

FROM THE NYS Assembly Codes Committee

Winter 2024



Carl E. Heastie, Speaker • Jeffrey Dinowitz, Chair
Legislative Office Building, Room 632, Albany, NY 12248 • www.nyassembly.gov

MESSAGE FROM THE CHAIR



Dear Friend,

As we approach the end of 2024, the Assembly Committee on Codes is proud of its legislative achievements this year and is preparing for what is expected to be an active legislative session in Albany next year.

I'm concluding my fourth year as Chair of the Codes Committee and I am proud of the work we've done working on and reporting legislation which affects every day New Yorkers. Legislation reported by the committee addresses a variety of issues in different parts of the law including, but not limited to, the Penal Law, the Criminal Procedure Law, and the Civil Practice Law and Rules. Although many of the bills reported from the Codes Committee described herein have been signed into law by Governor Kathy Hochul, this is by no means a complete list. However, this newsletter does provide some insight into the workings of the Committee and what we achieved this year. Enclosed you will find information on legislation that originated or was re-referenced to the Committee and, at minimum, passed the Assembly in 2024. The bills are organized by the primary law that they amend and represent a small portion of the over 175 bills that were reported by the Committee this year.

I want to thank my Assembly colleagues who served on the Codes Committee with me this past year, J. Gary Pretlow, Vivian E. Cook, Charles D. Lavine, David I. Weprin, Andrew Hevesi, Rebecca A. Seawright, Linda B. Rosenthal, Latrice Walker, Clyde Vanel, Catalina Cruz, Robert C. Carroll, Jo Anne Simon, Harvey Epstein, Alex Bores, Angelo J. Morinello (Ranking Member), Michael Reilly, John K. Mikulin, Michael Tannousis, Brian Curran, Joe G. Angelino, and Edward Flood. The Codes Committee would also like to thank the hard-working staff of the Committee. On the last page please be sure to note the contact information that may be of use to you.

Lastly, I hope you and yours have a happy and safe holiday season.

Sincerely,

Jeffrey Dinowitz
Chair, New York State Assembly Codes Committee

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.

Penal Law

A.2882 (Dinowitz) / S.6649 (Gianaris) – Requires firearms dealers to post and provide written warnings to purchasers of dangers posed by access to weapons in the home.

This bill amended the Penal Law to require firearms dealers to post and provide written warnings to purchasers of dangers posed by access to weapons in the home.

This bill requires every licensed person as a gunsmith or dealer to post a notice where weapons are sold, displayed, or delivered to the purchaser, at the entrance to the sight, and at least one additional area in no smaller than 26 point type at on a sign least 8 and a half by 11 inches in bold print. The notice is a warning that access to a weapon or firearm in the home significantly increases the risk of suicide, death during domestic disputes, and/or unintentional deaths to children, household members and others. It further articulates that if a person or their loved one is experiencing distress and/or depression, that there is a national suicide prevention lifeline available for them to contact at 988.

(Signed by the Governor – Chapter 428 of the laws of 2024)

A.10053-A (Simon) / S.7365-B (Hoylman-Sigal) – Requires reasonable controls and procedures to be taken to prevent the installation and use of a pistol converter.

This bill amended the Penal Law and the General Business Law to define “pistol converter” to mean any device or instrument that allows for modifications of a gun into a machine gun and states that selling a pistol converter would be a public nuisance and authorizes the New York State Attorney General to bring an action in the Supreme Court of Federal District Court to obtain restitution and damages if there is a violation. The General Business Law entitles a person to bring a private right of action if a person, firm, corporation has been damaged as a result of a gun industry members acts or omissions.

(Signed by the Governor – Chapter 429 of the laws of 2024)

A.10356-A (Benedetto) / S.9760 (Mayer) – Directs that statewide resources and information relating to safe storage of firearms, child access prevention and firearm violence prevention, and information on county and local specific laws and regulations related to child access prevention and the safe storage of firearms shall be provided to individuals at the time of issuance of a firearm license and directs the Commissioner of the Division of Criminal Justice Services to develop and implement a public awareness campaign on the safe storage of firearms, rifles and shotguns, and child access and prevention.

This bill amended the Penal Law and Executive Law to require notice of safe storage of firearms and child access prevention with every issuance of a gun license. Additionally, the New York State Division of Criminal Justice Services is required to conduct a public awareness campaign on safe storage of firearms and child access prevention.

(Signed by the Governor – Chapter 432 of the laws of 2024)

A.1774 (Rosenthal) / S.2922 (Cleare) – Deems a person who engages in sexual conduct during the period of their probation with his or her supervising probation officer as being incapable of consent.

This bill amended the Penal Law to deem individuals under the supervision of a local probation department as incapable of consenting to sex with an employee of that local probation department or another local department or agency which fulfills a similar function, if that employee who, as part of his or her employment, supervises the individual at the time of the offense or has supervised the individual and they are still under supervision of a local probation department or agency at the time of the offense.

(Signed by the Governor – Chapter 503 of the laws of 2024)

A.4714 (Lavine) / S.8744 (Krueger) – Repeals the crime of adultery.

This bill amended the Penal Law to repeal the crime of adultery, which was a class B misdemeanor, and was punishable by a term of imprisonment of up to three months and/or a fine of up to \$500.

(Signed by the Governor – Chapter 462 of the laws of 2024)

A.4737-B (Lavine) / S.2376-B (Persaud) – Adds medical and health insurance information within the definitions of identity theft.

This bill would amend the Penal Law, the General Business Law, and the State Technology Law to include medical and health insurance information within the definitions of identity theft. Identity Theft in the third degree is a Class A Misdemeanor, Identity Theft in the second degree is a Class E Felony, and Identity Theft in the first degree is a Class D Felony.

(Passed both houses – awaiting action by the Governor)

A.10105-B (Berger) / S.9294-A (Fernandez) – Enacts “Gittel’s Law” to expand the definition of mental health care provider to include licensed mental health counselors and licensed marriage and family therapists, for purposes of certain sex offenses committed during a treatment session, consultation, interview, or examination.

The bill would amend the Penal Law to expand the definition of mental health care provider under the Sex Offenses article to include any mental health care practitioner or mental health professional licensed or certified pursuant to Title 8 of the Education Law.

(Passed both houses – awaiting action by the Governor)

Criminal Procedure Law

A.7495 (Lavine) / S.6239 (Thomas) – Permits the court to withhold the names and addresses of jurors in certain proceedings and sets factors for determining good cause to issue protective orders for juries.

This bill would amend the Criminal Procedure Law to allow a court to issue a protective order for the disclosure of the names of jurors. The bill also establishes that in determining if good cause exists, the court should consider whether the defendant or persons on behalf of the defendant have bribed, tampered with,

caused or attempted to cause physical harm in another criminal action or proceeding, the seriousness of the charges, including if the defendant is charged with participating in a large-scale criminal enterprise, and pretrial publicity. If a court determines that a protective order should be issued, all the jurors or prospective jurors would have to be identified by some means other than names, business, or addresses and the court is required to instruct the jury that the anonymous basis is not a factor from which any unfavorable inference may be drawn.

(Passed both houses – awaiting action by the Governor)

A.9122 (Cruz) / S.8687 (Bailey) – Provides that an accusatory instrument or supporting deposition consisting of factual allegations by a deponent with limited English proficiency is not sufficient unless accompanied by a sworn statement from an interpreter affirming the accuracy of the English interpretation.

This bill would have amended the Criminal Procedure Law to require allegations and/or supporting statements by someone who is not English proficient to be accurately translated into the persons primary language. This would have been achieved by requiring either that the statement be written in the primary language of the deponent with an English translation that had a verification written by the interpreter and an affidavit by the interpreter stating their qualifications and affirming the accuracy of the translation or by requiring that the statement in English be drafted by the interpreter along with an affidavit stating their qualifications, affirming the accuracy of the translation, that the content was communicated accurately to the deponent in their primary language, that the deponent confirmed accuracy of the allegations, and that the verification statement was accurately translated to the witness in their primary language.

(Vetoed)

Civil Practice Law and Rules

A.7717-B (Wallace) / S.8589-A (Scarcella-Spanton) – Relates to who can be a petitioner for an extreme risk protection order.

This bill amended the Civil Practice Law and Rules to allow a law enforcement agency to be listed as the petitioner in lieu of the police officer's name when petitioning for an extreme risk protection order.

(Signed by the Governor – Chapter 425 of the laws of 2024)

A.5873 (Lavine) / S.3340 (Mayer) – Requires extreme risk protection orders to be reported to the statewide computerized registry of orders of protection and certain warrants of arrest.

This bill amended the Civil Practice Law and Rules and the Executive Law to require temporary extreme risk protection orders and final extreme risk protection orders be reported to and placed in the existing statewide computerized registry of orders of protection and warrants of arrest. The bill also requires the court to report demographic data as required by the state Division of Criminal Justice Services at the time an order is transmitted.

(Signed by the Governor – Chapter 427 of the laws of 2024)

A.8609 (Solages) / S.9518 (Gonzalez) – Prohibits a court from denying class certification for purposes of class action lawsuits solely because the action involves governmental operations.

This bill would amend the Civil Practice Law and Rules to prevent the court from denying or withholding class certification just because the action involves governmental operations.

(Passed both houses – awaiting action by the Governor)

Other Laws

A.4938-D (Dinowitz) / S.154-F (Krueger) – Prohibits the sale of lithium-ion batteries used in micromobility devices, bicycles with electric assist or limited use motorcycles unless such batteries are manufactured in accordance with certain standards and specifications.

This bill amended the General Business Law creating a new Article 28-G titled "Batteries for Micromobility Devices, Bicycles with Electric Assist, and Limited Use Motorcycles" to prohibit the manufacture, distribution, and sale of lithium-ion batteries intended for such vehicles unless the batteries have been certified by an accredited testing laboratory for compliance with appropriate safety standards. This bill carries with it a civil penalty of up to \$500 for the first violation and up to \$1,000 for each subsequent violation within two-year period of previous violation with each failure to comply constituting a separate violation.

(Signed by the Governor – Chapter 195 of the laws of 2024)

A.8450-B (Bores) / S7703-B (Hoylman-Sigal) – Requires limited use motorcycles to be registered with the New York State Department of Motor Vehicle at point of sale.

This bill amended the Vehicle and Traffic Law to require limited use motorcycles, popularly known as mopeds, sold by a dealer to be registered at the time of sale. New York State law already prohibited the operation of limited use vehicles on public roads and highways unless they have been registered. Registration of any limited use motorcycle purchased for use exclusively outside New York State is not required at the time of purchase, but purchasers are required to sign a declaration stating that they understand the conditions under which a limited use motorcycle must be registered and the penalty for violation of such registration provisions.

(Signed by the Governor – Chapter 198 of the laws of 2024)

A.8557 (Magnarelli) / S.9361 (Cooney) – Requires that seat belts be available and used on charter buses for persons age 8 and older.

This bill amended the Vehicle and Traffic Law to require individuals eight years of age and older who are passengers on a charter bus to be restrained by a safety belt. A violation of this law subjects the individual to a civil penalty of up to \$50 and requires police officers to issue a summons for a violation by an individual who is eight years of age or older but under sixteen years of age to the parent or guardian if they are eighteen years of age or older and the violation occurs in their presence. The bill provides an affirmative defense in any

LEGISLATION CONTINUED

prosecution or proceeding that the charter bus was not equipped with seat belts, or that they were not clearly visible, accessible, or maintained in good working order.

(Signed by the Governor – Chapter 434 of the laws of 2024)

A.1745-A (Dinowitz) / S.628-A (Comrie) – Strengthens provisions relating to complaint handling procedures by the public service commission; requires certain response times.

This bill would have amended the Public Service Law to improve the handling of consumer complaints by requiring utility companies and municipalities to provide the Public Service Commission with a copy of the entities' complaint handling procedures and requiring utility companies to report to the complainant the results of the investigation of the complaint in writing within fifteen business days after its conclusion and requiring municipalities to report the results within thirty business days. Failure to do so would have subjected utility companies to a civil penalty of up to \$100 per business day for each business day exceeding the initial 15 business day period and would have subjected municipalities to a civil penalty of \$25 per business day for each business day that exceeds the initial 30-day period.

(Vetoed)

A.6957-A (Dinowitz) / S.2464-B (Persaud) – Requires car wash businesses to disclose when promotions expire as well as any costs which will be incurred upon the expiration of such promotion and how often such costs will be incurred upon someone taking part in such promotion.

This bill would amend the General Business Law to require car wash business to clearly state when a promotion will expire, any costs that will be incurred following the expiration of such promotion, and how often such costs will be incurred upon someone taking part in such promotion. Car wash businesses are also required to conspicuously post a notice of this information on a board or other visible place in view of consumers when advertising the promotion. Promotions which are advertised online shall also post the notice within the advertisement, coupon, or promotion information. Failure by any car wash business to comply with the law would subject them to a civil penalty of up to \$500 for each violation.

(Passed both houses – awaiting action by the Governor)



New York State Assembly, Albany, New York 12248

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NEWS

**From the
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Committee**

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IMPORTANT CONTACTS

- **New York State Unified Court System Office of Court Administration**
Albany:
187 Wolf Road, Suite 103
Albany, NY 12205
518-453-8650
New York City:
25 Beaver Street, Room 852, New York, NY 10004
NYC Office: 212-428-2700
www.nycourts.gov/
- **New York State Department of Corrections and Community Supervision (DOCCS)**
Building Two
1220 Washington Avenue, Albany, NY 12226
518-457-8126
www.doccs.ny.gov
- **New York State Commission of Correction**
Alfred E. Smith State Office Building
80 South Swan Street, 12th Floor, Albany, NY 12210
518-485-2346
www.scoc.ny.gov/contact.htm
- **New York State Division of State Police**
1220 Washington Avenue, Bldg. 22
Albany, NY 12226
www.troopers.ny.gov
- **New York State Office of Victim Services**
Albany:
Alfred E. Smith State Office Building
80 S. Swan Street, 2nd Floor, Albany, NY 12210
518-457-8727 or 1-800-247-8035
Brooklyn:
55 Hanson Place, 10th Floor
Brooklyn, NY 11217
718-923-4325 or 1-800-247-8035
www.ovs.ny.gov
- **New York State Office for the Prevention of Domestic Violence**
Alfred E. Smith State Office Building
80 South Swan Street, 11th Floor
Room Number 1157
Albany, NY 12210
518-457-5800
www.opdv.ny.gov