

# ANNUAL REPORT 2021



CARL E. HEASTIE, SPEAKER  
JEFFREY DINOWITZ, CHAIR

**NEW YORK STATE ASSEMBLY**  
**COMMITTEE ON CODES**



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THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
Committee on Codes

COMMITTEES  
Rules  
Ways & Means  
Election Law  
Health

December 15, 2021

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

**Re: Annual Report of the Standing Committee on Codes - 2021**

Dear Speaker Heastie:

It is with great pleasure that on behalf of the Standing Committee on Codes, I submit to you the committee's 2021 Annual Report highlighting its activities during the first half of the 2021-2022 Legislative Session.

In the beginning of the 2021 legislative session, I had the honor of being appointed by you to serve as Chair of the Committee on Codes. I am deeply honored and know that the previous Chair, Joe Lentol, left very large shoes to fill. I would like to thank Joe for his many years of dedicated service to the Assembly and his District, as well as applaud his very long list of accomplishments.

This year came with a unique set of challenges, as every one of the eighteen Codes Committee meetings was held remotely via Zoom due to COVID-19 pandemic restrictions. Despite these challenges, much was accomplished. The Committee considered and reported 354 bills, including:

- The Marijuana Regulation and Taxation Act (MRTA);
- A legislative package that will increase safety and improve conditions for individuals who reside in nursing homes and assisted living facilities;
- Legislation that will seek to eliminate the scourge of "ghost guns" from New York's streets;
- Legislation that will work to further curb the opioid epidemic; and
- Additional legislation to further assist people impacted by the COVID-19 pandemic.

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

The committee extends its appreciation to you for your leadership and support. In addition, I would like to thank the committee members and staff for their hard work during the 2021 Legislative Session.

Sincerely,

Jeffrey Dinowitz, Chair  
Standing Committee on Codes

**2021 ANNUAL REPORT  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON CODES**

**Jeffrey Dinowitz, Chair**

**MEMBERS OF THE STANDING COMMITTEE**

**Majority**

J. Gary Pretlow  
Vivian E. Cook  
Steven Cymbrowitz  
Daniel J. O'Donnell  
Charles D. Lavine  
N. Nick Perry  
Thomas J. Abinanti  
David I. Weprin  
Andrew Hevesi  
Patricia Fahy  
Rebecca A. Seawright  
Linda B. Rosenthal  
Latrice Walker  
Clyde Vanel  
Catalina Cruz

**Minority**

Angelo J. Morinello, Ranking Member  
Joseph M. Giglio  
Michael Montesano  
Michael Reilly  
John K. Mikulin  
Michael Tannousis

**COMMITTEE STAFF**

Marty Rosenbaum, Assistant Secretary for Program and Policy  
Nathaniel Jenkins, Principal Analyst  
Jayne LaVigna-Jesmain, Associate Counsel  
Robert McQueen, Associate Counsel  
Joann Butler, Executive Secretary  
Logan Hardy, Legislative Director to the Chair and Committee Clerk

## **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 2021<sup>1</sup>**

### **Cannabis Legalization**

**Marijuana Regulation and Taxation Act (MRTA)** The MRTA created a new chapter of law, the Cannabis Law, to create a new Office of Cannabis Management (OCM) within the State Liquor Authority, for the oversight and licensure of cultivation, processing, distribution, and selling of cannabis and use of cannabis products by persons 21 years of age and older. The law also provided changes and expansion to the preexisting medical marijuana program and the industrial hemp program. A person 21 years or older is permitted to possess up to three ounces of cannabis and 24 grams of concentrated cannabis on their person, and up to five pounds of cannabis at their residence. The MRTA repealed Penal Law crimes related to marijuana and created a new Penal Law article to set up new, less harsh penalties. The law also expanded expungement and vacatur provisions, as well as resentencing for those currently incarcerated.

The MRTA provides for the home cultivation of cannabis plants, both for medical and adult personal use. Adults 21 years and older will be authorized to cultivate three mature plants and three immature plants, with up to six mature plants and six immature plants maximum per household. Date of implementation of home cultivation will be determined by OCM. Cannabis will continue to be defined as a “drug” under the Vehicle and Traffic Law, and any DWAI offenses will continue to be charged as a misdemeanor. If the motorist under arrest refuses a chemical test, that refusal – as under existing laws – can result in revocation of the driver’s license for one year. The law requires DOH to work with institutions of higher education to conduct a controlled research study designed to evaluate methodologies and technologies for the detection of cannabis-impaired driving. After completion of the research study, DOH may create and implement rules and regulations to approve and certify a test for the presence of cannabis in drivers. The MRTA includes additional funding for drug recognition experts (DREs) and law enforcement.

Cities, towns, and villages may opt out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses by passing a local law by December 31, 2021. Localities that choose to opt out will not receive tax revenue from cannabis sales. There are also

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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 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 2021. This information is according to the publication date of this report, December 15, 2021. For a complete list of bills that were reviewed by the Committee on Codes that were chaptered, see Appendices C and D.

provisions related to taxation and state finances and how such taxes on cannabis and cannabis products would be collected.

Specifically, the MRTA repealed Article 221 of the Penal Law, former marijuana offenses, and replaced such article with a new Article 222 titled “Cannabis.” This new article creates new cannabis possession offenses, ranging from a fine of up to \$125 up to a class D felony. New Article 222 also creates sale offenses, ranging from a fine of up to \$250 up to a class C felony. Persons under the age of 21 who possesses cannabis would not be charged under the Penal Law; such offenses would be handled similarly to alcohol offenses, a civil infraction including a fine of \$50 and information provided on the dangers of underage cannabis use and information related to cannabis use disorder. There are further penalties throughout the newly established chapter of Cannabis Law related to violations of license and misconduct related to such business activities. Additionally, there are newly established penalties within the Tax Law related to nonpayment of taxes related to illicit cannabis. A.1248-A (Peoples-Stokes)/ S.854-A (Krueger); Chapter 92

### **Reforming the Criminal Justice System**

**Updates the Duties of the Commission on Prosecutorial Conduct** Updates provisions of law relating to the Commission on Prosecutorial Conduct, to serve as a fact-finding entity designated to review complaints of prosecutorial misconduct in New York State and produce a factual record and recommendations, in order to improve Appellate Division attorney grievance committees’ disciplinary oversight of district attorneys and assistant district attorneys and to improve the exercise of the governor’s authority to remove district attorneys. A.1634 (Perry)/ S.3934 (Bailey); Chapter 153

**H.A.L.T.** Limits, in most instances, the length of time a person can be kept in solitary confinement in a state prison or local jail in New York. There are certain exceptions set forth in the law. Inmates with longer sanctions or in need of longer periods of alternative placement would generally be sent to residential rehabilitation units (RRU’s). The RRU’s have behavior modification programming designed to address underlying conduct concerns. Such programming would be capped at one year for most inmates. Sufficient out of cell time would be required to help keep people from suffering consequences from prolonged isolation. Inmates under the age of 21, over 55, with mental, physical or intellectual disabilities, and persons who are pregnant or post-partum, would not be placed in solitary confinement, but would go straight to an RRU program. Inmates who continue to engage in serious misconduct, as defined by the statute, will be placed under additional restrictions. A.2277-A (Aubry)/ S.2836 (Salazar); Chapter 93; Correction

**Less is More** Amends the Executive Law and the Penal Law, in relation to revocation of community supervision. This seeks to help facilitate the positive reintegration into society of people who are subject to community supervision and to reduce the number of people held in jail and prison for technical violations. Under this legislation, individuals on parole will be allowed to receive earned time credits for good behavior, require parole officers to issue a notice of violation or warrant for someone accused of a parole violation, provide individuals the opportunity to see a judge before a determination of detainment, capping the length of re-incarceration for such technical violation, and reduce the time frame for adjudicatory hearings. A.5576-A (Forrest)/ S.1144-A (Benjamin); Chapter 427

**Streamlines the Assignment of Appellate Counsel for Indigent Criminal Defendants** Requires an appellate court to presume a criminal defendant is eligible for assignment of counsel on appeal, without further proof of eligibility, if he/she had been assigned counsel during the action on appeal and counsel provides a sworn statement that the defendant continues to be eligible. A.5689 (Cruz)/ S.1279 (Bailey); Chapter 616

**Authorizes Additional Veterans Treatment Courts** Authorizes the establishment of additional veterans treatment courts in the state. There are many successful veterans treatment courts in New York. These courts can help connect court-involved veterans and their families to appropriate treatment programs. Criminal Procedure Law amendments in the bill would authorize the removal of a misdemeanor or felony action from a local criminal court to a human trafficking court or veterans treatment court in an adjoining county, with the consent of the district attorney from the sending and receiving counties; allow for transfers to a human trafficking court or veterans treatment court following an indictment; and, clarify that domestic violence cases may not be transferred to a veterans treatment court. A.5719-A (Galef)/ S.1957-A (Hoylman); Chapter 91; Judiciary

**Subjects Agencies Examining Fingerprints to Oversight by the Commission on Forensic Science** This was a Division of Criminal Justice Services proposal. Provides that a police agency examining latent fingerprints falls within the definition of “forensic laboratory,” and is subject to oversight by the Commission on Forensic Science. Accreditation of these agencies ensures that laboratories follow documented quality management systems and adhere to standards of operation promulgated by the accrediting agency. Accreditation involves routine onsite surveillance visits, required training and proficiency testing. Fingerprint examiners are required to complete an established training program and be tested for competency and be subject to annual proficiency testing. Accreditation also ensures that documented quality management procedures are followed by each laboratory. An accredited laboratory must demonstrate compliance with nationally and internationally recognized standards. A.7679 (Dinowitz)/ S.7098 (Bailey); Chapter 209

## Protecting Vulnerable Populations

**Repeals the Loitering for Purposes of Prostitution Statute** Repeals the loitering for purposes of prostitution statute, Penal Law section 240.37, and makes conforming changes required by such repeal. This law is supported by civil liberties organizations, many women's groups, and advocates for sex trafficking victims. It was believed the law unfairly allowed officials to stop, question, arrest, and, in some instances, harass innocent persons in public places when section 240.37 was in effect. A.3355 (Paulin)/ S.1351 (Hoylman); Chapter 23

**Prohibits Extortion or Threat of Deportation** Adds a threat to cause deportation proceedings to the types of coercive actions that can be prosecuted as Coercion in the Second Degree, a class A misdemeanor, and certain larceny by extortion crimes. A.3412-A (Solages)/ S.343-A (Kaplan); Chapter 447

**Establishes an Elder Abuse Enhanced Multidisciplinary Team Program** This was an Office for the Aging proposal. Establishes an elder abuse enhanced multidisciplinary team program under the State Office for the Aging, consisting of professionals for cases of elder abuse. Such abuse includes financial exploitation, physical abuse, psychological abuse, sexual abuse, and neglect. The multidisciplinary team program will confidentially share client-identifiable information concerning victims of elder abuse among team members in order to facilitate the handling of cases. A.7634 (Cruz)/ S.6528 (Persaud); Chapter 223; Aging

## Ensuring Equity and Fairness

**Revises and Clarifies the Uniform Foreign Country Money Judgments Recognition Act** Updates New York law to bring the state into full conformity with the revisions set forth in the Uniform Law Commission's 2005 version of the model act, which reflects the evolution of the global judiciary. The previous law was based on the 1952 uniform act for the recognition of foreign country money judgments. This law adds two new criteria for the court to consider in determining whether, in its discretion, it should grant recognition: whether the judgment was rendered in circumstances that raise substantial doubt about the integrity of the rendering courts with respect to the judgment; and whether the specific proceeding in the foreign court leading to the judgment was compatible with the requirement of due process of law. A.4580-A (Lavine)/ S.523-A (Hoylman); Chapter 127

**Gender Recognition Act** Amends the Civil Rights Law, Vehicle and Traffic Law and Public Health Law to update current law and remove excess, discriminatory burdens placed upon those petitioning the court for a change of name, and/or gender designation, as well as expand eligibility to have those records sealed. This law also permits applicants to request a change of gender designation on non-driver identification cards, driver

licenses and birth certificates. The failure of a public or private entity to comply with a lawful request to change an applicant's name or gender designation may constitute a violation under New York's Human Rights Law, Civil Rights Law and other nondiscrimination laws. Affidavits submitted by applicants in support of change of name or gender designation are submitted under penalty of perjury. A.5465-D (O'Donnell)/ S.4402-B (Hoylman); Chapter 158; Governmental Operations

**Expands Discrimination Protections to Include For-profit Colleges and Universities**

Amends the Executive Law to expand the discrimination protections of the Human Rights Law to include for-profit colleges, universities, career schools and English as a second language schools. This defines educational institutions to include both public and private schools to ensure that all students are afforded protection against discrimination. Remedies available for violations of New York's Human Rights Law include equitable relief, compensatory damages, punitive damages, attorney fees, costs and civil penalties. A.7390 (Williams)/ S.7151 (Stavisky); Chapter 654; Governmental Operations

**Juvenile Justice**

**Allows for Reapplication of Youthful Offender Status** Allows an individual who was eligible for youthful offender status, but who was not granted such status, to reapply to be determined a youthful offender after five years, as long as the individual has not been convicted of any other crime since the original sentence was imposed. A.6769 (Hyndman)/ S.282 (Myrie); Chapter 552

**Provides that JDs Must be Brought Before a Judge When Family Courts are Closed**

Amends the Family Court Act to require that juvenile delinquents (JDs) arrested pursuant to a warrant be directly brought before the family court, or an available magistrate. This also provides that JDs arrested during the evening or on the weekends would be brought before a judge rather than spending the night or weekend in jail. Similar provisions were provided for in "Raise the Age." This legislation will be applicable to JDs arrested pursuant to a family court warrant. A.7601 (Darling)/ S.7172 (Bailey); Chapter 456; Children and Families

**Prohibits the Use of Certain Restraints on Children Appearing Before the Family Court**

This was an Office of Court Administration proposal. Limits the use of physical restraints, like leg shackles and similar restraints, on children appearing in the family court. A.7796 (Meeks)/ S.6498 (Bailey); Chapter 474; Judiciary

## Protecting Victims

### **Expands the Definition of Coercion to Include the Dissemination of Nude Images**

Expands the definition of coercion in the third degree to include instances where an individual compels or induces a person to produce, disseminate, or otherwise display nude images of themselves or images of themselves engaged in sexual conduct. Coercion in the third degree is a class A misdemeanor. A.324-A (Zebrowski)/ S.2986-A (Brouk); Chapter 484

### **Provides for Additional Protections for Victims of Human Trafficking**

Allows a person who was a victim of human trafficking to bring a motion under the Criminal Procedure Law to set aside any criminal conviction where such offense was a result of having been a victim of human trafficking. This also expands current law which, under such circumstances, allows such a person to seek to vacate a conviction for prostitution. A.459 (Gottfried)/ S.674 (Ramos); Chapter 629

### **Allows for a Civil Cause of Action for Human Trafficking**

Permits a victim of human trafficking to bring a civil action against the perpetrator, or anyone who knowingly advanced or profited from the act, to recover actual, compensatory and punitive damages, injunctive relief, any combination of those or other appropriate relief, as well as reasonable attorney's fees. This legislation will extend the statute of limitations on such actions from ten to fifteen years and provide for tolling for the period of time a victim is under a "disability." It will prevent a perpetrator from asserting a defense based upon an expired statute of limitations if he/she caused the victim to delay filing. A.3186 (Hevesi)/ S.672 (Sanders); Chapter 311; Social Services

### **Requires Utility Companies to Release Victims of Domestic Violence from Shared Contracts**

Requires the release of victims of domestic violence from shared utility corporation service contracts without charge upon their written request and provision of documents relating to such domestic violence. Violators will be subject to a civil penalty of up to \$100,000, with each day of non-compliance constituting a continuing violation. A.4496 (De La Rosa)/ S.1557 (Parker); Chapter 517; Corporations

### **Allows DOCCS to Contact Victims of Crime Electronically**

This was a Department of Corrections and Community Supervision proposal. Allows DOCCS to contact a victim of a crime electronically. Previously, DOCCS was limited to contacting such victims via regular mail only. This law allows the agency to contact victims by electronic means with their prior consent. A.7680 (Dinowitz)/ S.7099 (Salazar); Chapter 210

## **Substance Use Prevention**

**Prohibits the Sale of Nitrous Oxide Chargers to Persons Under 21** Prohibits the sale of whipped cream chargers, filled with nitrous oxide (NO<sub>2</sub>), commonly known as “laughing gas” or “whip-its,” to persons under the age of 21. Violators will be subject to a civil penalty of not more than \$250 for an initial offense and not more than \$500 for the second and each subsequent offense. A.754-A (Pheffer Amato)/ S.2819-A (Addabbo); Chapter 515; Consumer Affairs

**Decriminalizes Possession and Sale of Hypodermic Needles and Syringes** Strengthens and expands syringe access by allowing pharmacies and healthcare agencies, registered with the state Expanded Syringe Access Program (ESAP) program, to provide syringes without a numerical limitation. It would also allow these entities to promote this program, abiding by the Commissioner of Health’s rules and regulations. This legislation allows individuals with HIV/AIDS and hepatitis who are unfamiliar with the ESAP program to enroll, helping to reduce the potential spread of these epidemics. This further eliminates the prohibition and related penalty for sale of more than ten syringes in an otherwise-authorized retail sale. A.868 (Gottfried)/ S.2523 (Rivera); Chapter 433

**Prohibits the Receipt into Evidence of Possession of Opioid Antagonists** Amends the Criminal Procedure Law and the Civil Practice Law and Rules to 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 law amends the Executive Law to require police and peace officers to receive appropriate instruction regarding the prohibition of receiving into evidence of opioid antagonists charging alleged illegal possession of controlled substances. Opioid antagonists like naloxone help prevent overdose-related death. Recent laws (Chapter 42 of the Laws of 2014) and actions by law enforcement and chemical dependence prevention and treatment providers have increased the availability of naloxone to those with addiction to heroin and opiates. A.2354 (Dinowitz)/S.911 (Sanders); Chapter 431

**Expands Judicial Diversion for Drug Treatment** Expands the definition of “eligible defendant” for purposes of court-ordered drug diversion to include offenses found in sections 105.10, 105.13, 165.10, 165.11, 190.79, and 190.80 of the Penal Law. This legislation also amended the term substance “abuse” as it previously read in the Criminal Procedure Law to substance “use,” and updated the law accordingly to appropriately utilize the Diagnostic and Statistical Manual of Mental Disorders (DSM) fifth edition terminology, instead of the fourth edition. A.5511-A (Richardson)/ S.7228 (Bailey); Chapter 435

**Creates the Opioid Settlement Fund** Amends the State Finance Law, the Mental Hygiene Law, and the Executive Law, in relation to establishing an opioid settlement fund. In an effort to hold accountable those that manufactured, distributed, sold or promoted opioids leading to the ongoing opioid epidemic, New York, along with other

states and localities, have brought a number of lawsuits and other legal actions against such entities. The goal of the various legal actions is to seek financial compensations from those that helped to create the opioid epidemic, to be used to assist the state in combating substance use disorder. As a result, New York is slated to receive millions of dollars from opioid manufactures and distributors. To secure such future funds, this legislation creates an Opioid Settlement Fund. It ensures that all future funding allocations will only be used for approved purposes including substance use disorder prevention, treatment and recovery programs; treatment programs for co-occurring mental illnesses; and public education campaigns to combat the ongoing epidemic. It will also ensure that no future funding would be used to supplant or replace any current local, state or federal funds that would be used for the purpose of substance use disorder prevention, treatment or recovery services and programs. A.6395-B (Woerner)/ S.7194 (Rivera); Chapter 190; Alcoholism and Drug Abuse

### **Guns and Firearms**

**Jose Webster Untraceable Firearms Act** Amends the Penal Law to create the Jose Webster untraceable firearms act to prohibit the possession and sale of ghost guns. It requires any person required to be a licensed gunsmith to serialize and register with the Division of State Police any unserialized firearm, rifle, shotgun, finished frame or receiver, or unfinished frame or receiver in such person's possession. This act creates the crimes of criminal sale of a ghost gun in the first and second degree. Penalties range from a class A misdemeanor to a class D felony. A.613-A (L. Rosenthal)/ S.14-A (Hoylman); Chapter 520

**Requires Patients be Provided with Information related to Extreme Risk Protection Orders** Amends the Mental Hygiene Law, in order to provide patients and their authorized representatives with materials and information related to seeking an extreme risk protection order, prior to the discharge or conditional release from a mental health facility. The materials and information provided are meant to better inform individuals about New York's "Red Flag Law" enacted in 2019, which authorizes law enforcement to confiscate any firearms an individual with an extreme risk protection order is in possession of, as well as prevent such a person from purchasing a firearm while the order is in place. A.1005-A (Paulin)/ S.5434-A (Harckham); Chapter 586; Mental Health

**Scott J. Beigel Unfinished Receiver Act** Amends the Penal Law to create the Scott J. Beigel unfinished receiver act to prohibit the possession of unfinished firearm frames and receivers. It creates the crimes of criminal sale of an unfinished frame or receiver in the first and second degrees. Penalties range from a class A misdemeanor to a class D felony. A.2666-A (Lavine)/ S.13-A (Kaplan); Chapter 519

**Prohibits the Purchase of a Firearm by Any Person Who is the Subject of an Outstanding Warrant of Arrest** Prohibits the purchase or disposal of a firearm, rifle or shotgun by or for a person who is the subject of an outstanding warrant of arrest issued upon the alleged commission of a felony or serious offense. The existing class D felony under section 265.17 of the Penal Law will apply. A.6198-B (Paulin)/ S.5000-B (Kavanagh); Chapter 236

**Expands the Definition of Disguised Gun** Amends the Penal Law to include in the definition of “disguised gun” any rifle, pistol, shotgun or machine-gun designed and intended to appear to be a toy gun. It prohibits the possession, manufacture and/or design of such guns. An exception is provided for any rifle or shotgun displaying a camouflage color or pattern that is intended for hunting. The penalties would range from a class E to a class C felony. A.6522 (Stern)/ S.7152 (Brooks); Chapter 518

**Holds Gun Manufacturers Accountable for Certain Actions** Amends the General Business law by adding a new Article 39-DDDD, “Sale, Manufacturing, Importing and Marketing of Firearms.” This legislation was drafted to comply with the Protection of Lawful Commerce in Arms Act (PLCAA) as construed by the Second Circuit Court of Appeals in *City of New York v. Beretta USA Corp.* 524 F3d 384 (2d Cir. 2008) which concluded that the City’s claim which was based on section 240.45 of the Penal Law did not fall within an exception, allowed by PLCAA, because that state statute does not fall within the contours of the PLCAA’s predicate exception (i.e. a state statute that is “applicable to the sale and marketing of [firearms]”). The Second Circuit did not want to foreclose the possibility that a statute of general applicability, under the proper circumstances, may meet such a requirement; but not in the then current matter. This will prohibit conduct, by gun industry members, that is either unlawful or “unreasonable under all the circumstances shall knowingly or recklessly create, maintain, or contribute to condition in New York that endangers the safety or health of the public through the sale, manufacturing, importing, or marketing of a qualified product.” (e.g. firearm). This also requires gun industry members active in the state to establish and utilize reasonable controls and procedures to prevent its qualified products from being possessed, used, marketed or sold unlawfully in New York State. All such gun industry members shall also require their downstream distributors and retailers institute similar reasonable controls and procedures; and gun industry members must take reasonable steps to ensure their implementation. A violation of the article's prohibited activities, which result in harm to the public, shall be declared a public nuisance. And the acts or omissions of a gun industry member shall constitute a proximate cause of the public nuisance, if the harm to the public was a reasonable foreseeable effect of such acts or omissions, notwithstanding any intervening actions, including but not limited to criminal actions by third parties. The Attorney General and other enforcement officers may bring an action in court to enjoin and restrain such violations and to obtain restitution and damages. A private right of action is also provided for recovery of damages or the enforcement of the article. A.6762-B (Fahy)/ S.7196 (Myrie); Chapter 237

## COVID-19 Preparation and Assistance

**Prevents Utility Companies from Terminating Services due to Non-payment During the COVID-19 State of Emergency** Prevents utility corporations, municipalities, telephone corporations, cable companies, broadband providers, and water authorities from terminating or disconnecting the services of residential and small business customers for the non-payment of overdue charges during the COVID-19 state of emergency. Violators will be subject to a civil penalty of up to \$100,000 per offense. In the case of a continuing violation, each day will be deemed a separate offense. Violations of prohibition relating to broadband services will be subject to a civil penalty of not more than \$1,000 per violation. A.6255-A (Richardson)/ S.1453-B (Parker); Chapter 106; Corporations

**Exempts COVID-19 Stimulus Relief for Certain Individuals from Money Judgments** Amends the Civil Practice Law and Rules, the Banking Law and the Debtor and Creditor Law, to exempt COVID-19 stimulus relief for individuals and families with children from money judgments. This will protect payments made to individuals under prescribed emergency relief statutes, which are intended to help New Yorkers during unprecedented loss of employment and other detrimental economic impacts, from collection to satisfy money judgments, from set off, and from transfer or assignment. A.6617-A (Weinstein)/ S.5923-A (Thomas); Chapter 107

## Nursing Home and Assisted Living Facility Safety

**Safe Staffing for Hospitals** Requires acute care facilities to implement certain direct-care nurse-to-patient ratios in all hospital nursing units and sets minimum staffing requirements. A.108-B (Gunther)/ S.1168-A (Rivera); Chapter 155; Health

**Requires Publication of Nursing Home Ratings** Requires that the most recent rating of every nursing home assigned pursuant to the U.S. Centers for Medicare and Medicaid Services (CMS rating), shall be on DOH's website, at each nursing home facility, and prominently displayed on each nursing home facility's website homepage. Violators of these provisions could be subject to the general penalty in section twelve of the Public Health Law, up to \$2,000 per offense, as determined by the DOH commissioner. A.2037 (Dinowitz)/ S.553 (Sanders); Chapter 441; Health

**Establishes Requirements for the Transfer and Discharge of Persons from Residential Health Care Facilities** Requires that no residential health care facility shall transfer or discharge a resident unless it is necessary for such resident's health, safety, or welfare, such transfer or discharge is necessary to preserve the health, safety, or welfare of other residents, the facility discontinues operation or the resident has failed to pay or make

arrangements for payment for a stay at the facility. Prior to a facility initiating a transfer or discharge of a resident, the facility shall use its best efforts, other than temporary housing assistance. At least 30 days prior to a facility-initiated transfer or discharge, the residential health care facility shall provide written notification of the transfer or discharge to the resident, the resident's lawful representative, if any, a family member of the resident, if known, and the long-term care ombudsman. A resident may be transferred or discharged if the facility is unable to meet the needs of the resident. When a resident is being transferred or discharged because the resident cannot be cared for safely, or is a danger to others, prior notice may be provided less than 30 days prior to the transfer or discharge but shall be provided as soon as practicable prior to transfer or discharge. A residential health care facility may transfer or discharge a resident because the resident does not need residential health care facility services. If a resident's clinical record notes that a family member or designated person requires notification of transfer or discharge, the facility shall notify such person(s) as soon as practicable but no later than 48 hours thereafter. A residential health care facility shall not compel or attempt to compel an individual to voluntarily transfer or discharge from the facility. A residential health care facility shall not attempt to compel or retaliate against an individual that chooses to remain in care. A.3919 (Hevesi)/ S.3058 (Rivera); Chapter 80; Health

**Requires Notice of a Nursing Home Application to the Public** Requires the Public Health and Health Planning Council (PHHPC) to provide notice of a nursing home application to the public on DOH's website, and to the State and Regional Long-Term Care Ombudsman. A.5684-A (Gottfried)/ S.4893-A (Rivera); Chapter 5; Health

**Safe Staffing for Nursing Homes** Requires nursing home facilities to implement certain direct-care nurse-to-patient ratios in all nursing home facilities and sets minimum staffing requirements. A.7119 (Gunther)/ S.6346 (Rivera); Chapter 156; Health

### Protecting Workers

**Clarifies Provisions Related to Wage Theft** Amends the Labor Law to clarify that there is no exception to liability for the unauthorized failure to pay wages, benefits or wage supplements. Labor Law wage theft penalties include the payment of wages, benefits and supplements owing, attorney's fees, liquidated damages and civil penalties. A.1893 (Simon)/ S.858 (Gounardes); Chapter 397; Labor

**Creates Model Airborne Infectious Disease Exposure Prevention Standards for Work Sites** Requires the Commissioner of Labor, in consultation with DOH, to create model airborne infectious disease exposure prevention standards for work sites. Employers will be required to establish airborne infectious disease exposure prevention plans either by adopting model standards or by establishing alternative plans that equal or exceed the minimum standards required by the model standards. This will also permit the creation

of joint employer-employee workplace health and safety committees. Violator will be subject to a civil penalty of not less than \$50 per violation for failure to adopt a plan, or \$1,000 to \$10,000 for failure to abide by an adopted plan. A subsequent violation within six years would be subject to a civil penalty of not less than \$200 per day for failure to adopt a plan, or \$1,000 to \$20,000 for failure to abide by an adopted plan. Violations of the prohibition against retaliating against employees for participating in workplace safety committee activities would be subject to a civil penalty of \$1,000 to \$10,000. A subsequent violation within six years would be subject to a civil penalty of \$1,000 to \$20,000. A.2681-B (Reyes)/ S.1034-B (Gianaris); Chapter 105; Labor

**Protects an Individual's Labor Rights while under Community Supervision** Allows individuals under community supervision the ability to participate in labor strikes or protests due to work related conditions without violating conditions of parole. This will protect an individual's right to protest work-related labor conditions regardless of being under community supervision. This legislation will ensure that all lawful labor disputes, work related protests, strikes or other concerted stoppage of work or slowdowns would apply to all workplaces/employers and allow individuals on parole to participate in these activities if they are permitted under the law. A.5705-A (Joyner)/ S.2801-A (Bailey); Chapter 492

## Safety

**Increases Uniform Fire Prevention and Building Code Penalties** Amends the Executive Law to impose a minimum fine of \$25 per day after a uniform fire prevention and/or building code violation has gone uncured for 180 days, and \$50 per day after a violation has gone uncured for 360 days. Violations of uniform fire prevention or building codes are subject to fine of up to \$1,000 per day of violation, or imprisonment up to one year. This will require a minimum fine of \$25 per day after a violation has gone uncured for 180 days, and \$50 per day after a violation has gone uncured for 360 days. A.362-A (Zebrowski)/ S.2884-A (May); Chapter 571; Governmental Operations

**Prohibits Used Car Dealers from Selling Certain Vehicles Without Air Bags** Prohibits used car dealers from selling motor vehicles manufactured on or after September 1, 1997, unless such vehicle is equipped with a functioning inflatable restraint system, commonly referred to as air bags, that conforms to the federal standards applicable to that vehicle. Violations of these provisions will be treated as traffic infractions. A first conviction is a fine up to \$50 or up to fifteen days imprisonment; a second conviction within eighteen months, is a fine of up to \$300 or up to 45 days imprisonment; and a third or subsequent conviction within eighteen months is a fine of up to \$450 or 90 days imprisonment, or both. A.394-A (Zebrowski)/ S.1834-A (Skoufis); Chapter 580; Transportation

**Prohibits the Unlawful Installation of a Gas Meter** Amends the Penal Law to add a new section 270.40, "Unlawfully installing a gas meter." A person would be guilty of unlawfully installing a gas meter when he or she installs a gas meter, or is the owner of the premises where the meter is unlawfully installed and knows that such gas meter was unlawfully installed. Any violator of these provisions could face a penalty of a class B misdemeanor. A.5830-A (Dinowitz)/ S.328-A (Persaud); Chapter 274

### Miscellaneous Legislation

**Establishes a Work Zone Speed Camera Demonstration Program** This bill would amend the Vehicle and Traffic Law, General Municipal Law, and Public Officers Law to establish a demonstration program placing speed cameras in work zones, which will establish the efficacy of using automatic speed monitoring systems for enforcement. Penalties would range from a fine of \$50 to a fine of \$100. There would be an additional penalty for failure to respond to notice of liability up to \$25 per violation. The imposition of liability under this section would not be deemed a conviction as an operator, would not be made part of the operating record of the person upon whom such liability would be imposed and could not be used for automobile insurance purposes. A.485-B (Magnarelli)/ S.4682-B (Kennedy); Chapter 421; Transportation

**Bans the Slaughter of Race Horses** Amends the Agriculture and Markets Law to prohibit the slaughter of race horses and race horse breeding stock. This also amends the Racing, Pari-mutuel Wagering and Breeding Law to require the microchipping of race horses; as well as amend the Tax Law with regard to gifts for the aftercare/retirement of thoroughbred and standardbred racehorses. A violation of the section concerning the prohibition on the slaughtering of known race horses or race horse breeding stock is a misdemeanor punishable by a fine of not more than \$1,000 per horse for an individual and up to \$2,500 per horse for a corporation, association or other entity for a first violation. Subsequent violations could be punished by a fine of up to \$2,000 per horse for an individual and up to \$5,000 per horse for a corporation, association, or other entity. Additionally, a violation of this section could subject any State Gaming Commission Licensee to disciplinary procedures including potential revocation of a license. A.4154-B (Pretlow)/ S.1442-B (Addabbo); Chapter 645; Agriculture

**Increases Penalties for Intentionally Covering License Plates** Increases the fine for knowingly covering or coating a license plate with any artificial or synthetic material or substance that conceals or obscures the plate, or that distorts a recorded or photographic image of the plate. Such fines are increased from \$25-\$200 to \$25-\$300. A.6014-A (Magnarelli)/ S.4849-A (Reichlin-Melnick); Chapter 451; Transportation

**Requires Petroleum Bulk Storage Facilities to Mitigate Air Pollution** Amends the Environmental Conservation Law to reduce emissions of air pollutants from petroleum bulk storage facilities. This legislation requires petroleum bulk storage facilities to paint their tanks a specific color. A violation could result in a penalty not to exceed \$37,500 per day that each violation occurs. A.6177-A (Septimo) /S.841-A (Biaggi); Chapter 505; Environmental Conservation

**Addresses Bee Health and Bee Diseases** Authorizes the Department of Agriculture and Markets to address bee diseases through inspections, limits on the keeping of diseased and banned bees, and limits on the transportation of bees and bee material. The bill would also amend the Real Property Tax Law to clarify the farm buildings property tax exemption for bee industry buildings. Every person violating any of the provisions of this chapter, except where other penalties are hereinafter prescribed, will be subject to a penalty in the sum of not more than \$600 for the first violation, nor more than \$1,200 for the second and each subsequent violation. A.7568 (Lupardo)/ S.7111 (Hinchey); Chapter 160; Agriculture

### **III. Summary of Significant Legislation Reported by the Committee on Codes in 2021 that Passed the Assembly<sup>2</sup>**

#### **Reforming the Criminal Justice System**

**Requires Mandatory Counseling for Individuals Convicted of Hate Crimes** This bill would amend the Penal Law to require individuals convicted of hate crimes undergo mandatory training or counseling in hate crime prevention and education. The bill would omit the word “may” and replace it with the word “shall;” thereby, making the completion of a training/counseling session on hate crime prevention and education a mandatory sentence for anyone convicted of a hate crime. This would be in addition to any other penalties a defendant would have incurred. A.1202 (Seawright)/ S.760 (Stavisky); Passed Assembly

**Provides for Jury Trial for Class B Misdemeanors Throughout the State** This bill would assure the right to a jury trial for persons in New York City charged with a class B misdemeanor. Currently, the right to a jury trial for a class B misdemeanor is afforded by law outside of New York City, but not to those charged within New York City. (A.4319 (Dinowitz)/S.689 (Hoylman); Passed both Houses)

**Raises the Age of Juvenile Delinquency Jurisdiction** This bill would amend the Family Court Act, the Social Services Law and the Executive Law to raise the lower age of juvenile delinquency jurisdiction from the age of seven to twelve. It would establish differential response programs for children under the age of twelve whose behavior but for their age would bring them within the jurisdiction of the family court to prevent future interaction with the juvenile justice system. A.4982-A (Hevesi)/ S.4051-A (Bailey); Passed both Houses; Children and Families

**Facilitates Appellate Review of Rulings** This bill would require the court to review a denial of a motion to suppress evidence on appeal. By ensuring that a court reviews such denials, the legislative intent of section 710.70 of the Criminal Procedure Law would be furthered, and defendants can properly challenge the validity of an order denying their motion. Additionally, such review of an order denying a motion to suppress evidence would take place regardless of whether a defendant waives their right to appeal on that issue. A.5688 (Cruz)/ S.1281 (Bailey); Passed Assembly

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<sup>2</sup> Except where noted, legislation cited in this discussion originated in the Committee on Codes. Where such legislation did not so originate, but was dual referenced into the Committee on Codes from another committee and the 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. This information is according to the publication date of this report, December 15, 2021. For a complete list of bills that were reviewed by the Committee on Codes that were passed by the Assembly, see Appendices E and F.

**Increases Transparency in Grand Jury Proceedings** 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 disclosure is appropriate including the impact on current and 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 grand jury room, and to assign an interpreter to interpret testimony for grand jury witnesses who are not proficient in the English language. A.5845 (O'Donnell)/ S.3314-A (Bailey); Passed Assembly

**Provides for a Defendant's Right to a Supporting Deposition** This is an Office of Court Administration proposal. This bill would amend the Criminal Procedure Law to provide that the filing of a simplified information indicating that a supporting deposition was provided with the simplified information shall be prima facie proof that the supporting deposition was served upon the defendant with the simplified information. A.7623 (Cusick); Passed Assembly

**Provides Clarifying Changes Related to Juvenile Delinquency Jurisdiction** This is an Office of Court Administration proposal. This bill would make conforming changes for sixteen- and seventeen-year-olds relating to family court jurisdiction whenever a crime and violation arise out of the same occurrence. Specifically, this bill would not authorize the court to detain or place a juvenile delinquent on probation when their highest conviction is a violation. This bill would amend the Family Court Act and the Criminal Procedure law in relation to juvenile delinquency charges of violations in the family court. This bill would amend sections 304.1, 350.1, 352.2 and 360.3 of the Family Court Act to provide that sixteen- and seventeen-year-olds may not be detained, placed on probation, or put in placement pending disposition. This bill would also amend sections 301.2 and 302.1 of the Family Court Act to eliminate ambiguity regarding the fact that the jurisdiction over petty offenses in juvenile delinquency cases applies only to sixteen- and seventeen-year-olds charged as juvenile delinquents in family court, or originally charged as adolescent offenders and had their cases removed from the youth part to family court. Finally, section 510.15 of the Criminal Procedure would also be amended to preclude secure detention of a sixteen- and seventeen-year-olds whose sole charge is a violation. A.7706 (Davila)/ S.7171 (Brisport); Passed both Houses

**Provides for the Removal of Certain Adolescent Offender Proceedings to the Family Court** This bill would amend the Penal Law and Criminal Procedure Law as it relates to pleas of guilty and removal of adolescent offender proceedings to the family court. This bill would amend the infancy provision of the Penal Law to clarify that an adolescent offender is criminally responsible for pleas to reduced charges, unless the matter is removed to family court. This bill would amend the Criminal Procedure law to require that a plea by an adolescent offender to a charge constituting a misdemeanor must be replaced by an order of fact-finding of juvenile delinquency and must be removed to the family court for disposition when the charge involved is a felony, the court may remove the action to the family court. The bill would amend sections 725.05 and 725.10 of the Criminal Procedure Law to clarify that in removing an adolescent offender case to the family court, where the offender is statutorily eligible for consideration for adjustment, the youth part judge should direct the youth to the intake office of the local probation department for an assessment of adjustment suitability without an appearance in family court and without an actual family court juvenile delinquency case being commenced. Additionally, any youths who are in detention or in a sheriff's custody would be required to appear before a Family Court judge not later than the next day the court is in session but would nonetheless be brought to probation for adjustment consideration if statutorily eligible. A.7713 (Jackson)/ S.7033 (Brisport); Passed both Houses

**Requires DOCCS to Prepare Discharge Plans** This bill would require DOCCS to prepare comprehensive discharge plans prior to the release of an individual from a correctional facility. The purpose of this bill is to assess individuals upon their release for adequate and stable housing, mental health needs, medical care, employment and any substance use disorder services in order to coordinate with reentry providers in providing these services for a successful reintegration into society. A.8022 (Davila) / S.7229 (Bailey); Passed Assembly

### Protecting Victims

**Eliminates DNA Requirements for Sex Trafficking Defendants** This bill would eliminate the requirement that a defendant provide a DNA sample if the court finds the defendant's participation in the offense was a result of having been a victim of sex trafficking under New York law or sex trafficking or labor trafficking under federal law, or where the defendant was convicted of offering or providing prostitution services. This bill follows up on recent laws (Chapter 385 of the Laws of 2014 and Chapter 426 of the Laws of 2015) that waived the required payment of a DNA collection fee from such defendants under such circumstances. A.118-B (Paulin)/ S.6185-A (Lanza); Delivered to the Governor)

**Creates the Crimes of Unlawful Dissemination of a Personal Image** This bill would amend the Penal Law to create the crimes of unlawful dissemination of a personal image in the first and second degrees and create a right of private action for such offenses. This legislation was introduced in response to the murder of seventeen-year-old Bianca Devins of Utica. Bianca was stabbed to death after attending a concert with her attacker. After committing the murder, her attacker uploaded photos of her body onto various social media platforms. These photos were widely shared, and platforms responded to requests to remove the images in a slow and inconsistent manner. This bill is intended to address the dissemination of images of a crime with the intent to degrade or abuse a crime victim and/or their families. Unlawful dissemination of a personal image in the second degree would be a class B misdemeanor. Unlawful dissemination of a personal image in the first degree would be a class A misdemeanor. A.1121-A (Buttenschon)/ S.7211 (Savino); Passed Assembly

**Requires Insurance Companies to Allow Victims of Domestic Violence to Provide Alternative Contact Information** This bill would amend the Insurance Law to require insurance companies to allow victims of domestic violence the opportunity to provide an alternate mailing address, telephone number or other contact information for the purpose of receiving health insurance related information. It would require a victim to provide the insurance company with a signed statement under oath indicating he or she is a victim of domestic violence in order to receive this service. Insurance companies that violate these provisions would be subject to the penalty in section 109 of the Insurance Law, a misdemeanor and a fine of up to \$1,000. A.2519 (Cymbrowitz)/ S.7263 (Liu); Passed Assembly; Insurance

**Clarifies Statutes Related to Rape** This bill would remove the requirement of penetration from the definition of sexual intercourse for the purposes of the rape statutes, sections 130.25, 130.30, and 130.35 of the Penal Law. It would redefine rape to include sexual intercourse, oral sexual conduct, and anal sexual conduct, as opposed to a criminal sexual act. A.6319 (Cruz)/ S.1075 (Hoylman); Passed Assembly

## **Juvenile Justice**

**Requires the State Police to Develop Child-sensitive Arrest Policies** This bill would amend the Executive Law and Criminal Procedure Law to direct the Superintendent of the State Police to develop and institute child-sensitive arrest policies and procedures for instances where police are arresting an individual who is a parent, guardian or other person legally charged with the care or custody of a child. The bill would further require state and local law enforcement to inquire whether an individual subject to arrest is a parent, guardian, or person legally charged with the care or custody of a minor who may be at risk as a result of the arrest, and to make reasonable efforts to ensure the safety of such minor. A.6283 (Vanel)/ S.4053 (Bailey); Passed Assembly

## Guns and Firearms

**Requires DCJS and the State Police to Publish Reports Related to Firearms and the Commission of Crimes** This bill would amend the Executive Law to require DCJS and the Division of State Police to publish quarterly reports on their websites providing information related to firearms, rifles, and shotguns used in the commission of crimes in New York State. A.7243 (Richardson)/ S.1251 (Gianaris); Delivered to the Governor

**Allows the Court to Issue a Search and Seizure Order for Firearms Related to Orders of Protection** This is an Office of Court Administration proposal. This bill would amend the Domestic Relations Law to authorize the Supreme Court to issue search and seizure orders relating to firearms possessed in violation of orders of protection issued in matrimonial proceedings. A.7957 (Richardson); Passed Assembly

## Protecting Vulnerable Populations

**Prohibits “Virginity Examinations”** This bill would amend the Public Health Law to ban the practice of performing physical examinations purporting to determine whether an individual has previously had vaginal intercourse by any person, otherwise referred to “virginity examinations.” The term “virginity” is not a medical or scientific term. Rather, the concept of virginity is a social, cultural, and religious construct, one that reflects gender discrimination against women and girls. As a result, the United Nations, along with the World Health Organization, U.N. Women, and U.N. Human Rights, called for a global ban on the practice. Under this bill if any person performs this exam, they could be penalized under section 12 of the Public Health Law; a civil penalty of up to \$2,000, or up to \$10,000 if the exam results in serious physical harm to a patient or patients. Further, if a health care practitioner performs this exam, they could potentially be subject to professional misconduct proceedings. A.5517-B (Solages)/ S.104-B (Persaud); Passed Assembly; Health

## Safety

**New York City Department of Buildings Community Accountability Act** This bill would amend the New York City Administrative Code to require public complaint records kept by the Department of Buildings (DOB) to be posted on its website. The DOB would be required to maintain records of accidents resulting in serious physical injury or death to persons, or damage to property arising out of building code violations; this information shall be posted on the DOB’s website and the commissioner shall have accidents investigated and a written report prepared. Additionally, biennial reports would be required to be made and distributed to various community boards and borough presidents that show all immediately hazardous and specified major violations, the

number of violations corrected, enforcement actions commenced, and the disposition of enforcement actions. This bill would also provide for the investigation and reporting whenever the DOB has issued an order regarding any dangerous conditions or vacate orders; such reports shall be available for public examination and posted on the DOB website. A.499-A (Carroll)/ S.6948-A (Hoylman); Passed Assembly; Cities

**Prohibits the Unlawful Use of an Unmanned Aircraft** This bill would amend the Penal Law to make the unlawful use of an unmanned aircraft, or what is commonly referred to as a “drone,” a violation. A person would be guilty of such violation if he or she intentionally would operate an unmanned aircraft in violation of federal laws or regulations or in a manner that it would create an unreasonable risk of harm or danger to any person or persons. A.4962 (Zebrowski)/ S.3235 (Sanders); Passed Assembly

**Provides for Summary Suspension of Licensed Professionals** This bill would require licensed professionals to report any conviction of a crime, determination of professional misconduct, or adverse employment action to SED 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 license or registered entity. The bill also amends the Criminal Procedure Law to require district attorneys to notify SED if a licensee is convicted of a misdemeanor- currently district attorneys are required to only notify SED of felony convictions. Any licensee that fails to report the conviction of a crime, determination of professional misconduct, or adverse employment action to SED within 30 days would be subject to disciplinary proceedings by the department. Additionally, under the provisions of this bill, a licensee could have their privileges to practice summarily suspended if the commissioner or the deputy commissioner for the professions believes public health, safety or welfare imperatively requires emergency action against such licensee. A.5495 (Glick)/ S.4780 (Stavisky); Passed Assembly; Higher Education

### **Nursing Home and Assisted Living Facility Safety**

**Increases the Penalties for Violations of the Public Health Law** This bill would increase the monetary penalties for violations of the Public Health Law from \$2,000 to \$3,000 and would increase penalties for operators or any person or entity that contracts with an operator of a nursing home or general hospital under Article 28 of the Public Health Law or a residential care program for adults authorized to operate by DOH under Article 7 of the Social Services Law to \$5,000 for first time violations. Subsequent violations would be increased from \$5,000 to \$10,000. Violations where serious physical harm resulted would increase from \$10,000 to \$20,000. Penalties prescribed and imposed for the violation of or failure to comply with any of orders or regulations by local boards of health would be increased from \$2,000 to \$3,000. Penalties collected from operators or any person or entity that contracts with an operator of a nursing home or general hospital, or a residential care

program for adults, would be transferred to the nursing home quality improvement demonstration program. A.232-C (Gottfried); Passed Assembly; Health

**Requires Procedures for the Closure of Assisted Living Residences** This bill would require planning and transition time for residents when the operator of an assisted living residence seeks to close the facility. Violators of these provisions would be subject to the general penalty in Public Health Law section 12, up to \$2,000 per offense, as determined by the Commissioner of DOH. A.2211 (Simon)/ S.3932 (Savino); Passed Assembly; Health

**Creates Standard for Administering Psychotropic Medications in Nursing Homes** This bill would add a new section 280-d to Article 2-A of the Public Health Law to detail the information that must be provided before a health care professional may prescribe a psychotropic medication in nursing homes or adult care facilities. This bill also would require written informed consent before the initial order, and before any increase in the dosage or duration of an existing order. Violators of these provisions would be subject to the general penalty in Public Health Law section 12, up to \$2,000 per offense, as determined by the DOH commissioner. A.5841-A (Gottfried)/ S.2103-A (Sepulveda); Passed Assembly; Health

**Establishes and Implements Annual Infection Control Inspections for Nursing Homes** This bill would establish an annual infection control competency audit for nursing homes commencing October 1, 2021. The audit would use a checklist to evaluate competency in relation to infection control, personal protective equipment, staffing, clinical care, and communication. If a facility would meet at least 85% of the criteria, the facility would be scored as “in adherence.” If a facility would meet between 85% and 60%, the facility would be scored as “in adherence but warrants re-inspection” before the next annual inspection. A facility that fails to meet 60% would be scored as “not in adherence” and monthly audits would continue until it meets at least 85% adherence. Penalties may include a revocation or suspension of a facility’s license under certain conditions. Additionally, penalties under section 12 of the Public Health Law would apply. A.6057-A (Burke)/ S.1783-A (Skoufis); Delivered to the Governor; Health

### **Substance Use Prevention**

**Bans Certain Fentanyl Analog Substances** This bill would add three fentanyl analog substances to schedule I and one fentanyl analog substance to schedule II of the controlled substances list. Such substances are currently permanently scheduled by the federal government. Any person who would possess or sell any of these substances would be subject to criminal penalties, ranging from a class A misdemeanor to potentially as high as a class A felony, as applicable in Article 220 of the Penal Law. A.7310-A (Cusick)/ S.6596-A (Skoufis); Passed Assembly; Health

## Ensuring Equity and Fairness

**Hate Crimes Analysis and Review Act** This bill would require DCJS, in conjunction with OCA to collect demographic data of the victim or victims of hate crimes as well as the persons arrested of such crimes including, but not limited to, including, but not limited to, race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person. The data collected would be public but not allowed to reveal the identity of any person. DCJS would be required to compile a publicly available annual report and submit such report to the governor, legislature, attorney general, and OCA. A.2230-A (Reyes)/ S.70-A (Hoylman); Delivered to the Governor

**Waives the State's Sovereign Immunity to Liability under the ADA and certain other Federal Acts** This bill would amend the Civil Rights Law to waive the state's sovereign immunity with regard to the application of the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act of 1967, the Fair Labor Standards Act of 1938, and the Family and Medical Leave Act of 1993 as they apply to the protection of state employees. It would also waive the immunity of all instrumentalities and political subdivisions of the state. A.7121 (Kelles)/ S.1119 (Sanders); Passed Assembly; Governmental Operations

**Lowers the Interest Rate on Money Judgments in Actions Involving Consumer Debt** This bill would amend the Civil Practice Law and Rules in relation to the rate of interest applicable to money judgments arising out of consumer debt. The bill would require that the interest rate on judgments arising from consumer debt shall be at the one-year United States Treasury bill rate or at three percent, whichever is the lower rate. This legislation intends to remedy the hardship placed on a significant number of New Yorkers, which is intensified by the COVID-19 pandemic, by a statutory judgment interest rate that has long been incommensurate with market interest rates. A.6474-A (Weinstein)/ S.5724-A (Thomas); Passed both Houses

**Provides for an Impartial Hearing Officer to Address Educational Due Process Complaints** This bill would provide that if a parent of a student files a due process complaint notice seeking an impartial due process hearing and an impartial hearing officer (IHO). If an IHO would not be appointed within 196 days after filing, in accordance with regulations to be determined by the commissioner, an IHO may be immediately appointed based upon a proposed order of relief submitted by the parent identifying the programs and services they are trying to receive. The bill would require that districts report to SED the number of complaints seeking this relief, the relief sought, and how the complaint was resolved. A.7614 (Benedetto)/ S.6682 (Liu); Passed both Houses; Education

## COVID-19 Preparation and Assistance

**Provides for Contact Tracing Confidentiality** This bill would expand confidentiality requirements for disease contact tracing to any communicable disease. This bill would amend section 2180 of the Public Health law by changing all the current references to “COVID-19” contact tracing confidentiality to refer to “any communicable disease.” This bill would build upon confidentiality protections enacted in Chapter 377 of the Laws of 2020 and Chapter 62 of the Laws of 2021. A.7241 (Gottfried)/ S.6491 (Rivera); Passed Assembly

**Provides Enhanced Confidentiality of Vaccine Information** This bill would amend the Public Health Law to provide that information in the New York State Immunization Information System (NYSIIS) and the New York Citywide Immunization Registry (CIR) are not subject to discovery, subpoena, warrant, or other means of legal compulsion for release or admissible in any civil, administrative, criminal, or family court proceeding. This bill also would require every effort to be made to keep disclosure of personal identifying information from such registries limited. Additionally, it would be required that State or City commissioners may only share registry information with the CDC for public health purposes and with no individually identifying information. This bill would create a new Public Health Law section 2169 on vaccine confidentiality. The new section would limit what vaccine navigators and providers can use personal information for, and it allows them to request consent to use the information for other purposes. It requires these entities to adhere to security standards and prohibits the use of the information collected from being used to criminalize or deport an individual. The language also clarifies that nothing in this new section will interfere with existing provider-client, provider-patient, or familial relationships. The bill would also create new Public Health Law section 2183 on immunity passports. The new section would require that providers of immunity passports, which would be limited to COVID-19, only collect the minimal amount of information required to verify an individual’s vaccine or test status, and such information be deleted within 24 hours. It would require that any governmental entity or public accommodation that requires proof of immunization accept physical immunity passports, not just digital. It would prohibit covered entities and immunity passport providers from sharing a passport-holder’s personal information with law enforcement or in judicial proceedings and ensures that it cannot be used to criminalize or deport any person. It would require DOH to make regulations protecting access to covered entities by those who are medically contraindicated from receiving the COVID-19 vaccine, and it would state that nothing would be construed to limit a covered entity’s obligations under the Americans with Disabilities Act or any other anti-discrimination law. A.7326 (Gottfried)/ S.6541 (Rivera); Passed Assembly; Health

**Prohibits the Falsification of COVID-19 Records** This bill would amend the Penal Law to make it a felony to forge immunization records. The bill would amend section 170.10 of the Penal Law, forgery in the second degree, to add a new subdivision six. The addition would add forged immunization records to the list of written instruments that if falsely made, completed or altered with intent to defraud, constituting a class D felony. The bill would also amend section 170.15 of the Penal Law, forgery in the first degree, to add a new subdivision three. The addition would add 50 or more forged immunization records to the list of written instruments that if falsely made, completed or altered with intent to defraud, constituting a class C felony. A.7536-B (Dinowitz)/ S.4516-C (Kaplan); Delivered to the Governor

### Protecting Workers

**Carlos' Law** This bill would amend the Penal Law by creating new offenses, increasing the restitution amounts for victims, and substantially increasing the fines that can 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 adds a new article 122 titled Workplace Safety. This new title contains a section on definitions, section 122.00; a class A misdemeanor offense, endangering the welfare of a worker in the third degree, section 122.05; a class E felony offense, endangering the welfare of a worker in the second degree, section 122.10; and a class D felony offense, endangering the welfare of a worker in the first degree, section 122.15. A.4947 (Bichotte Hermelyn)/ S.621 (Sanders); Passed Assembly

### Miscellaneous Legislation

**Requires Interest on Judgments be Measured from the Date of Entry** This bill would provide that where summary judgment is denied to a plaintiff, which denial is thereafter reversed on appeal and granted in favor of such plaintiff, any money judgment entered in favor of the plaintiff thereafter shall bear interest from the date of entry of the prior denial of such motion for summary judgment as if summary judgment had in fact been granted to such plaintiff in the first instance. A.2199 (Cruz)/ S.473 (Hoylman); Passed both Houses

**Prohibits Third-party Food Delivery Services from Engaging in Business with a Food Establishment without a Written Contract** This bill would prohibit a third-party food delivery service from listing, advertising, promoting or selling a food service establishment's products, or arranging for the delivery of an order of such products, on its online or mobile platform without a written contractual agreement with the food service establishment authorizing the inclusion of their products on such platform. Violations would be a civil penalty of up to \$1,000 per violation. Each day in violation

would be deemed a separate violation. A.4651 (Abbate)/ S.1630-A (Savino); Delivered to the Governor; Consumer Affairs

**Provides for Alternative Penalties for First Time Violations of the ABC Law** This bill would amend the Alcoholic Beverage Control (ABC) Law to provide the State Liquor Authority (SLA) with the ability to provide a cure period or other opportunity for ameliorative action for a first-time violation of the ABC Law or an authority rule or regulation, if such violation is related to administrative or paperwork issues. These first-time violations would need to be determined by the SLA to be de minimis in nature, and would not endanger health, safety, environment, or other protections provided in law. No waiver of penalties or cure period or other opportunity for ameliorative action could be given if the authority determines that such violation may result in serious actual harm, or may present an endangerment to public safety, human health or the environment, is a violation of human or civil rights law, results in loss of employee wages or benefits, interferes with any remedy, review, or resolution related to harassment or discrimination claims, was or is a willful violation, involves tax fraud, violates requirements related to federal funding to the state, relates to state funding or procurement, is similar to prior violations, is a Penal Law violation, relates to a material or substantive portion of the licensee's business, or is in contravention of the public interest and/or policy reflected by SLA's mission. Such cure period would provide SLA licensed individuals the opportunity to take ameliorative action to correct the violation and upon the successful correction would prevent the imposition of penalties on the party or parties subject to enforcement of such violation. A.5972 (Bronson)/ S.5979 (Skoufis); Delivered to the Governor; Economic Development

**Prohibits Impersonation with Electronic Signature to Obtain a Benefit** This bill would amend the Penal Law to prohibit the impersonation of another person, without such person's permission, by using his/her electronic signature with the intent to obtain a benefit or injure or defraud the other person or another. This act would be punishable under the Penal Law with a class A misdemeanor. A.6015 (Dinowitz)/ S.61 (Persaud); Delivered to the Governor)

**License Suspension Reform for Motorcycle Drivers** This bill would amend the Vehicle and Traffic Law to ensure that an individual driving a motorcycle who has had his/her driver license suspended for failure to appear in relation to a traffic infraction may have their license reinstated by entering into an installment payment plan to pay the penalty. A.7874-A (Hunter)/ S.7053-A (Kennedy); Delivered to the Governor

## **IV. Codes Budget Highlights from State Fiscal Year 2021-22**

### **A. Fiscal Highlights**

The Assembly restored \$300,000 for Byrne Justice Assistance Grant legislative allocations and restored \$2.83 million in Legal Services Assistance Fund (LSAF) support for civil and criminal legal services grants.

The Assembly also provided \$7.1 million to restore and maintain support for various programs and services, including:

- \$1.06 million for the New York State Defenders Association for a total of \$2.09 million;
- \$750,000 for Prisoners' Legal Services;
- \$609,000 in domestic violence related civil and criminal legal services support;
- \$600,000 for immigrant legal services;
- \$400,000 for Neighborhood Legal Services; and
- \$147,000 for rape crisis centers.

In addition to restoring funding for existing programs, the Assembly provided an additional \$9.8 million to support criminal justice programs throughout the state.

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

The 2021-22 SFY enacted budget included Article VII language to:

- Extend for two years various criminal justice and public safety programs.
- Strengthen Hiring Standards for Police Officers:
  - Requires law enforcement agencies to become accredited for the purposes of standardizing background checks in order to ensure that only the most qualified can serve as law enforcement officers;
  - Requires law enforcement agencies to comply with background check standards that include a criminal history check, a mental health exam, prior employer disclosure, review of the police registry for permanent decertification, and disclosure of previous misconduct; and
  - Creates a more robust accountability mechanism to prevent bad actors from serving as police officers by clearly defining conduct that results in permanent decertification, mandating reporting of misconduct, and requiring information sharing of serious misconduct by officers.

- Police Monitorship:
  - Authorizes the Attorney General to appoint a monitor to oversee police agencies located in municipalities that fail to complete a New York State Police Reform and Reinvention Collaborative plan by April 1, 2021, as required by Executive Order 203 of 2020;
  - The monitors will be appointed at the expense of the police agency or local government and will report monthly on the operations of the police agency, including but not limited to the monitor's observations about interactions among the community and police agencies in the local government's jurisdiction until such time that the required certification is submitted to the director of the Division of Budget; and
  - In addition to the appointment of a monitor, the Division of Budget is authorized to withhold up to fifty percent of any state or federal funds appropriated to a police agency until such time that the required certification is submitted.

## **V. Codes Committee Hearing in 2021**

### **Gun safety proposals and the status of the firearm ammunition sales database in New York**

On Thursday, October 14 in Albany, the standing Committee on Codes held a hearing to seek input from various stakeholders on legislation to further address the illegal import, possession, and use of firearms in New York.

The Assembly Majority has championed legislation and enacted laws designed to help keep New Yorkers safe. Many significant measures have been enacted, including the SAFE Act, limits on who can possess firearms on school grounds, prohibitions on certain rapid-fire devices, gun buyback programs, safe storage requirements for firearms, legislation making extreme risk protection orders available in court, a thirty-day waiting period for certain firearm purchases, and legislation affirming liability for certain manufacturers and distributors of illegally possessed firearms. At this hearing, the Codes Committee sought testimony from officials and stakeholders offering additional measures to help curb firearm-related accidents and violence and reduce the proliferation of illegal guns in New York. Additionally, under the SAFE Act, a database was to be launched and utilized for recordkeeping and background checks on ammunition purchasers. More than eight years later, this database is still not operational. The Committee also sought information concerning the development and activation of this ammunition database.

The Committee heard testimony from New Yorkers Against Gun Violence, Moms Demand Action New York Chapter, Brady United Against Gun Violence, the New York Police Department, the Yonkers Police Department, the New York Association of Chiefs of Police, the District Attorneys Association of the State of New York, the Office of the New York Attorney General, the Legal Aid Society, and the National Shooting Sports Foundation. Additionally, the Committee received written testimony submitted by the Center for Court Innovation, as well as private citizens.

## Appendix A: 2021 Codes 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	112	0	<b>112</b>
To Ways and Means	91	0	<b>91</b>
To Rules	151	0	<b>151</b>
<b>Total</b>	<b>354</b>	<b>0</b>	<b>354</b>
<hr/>			
<b>Bills Having Committee Reference Changed</b>			
To Health	1	0	<b>1</b>
To Ways and Means	4	0	<b>4</b>
<b>Total</b>	<b>5</b>	<b>0</b>	<b>5</b>
<hr/>			
<b>Bills Never Reported</b>	<b>581</b>	36	<b>617</b>
<b>Bills Held for Consideration</b> (with roll call vote)	<b>9</b>	0	<b>0</b>
<b>Bills Defeated</b>	<b>0</b>	0	<b>0</b>
<b>Bills Having Enacting Clauses Stricken</b>	<b>7</b>	0	<b>0</b>
<b>Total Bills Remaining in Committee</b>	<b>597</b>	<b>36</b>	<b>633</b>
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**Total Number of Committee Meetings Held: 18**

## **Appendix B: Schedule of 2021 Codes Committee Meetings**

<b><u>Month</u></b>	<b><u>Date</u></b>
January	20
January	26
February	9
March	1
March	5
March	9
March	15
March	24
March	30
April	19
April	28
May	4
May	11
May	19
May	25
June	2
June	7
June	9

**Total number of committee meetings held: 18**

## **Appendix C: Codes Laws of 2021**

<b><u>Bill Number</u></b>	<b><u>Chapter</u></b>	<b><u>Sponsor</u></b>	<b><u>Summary</u></b>
A.324	484	Zebrowski	Expands the definition of the offense of coercion in the second degree to include the production or dissemination of nude images
A.459	629	Gottfried	Relates to confidentiality of records in proceedings to vacate convictions for offenses resulting from sex trafficking, labor trafficking and compelling prostitution
A.613	520	L. Rosenthal	Enacts the Jose Webster untraceable firearms act
A.868	433	Gottfried	Decriminalizes the possession and sale of hypodermic needles and syringes; repealer
A.1145-A	460	Paulin	Relates to the adjudication of certain traffic infractions and notices of liability involving the use of photo monitoring devices; Pelham Manor; repealer
A.1634	153	Perry	Relates to the state commission on prosecutorial conduct
A.1248-A	92	Peoples-Stokes	Enacts the “marihuana regulation and taxation act”; repealer
A.1941	36	Walker	Allows for medical and psychiatric records of deceased inmates to be accessed by the Board of Correction of the City of New York
A.2354	431	Dinowitz	Relates to the possession of opioid antagonists
A.2653	501	Lavine	Permits the court to grant post-conviction motions to vacate a judgment when the issue raised upon such motion is ineffective assistance of counsel

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.2666-A	519	Lavine	Enacts the “Scott J. Beigel unfinished receiver act” in relation to unfinished frames or receivers
A.3355	23	Paulin	Repeals section 240.37 of the Penal Law, relating to loitering for the purpose of engaging in a prostitution offense; repealer
A.3412-A	447	Solages	Relates to extortion or coercion related to immigration status
A.4580-A	127	Lavine	Revises and clarifies the Uniform Foreign Country Money Judgments Recognition Act
A.5511-A	435	Richardson	Relates to a judicial diversion program for certain felony offenders
A.5576-A	427	Forrest	Relates to revocation of community supervision
A.5689	616	Cruz	Streamlines the assignment of appellate counsel for indigent criminal defendants
A.5705-A	492	Joyner	Relates to work related labor protests not being considered a parole violation
A.5830-A	274	Dinowitz	Relates to unlawfully installing a gas meter
A.6198-B	236	Paulin	Relates to the purchase of firearms, rifles and shotguns
A.6393	575	Griffin	Establishes the South Nassau Water Authority
A.6522	518	Stern	Amends the definition of disguised gun to include certain guns that are designed and intended to appear to be a toy gun
A.6617-A	107	Weinstein	Exempts COVID-19 stimulus relief for individuals and families with children from money judgments

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.6762-B	237	Fahy	Relates to the dangers to the safety and health of the public caused by the sale, manufacturing, importing and marketing of firearms
A.6769	552	Hyndman	Relates to the determination of youthful offender status
A.7654	577	Lavine	Relates to the assessment of property owned by water-works corporations
A.7679	209	Dinowitz	Relates to the accreditation of agencies examining latent fingerprints
A.7680	210	Dinowitz	Relates to notifying victim of crimes electronically
A.7735-A	673	Jones	Authorizes the establishment of aquatic invasive species inspection stations in Adirondack Park to inspect motorized watercraft for the presence of organisms or organic material that may harbor invasive species
A.7960-A	429	Burke	Relates to the applicability of the security guard act to facilities owned by a public sports venue
A.8019	303	Wallace	Extends expiration of provisions of judiciary law authorizing referees to determine applications for orders of protection while family court is in session

## Appendix D: Dual Referenced Laws of 2021

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.96-A	496	Gunther	Designates human organ delivery vehicles as authorized emergency vehicles
A.108-B	155	Gunther	Establishes clinical staffing committees
A.213	321	Paulin	Relates to audit committee membership and voting requirements of the board of certain corporations
A.362-A	571	Zebrowski	Relates to penalties for code violations
A.394-A	580	Zebrowski	Prohibits retail dealers of second hand motor vehicles from selling a motor vehicle without a functioning inflatable restraint system
A.430	583	L. Rosenthal	Requires prior written notice upon hiring and once annually to all employees, informing them of the types of electronic monitoring which may occur
A.471-C	527	Magnarelli	Relates to certain vehicle equipment violations and fines
A.485-B	421	Magnarelli	Relates to establishing a demonstration program implementing speed violation monitoring systems in work zones by means of photo devices; repealer
A.518-A	596	L. Rosenthal	Prohibits the sale of pavement products containing coal tar; prohibits the use of pavement products containing coal tar
A.585-A	585	Paulin	Requires providers of voice service to implement the STIR/SHAKEN authentication framework in the internet protocol networks of voice service providers

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.661	564	L. Rosenthal	Relates to gambling and the creation of a self-exclusion request for removal form
A.754-A	515	Pheffer Amato	Prohibits the sale of whipped cream chargers to persons under the age of twenty-one
A.898-B	437	Woerner	Relates to support orders for adult dependents
A.949	191	Zebrowski	Authorizes the public service commission to require water-works corporations to provide certain residents with non-billing related information
A.963	63	Abinanti	Relates to supermarkets providing excess edible food to food relief organizations
A.964	47	Zebrowski	Relates to violations of the uniform fire prevention and building code
A.978	29	Englebright	Relates to the unlawful disposing of construction and demolition debris
A.1005-A	586	Paulin	Relates to providing information about extreme risk protection orders upon release or discharge of patients
A.1025	98	Paulin	Allows corporations to conduct business and meetings electronically for a certain period of time
A.1073	398	Abinanti	Provides that every banking institution maintaining checking accounts for customers shall pay checks in the order received within account balance

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.1141-A	612	Paulin	Prohibits the disclosure of the names, addresses and telephone numbers of contributors and the amounts contributed that are reported on financial disclosure reports of certain not-for-profit organizations
A.1253	62	Gottfried	Relates to the confidentiality of contact tracing information
A.1508	643	Dinowitz	Relates to reverse cooperative apartment unit loans for persons seventy years of age or older
A.1566	340	Jean-Pierre	Authorizes the Town of Babylon to establish an administrative adjudication hearing procedure for code and ordinance violations
A.1893	397	Simon	Relates to wage theft
A.1899	566	Dinowitz	Awards attorney fees and expert witness fees in appropriate cases
A.1921	506	Paulin	Relates to the use of oral medications by optometrists
A.2037	441	Dinowitz	Relates to the publication of nursing home ratings
A.2260-A	461	Niou	Requires debt collectors to inform debtors that written communications are available in large print format
A.2277-A	93	Aubry	Restricts the use of segregated confinement and creates alternative therapeutic and rehabilitative confinement options
A.2353	84	Weinstein	Relates to the statutory short form and other powers of attorney for purposes of financial and estate planning

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.2382	593	Weinstein	Enacts the “consumer credit fairness act”
A.2505	556	Weinstein	Prohibits contracts for the purchase or lease of consumer goods from restricting venue in an action relating to such contract
A.2520	309	Weinstein	Establishes that domestic violence advocates may not disclose any communication made by a client to the advocate except in certain circumstances
A.2680	76	Hunter	Relates to driver’s license suspension reform and amends the effectiveness of Chapter 382 of the Laws of 2020
A.2681-B	105	Reyes	Prevents occupational exposure to an airborne infectious disease
A.3020-A	88	Hyndman	Relates to minimum wage rates for covered airport workers
A.3028	507	McDonald	Relates to remedies for violations of the New York State uniform fire prevention and building code act which threaten imminent physical harm to occupants of a property
A.3112-B	243	Epstein	Relates to directing the division of human rights to promulgate regulations requiring the disclosure of lawful source of income rights to prospective tenants
A.3136-A	573	Epstein	Prevents institutions from implementing contingencies on the receipt of state funding
A.3173	446	Cook	Requires persons offering weight loss services to provide notice of certain weight loss and dieting information

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.3186	311	Hevesi	Relates to a civil cause of action for human trafficking
A.3237-A	657	Hunter	Relates to the reporting of a veteran's suicide
A.3359	590	Paulin	Prohibits utility companies from harassing, oppressing or abusing any residential customer in connection with the handling of a complaint or unpaid balance
A.3397	96	Kim	Repeals the emergency or disaster treatment protection act
A.3350-A	419	Joyner	Relates to actions for non-payment of wages
A.3766	448	Dickens	Requires applicants for public assistance to be fully informed that they may be liable to reimburse the state for benefits received
A.3919	80	Hevesi	Relates to establishing requirements for the transfer, discharge and voluntary discharge from residential health care facilities
A.3930	352	Englebright	Increases certain penalties related to endangered and threatened species
A.3946	337	M. Miller	Authorizes a residential parking system in certain parts of the Hamlet of Oceanside in the Town of Hempstead
A.4075	545	Glick	Prohibits insurers from refusing to issue or renew, cancel, or charge or impose an increased premium for certain policies based solely on the breed of dog owned
A.4154-B	645	Pretlow	Relates to the aftercare of retired race horses

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.4496	517	De La Rosa	Requires the release of individuals from utility corporation services in instances of domestic violence
A.4522-A	634	Galef	Relates to the manufacture and sale of seasonal and decorative lighting products containing lead
A.4690	195	Lupardo	Regulates the manufacturing, sale, branding and labeling of beech sugar and beech syrup
A.4950-A	473	Solages	Requires charter buses to have commercial global positioning system technology
A.5144-A	522	Benedetto	Relates to retaliatory actions by employers
A.5465-D	158	O'Donnell	Relates to enacting the "Gender Recognition Act"; and repealing subdivision 1 of section 502 of the Vehicle and Traffic Law relating to driver's licenses; repealer
A.5475	79	Lunsford	Relates to extending the effectiveness of certain provisions relating to the reciprocity of debarments
A.5684-A	102	Gottfried	Relates to requirements for residential health care facilities and related entities and operations
A.5707	487	Joyner	Relates to bona fide work not being considered a parole violation
A.5719-A	91	Galef	Authorizes the chief administrator of the courts to establish veterans treatment courts; and relates to the removal of certain actions to veterans treatment courts
A.5823-A	546	L. Rosenthal	Requires veterinarians to report suspected animal cruelty

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.5967	71	Heastie	Relates to the termination of certain executive powers by the legislature
A.6014-A	451	Magnarelli	Increases penalties for purposefully obstructed license plates
A.6040	239	Burgos	Relates to including electronic messaging texts as a form of telemarketing communication
A.6138	405	Thiele	Relates to local civil administrative enforcement procedures in the Town of East Hampton
A.6177-A	505	Septimo	Reduces emissions of air pollutants from petroleum bulk storage facilities
A.6193	630	Gonzalez-Rojas	Requires utility corporations, municipalities, water-works corporations, and telephone service providers to allow customers to use their preferred name and pronouns
A.6255-A	106	Richardson	Relates to extending a moratorium on utility termination of services after the COVID-19 state of emergency is lifted or expires
A.6395-B	190	Woerner	Requires funds from opioid settlements to be used for the development of new services and supports
A.6593-B	396	Reyes	Enacts the "Housing Our Neighbors with Dignity act"
A.6696-A	172	Simpson	Relates to allowing health care professionals to perform services at the Ironman Lake Placid

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.7088-A	637	Kelles	Establishes a conservation easement agreement exemption in the Town of Danby in Tompkins County
A.7096	221	Fahy	Relates to conservation easement agreement exemptions for certain towns
A.7119	156	Gunther	Establishes standard nursing home staffing levels
A.7163	407	Gunther	Relates to the provision of incident reports to qualified persons and the manner of delivery of such reports
A.7373	493	Bronson	Authorizes employees to petition an employer to apply to participate in a shared work program for purposes of avoiding a reduction in workforce or for purposes of re-hiring
A.7386	300	Williams	Relates to providing that there is no exemption from the requirement of nondiscrimination in advertisements and inquiries for the rental of an apartment or room
A.7390	654	Williams	Includes certain for-profit entities in the definition of educational institution
A.7434-A	422	De La Rosa	Relates to wages and supplements for building service employees employed at certain properties held in the cooperative or condominium form of ownership receiving a tax abatement
A.7477	142	Reyes	Relates to preventing occupational exposure to an airborne infectious diseases
A.7563	304	Meeks	Relates to the requirements for filing a complaint with the Division of Human Rights

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.7565	230	Clark	Extends authorization for certain health care professionals licensed to practice in other jurisdictions to practice in this state in connection with an event sanctioned by New York Road Runners
A.7568	160	Lupardo	Relates to bee health and the beekeeping industry; repealer
A.7578-A	261	Paulin	Authorizes the metropolitan transportation authority and its subsidiaries to fingerprint applicants for employment and to obtain criminal histories of such applicants
A.7601	456	Darling	Relates to the execution of warrants in juvenile delinquency cases when family courts are closed
A.7634	223	Cruz	Relates to establishing an elder abuse enhanced multidisciplinary team program under the Office for the Aging
A.7667	639	Glick	Requires owners to provide essential services and habitability for interim multiple dwelling units
A.7684	234	Gunther	Relates to providing licensed facilities a summary of final substantiated reports of category two conduct of an employee or volunteer
A.7725-A	387	Zinerman	Authorizes the service of notice by electronic communication
A.7733	238	Fahy	Relates to permitting the use of municipal space for outdoor dining
A.7796	474	Meeks	Prohibits the use of certain restraints on children appearing before family court

## Appendix E: 2021 Codes Bills that Passed the Assembly<sup>3</sup>

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.118-B**	Paulin	Relates to the definition of designated offender
A.499-A	Carroll	Enacts the New York City Department of Buildings community accountability act
A.1121-A	Buttenschon	Creating the certain offenses and provisions related to the unlawful dissemination of a personal image; and creates a private right of action for such offenses
A.1202	Seawright	Mandates training or counseling in hate crime prevention and education for individuals convicted of hate
A.1932-B	Carroll	Relates to designating new automotive broker businesses
A.2199*	Cruz	Relates to interest upon judgment
A.2230-A**	Reyes	Relates to enacting the “hate crimes analysis and review act”
A.4218	Thiele	Grants uniformed court officers in the Village of Sag Harbor in Suffolk County peace officer status
A.4319*	Dinowitz	Relates to the right of a defendant who has entered a plea of not guilty to an information which charges a misdemeanor to a jury trial
A.4403*	Thiele	Relates to requiring a compensation statement by certain public utility corporations and service providers
A.4738	Manktelow	Grants uniformed court officers in the Village of Palmyra in the County of Wayne peace officer status

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<sup>3</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. This information is according to the publication date of this report, December 15, 2021.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.4870	Goodell	Designates the uniformed court officers of the Town of Busti in the County of Chautauqua as peace officers
A.4947	Bichotte Hermelyn	Enacts Carlos' law; relates to crimes involving the death or injury of a worker
A.4962	Zebrowski	Relates to the unlawful use of an unmanned aircraft
A.5040**	Dinowitz	Relates to prohibiting legal fees to be charged by a lessor or agent thereof
A.5688	Cruz	Facilitates appellate review of rulings that implicate issues of public concern
A.5845	O'Donnell	Relates to grand jury proceedings
A.6015**	Dinowitz	Relates to impersonating another by using another's electronic signature
A.6283	Vanel	Directs the superintendent of State Police to develop and institute child-sensitive arrest policies and procedures
A.6319	Cruz	Relates to the offenses of rape in the first, second and third degrees; repealer
A.6474-A*	Weinstein	Relates to the rate of interest on money judgments in actions involving consumer debt
A.7152	Galef	Designates uniformed court officers in the Town of Ossining, County of Westchester as peace officers
A.7243**	Richardson	Requires the Division of Criminal Justice Services to publish quarterly reports providing information related to firearms, rifles and shotguns used in the commission of crimes in the State of New York
A.7536-B**	Dinowitz	Makes the falsification of COVID-19 vaccination records a crime

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.7602	Fahy	Repeals certain provisions of the Criminal Procedure Law relating to persons who are police officers
A.7603	Sillitti	Repeals certain provisions of the Criminal Procedure Law relating to persons who are police officers
A.7623	Cusick	Relates to defendant's right to a supporting deposition
A.7706*	Davila	Relates to juvenile delinquency charges of violations in the family court
A.7713*	Jackson	Relates to pleas of guilty and removal of adolescent offender proceedings to the family court
A.7757**	Lupardo	Relates to temporary manufacturing permits; repealer
A.7874-A**	Hunter	Relates to the suspension of a license to drive a motor vehicle or motorcycle
A.7938	Ashby	Designates the animal control officer in the Town of Sand Lake as a peace officer
A.7957	Richardson	Authorizes the court to order the search and seizure of firearms in connection with an order of protection
A.8022	Davila	Relates to the role of the Department of Corrections and Community Supervision in planning and facilitating the discharge or release of incarcerated persons to the community

## Appendix F: 2021 Dual Referenced Bills that Passed the Assembly<sup>4</sup>

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.83	Quart	Raises the maximum fine for persons who violate the law regulating telemarketing to twenty thousand dollars
A.232-C	Gottfried	Relates to increasing monetary penalties for public health law violations
A.256	Paulin	Relates to the prohibition of the sale of infant inclined sleepers and the restriction of the use of such inclined sleepers in certain settings
A.263	Steck	Relates to the imposition of penalties and remedies in suits brought for the vindication of civil rights or human rights
A.354-A	Magnarelli	Relates to special proceedings by tenants for judgment directing repairs of conditions and other relief in residential real property
A.528-A**	Paulin	Prohibits the use of pesticides at children's overnight or summer day camps
A.651-A**	D. Rosenthal	Relates to electronic delivery of property/casualty insurance notices
A.715	L. Rosenthal	Authorizes emergency medical care personnel to provide basic first aid to dogs and cats
A.807	O'Donnell	Relates to requiring insurance coverage for pre-exposure prophylaxis and post-exposure prophylaxis to prevent HIV infection

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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. Bill numbers with two asterisks (\*\*) next to such bill number indicates that such bill was delivered to the Governor. This information is according to the publication date of this report, December 15, 2021.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.811-A	Wallace	Relates to the use of green lights on municipal vehicles
A.815	Jean-Pierre	Relates to requiring utility companies to include a notice of public hearings concerning rate increases
A.903	O'Donnell	Prohibits the use of drilling fluids, brine and flowback water from wells, pools or fields on any highway
A.1034-B*	Bronson	Relates to attorney's fees
A.1106-B*	Bronson	Requires payment of prevailing wage on public works projects for work involving the hauling and delivery of aggregate supply construction materials
A.1171-A	Bronson	Requires blanket health insurance policies to provide coverage for outpatient treatment by mental health practitioners; repealer
A.1370	Seawright	Relates to the personal information of a credit or debit card holder
A.1396*	Gottfried	Provides for pharmacy benefit management and the procurement of prescription drugs at a negotiated rate for dispensation; repealer
A.1423-B	Dinowitz	Enacts the "pandemic self-storage act"
A.1450	Dinowitz	Relates to requiring mandatory arbitration clauses in certain consumer contracts to be disclosed to the consumer
A.2085-A	Dinowitz	Requires providers of health care policies to provide coverage for colorectal cancer early detection
A.2150-A	L. Rosenthal	Establishes "Brendan's law"; requires cordless window coverings in child day care centers and certain other facilities

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.2211	Simon	Specifies procedures for the closure and/or decertification of assisted living residences
A.2236	Stern	Relates to standards for the prompt investigation and settlement of claims arising out of states of emergency and disasters
A.2300-C**	Jean-Pierre	Relates to establishing a hotline for housing discrimination complaints
A.2316-A**	Simon	Establishes a demonstration program on Interstate Route 278 in Kings County to enforce vehicle weight restriction on such interstate by means of mobile or stationary weigh in motion systems; repealer
A.2349-A**	Rodriguez	Enacts the peer-to-peer car sharing program act
A.2375-B	Dinowitz	Relates to court ordered forensic evaluations involving child custody and visitation
A.2519	Cymbrowitz	Requires health insurers to provide victims of domestic violence with the option of providing alternative contact information
A.3241	McDonald	Relates to special proceedings for judgment directing deposit of rents and the use thereof to remedying conditions dangerous to life, health or safety
A.3360-A**	Paulin	Provides for storm hardening and system resiliency plans, and requires utility companies to reimburse customers for certain widespread prolonged outages
A.4046	Colton	Allows certain defenses to parking violations despite entering of a default judgment
A.4077*	Abbate	Requires certain public transit authorities and their employees to submit all unresolvable contract negotiations to binding arbitration

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.4112	Thiele	Relates to zone pricing of gasoline
A.4173	Rodriguez	Relates to minority and women-owned business enterprises post completion certification, duties of the director and creating the minority and women-owned business enterprise fund
A.4651**	Abbate	Relates to third-party delivery services
A.4855	Gunther	Relates to the use of voice recognition features on certain products
A.4982-A*	Hevesi	Relates to raising the lower age of juvenile delinquency jurisdiction from seven to twelve years of age and establishing differential response programs for children under the age of twelve
A.5062**	Kelles	Gives schools improved access to the statewide immunization database
A.5082**	Englebright	Prohibits hotels from making available to its hotel guests small plastic bottles containing hospitality personal care products
A.5373-A	Lawler	Relates to community preservation funds for the Town of Orangetown
A.5418-B*	Englebright	Enacts the family and fire fighter protection act relating to the regulation of chemicals in upholstered furniture, mattresses and electronic enclosures
A.5470*	Englebright	Relates to access to certain records
A.5495	Glick	Relates to mandatory reporting of certain convictions, professional misconduct and/or employment termination
A.5517-B	Solages	Relates to prohibiting virginity examinations

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.5565*	Jean-Pierre	Requires that certain boats shall be equipped with functioning marine carbon monoxide detectors
A.5685-A	Gottfried	Relates to establishing a required resident care spending ratio for nursing homes
A.5761**	Schmitt	Relates to community preservation funds for the Town of Blooming Grove
A.5773	Glick	Relates to equal pay disclosure with respect to state contracts
A.5837-B*	Jean-Pierre	Relates to requiring publishers to offer licenses for electronic books to libraries under reasonable terms
A.5841-A	Gottfried	Relates to the use of psychotropic medications in nursing homes and adult care facilities
A.5854-A*	Joyner	Relates to the purchase of prescription drugs
A.5972**	Bronson	Provides for alternative penalties for a first time violation of certain provisions of the alcoholic beverage control law; repealer
A.6057-A**	Burke	Directs the commissioner of health to establish and implement an infection inspection audit and checklist on nursing homes
A.6186**	Griffin	Relates to requiring the secretary of state to promulgate regulations requiring real estate brokers to institute standardized operating procedures for the prerequisites prospective homebuyers shall meet
A.6608-A	J. D. Rivera	Requires the disclosure of lead-based paint test reports in real estate transactions
A.6700*	Joyner	Establishes procedures regarding orders of post-termination visitation and/or contact between a child and such child's parent

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.6866**	Jean-Pierre	Establishes the anti-discrimination in housing fund and allocates moneys from fines thereto
A.6896-A**	Niou	Requires the collection of certain demographic information by certain state agencies, boards and commissions
A.7121	Kelles	Waives state's sovereign immunity to liability under the Americans with Disabilities Act of 1990 and certain other federal acts
A.7192-A**	Lupardo	Relates to operation of a three-wheeled vehicle
A.7241	Gottfried	Relates to confidentiality requirements for communicable disease contact tracing
A.7279	Lavine	Relates to the establishment of the North and South Shore Water Authority and capping the rate a water-works corporation may increase its rates and charges
A.7310-A	Cusick	Adds certain substances to the schedules of controlled substances
A.7326	Gottfried	Protects the confidentiality of vaccine information
A.7488	J. D. Rivera	Relates to prohibiting the exclusion of coverage for losses or damages caused by exposure to lead-based paint
A.7541	Otis	Relates to the contents of emergency response plans required to be submitted to the public service commission by electric corporations
A.7599	Darling	Relates to the secondary enforcement of certain motor vehicle equipment violations
A.7614*	Benedetto	Appoints an impartial hearing officer during certain appeal procedures for children with handicapping conditions

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.7649	Davila	Relates to expiration dates of orders of protection and the duration of temporary orders of protection in juvenile delinquency cases
A.7650	Pichardo	Requires a written notification of overdraft fees charged to certain account holders
A.7681-A**	Fernandez	Relates to the reentry of former foster care children into foster care
A.7704	Fernandez	Relates to behavioral health parity
A.7731**	Gunther	Relates to the provision of records upon the receipt of a complaint of an incident of abuse or neglect of an individual with a disability
A.7769*	Weinstein	Provides that a foreign corporation's application for authority to do business in this state constitutes consent to jurisdiction of the courts of this state

## **Appendix G: 2021 Codes Bills Vetoed by the Governor**

There were no Codes bills vetoed by the Governor in 2021.<sup>5</sup>

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<sup>5</sup> This information is according to the publication date of this report, December 15, 2021.

**Appendix H: 2021 Dual Referenced Bills Vetoed by the Governor**

<u>Bill Number</u>	<u>Veto Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.3184	55	Dinowitz	Creates the state office of the utility consumer advocate
A.3967	48	Pretlow	Requires a New York State legend on all bell jar tickets sold in New York State