



# 2018 ANNUAL REPORT

New York State Assembly

**Carl E. Heastie**

*Speaker*

*Committee on*

**Codes**

**Joseph R. Lentol**

*Chair*





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THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
Committee on Codes

COMMITTEES  
Rules  
Ways & Means  
Election Law

December 15, 2018

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

**Re: Annual Report of the Standing Committee on Codes - 2018**

Dear Speaker Heastie:

It is with great pleasure that on behalf of the Standing Committee on Codes, I submit to you the committee's 2018 Annual Report highlighting its activities during the second half of the 2017-2018 Legislative Session.

Among the committee's many accomplishments was the enactment of legislation to provide for better oversight of prosecutors through the establishment of a commission on prosecutorial conduct. Additionally, the committee advanced several proposals to reform New York's criminal justice system, most notably bail reform, modernization of the criminal discovery statutes and provisions to better ensure a speedy trial.

Further, the committee worked to enact legislation to broaden the Penal Law definition of "serious offense" to include several domestic violence crimes, thus expanding the range of crimes which prohibit individuals from purchasing or possessing firearms. The committee also put forward bills that would establish extreme risk protection orders, increase waiting periods for inconclusive background checks, ban bump stocks, and require the review of out-of-state mental health records for firearm licenses.

The committee worked diligently to ensure the safety of children in New York. Legislation, originating in Codes and enacted unanimously, created a new crime that increases the penalty on a person who intentionally advances or profits from prostitution of a minor less than eighteen years of age. The committee worked closely with the Standing Committee on Education to enact legislation that requires the reporting of child abuse to include all students statewide that attend public schools, nonpublic schools, Special Act School Districts, state

supported schools, state operated schools, charter schools, and BOCES. Additionally, the committee worked to enact legislation that requires the district attorney to immediately notify a school superintendent when there is an allegation of a sex offense committed by a school employee.

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

The committee extends its appreciation to you for your support. In addition, I would like to thank the committee members and staff for their hard work during the 2018 Legislative Session.

Sincerely,

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

Joseph R. Lentol, Chair  
Standing Committee on Codes

**2018 ANNUAL REPORT  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON CODES**

**Joseph R. Lentol, Chair**

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Amanda Wagner, Analyst  
Cheyenne James, Associate Counsel  
Kerry Mierzwa, Associate Counsel  
Caroline Conway, Associate Counsel  
Joann Butler, Executive Secretary

**CHAIR'S STAFF**

Cathy Peake  
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Marcy Feinman  
Kathie Lyons

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## **I. Committee Jurisdiction**

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

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

## **II. Summary of Significant Legislation Reported by the Committee on Codes and Enacted in 2018<sup>1</sup>**

### **A. Protecting Vulnerable Populations**

**Smoking Restrictions in Child Care Facilities** Prohibits smoking in rooms used to provide childcare services within a private residence if such services are licensed or registered by the Office of Children and Family Services. This legislation broadens current prohibitions which only prohibit smoking within the residence while children are present. (A.397-B/S.7522-A; Chapter 201; Health)

**Prohibiting Physical Contact During Initiating Ceremonies** Amends the crimes of hazing in the first and second degrees to include “making physical contact with or requiring physical activity of such other person,” as conduct which could constitute hazing if the elements are satisfied. This addition does not alter the elements or penalties of hazing in the first or second degrees. (A.5200/S.2755; Chapter 188)

**Prohibits Substance Use Disorder Patient Brokering** Prohibits any provider of substance abuse services or programs from giving or receiving a commission, bonus, rebate, or kickback, directly or indirectly, to induce the referral of a potential service recipient in connection with the performance of substance abuse services. Any provider who intentionally violates the provisions of this section shall be guilty of a misdemeanor under the Penal Law. (A.7689-A/S.6544-B; Chapter 223; Alcoholism and Drug Abuse)

**Requires Immediate Notification of an Allegation of a Sex Offense Committed by a School Employee** Requires that the district attorney notify the superintendent or school administrator of a school district, charter school, board of cooperative educational services, private school, or special education school in which an employee has had an accusatory instrument filed against them alleging the commission of a sex offense. (A.8382-B/S.6597-B; Chapter 233; Education)

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<sup>1</sup> Except where noted, legislation cited in this discussion originated in the Committee on Codes. Where such legislation did not so originate, but was dual referenced into the Committee on Codes from another committee and the Codes Committee had substantial impact on such legislation, then the original committee of reference will appear with the bill number. All chapter numbers are chapters of the Laws of 2018. For a complete list of bills that were reviewed by the Committee on Codes that were chaptered, see Appendices C and D.

**Requires Reporting Child Abuse in an Educational Setting** Amends the Education Law in relation to the reporting of child abuse in an educational setting to include students statewide, including New York City, that attend public schools, nonpublic schools, Special Act School Districts, state supported schools, state operated schools, charter schools, and BOCES, as well as individuals who are employed, volunteer, and any person or entity that contracts with such schools to provide transportation. This bill also expands the list of individuals who are responsible for the completion of a written report when child abuse allegations are made to include licensed and registered physical therapists, occupational therapists, speech-language pathologists, teacher aides and school resource officers. In addition, any employee of a person or entity which contracts with a school to provide transportation to children would have to file or cause to file a report to his or her supervisor if they have reason to suspect child abuse in an educational setting. In addition, all teachers, administrators, and school bus drivers employed by a school or contractor would be required to complete two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. (A.8485-B/S.7372-B; Chapter 363; Education)

**Enacts “Lulu and Leo’s Law”** Prohibits making a false written statement that misrepresents an applicant’s background for employment as a caregiver when such information is a materially false representation of the applicant’s background regarding their ability to safely care for children and a reasonable person would have relied on such information when making an employment decision. A violation of this section is a class A misdemeanor. (A.11125-A/S.9070-A; Chapter 195)

## **B. Correctional Alternatives**

**Community Service Option** Adds community service to the list of potential sentencing options for individuals convicted of violating local laws. The legislation allows for the defendant to consent to the amount and conditions of such community service. (A.5539-B/S.8272-A; Chapter 216; Local Governments)

**Funding for Law Enforcement Assisted Diversion** Provides law enforcement the flexibility to expend funds received through forfeiture on activities related to law enforcement assisted diversion (LEAD). (A.10403/S.8760; Chapter 206)

### **C. Protecting Victims**

**Prohibits Possession of Weapons by Domestic Violence Offenders** Adds several misdemeanor crimes of domestic violence to the definition of “serious offense,” thus expanding the range of crimes which prohibit individuals from purchasing or possessing firearms, rifles, or shotguns; clarifies the procedure for determining if a potential serious offense crime was committed against a member of the same family or household; establishes a process for notification to Division of Criminal Justice Services and the Federal Bureau of Investigation of domestic violence misdemeanor convictions for the purposes of identifying individuals prohibited from purchasing or possessing firearms, rifles, or shotguns; sets forth a procedure for individuals seeking the return of surrendered firearms, rifles, or shotguns at the termination of a suspension order; bars individuals with open warrants for felony or serious offenses from obtaining a license for a firearm; mandates that court order the surrender of firearms, rifles, or shotguns following a felony or serious offense conviction. (A.10272/S.8121; Chapter 60)

**Crime Victim Reimbursement Expansion** This was an Office of Victim Services proposal. Expands the types of reimbursement certain crime victims are eligible to receive from the Office of Victims Services to include reasonable expenses incurred to clean up the crime scene, as well as reasonable costs for shelter (temporary housing) for certain victims of domestic violence. (A.10275/S.7993; Chapter 204; Governmental Operations)

### **D. Human Trafficking and Sex Crimes**

**Establishes the Crime of Sex Trafficking of a Child** Creates a new class B felony of “Sex Trafficking of a Child.” Under this law, a person is guilty of Sex Trafficking of a child when, being 21 years of age or more, the defendant intentionally advanced or profited from prostitution of another person and such other person was less than eighteen years of age. This crime does not require the prosecution to prove the use of force, fraud or coercion by a defendant. (A.6823-C/S.5988-B; Chapter 189)

**Human Trafficking Court** Allows, outside the City of New York, the court to transfer appropriate criminal cases to a human trafficking court, which would have specialized services for victims. Within the county, the transfer would be at the discretion of the court after hearing from the prosecution and defense. For transfers outside the county, consent of the district attorney would be required. (A.9870/S.7836; Chapter 191)

**Posting of Human Trafficking Victims Services in Certain Lodging Facilities** Requires lodging facilities to post a notice concerning services for human trafficking victims in certain public areas of the lodging facility. Such notices may be developed by the Office of Temporary and Disability Assistance in consultation with the New York

State Interagency Task Force on Human Trafficking, the United States Department of Homeland Security, or the lodging facility and shall prominently include the national human trafficking hotline telephone number. (A.10425-A/S.8874; Chapter 190)

## **E. Health**

**Living Donor Protection Act** Enacts the “Living Donor Protection Act of 2018” and prohibits discrimination in the provision of life, accident, and health insurance based on the status of an insured individual as a living organ or tissue donor. This legislation authorizes the provision of family leave to provide care during transplantation preparation and recovery from surgery related to organ or tissue donation, and directs the Commissioner of Health to develop and distribute informational materials relating to the benefits of being a living organ or tissue donor. (A.297-C/S.2496-B; Chapter 331; Insurance)

**Prohibiting the Distribution of Electronic Cigarettes to Minors** Prohibits persons engaged in the business of selling or otherwise distributing electronic cigarettes for commercial purposes from providing e-cigarettes, whether for remuneration or not, to anyone under 18 years of age. (A.8014/S.1223; Chapter 4; Health)

**Reclassification of Controlled Substances** Authorizes the Commissioner of Health to reclassify a substance from Schedule I in the New York State controlled substance schedules to a lesser level of control in circumstances in which the federal government reduces the level of controlled substance scheduling or removes a controlled substance from the federal controlled substance schedules. (A.10468-B/S.8275-B; Chapter 164; Health)

**Expands Eligible Conditions for Medical Marijuana** Adds, as a condition eligible for medical marijuana, pain that degrades health and functional capability. To be eligible, a practitioner must determine that medical marijuana would be an alternative to opioid use, the patient has contraindications that would favor medical marijuana use, the patient has experienced intolerable side effects, or that there has been a failure of one or more previously-attempted therapeutic treatments. (A.11011-B/S.8987-A; Chapter 273; Health)

## **F. Protecting Consumers**

**Reforms the New York Ticket Resale Law** Requires brokers to disclose when they sell tickets they do not yet own and their refund policies; requires brokers to post their license numbers on ticket platforms; requires ticket resale platforms to disclose that the platform is for the secondary selling of tickets, that the price of tickets may exceed the face value, and the refund policies; allows the Department of State to bar from licensure as a ticket reseller for up to three years anyone who uses illegal ticket buying software; requires those in the primary market (i.e., artists, teams, Broadway) to disclose what portion of the price of a ticket represents a service charge or other fee; requires primary market participants who own secondary market websites to disclose when they transfer a ticket buyer to their secondary market website; prohibits the use of a website name that is intended to confuse the public into believing they are buying their tickets directly from an artist, event, team, etc.; authorizes nontransferable digital passes that can be used by sports fans to buy discounted seats to less popular games; and extends several current provisions within the Arts and Cultural Affairs law. (A.8245-C/S.8501-B; Chapter 110; Tourism, Parks, Arts and Sports Development)

**Accrual of Causes of Action for Medical, Dental and Podiatric Malpractice** Makes technical amendments to certain provisions to the law related to medical malpractice actions claiming a failure to diagnose cancer or a malignant tumor (Chapter 506 of 2017), which would alter the rule that a cause of action for medical malpractice accrues only upon commission of the malpractice. The prior bill would deem that said cause accrues upon discovery of the malpractice, in order to avoid situations where a person can be left without any possibility of a legal remedy solely because he or she becomes symptomatic– and realizes that medical malpractice may have been committed– after the statute of limitations expires. This chapter amendment makes changes to limit the scope of the prior bill to apply to a narrower subset of cases retroactively, while otherwise not changing the prior bill prospectively (A.9633-A/S.7588-A; Chapter 1).

**Rental Vehicle Protections** Enacts substantive changes to New York’s primary motor vehicle rental statute including increase the maximum daily rate for collision damage waiver insurance, eliminating the cap entirely for vehicles with an manufacturer’s suggested retail price exceeding \$50,000, establishing protocols for inspection and damage reports upon return of the vehicle, allowing certain notifications to be made by electronic mail, removes the requirements for certain general notices when a master or ongoing agreement with a frequent renter is in place, and adds a prohibition on geographic discrimination in the offering and rental price of rented motor vehicles. This legislation also extends, for five years, the current law which was due to sunset on June 30, 2018. (A.5270-C/S.8389-B; Chapter 109; Consumer Affairs and Protection)

## **G. Protecting Animals**

**Requires the Safe Removal of Companion Animals when Executing a Warrant for Eviction or Dispossession of Property** Requires officers executing a warrant of eviction to check the property for companion animals and to coordinate the safe removal of such animals with the evictee. If such evictee cannot be contacted, or declines to take possession of such animal, the officer shall coordinate such companion animal's removal with the proper animal control authority. (A.8684-B/S.7388-B; Chapter 205; Judiciary)

**Prohibiting Certain Lease Agreements Concerning Dogs and Cats** Prohibits contracts for the purchase of a cat or dog from allowing for the repossession of such cat or dog. Violations of this restriction may result in a loss of licensure. (A.10082-B/S.7415-C; Chapter 272; Agriculture)

## **H. Additional Penal Laws**

**Expansion of Theft of Services** Expands the theft of services statute to include services from barbershop and salon service providers. (A.10574/S.6343-A; Chapter 275)

### **III. Summary of Significant Legislation Reported by the Committee on Codes in 2018 that the Assembly Approved<sup>2</sup>**

#### **A. Criminal Justice**

**Definition of Accusatory Instrument** This bill would specify when a parking ticket can be treated as an accusatory instrument by listing the required elements upon which an infraction can be litigated in a court proceeding. (A.8687-A/S.9075; Passed Assembly)

**Discovery Reform** This bill would modernize and make New York's criminal discovery rules fairer by providing for early and complete disclosure of information in criminal prosecutions. This legislation would continue to allow a prosecutor to apply to the court for a protective order where there is a belief that sensitive information could be used to threaten or intimidate a witness. Additionally, it provides that discovery must be turned over to a defendant upon request prior to the entry of a guilty plea. (A.4360-A/S.8707; Passed Assembly)

**Waiver of Certain Fees and Surcharges for Young Defendants** This bill would allow courts to waive fees and surcharges when the defendant is under twenty-one and the court finds the fee would cause undue hardship, would interfere with successful reentry, or the interest of justice requires it. Further, it would remove fees and surcharges for individuals who are declared youthful offenders. (A.9786/S.7917; Passed Assembly)

**Grand Jury Reform** This bill would increase transparency in grand jury proceedings when the court determines it is in the public interest. Specifically, the bill would allow a court to release the grand jury record in cases where a felony indictment is dismissed and the public is already likely aware of both the existence of the grand jury proceedings and the identity of the named defendant. The record would be subject to redaction of personal identifying information before release. The court would be required to provide the prosecutor and any other relevant agency an opportunity to be heard on the issue of disclosure. The bill would require the court to consider a variety of factors in determining whether or not disclosure is appropriate including the impact on current or future criminal investigations, the privacy rights of the jurors, and any threats to public safety. Additionally, it would allow the judge to be present in the

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grand jury room, and to assign an interpreter to interpret testimony for grand jury witnesses who are not proficient in the English language. (A.9787/S.5424; Passed Assembly)

**Bail Reform** This bill would eliminate, in many circumstances, the option for a court to impose a monetary bail requirement at arraignment or thereafter when a defendant is charged with a traffic infraction, violation, misdemeanor or non-violent felony. Rather than rely almost exclusively on money bail, courts would be required to consider, in ascending order, release on recognizance (except in certain higher level felony cases), release on non-monetary conditions, monitoring by a pretrial services agency, travel restrictions, and in certain cases, electronic location monitoring. The court would be required to select the least restrictive alternative and conditions that would reasonably assure the defendant's appearance in court when required. The bill would retain a class of charges for which the court would be required to select the least restrictive alternative and conditions designed to assure court attendance, but for which a monetary bail option would be retained. The Office of Court Administration would be required to certify one or more pretrial services agencies in each county in the state. A court would have to issue certain findings before determining that monitoring by a pretrial services agency would be the least restrictive alternative necessary to assure a return to court. Electronic location monitoring would only be possible in certain cases as an additional monitoring method when no other realistic conditions would suffice to reasonably assure the defendant's return to court. No risk assessment instrument would be required or recognized for use in the criminal courts. (A.10137-A; Passed Assembly)

## **B. Guns**

**Background Check Waiting Period for Firearm Purchases** This bill would establish a ten day waiting period before a firearm, rifle, or shotgun can be transferred to a purchaser who has not yet cleared a background check. This would enable the FBI personnel conducting such background search on the National Instant Criminal Background Check System (NICS) additional time to determine if the buyer, whose transaction has not been approved within the 72 hour period required by federal law, is eligible to possess a firearm, rifle, or shotgun. (A.2406/S.1414; Passed Assembly)

**Extreme Risk Protection Orders** This bill would establish an "extreme risk protection order" (ERPO). An ERPO would be a supreme court-issued order to prohibit a person from purchasing, possessing, or attempting to purchase or possess a firearm, rifle, or shotgun. Only police officers and family or household members would be able to file an application for an ERPO. Once the petitioner files the application the court would review the application to determine if a temporary ERPO is warranted. A temporary ERPO would be issued if there is probable cause to believe that the respondent is likely to engage in conduct that would result in serious harm to himself, herself, or others

based on a series of relevant factors set forth in the bill. The temporary ERPO would be served on the respondent and would be grounds to require the respondent to temporarily surrender their firearms, rifles, or shotguns, with a hearing being held within 3-6 business days. At the final ERPO hearing, the court would determine if a final order should be issued, considering the previous factors as well as evidence from the petitioner and/or the respondent. If a final order is not granted, the firearms would be returned. If granted, a final ERPO would remain in effect for one year during which the respondent would be able to submit one written request to terminate the order. Prior to the expiration of an order, a petitioner would be able to submit a request for a renewal and a hearing must be held. Upon expiration of an ERPO, the records would be sealed. The bill would also set forth provisions regarding who must be notified of an ERPO, how firearms would be seized and how firearms would be returned to the respondent. (A.8976-B/S.7133-A; Passed Assembly)

A subsequent version of the bill was issued as a Governor's program bill, which added school officials to the list of potential petitioners, required reporting of demographic information following the issuance of a protective order by the court to DCJS, and made minor technical amendments was passed as well. (A.11148; Passed Assembly)

**Prohibits Bump Stocks** This bill would prohibit the possession, manufacture, transportation, shipment and sale of bump stocks and similar devices that accelerate the firing rate of firearms, rifles or shotguns. A violation of this provision would be a class A misdemeanor. (A.9958/S.8719; Passed Assembly)

**Out-of-state Mental Health Records for Firearms License** This bill would amend the Penal Law to require an applicant for a firearms license who is a New York resident but domiciled in a foreign state to exercise a waiver of confidentiality that would permit law enforcement officials to inquire of the foreign state about the applicant's mental health records. (A.9978/S.7605; Passed Assembly)

### **C. Protecting Vulnerable Populations**

**Prohibits Mandatory Arbitration Clauses in Contracts with Residential Health Care Facilities** This bill would prohibit mandatory arbitration clauses in contracts between residential health care facilities and residents of such facilities. The bill would overturn unfavorable appellate court decisions and allow these vulnerable persons and their families to seek remedies and relief in court. (A.8697; Passed Assembly; Health)

**Federal Child Care and Development Block Grant Act (CCDBG) Compliance** This bill would modify various provisions of law to comply with the federal Child Care Development Block Grant re-authorization of 2014 relating to background checks and inspections for child care providers. (A.11055-A; Passed Assembly; Children and Families)

#### **D. Protecting Victims**

**Human-trafficking Recognition Training** This bill would require employees of lodging facilities who are likely to interact with guests to receive human-trafficking recognition training within their first month of employment. Such training programs would be established or approved by the Division of Criminal Justice Services and the Office of Temporary and Disability Assistance in consultation with the NYS Interagency Task Force on Human Trafficking. (A.6834-B/S.5955-B; Passed Assembly; Economic Development)

**Sexual Assault Survivor Bill of Rights** This bill would require the Department of Health to publish a sexual assault victim bill of rights for the purpose of notifying sexual offense victims of their rights under state law. The bill of rights would be required to be displayed on the department's website and provided by hospitals and law enforcement to persons identifying themselves as a sexual assault victim. (A.8401-C/S.8977; Delivered to the Governor; Health)

**"Carlos's Law"** This bill would amend the Penal Law by creating new offenses, increasing the restitution amounts for victims, and substantially increasing the fines that could be imposed upon corporate defendants convicted of criminally negligent conduct towards workers to whom they owe a duty of care. Section five of the bill would add a new article 122 to the Penal Law that would create misdemeanor and felony offenses related to endangering the welfare of a worker. (A.10728/S.4373-B; Passed Assembly)

**Reimbursement for Burial Expenses** This is an Office of Victim Services bill. This bill would allow the Office of Victim Services (OVS) to make one or more emergency awards to the claimant for reasonable burial expenses pending a final decision of OVS or payment of an award in the case provided that the total amount of an emergency award or awards for reasonable burial expenses not exceed \$3,000. Additionally, in the case of a claim based on the death of a victim, OVS could reduce any resulting award to no more than fifty percent if it is determined that a victim's conduct contributed to their injuries and OVS may reduce the state's lien when recovery is obtained from an estate. (A.11016/S.7992; Passed both Houses; Governmental Operations)

**Prohibits Revenge Porn** This bill would create a new crime of unlawful dissemination or publication of an intimate image. An individual would be guilty of unlawful dissemination or publication of an intimate image when, with intent harm the emotional, financial or physical welfare of another person, they intentionally disseminate or publish an intimate image of another person who had a reasonable expectation of privacy, without their consent. The bill would also create a private right of action for damages resulting from for actual dissemination or publication, or a threat of dissemination or publication. The bill would also provide a special proceeding for a victim to obtain a court order to have an intimate image removed from the internet. (A.11188-A/S.9019-A; Passed Assembly)

#### **E. Ensuring Equality and Fairness**

**Comprehensive Contraception Coverage Act** This is an Attorney General's program bill. This bill would require health insurance policies to include coverage for contraceptive drugs, devices, and products, as well as voluntary sterilization procedures, contraceptive education and counseling, and related follow up services. It would prohibit insurance companies from establishing any cost-sharing requirements or other restrictions with respect to this coverage. This bill would codify aspects of the U.S. Department of Health and Human Services guidelines regarding the Patient Protection and Affordable Care Act into New York law. (A.9957; Passed Assembly; Insurance)

**Prevents Discrimination in the Workplace** This bill would establish a policy and model training program for the prevention of discrimination in the work place. Discrimination would be defined by the bill as an unlawful discriminatory practice, as defined in the Human Rights Law, and/or discrimination or harassment based on race, color, sex, national origin, creed, sexual orientation, age, disability, military status, familial status, marital status, predisposing genetic characteristics, or domestic violence victim status. (A.10461/S.8607; Passed Assembly; Governmental Operations)

## **F. Health**

**Prohibits Smoking in Front of Libraries** This bill would prohibit smoking within 100 feet of the entrances or exits of any public or association library. Libraries would be required to post signs indicating no smoking is allowed. (A.330-B/S.169-B; Delivered to the Governor; Health)

**New York Health Plan** This bill would establish the New York Health program, a comprehensive system of access to health insurance for New York state residents. Provisions in the bill state that information provided to the Department of Health under certain provisions of the bill would not be subject to the Freedom of Information Law (FOIL) or to discovery in civil proceedings. (A.4738-A/S.4840-A; Passed Assembly; Health)

## **G. Safety**

**“Harper’s Law”** This bill would require retailers that sell certain new furniture to maintain in stock, and offer for sale, compatible tip restraint devices and post a notice informing consumers of the risk of tipping furniture. The provisions of this bill would not apply to online retailers. Violations of this provision could result in a civil penalty of up to \$500 per violation. (A.7516-C/S.8766-A; Passed Assembly; Consumer Affairs and Protections)

**“Brianna’s Law”** This bill would require all boat operators in New York to complete a boating safety course, removing several current exemptions to this rule including a clause which only requires those born after May 1, 1996 to possess a boating safety certificate. It would also require the Commissioner of Parks, Recreation and Historic Preservation to promulgate rules and regulations regarding the verification of the identity of individuals who complete an approved internet-based boating safety course. (A.9806-A/S.9092; Passed Assembly; Tourism, Parks, Arts and Sports Development)

**Requires Licensed Professionals to Report Certain Convictions, Determinations and Employment Actions** This bill would require individuals licensed by the New York State Education Department (NYSED) to report any conviction of a crime, determination of professional misconduct, or adverse employment action to NYSED within 30 days and would establish a summary suspension process after a determination that the public health, safety or welfare imperatively requires emergency action against a professional licensee or registered entity. The bill also would require district attorneys to notify NYSED if a licensee is convicted of a misdemeanor, in addition to the felony convictions they are already required to report to NYSED. (A.11057-A/S.8909-A; Passed Assembly; Higher Education)

## **H. Protecting Consumers**

**Prohibits Slamming by Natural Gas or Electric Service Provider** This bill would prohibit a supplier of natural gas or electricity from making or directing an unauthorized change in gas or electric service, commonly known as “slamming,” without the consent of the consumer. This legislation would require compliance with certain procedures to verify that a requested change is properly authorized. (A.5235/S.5023; Passed Assembly; Consumer Affairs and Protection)

**Regulates Student Debt Consultants** This bill would set standards of practice for the student debt consulting industry in New York. The penalties provision in the bill would permit an agreement to be nullified and a civil penalty imposed of \$10,000 for each violation if, after notice and hearing, a consultant is found to have intentionally committed violations; provides for the borrower to recover actual and consequential damages and costs if the borrower suffers damage due to the consultant’s violations; provides for the borrower to recover attorneys’ fees and costs if a consultant’s violations are found to be reckless; and provides for recovery of treble damages, attorneys’ fees and costs if a consultant’s violations are found to be intentional. (A.10629; Passed Assembly; Banks)

## **I. Miscellaneous Legislation**

**Tolls the Statute of Limitations when a Landlord Acts in a Wrongful or Fraudulent Manner** This bill would allow a court or the Division of Housing and Community Renewal to consider any year when determining the legal regulated rent amount even where landlord did not timely file an annual rent registration statement. Under current law, such entities are not permitted to consider any year outside the four year look back period. When a landlord does not file an annual rent registration statement, he or she can obscure any increases he or she may have levied. (A.9816/S.8770; Passed Assembly; Housing)

**New York City Housing Authority Facilities Modernization Act** This bill would authorize the use of the design-build procurement process for various construction projects for the New York City Housing Authority (NYCHA) in order to expedite the overall process. In order to utilize the design-build method, NYCHA would have to conform to certain guidelines, including the utilization of a Project Labor Agreement. This legislation would provide for the applicability of federal, state and local requirements for disadvantaged business enterprises and minority- and women-owned business enterprises. This legislation would also provide additional transparency regarding NYCHA’s lead-based paint poisoning prevention practices by requiring NYCHA to annually report their activities surrounding lead-based paint inspections, abatement and remediation to the New York City Department of Health and Mental

Hygiene (NYCDOHMH) and New York City Department of Housing Preservation and Development, with the report being made public through each agency's website. It would also require NYCHA to submit a plan to NYCDOHMH and New York City Department of Housing Preservation and Development outlining NYCHA's policies and procedures related to lead-based paint poisoning prevention and for implementation of such policies and procedures. (A.10053/S.7963; Passed Assembly; Housing)

**Protecting the Long Island Pine Barrens Maritime Reserve** This bill would allow the Suffolk County District Attorney to institute an action to enforce the provisions of the Long Island Pine Barrens Maritime Reserve Act. Additionally, this bill allows a police officer or peace officer to immediately impound any all-terrain vehicle operating illegally within the Long Island Pine Barrens Maritime Reserve. (A.11112/S.6353-A; Delivered to the Governor; Environmental Conservation)

**Designates Certain TSA Employees as Peace Officers** This bill would grant criminal investigators of the Transportation Security Administration (TSA) investigations division peace officer status. (A.11185/S.9116; Passed both Houses)

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

**Expands the Possible Venues of Certain Special Proceedings** This bill would allow for 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 in Albany County. It would retain the requirement that a special proceeding against the Public Service Commission be commenced in Supreme Court in Albany County. (A.1599/S.7086; Veto Memo 270)

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<sup>3</sup> Veto Memo numbers refer to those issued in 2018. For a complete list of bills that were reviewed by the Committee on Codes and that were vetoed by the Governor, see Appendices G and H.

## **V. Budget Highlights from State Fiscal Year 2018-19**

### **A. Fiscal Highlights**

The Legislature was able to restore \$2.83 million in Legal Services Assistance Fund (LSAF) support for civil and criminal legal service grants. Additionally, the Legislature was able to restore a total of \$10.11 million to support various legislative restorations, including:

- \$1.1 million for the New York State Defenders Association;
- \$800,000 for Neighborhood Legal Services;
- \$750,000 for Prisoners' Legal Services;
- \$609,000 in domestic violence related civil and criminal legal services support;
- \$600,000 for immigrant legal services;
- \$500,000 for alternatives to incarceration (ATI) programming; and
- \$147,000 for rape crisis centers.

Additionally, the Legislature restored \$600,000 for Byrne Justice Assistance Grant legislative allocations.

### **B. Article VII Highlights**

The 2018-19 SFY enacted budget included Article VII language to:

- Create a new crime of coercion in the second degree which is committed when a person is coerced into sexual conduct;
- Provide that a person is incapable of consenting to sexual contact while detained or in the custody of law enforcement;
- Add various synthetic fentanyl, synthetic cannabinoid and cannabimimetic agent substances to the schedules of controlled substances;
- Transfer authority to approve bar association plans for the operation of an assigned counsel program or office of conflict defender from the Chief Administrator of the Courts to the Office of Indigent Legal Services (ILS); and
- Extend the provision of law controlling the distribution of certain funds recovered through pre-indictment settlements by district attorneys in New York City, and to codify this provision in the Criminal Procedure Law.

The Assembly advanced a package of criminal justice reform measures in its one-house budget proposal, including:

- Bail and pre-trial detention reform;
- Criminal discovery reform;
- Grand jury reform;
- Speedy trial reform;
- Solitary confinement reform;
- Appointing a special prosecutor to investigate and potentially prosecute cases involving the death of a person as a result of an encounter with a police officer;
- Sealing records in marijuana possession cases;
- Increasing reporting requirements for law enforcement;
- Banning racial profiling by law enforcement;
- Waiving fees for juvenile offenders;
- Expanding judicial diversion; and
- Expanding charitable bail provisions.

Although an agreement could not be reached on these important criminal justice reforms prior to enactment of the 2018-19 SFY budget, it is expected many of these issues will be revisited in the 2019-20 legislative session.

It should also be noted that the Executive and Assembly put forward Article VII language related to the Child Victims Act and civil asset forfeiture reform which did not reach resolution in this year's budget. However, it is expected these important issues will also be brought up again in the next session.

## **VI. Codes Committee Hearings in 2018**

### **A. Marijuana decriminalization and regulation**

On Thursday, January 11 in New York City, the standing committee on Codes, together with the standing committees on Health and Alcoholism and Drug Abuse held a hearing to examine the potential impacts of the legalization and regulation of marijuana and its effects on New York's criminal justice and public health care systems.

Forty-one years ago, New York decriminalized non-public possession of small amounts of marijuana, making such possession a non-criminal violation punishable only by a fine. However, a significant number of people are arrested for public possession of a small amount of marijuana every year. Studies have repeatedly shown that those arrested are disproportionately African American and Latino. Existing laws expose many of these nonviolent offenders to possible imprisonment and a lifelong and unnecessary criminal record that can prevent gainful employment and full participation in society. Recognizing this, a growing number of states have, to some extent, allowed possession and sale of marijuana for personal and/or recreational use. Additionally, New York and many other states have legalized the use of marijuana or its active ingredient tetrahydrocannabinol (THC) for various medical conditions.

The committees heard testimony from Wayne County Sheriff Barry C. Virts/President of the New York State Sheriffs' Association, Doctors for Cannabis Regulation, the Drug Policy Alliance, VOCAL-NY, the Partnership for the Public Good, the Legal Aid Society, Brooklyn Defender Services, the Legal Aid Bureau of Buffalo, the Law Enforcement Action Partnership, the Massachusetts Cannabis Control Commission, the Massachusetts Cannabis Advisory Board, LatinoJustice, National Action Network, Empire State NORML, Marijuana Policy Project, the Policing and Social Justice Project, Weedmaps as well as physicians, attorneys, businesspeople and advocates who are experts in marijuana use or policy.

## **B. Allowing adult use of marijuana**

The standing committee on Codes, together with the standing committees on Health, Governmental Operations and Alcoholism and Drug Abuse held a series of four hearings related to allowing adult use of marijuana in New York State. These hearings were a follow-up to the well-attended Assembly hearing held on January 11. In addition, the New York State Department of Health released a report in July on the impacts of a regulated marijuana market in New York, which resulted in the formation of a workgroup by the Executive Branch.

These four hearings were held on:

- Tuesday, October 16 in New York City;
- Monday, November 19 in Buffalo;
- Tuesday, November 20 in Binghamton; and
- Monday, December 3 in Lindenhurst.

Forty-one years ago, New York decriminalized non-public possession of small amounts of marijuana, making such possession a non-criminal violation punishable only by a fine. In recent years, New York and many other states have legalized the use of marijuana for various medical conditions. Despite decriminalization in New York, a disproportionately high number of Black, Hispanic and Latino people continue to be arrested for marijuana-related offenses— particularly possession in public view— which often results in a criminal record that can prevent gainful employment and full participation in society.

Several states in the U.S., as well as Canada, have authorized or are in the process of authorizing and regulating adult marijuana use. Creating an adult use system in New York raises important issues about the economic structure and regulation of production, distribution and sale. Criminal justice and public health concerns, social and economic equity demands, ensuring opportunities for smaller scale and minority-and-women-owned businesses, and other relevant regulatory matters all need to be considered.

These hearings gave Assembly Members and all New Yorkers an opportunity to hear from witnesses and to learn from the experience of other states that allow adult use. Persons presenting testimony at this hearing were asked to consider directing their testimony to the potential impact of the enactment and implementation of A.3506-B, which would authorize, regulate and tax the adult use of marijuana in New York.

At New York City, the committees heard testimony from Albany County District Attorney David Soares, the New York City Comptroller's Office, the New York City Public Advocate's Office, Doctors for Cannabis Regulation, the New York City Bar Association, Brooklyn Defender Services, New York Minority Alliance, National Action Network, Minorities for Medical Marijuana, RWDSU, the Columbia University Justice

Lab, the Community Service Society, Empire State NORML, Giner Inc., New York Association of Alcoholism and Substance Abuse Providers, Dynamic Youth Community Inc., the Distilled Spirits Council, Flora California Prime, Weedmaps, Etain LLC, Vireo Health of New York, as well as attorneys, businesspeople and advocates who are experts in marijuana policy. Additionally, the Immigrant Defense Project and the Marijuana Policy Project submitted written testimony.

At Buffalo, the committees heard from Erie County District Attorney John J. Flynn, Buffalo Common Council Member Ulysees O. Wingo, Sr., the Assigned Counsel Program/Erie County Bar Association, the Legal Aid Bureau of Buffalo, The Hood Incubator, Coalition for Economic Justice, Open Buffalo, PUSH Buffalo, Roc NORML, Tiva, New York State Bar Association Cannabis Committee, Dent Neurological Group, PharmaCann, Evergreen Health, as well as physicians, attorneys and businesspeople who are experts in marijuana use or policy.

At Binghamton, the committees heard from Wayne County Sheriff Barry C. Virts/President of the New York State Sheriffs' Association, the Broome County Sheriff's Office, Village of Chatham Police Chief Peter Volkmann, LEAF Council on Alcoholism and Addictions, the Greater Binghamton Chamber of Commerce, the New York Small Farm Alliance of Cannabis Growers, Nanticoke Gardens, Sovereign Vines and Castetter Sustainability Group, Veteran's Ananda Inc./Ananda Farms LLC, ezGreen, TruthPharm, Central New York Young Farmers Coalition, as well as physicians and businesspeople who are experts in marijuana use or policy.

At Lindenhurst, the committees heard from Outreach, the Drug Policy Alliance, the Legal Aid Society, the New York Civil Liberties Union, the Law Enforcement Action Partnership, Local 338 RWDSU/UFCW, New York State Association of Beverage Centers, AAA Northeast, Women Grow LLC, KushCo Holdings Inc., BioTrackTHC, Acreage New York, as well as physicians, psychologists, social workers and businesspeople who are experts in marijuana use or policy.

## Appendix A: 2018 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	100	0	100
To Ways and Means	56	0	56
To Rules	118	0	118
<b>TOTAL</b>	<b>274</b>	<b>0</b>	<b>274</b>
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<b>Bills Having Committee Reference Changed</b>			
	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>
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<b>Bills Never Reported, Held in Committee</b>	<b>839</b>	<b>113</b>	<b>952</b>
<b>Bills Never Reported, Held for Consideration (with roll call vote)</b>	<b>85</b>	<b>0</b>	<b>85</b>
<b>Bills Having Enacting Clauses Stricken</b>	<b>42</b>	<b>0</b>	<b>42</b>
<b>TOTAL BILLS IN COMMITTEE</b>	<b>966</b>	<b>113</b>	<b>1,079</b>
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**Total Number of Committee Meetings Held: 20**

## **Appendix B: Schedule of 2018 Codes Committee Meetings**

<b><u>Month</u></b>	<b><u>Date</u></b>	<b><u>Day</u></b>
January	16	Tuesday
January	29	Monday
February	6	Tuesday
February	13	Tuesday
February	27	Tuesday
March	5	Monday
March	12	Monday
March	30	Friday
April	17	Tuesday
April	23	Monday
May	1	Tuesday
May	8	Tuesday
May	14	Monday
May	31	Thursday
June	5	Tuesday
June	11	Monday
June	13	Wednesday
June	14	Thursday
June	18	Monday
June	19	Tuesday

**Total Number of Committee Meetings Held: 20**

## Appendix C: Codes Laws of 2018

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.5200	188	Weprin	Relates to prohibiting physical contact or activity in any organization's initiating ceremony
A.6823-C	189	Paulin	Establishes the crime of sex trafficking of a child; repealer
A.9633-A	1	Weinstein	Relates to the accrual of causes of action for medical, dental and podiatric malpractice; repealer
A.9870	191	Paulin	Relates to human trafficking courts
A.10272	60	O'Donnell	Relates to the possession of weapons by domestic violence offenders
A.10403	206	Fahy	Relates to the disposal of property upon a judgment or order of forfeiture
A.10425-A	190	Paulin	Relates to information concerning services for human trafficking victims in certain lodging facilities
A.10574	275	Hyndman	Relates to theft of services from barbershops, salons or beauty salons
A.11097	108	Rules/Morelle	Extends provisions relating to rental vehicle protections
A.11125-A	195	Rules/Otis	Enacts Lulu and Leo's law establishing the crime of misrepresentation by, or on behalf of, a caregiver for children

## Appendix D: Dual Referenced Laws of 2018

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.208-E	207	Lupardo	Provides for pre-employment and random drug and alcohol testing of school bus drivers
A.297-C	331	Gunther	Enacts the "living donor protection act of 2018"
A.397-B	201	Gunther	Relates to smoking restrictions in child care facilities
A.416-A	123	Magnarelli	Authorizes the City of Syracuse to add unpaid housing code violation penalties, costs and fines to the city's annual tax levy
A.5270-C	109	Morelle	Expands protections afforded to renters of motor vehicles
A.5539-B	216	Weprin	Provides for community service as one of the punishments for the violation of a local law in a municipality
A.7689-A	223	L. Rosenthal	Prohibits certain practices by providers of substance use disorder services
A.8010-B	229	Dinowitz	Relates to prohibiting a commercial landlord from interfering with the installation of telephone corporation facilities upon his or her property or premises
A.8014	4	L. Rosenthal	Relates to prohibiting the distribution without charge of electronic cigarettes to minors
A.8245-C	110	O'Donnell	Relates to the sale of tickets to places of entertainment

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.8382-B	233	Galef	Requires immediate notification by law enforcement of the filing of an accusatory instrument alleging a sex offense by an employee
A.8485-B	363	Nolan	Relates to child abuse in an educational setting
A.8684-B	205	L. Rosenthal	Relates to the presence of a companion animal when executing a warrant for eviction or dispossession of property
A.8931	38	Bronson	Relates to reciprocity of debarments imposed under the federal Davis-Bacon Act
A.8955	27	Benedetto	Mandates testing in the event of a motor vehicle collision resulting in injury or death
A.8986	63	Glick	Relates to the qualifications of members of the Battery Park city authority
A.8989	42	Paulin	Relates to the Crohn's and colitis fairness act
A.8992	20	Dinowitz	Relates to enforcement action that can be taken by the commissioner of health to act when areas of lead poisoning are designated
A.9002	28	Abbate	Relates to licensure of automobile brokers; manufacturers and distributors
A.9021	340	Crouch	Relates to providing that a deputy sheriff of the County of Chenango need not be a resident of such county
A.9034	64	Gottfried	Relates to reporting deaths and felony crimes in certain adult care facilities

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.9069-A	334	Palmesano	Relates to allowing the Steuben County sheriff and correctional facility to hold detained persons prior to arraignment
A.9570-A	181	Stec	Relates to allowing health care professionals to perform services at the Ironman Lake Placid and the Ironman 70.3
A.9576-B	120	Gunther	Enacts the drug take back act
A.9851	240	Woerner	Relates to an exemption for certain property from the prohibition of alcohol sales within a certain distance from a church
A.9950-B	366	Gottfried	Relates to hospital standing orders for the care of newborns
A.9966-A	147	Magnarelli	Relates to a provisional permit for clinical laboratory technology; repealer
A.10012-A	148	Morelle	Relates to the New York Wine and Culinary Center; authorization to hold through its wholly owned subsidiary a branch office permit at the Finger Lakes Welcome Center
A.10065	69	Glick	Extends health care professionals' authorizations to practice in this state at an event sanctioned by New York Road Runners
A.10082-B	272	Titone	Prohibits the leasing of companion animals
A.10128-A	193	Schimminger	Relates to authorizing custom liquor production for a non-licensed individual by farm distilleries

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.10157-A	367	Pellegrino	Directs the department of financial services to study consumer protection issues regarding ATMs that accept EVM-enabled chip cards
A.10160	312	Pheffer Amato	Prohibits auto lenders from remotely disabling a vehicle without first giving notice of the disabling to the debtor
A.10248	385	Oaks	Relates to the Wayne County correctional facility
A.10275	204	Peoples-Stokes	Relates to the reimbursement of shelter costs and crime scene cleanup for certain, non-injured victims
A.10365	161	Carroll	Extends expiration of provisions of judiciary law authorizing referees to determine applications for orders of protection while family court is in session
A.10424	387	Wallace	Relates to warranties of fire vehicles and ambulances
A.10468-B	164	Ryan	Relates to authorizing the reclassification of controlled substances by regulation
A.10618-A	167	Peoples-Stokes	Authorizes the City of Buffalo to add unpaid housing code violations to the city's annual tax levy
A.10644	391	Gunther	Relates to a hospital's policies and procedures regarding discharge of individuals with a mental health disorder
A.10803	253	Magee	Relates to the inspection and sale of seeds, agricultural liming materials and commercial fertilizer
A.10815	175	Zebrowski	Appointment of peace officers in the County of Rockland

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.10827	118	Magee	Relates to ice cream or other frozen desserts made with wine, beer or cider
A.10915	269	Morelle	Relates to reducing the number of overnight rooms and suites at a certain premises in the City of Canandaigua, County of Ontario
A.11011-B	273	Rules/ Gottfried	Relates to allowing for the use of medical marihuana as an alternative to opioids for pain management and substance use disorder
A.11022-A	351	Rules/ Magnarelli	Relates to standardized test administration
A.11050	259	Rules/Lupardo	Relates to the long-term care ombudsman program
A.11061-A	185	Rules/Barclay	Authorizes a person holding the office of assistant district attorney in the County of Oswego to reside in an adjoining county within the state
A.11116-A	394	Rules/Cahill	Relates to the implementation of a valuation manual and directs the department of financial services to study the impact of such implementation

**Appendix E: 2018 Codes Bills that Passed the Assembly<sup>4</sup>**

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.985*	Gantt	Includes certain deputy sheriffs from Monroe County as peace officers
A.2015-A	Cusick	Relates to the enforcement of provisions relating to carriers of household goods by motor vehicles
A.2406	Paulin	Establishes a waiting period before a firearm, shotgun or rifle may be delivered to a person
A.4360-A	Lentol	Establishes new criminal discovery rules; repealer
A.8687-A	Otis	Relates to the definition of an accusatory instrument
A.8823-A	Braunstein	Relates to establishing incapacity to consent when a person is under arrest, detention or otherwise in actual custody
A.8976-B	Simon	Establishes extreme risk protection orders as a court-issued order of protection prohibiting a person from purchasing, possessing or attempting to purchase or possess a firearm, rifle or shotgun
A.9786	Davila	Relates to allowing a court to waive certain surcharges and fees; repealer
A.9787	Mosley	Relates to grand jury proceedings
A.9958	Fahy	Prohibits the possession, manufacture, transport and disposition of trigger modification devices
A.9978	Hunter	Relates to access to foreign state records concerning previous or present mental illness of applicants for firearms license

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<sup>4</sup> Bill numbers with an asterisk (\*) next to such bill number indicates that such bill was approved by both the Assembly and Senate.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.10137-A	Walker	Relates to the issuance of securing orders and makes conforming changes related thereto
A.10728	Espinal	Enacts Carlos's law; relates to crimes involving the death or injury of a worker
A.11008*	Byrne	Designates court attendants employed by the Town of Somers as peace officers
A.11148	Rules/Simon	Establishes extreme risk protection orders as a court-issued order of protection prohibiting a person from purchasing, possessing or attempting to purchase or possess a firearm, rifle or shotgun
A.11185*	Rules/Titus	Relates to designating certain criminal investigators as peace officers
A.11188-A	Rules/ Braunstein	Establishes the crime of unlawful dissemination or publication of an intimate image

## Appendix F: 2018 Dual Referenced Bills that Passed the Assembly<sup>5</sup>

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.320-A	L. Rosenthal	Establishes “Brendan’s law;” requires cordless window coverings in child day care centers, public institutions for children and certain other facilities
A.330-B**	Dinowitz	Prohibits smoking within 100 feet of the entrances or exits of any public library
A.1492-A	Englebright	Increases certain penalties related to endangered and threatened species
A.2490-A	McDonald	Relates to the redemption of real property subject to a delinquent tax lien
A.2846	Abinanti	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
A.2879	Paulin	Relates to preference given to an appeal to the appellate division of the supreme court regarding a denial of an exception from disclosure
A.3036-B	Abinanti	Prohibits certain loans to be made to candidates or political committees
A.3080-B	Aubry	Restricts the use of segregated confinement and creates alternative therapeutic and rehabilitative confinement options
A.3185	Cook	Relates to the suspension of hunting and fishing licenses pursuant to the interstate wildlife violator compact

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

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.3660-A	Lavine	Relates to electronic permit applications and electronic recordkeeping
A.3694-C**	Gunther	Relates to establishing the mental health and substance use parity report act
A.4029-A	Thiele	Relates to the confinement of companion animals in unattended motor vehicles under conditions that endanger the health or well-being of an animal
A.4402	Pretlow	Requires a New York state legend on all bell jar tickets sold in New York state
A.4738-A	Gottfried	Provides for establishment of the New York Health plan
A.4903-A*	L. Rosenthal	Requires disclosure by principal creditors and debt collection agencies of the legal obligations of a deceased debtor's family and household members
A.5106	Crespo	Prohibits a consumer reporting agency or lender from using certain information to determine an individual's credit worthiness
A.5235	Dinowitz	Prohibits the unauthorized change of a natural gas or electric service provider
A.6153	Cusick	Relates to work hours for lifeguards
A.6733	Lavine	Relates to audits of pharmacies by pharmacy benefit managers
A.6834-B	Paulin	Relates to human trafficking awareness and training
A.6960-B	Seawright	Relates to labeling requirements for electric assisted bicycles
A.7012-B**	Hunter	Relates to the granting of continuing education credits by the superintendent of financial services

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.7183-A**	Zebrowski	Requires water works corporations and municipal water systems to annually calculate and submit to the public service commission their water cost index
A.7237-B*	Cusick	Relates to permitting certain physicians to practice medicine in New York state if they are licensed to practice in another state or territory
A.7516-C	Zebrowski	Enacts "Harper's Law" requiring tip restraint devices on certain furniture
A.7700-B	Barrett	Relates to the duty of mandated reporters to report an incident when there are multiple reporters with direct knowledge of such incident
A.7798-C	Glick	Relates to photo speed violation monitoring systems program for school speed zones in the City of New York
A.7812-B	L. Rosenthal	Authorizes emergency medical care personnel to provide basic first aid to dogs and cats
A.8288-B*	Paulin	Requires combination gas and electric corporations, the New York Power Authority, and the Long Island Power Authority to provide an annual transparency statement to customers
A.8383**	Woerner	Relates to substances containing chorionic gonadotropin expressly intended for administration through implants or injection to cattle or other nonhuman species
A.8401-C**	Simotas	Provides for the establishment of a sexual assault survivor bill of rights by the Department of Health, in consultation with the Division of Criminal Justice Services and Department of Law
A.8672-B*	Buchwald	Relates to fee assessments for security freezes following consumer credit reporting agency data breaches; repealer

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.8697	Titone	Relates to prohibiting mandatory arbitration clauses in contracts with residential health care facilities and residents of such facilities
A.8695-A	Dinowitz	Relates to requiring a consumer credit reporting agency to offer identity theft prevention and mitigation services in the case of a breach of the security of such agency's system
A.8781*	L. Rosenthal	Prohibits pharmacy benefit managers from restricting access to certain drug information and collecting certain payments
A.8882-C	Fahy	Relates to instituting internet service neutrality
A.8884-B	Titone	Relates to a notification of a security breach
A.8940-A	Santabarbara	Relates to authorizing the delivery of liquefied petroleum gas in times of emergency
A.8897-A*	Lentol	Relates to authorizing the issuance of a license to certain motion picture theatres
A.8970-B	Jean-Pierre	Requires that certain boats shall be equipped with functioning marine carbon monoxide detectors
A.9072-A**	Fahy	Relates to mandatory continuing education for psychologists
A.9740	Englebright	Relates to the reduction of mercury in mercury-added lamps
A.9745	Paulin	Authorizes shareholders to attend meetings via remote communication and to be deemed present for voting purposes
A.9758-A	Simon	Relates to political contributions by limited liability companies
A.9805-A*	Abinanti	Enacts the "toll payer protection act;" repealer

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.9806-A	Jean-Pierre	Relates to enacting Brianna’s law
A.9816	Taylor	Tolls the four year statute of limitations look back period on rent overcharges where the owner of a housing accommodation acts in a wrongful or fraudulent manner
A.9819	Englebright	Relates to prohibiting state authorizations related to certain offshore oil and natural gas production
A.9837-A	Steck	Relates to the implementation of an electronic death registration system
A.9859*	Friend	Relates to authorizing the Tioga correctional facility to also be used for the detention of persons under arrest being held for arraignment in any court located in the County of Tioga
A.9930	Zebrowski	Relates to establishing the “Democracy Protection Act”
A.9957	Cahill	Enacts the “comprehensive contraception coverage act” to provide insurance coverage for FDA-approved contraceptive drugs, devices and products
A.9970-B**	Jenne	Relates to the disposition of cats
A.9999-A	Paulin	Authorizes the authorities budget office to suspend local authority board members and executive staff
A.10053	Heastie	Establishes the New York City Housing Authority Facilities Modernization Act (Part A); and provides for reporting on lead-based paint poisoning prevention (Part B)
A.10193-B	Hunter	Relates to unlawful occupation

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.10201 <sup>6</sup>	Skoufis	Establishes emergency evacuation plan for individuals with disabilities; and establishes \$500 fine for failure to comply
A.10274	Englebright	Relates to prohibiting the use of chlorpyrifos
A.10276	Englebright	Relates to the sale or use of nitrogen fertilizer
A.10281-A	Abinanti	Mandates that the public service commission require electric and telecommunications corporations to submit certain reports to evaluate a standardized facility and equipment transfer program
A.10304-B	Paulin	Relates to audit committee membership and voting requirements of the board of certain corporations
A.10461	Wright	Relates to the prevention of discrimination
A.10506-A	Englebright	Relates to the taking of menhaden; provides for the expiration and repeal of such provisions
A.10587*	Lupardo	Relates to authorizing the Broome correctional facility to also be used for the detention of persons under arrest being held for arraignment in any court located in the County of Broome
A.10608	Englebright	Relates to infrastructure and vessels associated with the production of oil and natural gas in the North Atlantic Planning Area
A.10629	Zebrowski	Relates to student debt consultants
A.10654	Paulin	Relates to the regulation of key persons
A.10729	Fernandez	Relates to the confidentiality of clinical records

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<sup>6</sup> A.10201 passed the Assembly on May 30 and was delivered to the Senate. Such bill was recalled from the Senate and amended on third reading to A.10201-A on June 18. However, this bill was not passed again by the house in 2018.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.10734	Hevesi	Relates to providing rent subsidies to individuals living with roommates
A.10810	Peoples-Stokes	Relates to establishing in the City of Buffalo a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices
A.10826-A	Lupardo	Amends the definitions of concentrated cannabis and marihuana
A.10831*	Zebrowski	Relates to the registration of real estate appraisal management companies by the Department of State
A.10904	Hunter	Relates to the imposition of an occupancy tax in the Town of DeWitt
A.11016*	Rules/Cook	Relates to the award of burial expenses by the Office of Victim Services
A.11028	Rules/Jean-Pierre	Relates to presumptions for injured workers in opioid overdose claims for compensation
A.11043*	Rules/Stern	Relates to insurance coverage for enteral formula
A.11055-A	Rules/Jaffee	Relates to licensure, certification or registration and required inspections, background clearances and training for child care providers; repealer
A.11057-A	Rules/Glick	Relates to mandatory reporting of certain convictions, professional misconduct and/or adverse employment actions
A.11112**	Englebright	Relates to penalties and enforcement in the Long Island Pine Barrens maritime reserve
A.11113*	Rules/Schimminger	Relates to the production and sale of mead and braggot; repealer

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.11121*	Rules/Carroll	Authorizes the commissioner of DMV to require examination of a person involved in an accident caused by a loss of consciousness or awareness

## Appendix G: 2018 Codes Bills Vetoed by the Governor

<u>Bill Number</u>	<u>Veto Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.1599	270	Magnarelli	Designates venue of certain special proceedings against certain state bodies or officers

## Appendix H: 2018 Dual Referenced Bills Vetoed by the Governor

<u>Bill Number</u>	<u>Veto Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.1683-B	271	Hevesi	Relates to electronic delivery of property/casualty insurance notices
A.8205-B	285	McDonald	Relates to regulatory fines for small businesses
A.10781-A	298	Gottfried	Requires each clinical laboratory to have one or more supervisors upon the premises during business hours

## Appendix I: 2018 Committee Hearings

<u>Title</u>	<u>Committees</u>	<u>Date/Location</u>
Marijuana decriminalization and regulation	Codes Health Alcoholism and Drug Abuse	January 11 New York City
Allowing adult use of marijuana	Codes Health Governmental Operations Alcoholism and Drug Abuse	October 16 New York City
Allowing adult use of marijuana	Codes Health Governmental Operations Alcoholism and Drug Abuse	November 19 Buffalo
Allowing adult use of marijuana	Codes Health Governmental Operations Alcoholism and Drug Abuse	November 20 Binghamton
Allowing adult use of marijuana	Codes Health Governmental Operations Alcoholism and Drug Abuse	December 3 Lindenhurst