926	Rules/Fahy	Relates to requiring petroleum bulk storage facilities to provide a surety to be used in the case of a necessary cleanup and decontamination
A.9935	Rules/Crespo	Prohibits motor vehicle insurers from discriminating based on education or occupation
A.9936	Rules/Rodriguez	Relates to evidence of insurance concerning persons who may elect to be excluded from coverage under a workers' compensation policy
A.10071**	Rules/O'Donnell	Relates to treatment plans for certain inmates who are receiving mental health services at or prior to the time of their anticipated release date
A.10137	Rules/Glick	Authorizes advanced home health aides to perform certain advanced tasks as determined by the commissioners of education and health

Appendix G: 2014 Codes Bills Vetoed by the Governor

<u>BILL NUMBER</u>	<u>VETO NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.6937-A	515	Goodell	Designates, as peace officers, special deputy sheriffs of the County of Chautauqua within the grounds of and properties owned by the Chautauqua Institution
A.9330	503	Galef	Designates court attendants in the Town of Ossining, County of Westchester as peace officers
A.9780	524	Garbarino	Grants uniformed members of the Bureau of Fire Prevention of the Town of Islip peace officer status
A.9840	525	Skoufis	Designates uniformed court officers of the Town of Highlands as peace officers
A.9843	508	Skoufis	Designates uniformed court officers of the Town of New Windsor as peace officers

Appendix H: 2014 Dual Referenced Bills Vetoed by the Governor

<u>BILL NUMBER</u>	<u>VETO NUMBER</u>	<u>SPONSOR</u>	<u>SUMMARY</u>
A.486-B	514	Magnarelli	Requires a study and report on methods to modernize information collection, retention and dissemination in the state
A.5899-A	516	Skoufis	Makes provisions for payment to certain peace officers employed by department of corrections and community supervision for salary and medical expenses while subject to sickness
A.6804	513	Magee	Prohibits the filling, emptying or use of any liquefied petroleum gas container, except by the owner thereof or by a person authorized in writing by such owner
A.8846-C	519	Weisenberg	Relates to the administration of services offered by the Office for People with Developmental Disabilities

Appendix I: 2014 Committee Hearings and Roundtables

<u>TITLE</u>	<u>COMMITTEES</u>	<u>DATE/LOCATION</u>
A Comprehensive Approach to the Opiate and Heroin Crisis	Alcoholism and Drug Abuse Codes Health	May 14, 2014 Albany
A Comprehensive Approach to the Opiate and Heroin Crisis	Alcoholism and Drug Abuse Codes Health	June 5, 2014 New York City
Civil Forfeiture and Deferred Prosecution Agreements	Codes Judiciary	December 9, 2014 New York City