

# New York State Assembly | Sheldon Silver, Speaker



## 2009 ANNUAL REPORT

committee on  
**Codes**

Joseph R. Lentol, Chairman

December 15, 2009

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

**Re: Annual Report of the Committee on Codes - 2009**

Dear Speaker Silver:

It is with great pleasure that on behalf of the Committee on Codes, I submit to you the committee's 2009 Annual Report highlighting its activities during the first half of the 2009 – 2010 Legislative Session.

Among the committee's many notable accomplishments were the historic reforms to the Rockefeller Drug Laws by restoring judicial discretion to our sentencing laws and increasing protection of children by enacting "Nixzmary's Law to punish those that mistreat our children the most cruelly.

The Committee also helped enact the strongest DWI laws in the country by creating a new felony for persons driving while intoxicated with a child and mandating the installation of an ignition interlock device by every person convicted of a DWI offense. We expanded the law's protection of domestic violence victims by creating a new law that would permit certain low-level criminal convictions involving acts of domestic violence to be made available to law enforcement. By mandating consecutive sentencing of certain violent criminals, we helped close a loophole in the Penal Law that permitted those convicted of the most heinous of our crimes, A-1 violent felons, to escape the full measure of justice. We also helped enact laws to protect consumers from abuses in the debt collection and mortgage foreclosure processes.

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

The Committee extends its appreciation to you for your support. In addition, I would like to thank the committee members and staff for their hard work during the 2009 Legislative Session.

Sincerely,

Joseph R. Lentol, Chairman  
Standing Committee on Codes

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## I. COMMITTEE JURISDICTION

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

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

## **II. SUMMARY OF LEGISLATION MOVED BY THE COMMITTEE ON CODES AND ENACTED IN 2009<sup>1</sup>**

### **A. Protecting Our Children**

**1. Harsher Punishment for Killers of Children** Also known as “Nixzmary’s Law”, this new law requires, when it is alleged that a person has killed a child in a torturous manner, that the prosecution, in order to seek a life-without-parole sentence, not have to prove that the defendant relished or evidenced a sense of pleasure in inflicting extreme physical pain. By eliminating this element of proof in the case of an adult alleged to have killed a child, it assures that a sentence of life imprisonment without possibility of parole may be sought in such circumstances. (A.5080/ S. 6091, Chapter 482)

### **B. Punishing A-I Felony Offenders**

**1. Providing For Mandatory Concurrent Sentences** This law mandates that a court impose consecutive sentences for defendants convicted of A-I felony offenses such as those relating to terror, murder, kidnapping and arson and certain child sexual assault crimes while still under sentence for committing a prior crime. It also requires that such offenders serve at least half of this new sentence before being considered eligible to apply for medical parole. (A.40005/S.660005; Chapter 495)

### **C. Protecting Against Sex Offenders**

**1. Making Sex Offender Registration Material More Accessible** This law enables New York State residents to receive changes or updates in subdirectory of level 2 and 3 sex offenders by e-mail in a specific locality at no charge. By amending subdivision 1 of section 168-q of the correction law, as amended by chapter 10 of the laws of 2003, it provides that any resident of the state may register with the Division of Criminal Justice Services to receive e-mail notification when a registration has been entered or updated in the subdirectory of level two and three sex offenders in a geographic area specified by the resident. E-mail updates will be provided free of charge for specific counties or zip codes. (Corrections, A.1242 – B/ S.1362-C, Chapter 478)

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<sup>1</sup> Except where noted, legislation cited in this discussion originated in the Committee on Codes. Where such legislation did not so originate, but was dual referenced into the Committee on Codes from another committee and the Codes Committee had substantial impact on such legislation, then the original committee of reference will appear with the bill number. All chapter numbers are to chapters of the Laws of 2009.

## **D. Fighting Domestic Violence**

**1. Protecting Victims of Domestic Violence** Building on a law enacted in 2008, this law further protects victims of domestic violence, particularly in cases where there is a shared ownership interest in property, and also preserves protections previously in place for persons acting under a reasonable belief. (A.2006/ S.4306, Chapter 45)

**2. Recognizing the Special Needs of Domestic Violence Victims** This law requires that lawyers who specialize in the representation of children receive training in domestic violence. It also mandates that a court state on the record whether domestic violence and child abuse factored into its award of custody or visitation. The measure also would require that certain low-level criminal convictions involving acts of domestic violence, which might otherwise be sealed, be made available to law enforcement. (Judiciary, A.9017/S.5031-A, Chapter 476)

## **E. Protecting the Exercise of Constitutional Rights**

**1. Protecting Volunteers Who Work in Reproductive Health Service Facilities** This law makes it a new class E felony ("Aggravated interference with health care services in the second degree") to cause physical injury to someone who is obtaining, providing or assisting someone to obtain or provide reproductive health services. It also makes it a new class C felony ("Aggravated interference with health care services in the first degree") to cause serious physical injury to someone who is obtaining, providing, or assisting someone to obtain or provide reproductive health services. Repeat offenders of offenses involving interfering with reproductive health care services are also properly punished. Most importantly, for the first time, it makes it a crime to cause physical injury and serious physical injury to volunteers who are assisting others to obtain or to provide reproductive health care services rather than just the actual provider of those services. (A.8924/ S.6112, Chapter 493)

## **F. Protecting the Public from Construction Accidents**

**1. Amending Crane Inspector Law** This law makes a technical amendment to chapter 463 of the laws of 2007 which established the offense of impairing the integrity of a government licensing examination and amended the general business law in relation to crane inspectors. (A.7014/ S.3564, Chapter 64)

## **G. Housing and Mortgage Reform**

- 1. Crackdown on Abusive Landlords** This new law toughens civil penalties against landlords who violate the Division of Housing and Community Renewal rent-regulated housing codes. The measure better protects tenants from being forced out of their apartments by landlord harassment. (Housing, A.2002/S.2493; Chapter 480)
- 2. Protecting Homeowners from Mortgage Fraud** This law expands the availability of pre-settlement conferences to all homeowners, provides greater notice requirements to co-op owners in the lien foreclosure process and amends the Penal Law with respect to the residential mortgage fraud crimes created last year to provide greater protections for legitimate homeowners and mortgagors. (Judiciary, A.40007/S.66007; Chapter 507)

## **H. Insurance Reform**

- 1. Managed Care Reform** This law enhances consumer and medical provider protections by limiting the basis for denying claims for health care services and strengthens the rights of providers to challenge an insurance plan's over payment recovery efforts for services previously authorized. The measure also would outline consumer grievance procedures and otherwise improve access to treatments for rare diseases. (Insurance, A.8402 / S.5472-A; Chapter 237)
- 2. Regulating the Life Settlement Industry** For the first time, New York State will require that life settlement brokers and life settlement providers be licensed. To further protect consumers, it creates specific crimes for acts committed against consumers who are defrauded by businesses and individuals that engage in wrongful or deceptive practices in this industry. It also creates a private right of action for aggrieved consumers. (Insurance, A.40009/ S.66009; Chapter 499)

## **I. Promoting Driver Safety**

- 1. Bicycle Safety** This law requires bicycles used one-half hour after sunset to one-half hour before sunrise, to be equipped with a red or amber rear reflector to increase visibility in low light conditions. (Transportation, A.669 / S.2250; Chapter 16)
- 2. Leaving the Scene of a Boating Accident** This law increases penalties for leaving the scene of a boating accident. (Transportation, A.2262-A / S.1610-A; Chapter 297)
- 3. Small Watercraft Safety** This law requires passengers in boating vessels of less than 20 feet during the months of November through May 1 to wear a personal floating device at all times thereby reducing the number of drownings that have occurred in recent years as a result of small boat accidents in cold water. (Transportation, A.6784 / S.3024; Chapter 115)



**4. Texting While Driving Banned** This law provides that no person shall operate a motor vehicle while using any portable electronic device while such vehicle is in motion, with exceptions – its is aimed at texting but affects other devices, as well. It also provides that such prohibited conduct shall be a traffic infraction punishable by a fine. (Transportation, A.8568-B/ S.3619-A; Chapter 403)

**5. Booster Seat Use** This law raises the age of passengers who are required to be restrained in an appropriate child restraint system from six to seven years old. (Transportation, A.8612-A/ S.3623-A; Chapter 405)

**6. Driving While Intoxicated with Child** This law (known as “Leandra’s Law”) creates a new felony based on any person operating a motor vehicle while intoxicated (a BAC of .08 or “common law” DWI), or ability impaired by drugs or the combined influence of alcohol and drugs with a child passenger fifteen years of age or less. The law also requires every court to sentence anyone convicted of a DWI to install an ignition interlock device as part of a conditional discharge, probation, or parole. (Transportation, A.40008/ S.66008, Chapter 496)

## **J. Making Civil Justice System Fairer**

**1. Creating a More Level Playing Field in the Tort System** This law would treat municipal employees the same as private sector employees by prohibiting them from seeking recovery against a public employer for damages otherwise covered by insurance and will protect parties to the settlement of tort claims from certain unwarranted liens, reimbursements and subrogation claims. (A.40002/ S.66002, Chapter 494)

### **III. SUMMARY OF SIGNIFICANT LEGISLATION MOVED BY THE COMMITTEE ON CODES IN 2009 THAT ONLY THE ASSEMBLY PASSED**

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

- 1. Missing Vulnerable Adults Clearinghouse** This bill creates the missing vulnerable adults clearinghouse and provides for plan and implementation programs to ensure the most effective use of federal, state, and local resources in the investigation of missing vulnerable adults. (Aging, A.5220/ S.2056-A)
- 2. Vacate Judgments Against Victims** This bill relates to motions to vacate judgment against victims of sex trafficking for certain prostitution offenses. (A.7670/ S.4429)
- 3. Safety Act** This bill enacts the "SAFETY Act"; authorizes the office of children and family services to establish policies and procedures affording all children in OCFS facilities an environment free of harassment and discrimination based on actual or perceived race, national origin, ethnic group, religion, disability, sexual orientation, gender or sex; requires reporting harassment and discrimination. (Children and Families, A.3645)

#### **B. Protecting the Public Against Sex Offenders**

- 1. Registration Violations** This bill requires the Division of Criminal Justice Services to provide additional information when a sex offender is in violation of registration requirements. (Corrections, A. 2108/ S.2923)
- 2. Failure to Register** This bill provides that an offender who fails to register or verify as a sex offender shall have the period of time of such failure to register or verify added to the duration of registration. (Corrections, A.2132/ S.4743)
- 3. Criminal Trespass** This bill establishes that a person is guilty of criminal trespass in the second degree when he or she, being required to maintain registration as a sex offender, enters or remains in a school knowing that the victim of his or her offense attends or formerly attended such school. (A. 2257/ S.1606)

#### **C. Protecting Victims of Domestic Violence**

- 1. Time Off for Domestic Violence Victims** This bill requires employers to authorize a period of time off of up to 90 days within one year to victims of domestic violence. The measure aims to provide victims with a reasonable amount of time to address the myriad of issues caused by the violence without fear of losing their job or benefits. (Labor, A.438-B/ S.5610)

**2. Inquiry of Possession of Firearm** This bill requires the judge in a criminal proceeding or in a family court proceeding, upon issuance of an order of protection to inquire as to the possession of a firearm by the defendant or respondent. (A.4320-A/ S.1647-A)

**3. Enforcement of Orders of Protection** This bill exempts parties liable for failure to obey or enforce certain child protective, domestic relations, or domestic violence orders of protection or temporary orders of protection from limited liability provisions pertaining to non-economic loss and providing for limitation of joint liability. (A.5516/ S.4452)

**4. Extending Orders of Protection** This bill provides the period in which an order of protection is in effect would be tolled and thereby extended for the time that a person is incarcerated on a misdemeanor charge. (A.5705)

**5. Expanding Definition of Serious Offense** This bill expands the definition of “serious offense” for purposes of being licensed to carry a firearm to exclude those convicted of certain crimes associated with domestic violence from obtaining a gun. (A.7575-A)

**6. Domestic Violence Victim Housing and Employment Discrimination** Prohibits discriminatory practices against individuals in relation to housing and in employment matters because they have been victims of domestic violence. (Governmental Operations, A.9020 / S.5999)

## **D. Fighting Gun Violence**

**1. Firearm License Renewal** This bill would put a limit on the life of a gun license and require the re-licensing and recertification of firearms permits after five years. (A.801-A/ S.1598-A)

**2. Firearm Dealer Practices** This bill would require the creation and imposition of restrictive commercial practices and stringent recordkeeping and reporting to prevent gun sales to criminals. It also includes reporting of gun sales, liability insurance, and employee training for gunsmiths to prevent the sale of guns through “straw purchases”. (A.1093/ S.1715)

**3. Firearm Safety Course** This bill would encourage responsible gun ownership by establishing a standard firearms safety course requirement for individuals who are applying for a gun license. (A.3076-B/ S.5489)

**4. Revoking Firearm Licenses** This bill would authorize a court to revoke the firearms license and seize the weapons of certain individuals who have been adjudicated as incapacitated or ordered to treatment or commitment to a mental facility. (A.7733/ S.5466)

**5. Pawnbroker Firearm Regulations** This bill would require that current laws and regulations that govern gun dealers will apply to pawnshops that deal in firearms. (A.7574/ S.5465)

**6. Children's Weapon Accident Protection Act** This bill would help protect children from accidental shootings by establishing new crimes involving the negligent storage of a weapon. The legislation also would require gun retailers to alert consumers about the new safe weapons storage requirements. Under the measure, individuals convicted of failing to store safely a firearm where a serious injury results could face prison sentences of up to seven years. (A.5844/ S.3098)

**7. Child Proofing Firearms** This bill would ban the sale of firearms that are not equipped with child proof features. Under the bill, pistols and revolvers could not be sold in the state unless they were designed in a way to prevent their operation by a child. (A.1326/ S.5228)

**8. Sniper Rifle Ban** This bill would ban the civilian possession, sale and use of military style .50-caliber or larger weapons, and creates a program to recall those that are currently legally owned. (A.3211-A/ S.4752)

**9. Disguised Guns** This bill would make it a felony for anyone to design or transform a firearm to resemble a toy gun by altering or concealing the original color or surface of the gun with the purpose of selling such weapon. (A.5078/ S.725)

**10. Criminal Weapon Possession** This bill would make possessing armor piercing, frangible or devastator ammunition a felony. (A.2881/ S.2379)

**11. Expended Projectiles and Shell Casings** This bill would require law enforcement officers to submit expended projectiles and shell casings and guns to the state police pistol and revolver ballistic identification electronic databank. (A.2882-A)

**12. Assault Weapon Ban** This bill would expand the legal definition of assault weapons to strengthen the state's law that prohibits possessing these deadly, military-style guns. (A.6157)

**13. Microstamping** This bill would ensure that when a gun is fired, information identifying the make, model and serial number of the gun is stamped onto the cartridge as numbers and letters. (A.6468/ S.6005)

## **E. Police and Community Relations Package**

**1. Discharge of Weapon** This bill requires police officers who have discharged their weapon in the course of their employment to be tested for the presence of drugs and/or alcohol within three hours of such discharge; establishes procedures to protect the integrity of such process; applies to officers employed in cities with a population of 1,000,000 or more. (Labor, A.1477/ S.2592)

**2. Police Misconduct** This bill grants the attorney general jurisdiction to investigate and prosecute police misconduct upon the request of the governor or the district attorney of the county wherein such misconduct was committed. (Governmental Operations, A.1486/ S.2059)

**3. Monitoring of No-Knock and Other Warrants** This bill makes various provisions to the criminal procedure law in relation to the execution of a warrant of arrest; authorizes the commissioner of the division of criminal justice services to establish a system to record and monitor the issuance and execution of search warrants; and authorizes the chief administrator of the court system to establish educational programs for judicial personnel on the law of searches, arrests and seizures. (A.1508-A/ S. 2594-A)

**4. Racial Profiling** This bill prohibits police officers from using racial and ethnic profiling and requires that a procedure be established for the taking and review of complaints against police officers for racial and ethnic profiling. It also allows an action for injunctive relief and/or damages to be brought against a law enforcement agency, any agent of a law enforcement agency and the supervisor of an agent. (A.1676/ A.65)

**5. Search Warrant Denials** This bill provides that an applicant for a search warrant must disclose all prior denials of the same or similar application, as well as any prior failure to issue such a warrant by a different judge, if known to the applicant. (A.5457)

**6. Police/Peace Officer Registries** This bill consolidates and streamlines the police officer and peace officer registries, and upgrades and clarifies minimum training requirements for peace officers, repealer. (A.7957-A/ S.6102-A)

## **F. Aiding Crime Victims**

**1. Crime Victims Ombudsman** This bill establishes a crime victim's ombudsman and provides for such ombudsman's functions, powers and duties. (Governmental Operations, A.521)

**2. Bias-Related Violence** This bill establishes a civil remedy for victims of bias-related violence or intimidation for deprivation of a civil liberty, property damage, injury or death motivated by race, religion, national origin, sex, disability, age or sexual orientation to recover actual damages, injunctive relief or other appropriate remedy; includes attorneys fees. (Governmental Operations, A.529/ S.5923)

**3. Crime Victims Compensation** This bill expands eligibility for those who receive awards under crime victims' compensation to include a domestic partner; defines domestic partner; further provides for out-of-pocket loss to include the cost of counseling for surviving family members of homicide victims. (Governmental Operations, A.4089/ S.1422-A)

**4. Lengthening Orders of Protection** This bill provides that a final order of protection that is issued by a court (for example, in a domestic violence case) shall extend not from the date of conviction (i.e., guilty plea or verdict), as is currently provided under these statutes, but from the date of sentencing. A temporary order of protection may be ordered or continued for the period between conviction and sentencing. The effect of the bill will be to lengthen, generally by a few months, the

period during which a final order of protection will be in place in the case (A.8807/S.6070)

## **G. Expanding the Use of DNA**

**1. DNA Recovery and Opportunities to Prove Innocence Expanded** This bill establishes the minimum period of time that forensic samples should be retained by investigating authorities; creates the state commission for the integrity of the criminal justice system, as an independent agency, and provides for such commission's powers and duties; relates to special fictitious name indictments; relates to requests for certain DNA test comparisons; relates to forensic DNA testing; relates to claims for unjust conviction and imprisonment; relates to DNA testing, data collection and record keeping; and relates to DNA testing in felony cases. (A.6528/ S.4668)

## **H. Protecting Animals**

**1. Care of Abused Animal** This bill authorizes the district attorney to bring animal abuse charges to petition for the posting of security for the care of the abused animal on behalf of the impounding organization; authorizes all such petitions to be filed at or after the arraignment on animal abuse charges. (Agriculture, A.3765/S.5479)

**2. Animal Cruelty** This bill requires that individuals convicted of certain animal cruelty and animal fighting offenses reimburse the organizations caring for such animals. (Agriculture, A.3168/ S.3155)

**3. Animal Population Control** This bill creates an animal population control fund to fund the animal population control program which reduces the population of unwanted stray dogs and cats; encourages neutering of animals. (Agriculture, A.6158-A/ S.4278)

## **I. Protecting Consumers**

**1. Mortgage Brokers** This bill prohibits home improvement contractors from also acting on behalf of mortgage brokers; prohibits a mortgage broker from paying a home improvement contractor directly unless they perform their own inspection of the completed work. (Banks, A.170/S.5102)

## **J. Debt Collection Protection**

**1. Consumers Package** This bill: protects consumers from abusive debt collection practices, improving New York's Debt Collection Practices Law; prohibits improper and abusive debt collection practices and procedures; and governs how debt collectors may communicate with debtors. The bill would largely align New York Law with the federal Fair Debt Collection Practices Act. (Consumers, A.8840-B/ S.6036)

**2. Debtor's Bill of Rights** This bill requires that debt collection firms provide consumers a written notice detailing the manner in which the collection agency is permitted to recover a debt and the rights of debtors under state law. (Consumers, A.271-A /S.3797)

**3. Licensing Debt Collection Agencies** This bill mandates that third party debt collection firms operating in New York be licensed by the Department of State. The legislation would require that firms submit a summary of the methods used to confirm the accuracy of the debts it seeks to recover. (Consumers, A.3926-C)

**4. Recourse Against Unscrupulous Debt Collectors** This bill provides consumers with a private right of legal action to seek damages from a collection agency when there is evidence of a violation of the state's debt collection law. (Judiciary, A.3532-A/ S.2458)

**5. Debt Collectors** This bill prohibits debt collectors from collecting or attempting to collect a debt owed by a deceased debtor that is known by such debt collector to be deceased. (Consumers, A. 7889-A)

## **K. Privacy Protection**

**1. Closed-Circuit Television System and Surveillance Personal Privacy Act** This bill provides for privacy protections in relation to the operation and use of closed-circuit television (CCTV) systems by state authorities, the state highway system, and municipalities. It would prohibit monitoring by such systems of persons or private property except in certain circumstances such as emergencies. The bill also would prohibit the collection of personal identifier information by CCTV, and restrict the recording of CCTV data. Under the bill, the CCTV system data would be used solely for transportation planning, traffic management, and traveler information purposes. (Corporations, A.1313/S.4329)

**2. Toll Record Confidentiality** This bill establishes reasonable, uniform provisions for maintaining the confidentiality of electronic toll and electronic fare records, including "Metrocard" and "E-Z Pass" records, while at the same time authorizing disclosure to accommodate the needs of law enforcement. (Governmental Operations, A.4985/S.5077)

## **L. Health Safety**

**1. Discontinue Usage of Certain Pesticides** This bill would phase-out the use of pesticides on state property and require the state to adopt a pest control policy that substantially relies on non-chemical pest control methods. (Environmental Conservation, A.5848/S.4043)

2. **Bisphenol-A Products** This bill prohibits the sale of any toy, child care product or beverage container containing bisphenol-A in products intended for children under three years of age. (Environmental Conservation, A.6919-B/S.3296)
3. **Decabromodiphenyl Prohibition** This bill would ban the use of the chemical flame retardant Decabromodiphenyl (DecaBDE) in electronics, textiles and mattresses. (Environmental Conservation, A.7573)
4. **Food Calorie Disclosure** This bill requires certain restaurants and food service establishments to post the caloric value of food items on their menu. (Health, A. 9027)
5. **Trans Fat Food Ban** This bill prohibits certain restaurants and food establishments from serving foods containing artificial trans fat. Under the bill, food items that contain less than 0.5 grams per serving of trans fat will not be banned nor would food products that contain naturally occurring trans fat. (Health, A.6359/S.5937)

## **M. Promoting Driver Safety**

1. **Seat Belt Use in Back Seats** This bill prohibits any person from riding in the rear seat of a motor vehicle unless the individual is properly restrained by a seat belt. (Transportation, A.225-A/ S.1169-B)
2. **Children to Ride in Back Seats** This bill prohibits the operation of a motor vehicle with any passengers under the age of seven seated in the front seat. Under the bill, there are several exceptions, including for medical reasons, a lack of rear seats, and when a child safety seat or booster seat can not be properly installed in the rear seats. (Transportation, A.4181/S.2238)

## **N. Protecting Workers**

1. **Domestic Workers** This bill provides rights and benefits to domestic workers who are otherwise excluded from such basic protections as a weekly day of rest, overtime pay, and the ability to bargain collectively. The legislation also extends disability coverage and provides protections under the anti-discrimination law while granting the Department of Labor greater ability to enforce wage and hour standards for these workers. (Labor, A.1470)
2. **Farm Workers Fair Labor Practices Act** This bill enacts the Farm Workers Fair Labor Practices Act, which would grant collective bargaining rights, workers compensation and unemployment insurance benefits, as well as 24 hours of rest and over time to farm workers. (Labor, A.1867/S.2247)
3. **Equal Pay** This bill makes unequal pay on the basis of sex for work of comparable worth an unlawful discriminatory practice under the state Human Rights Law. (Governmental Operations, A.2351/S.2968)



**4. Fair Pay Act** This bill establishes the New York State Fair Pay Act which seeks to ensure that pay differentiation is not based on a person's sex or national origin. The measure also would require that private and public employees are compensated for the work they perform based on their job titles. (Labor, A.3911/S.955)

## **O. Lobbying Reform**

**1. Ethics and Lobbying Reform** This bill strengthens oversight and enforcement of New York's ethics and lobbying laws and provides the public with improved accountability and transparency by requiring greater financial disclosure by public officials and lobbyists. It would establish the Commission on Lobbying Ethics and Compliance, thereby restoring an independent commission on lobbying. It also creates the Joint Legislative Commission on Ethics and Standards and an independent Legislative Office of Ethics Investigations and an Executive Ethics Compliance Commission to replace the current Commission on Public Integrity.

The legislation would require increased financial disclosure for all public officials by ending the practice of redacting categories of value on legislative ethics disclosure forms; adding an additional category of value to better identify higher-level financial interests; and requiring better descriptions of outside employment, including consultant businesses and business associations and appearances before state agencies.

In addition, the legislation also would increase disclosure by requiring lobbyists and clients of lobbyists to disclose business relationships they have with state public officials. (Governmental Operations, A.9032/S.6064)

#### **IV. BILLS DUAL REFERENCED TO THE COMMITTEE ON CODES THAT THE GOVERNOR VETOED<sup>2</sup>**

##### **A. MISCELLANEOUS CRIMINAL LEGISLATION**

**1. Expanding the Scope of “Crime Victims” Awards** This bill defines the term "necessary court appearance" for purposes of the determination of a crime victim's award to include any part of a proceeding from arraignment through sentencing, pre and post trial hearings and hearings before the parole board. (Governmental Operations, A.6532-B/ S.4405-A; Veto Memo. 18)

##### **B. PEACE OFFICER AND POLICE OFFICER LEGISLATION**

**1. Uniformed court officers of the town court of the town of New Windsor.** (A.2534/ S.1149-A; Veto Memo. 31)

**2. Uniformed court officers employed by the village of Northport village justice court.** (A.3939/ S.2940; Veto Memo. 33)

**3. Uniformed members of the fire marshal’s office in the village of Southampton.** (A.4632-A/S.1718-A; Veto Memo. 34)

**4. Uniformed court officers of the village court of Westhampton Beach.** (A.4633-A/ S.1719-A; Veto Memo 35)

**5. Seasonal constables of the village of Lake George.** (A.5311-A/S.2146-A; Veto Memo 36)

**6. Uniformed officers of the fire marshal's office of the town of Huntington.** (A.5709-A/S.2407-A; Veto memo 37)

**7. Authorized uniformed marine patrol officers in Cayuga County to carry firearms.** (A.7238/S.3270; Veto memo 40)

**8. Animal control officers in Schuyler County.** (A.7868/ S.5302; Veto memo 41)

**9. Federal Security and Safeguard Division personnel assigned to the United States Department of Energy Naval Reactors Laboratory Field Offices in New York State.** (A.8354/S.5555; Veto memo 42)

**10. Court attendants at the Port Chester Court in the Village of Port Chester.** (A.8637/S.5730; Veto memo 43)

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<sup>2</sup> Veto Memo. Numbers refer to those issued in 2009.

## **V. CODES COMMITTEE PARTICIPATION IN HEARINGS AND ROUNDTABLES IN 2009**

### **A. Impact of the State Budget on Access to Justice Hearing**

The Judiciary, Codes, Corrections and Governmental Operations Committees held a hearing on February 24<sup>th</sup> to assess whether the need for legal services for low income New Yorkers is being met and to examine the impact of the economic crisis and recent state budget cuts on such legal services. Providing quality legal services to all regardless of economic and social status is the underpinning of any fair and just society. This hearing provided the participating Assembly standing committees with an opportunity to assess the ongoing need of such services funded by the state to those requiring civil or criminal legal services who cannot afford them, and as well to those who are incarcerated. Special attention was given to the current economic downturn, the state budget and the concomitant increased demand for legal services by those who have felt its harshest effects.

The committee members heard from representatives of the Interest on Lawyer's Account (IOLA), the private bar, civil, criminal and prisoner legal service providers and their clients and examined the challenges facing these legal service providers from both a caseload and funding perspective. Not surprisingly, testimony demonstrated that the recent economic downturn has increased the demand for no-cost legal services. Testimony also focused on the need for steady and consistent legal services funding in order to ensure a continuity of services from year to year. Additionally, the committees heard testimony about steps that should be taken to make New York's assigned counsel system more efficient and effective. Following the hearing, the Assembly restored over \$7 million for civil legal services and \$2.3 million in funding for Prisoners Legal Services in the SFY 2009-10 State Budget which had been omitted from the Executive's budget.

### **B. Jury Pool Diversity Hearing**

In response to claims that jury pools in certain counties were not properly representative of the citizens of those counties resulting in certain groups being under-represented on juries, the Assembly Codes and Judiciary Committees held an important hearing in New York City on April 30, receiving testimony from bar association groups, the Office of Court Administration, a Cornell University Law School Professor, and others. As a result of the information gleaned from the hearing, the Judiciary Committee reported and the Assembly passed A.2374 (Lancman, Jeffries et al.), which authorizes the Commissioner of Jurors of each county to collect demographical information concerning the ethnicity, race, gender, and age, of Jurors with an ultimate aim of insuring that those utilizing our civil and criminal justice systems indeed are able to appear before a "jury of their peers".

### **C. Street Gangs in New York Roundtable**

On Wednesday, April 22, 2008, a roundtable discussion entitled, "Street Gangs in New York," co-sponsored with the Committee on Children and Families took place. Participants encouraged the legislature to support ongoing, community based approaches to this problem. Speakers stressed that a strictly punitive, criminal justice response to street gangs would only be counter productive. Experts called for the state to provide opportunities for young gang members to pursue gainful employment and legitimate enterprise.

### **D. Codes Committee Co-Sponsorship of Other Hearings and Roundtables**

See Appendix I & J.

## **VI. DRUG LAW REFORM**

The cost to incarcerate a lower-level, non-violent drug offender is approximately \$45,000 a year. The cost to place such a person in a residential drug rehabilitation facility -- including the cost of drug treatment services -- is less: approximately \$15,000 per year. Moreover, study after study has shown that substance abuse treatment can be much more effective in reducing recidivism than incarceration alone.

Legislation approved and signed into law this year (Chapter 56, Part AAA) finally brought about significant reform of New York's inflexible Rockefeller Drug Laws. Our Committee and the State Assembly have for years advanced legislation reforming these mandatory sentencing laws and their failed, one-size-fits-all approach. This year, we succeeded in restoring needed judicial discretion and authorizing substance abuse treatment programming for many lower-level offenders as a potential alternative to a lengthy prison sentence.

This new law does not lower maximum sentences. Judges may still impose prison terms of the same length they did before. But the new law gives judges the discretion to divert certain persons charged with non-violent, lower-level drug and marijuana offenses to a treatment regimen supervised by a treatment provider or the local probation department and the court. The treatment provider or probation department will monitor the person's progress and give reports to the courts. Infractions may result in escalating sanctions, discharge from the program and traditional prosecution and sentencing. For those who successfully complete the treatment regimen, criminal charges may be reduced or dismissed.

The law also authorizes courts to conditionally seal records of certain drug, marijuana and other lower-level, non-violent crimes after the defendant has successfully completed a judicial diversion program, prosecutor-sponsored DTAP program, or a similar treatment program. A new arrest for any crime will unseal these records pending disposition of the new charge; the records will be permanently unsealed if the new charge results in a conviction for any crime.

Changes are made with respect to those sentenced (and not diverted) in drug cases as well. While maximum sentences are not changed, the courts are afforded additional discretion when making certain sentencing determinations. For example, a first-time felony offender convicted of a class B drug felony may be sentenced to one year or less in the county jail or five years probation supervision. Previously, a state prison sentence of at least one year was required. The minimum, mandatory prison term for a second felony offender (with a prior, non-violent felony) is reduced from two years to one and a half years.

The new law makes changes to prison programming as well. Judges are given expanded authority to sentence certain non-violent, drug-involved persons to the Department of Correctional Services ("DOCS") Willard drug treatment prison in Seneca County, New York. The state Office of Alcoholism and Substance Abuse Services ("OASAS") is directed to monitor alcohol and substance abuse programming within

DOCS facilities, issue guidelines for the operation of such programs, and prepare annual reports concerning their findings.

Also, the law authorizes DOCS and the courts to enroll eligible inmates in the DOCS Shock Incarceration boot-camp style program when such inmates are within three years of parole or conditional release eligibility. Previously, only those who *entered* DOCS with less than three years remaining until parole or conditional release eligibility could participate in the program. Further, the maximum age for those entering the DOCS Shock Incarceration program is increased from forty to fifty years of age.

A limited class of inmates serving an indeterminate prison sentence for a class B drug offense under prior law is authorized to seek discretionary resentencing by the sentencing court. Among such offenders ineligible to seek resentencing are persons convicted of a violent felony with ten years prior to the application date and persons who, at any time, were adjudicated a second violent or persistent violent offender.

Finally, the new law established two new crimes with enhanced sentencing ranges. First, a new class B felony is created for an adult over age twenty-one who sells a controlled substance to a child under age seventeen. (“Criminal Sale of a Controlled Substance to a Child,” Penal Law §220.48.) Second, a new class A-I drug crime is created. Under this new law, a person convicted for his or her role in a “controlled substance organization” involving more than \$75,000 in proceeds faces a life sentence with a minimum term of imprisonment (before parole eligibility) of between fifteen and twenty five years.

## **VII. DWI REFORM**

So-called “Leandra’s Law” passed in extraordinary session this year makes New York’s driving while intoxicated laws the most stringent in the nation. It makes it a class E felony to operate a motor vehicle while intoxicated or ability impaired by drugs or the combined influence of alcohol and drugs with a child passenger fifteen years of age or less. It creates new felony level offenses in the Penal Law to include the act of driving while intoxicated with a child passenger fifteen years of age or less as an element of the crimes of Vehicular Assault in the First Degree (D Felony) and Aggravated Vehicular Assault (C Felony) where there is serious physical injury to the child, as well as the crimes of Vehicular Manslaughter in the First Degree (C Felony) and Aggravated Vehicular Homicide (B Felony) where there is the death of a child.

Significantly, it mandates that every person sentenced to any misdemeanor or felony driving while intoxicated offense to install an Ignition Interlock device as a condition of probation, conditional discharge or parole.

The legislation was in response to several tragic car crashes resulting in the deaths of child passengers while in the care of intoxicated drivers, including the death of 11 year old Leandra Rosado who was killed while riding with six other children in a station wagon driven by a drunk adult. In addition to the stricter penalties, a person charged with the new E felony will be limited in their ability to plea bargain and may face further review by Child Protective Services where the arresting officer finds the circumstances warrant reporting to such agency.

**APPENDIX A- 2009 COMMITTEE WORKLOAD**

<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	176		176
*ACTED ON, RETURNED TO COMMITTEE (A933 & A6268A)	(2)		(2)
TO WAYS AND MEANS	115		115
TO RULES	155		155
TOTAL	446		446
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<b>BILLS HAVING COMMITTEE REFERENCE CHANGED</b>			
TO HEALTH COMMITTEE	1		1
TO WAYS AND MEANS COMMITTEE	1		1
TOTAL	2		2
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<b>SENATE BILLS SUBSTITUED OR RECALLED</b>			
SUBSTITUED		10	10
RECALLED			
TOTAL		10	10
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<b>BILLS HELD FOR CONSIDERATION WITH A ROLL-CALL VOTE</b>	65		65
<b>BILLS NEVER REPORTED, HELD IN COMMITTEE</b>	736	13	749
<b>BILLS HAVING ENACTING CLAUSES STRICKEN</b>	27		27
<b>TOTAL BILLS IN COMMITTEE</b>	1276	23	1299
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<b>TOTAL NUMBER OF COMMITTEE MEETINGS HELD</b>	29		

\* Not included in Bill Totals/ counted as Enacting Clause Stricken



## **APPENDIX B - SCHEDULE OF 2009 CODES COMMITTEE MEETINGS**

<b><u>MONTH</u></b>	<b><u>DATE</u></b>	<b><u>DAY</u></b>
January	13	Tuesday
January	22	Thursday
February	3	Tuesday
February	11	Wednesday
February	25	Wednesday
March	3	Tuesday
March	10	Tuesday
March	17	Tuesday
March	31	Tuesday
April	6	Monday
April	21	Tuesday
April	27	Monday
May	5	Tuesday
May	12	Tuesday
May	19 (2)*	Tuesday
May	27	Wednesday
June	2	Tuesday
June	9	Tuesday
June	10	Wednesday
June	15	Monday
June	16	Tuesday
June	17	Wednesday
June	18	Thursday
June	22	Monday
November	10	Tuesday
November	16	Monday
November	17	Tuesday
November	18	Wednesday

**TOTAL NUMBER OF COMMITTEE MEETINGS HELD: 29**

\* Number of times committee met on a given day

## **APPENDIX C - CODES LAWS OF 2009**

<b><u>BILL NUMBER</u></b>	<b><u>CHAPTER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A2006	45	Weinstein	Expands definition of "property of another", for purposes of criminal mischief, to include any property another person has an interest in, regardless of whether the defendant has an interest in such property.
A5080	482	Lentol	Provides that a person is guilty of aggravated murder when such person causes the death of a child and acted in an especially cruel and wanton manner in causing such death; and makes technical corrections relating thereto.
A7014	64	Bing	Relates to crane inspectors and impairing the integrity of a government licensing examination.
A7964	222	Zebrowski	Eliminates the requirement that members of the armed services include their serial number in an acknowledgment of the receipt of a summons and complaint, summons and notice, or notice of petition and petition by mail.
A8096	332	Galef	Permits the electronic appearance of a defendant in the county of Putnam.
A8781	485	Paulin	Relates to the crimes of aggravated sexual conduct and aggravated sexual abuse; makes technical corrections.
A8924	493	Hoyt	Establishes the crime of aggravated interference with health care services in the first and second degrees.
A40002	494	Rules (Hoyt)	Enacts into law major components of legislation necessary for the efficient operation of local governments; repealer.
A40005	495	Rules (Magnarelli)	Relates to eligibility of certain felony offenders for parole and medical parole; requires consecutive sentences for certain A-1 felony offenders and child sexual assault crimes.

## **APPENDIX D - DUAL REFERENCED LAWS OF 2009**

<b><u>BILL NUMBER</u></b>	<b><u>CHAPTER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A226	245	Latimer	Allows the town board of the town of Mamaroneck to adopt a local law or ordinance providing for a residential parking permit system.
A669	16	Cahill	Requires bicycles to be equipped with a red or amber light for night use.
A755A	80	Paulin	Prohibits an employer or licensing agency, because of the actual or perceived status of an individual as a victim of domestic violence or stalking, to refuse to hire or employ or to bar or to discharge from employment an individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.
A763	61	Gottfried	Provides clarification on the private right of action by a patient of a residential health care facility; includes definition of injury.
A999B	479	Paulin	Provides for humane destruction or disposition of certain animals; euthanasia of animals shall be accomplished by an injection of sodium pentobarbital administered by a technician while the animal is heavily sedated or in the case of an emergency, a gunshot is permissible in the case where an animal that is posing an imminent threat of serious physical injury; provides that chambers used to induce hypoxia by means of lethal gas shall be dismantled, rendered inoperable and beyond repair, and removed from the premises.

A1114	44	Destito	Provides that the New York State Canal Corporation shall cause to be published in a newspaper in the municipality or locality where such lands are located notice of such abandonment and shall after publishing notice hold a hearing at which evidence or further information may be submitted.
A1627C	421	Zebrowski	Prohibits any person, firm or corporation from deceptively soliciting vehicle warranty policies by written solicitation or telemarketing to owners of motor vehicles.
A2089A	296	Schroeder	Creates a conservation easement agreement exemption; allows certain towns whose interests or rights have been acquired for the purpose of an open space or an open area, shall be partially exempt from local real property taxation, provided that the owner enter into a conservation easement agreement; provides that, by vote of the town board, a town may opt out of such exemption.
A2262A	297	Stirpe	Increases the penalties for persons leaving the scene of a boating accident.
A2311A	354	Lifton	Prohibits the online posting of the home address of location of day care provider's home without providing a prior opt out option to such providers.
A3843A	428	Rosenthal	Prohibits the state, its political subdivisions, public authorities, and employees and agents thereof from compelling domestic abuse victims to contact their abusers, directly for any reason; requires such political entity to provide a confidential intermediary.

A4216	362	Brodsky	Relates to the term valuable consideration as it relates to the prohibition of sales and purchases of human organs; provides for the donation of a kidney or other organ from a live donor for transplantation into an individual conditioned upon the donation and transplantation of a similar organ into an individual specified by the donor shall not be considered valuable consideration.
A4552A	481	Aubry	Provides that unlawful solicitation of ground transportation at an airport shall be a class B misdemeanor; provides penalties for violation thereof.
A5493A	308	Spano	Authorizes the city of Yonkers to establish a residential parking system in the Yonkers Raceway/Empire City areas.
A6051A	36	Sweeney	Allows a person to operate a fire truck without possessing a commercial driver's license.
A6093A	367	Schroeder	Establishes Amanda's law requiring certain residences to have installed an operable carbon monoxide detector.
A6273B	311	Corwin	Creates a conservation easement agreement in a town having a certain population; interests or rights that have been acquired for the purpose of an open space or an open area, shall be partially exempt from local real property taxation, provided that the town enter into a conservation easement agreement; provides that by vote of the town board, the town may opt out of such exemption.

A6469A	313	Morelle	Provides that no vessel shall be operated in the channel between Irondequoit Bay and Lake Ontario or within three hundred feet of the shore, the channel, a dock, pier, raft or float or an anchored or moored vessel in a manner or at a speed that causes a wake that unreasonably interferes with or endangers such dock, pier, raft or float or an anchored or moored vessel but in no event at a speed exceeding five miles per hour, unless for the purpose of enabling a person engaged in water skiing to take off or land.
A6493D	417	John	Relates to the prompt payment of employees and contractors engaged in private construction projects.
A6604A	315	Abbate	Relates to the labeling of oil olive; provides that the commissioner of agriculture and market shall develop standards for the labeling of olive oil, olive-pomace oil, refined olive oil and virgin olive oil which conform to national or other recognized standards.
A6633A	483	Pheffer	Makes technical corrections to the children's product safety and recall effectiveness act of 2008; reduces the age from 14 to 12 for which the provisions of this act shall be applicable to children's products.
A6772A	439	Paulin	Defines summer day camp as indoor or outdoor organized group activities, involving nonpassive recreational activities with significant risk of injury, as such activities are defined by the department in rules and regulations; increases certain fees relating thereto.
A6784	115	Englebright	Requires the wearing of personal flotation devices when underway on a pleasure vessel less than twenty-one feet between November first and May first.

A6923A	122	Towns	Extends the effectiveness of section 12-a of the Banking Law and makes corresponding technical corrections to extend the of certain insurance law provisions.
A6924B	123	Towns	Relates to the regulation of mortgage loan originators; requires licensing; conforms standards to federal law.
A6963	372	Zebrowski	Strengthens wage and hour protections for working people.
A7328	18	Silver	Relates to certain traffic-control indications in the city of New York.
A7329	19	Lavine	Relates to adjudications and owner liability for a violation of traffic-control signal indications in Nassau county.
A7330	20	Spano	Relates to owners liability for failure of operator to comply with traffic control indications in the city of Yonkers.
A7331	21	Hoyt	Authorizes the city of Buffalo to establish by local law a demonstration program imposing monetary liability on vehicle owners to fail to comply with traffic control indicators.
A7332	22	Gantt	Relates to owner liability for failure of operator to comply with traffic control indications in the city of Rochester.
A7333	23	Eddington	Relates to adjudications and owner liability for a violation of traffic-control signal indications in Suffolk county.
A7420A	383	Magnarelli	Relates to owner liability for failure of operator to comply with traffic control indications in the city of Syracuse.
A7509	441	O'Mara	Allows hunters to use a rifle during open season for deer in the county of Schuyler.
A7685	146	Hooper	Authorizes and empowers the county of Nassau to amortize the cost of payments to employees upon separation of service from the county.

A7741A	443	Destito	Relates to the applicability of the uniform fire prevention and building code to children's overnight camps; provides that the sanitary code adopted by the state health council shall govern sleeping quarters of children's overnight camps.
A7779	492	Rosenthal	Relates to the duties of the municipal police training council.
A7846B	329	Millman	Removes certain special powers granted to the society for the prevention of cruelty to children.
A8282A	334	Bradley	Relates to evidence in permanency proceedings in the family court.
A8302A	161	Magee	Extends the provisions of rifle hunting in Madison county.
A8402A	237	Morelle	Provides enhanced consumer and provider protections limitations on denial of claims for pre-authorized health care services; relates to grievance procedures; relates to managed care health insurance contracts; relates to determinations involving urgent care by utilization review agents.
A8518	463	Schimminger	Makes standards for various on-premises liquor licenses consistent.
A8521	337	Aubry	Provides for notification between the department of corrections and the sentencing court as to erroneous sentences.
A8559A	338	Sweeney	Relates to the prohibition of the sale of Tasmanian Forester Kangaroo.
A8568B	403	Gantt	Relates to the graduated licensing program; provides that no person shall operate a motor vehicle while using any portable electronic device while such vehicle is in motion, with exceptions; provides that such prohibited conduct shall be a traffic infraction punishable by a fine.



A8612A	405	Gantt	Relates to requiring children under the age of 8 to be restrained by a child restraint system in a motor vehicle.
A8660	188	Englebright	Relates to the effectiveness of provisions relating to the operation of a leased craft without a boating safety certificate.
A8823	407	Wright	Authorizes the issuance of an alcoholic beverage license to Just Lorraine's Place.
A8888	343	Weinstein	Enacts the "child support modernization act".
A8977	215	Weinstein	Establishes definitions for "cash medical support", "reasonable in cost" and "reasonably accessible"; amends the priority for deductions via an income execution.
A9017	476	Weinstein	Requires lawyers for children to receive training or education in domestic violence; requires the court to state on the record the domestic violence and child abuse factored into their award of custody or visitation.

## **APPENDIX E - 2009 CODES BILLS THAT PASSED THE ASSEMBLY**

<b><u>BILL NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A602	Cahill	Permits all state-paid uniformed court officers to execute bench warrants; eliminates distinctions between court security officers in different parts of the state with regards to issuance of bench warrants.
A801A	Paulin	Requires the renewal of firearms' licenses after five years and the taking of a safety course outside the city of New York; sets a date for expiration and provides for a schedule for recertification to be developed by the commissioner of criminal justice services.
A1069	Destito	Exempts manufacturers of firearm silencers from being charged under certain sections of the penal law in certain situations.
A1076A	Dinowitz	Establishes a time limit on the bringing of an impleader complaint (utilizing third-party practice) of no later than ninety days after completion of the examinations before trial of the parties in the main action unless consented to be the parties or upon written application of any of the parties to the main action or upon the consent of the court such time is extended.
A1326	Englebright	Proscribes persons, firms or corporations engaged in the retail business of selling firearms from selling, delivering or transferring child operated firearms; defines "child operated firearm" to mean a pistol or revolver manufactured 1 year after the effective date of these provisions which does not contain a childproofing device or mechanism incorporated into the design of such pistol or revolver to effectively preclude an average 5 year old from firing same; makes violations a class A misdemeanor.
A1469	Wright	Authorizes an application for permission to appeal to the court of appeals from an order of the appellate division concerning a change of venue; requires the chief administrator of the courts, with the advice and consent of the administrative board of the courts, to adopt rules for the expeditious briefing, hearing and determination of such appeals.

<b><u>BILL NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A1508A	Gianaris	Makes various provisions to the criminal procedure law in relation to the execution of a warrant of arrest; authorizes the commissioner of the division of criminal justice services to establish a system to record and monitor the issuance and execution of search warrants; and authorizes the chief administrator of the court system to establish educational programs for judicial personnel on the law of searches, arrests and seizures.
A1676	Wright	Prohibits police officers from using racial and ethnic profiling; requires that a procedure be established for the taking and review of complaints against police officers for racial and ethnic profiling; allows an action for injunctive relief and/or damages to be brought against a law enforcement agency, any agent of a law enforcement agency and the supervisor of an agent.
A1725	Gottfried	Provides that an affirmation of a health care practitioner may be served or filed in an action in lieu of and with same force and effect as an affidavit (changes the current reference in existing provisions from "physician, osteopath or dentist" to "health care practitioner").
A1801	Dinowitz	Changes community service to be compensatory service in certain sentencing alternative programs to distinguish such service from the service provided by volunteers.
A2257	Stirpe	Establishes a person is guilty of criminal trespass in the second degree when he or she, being required to maintain registration as a sex offender, enters or remains in a school knowing that the victim of his or her offense attends or formerly attended such school.
A2881	Koon	Includes possession of armor piercing, frangible or devastator ammunition as criminal possession of a weapon in the 4th degree and where possession is knowingly with intent to use against another, it shall constitute criminal possession of a weapon in the 3rd degree.
A2882A	Koon	Provides for the submission by state and local law enforcement authorities of expended projectiles and shell casings and guns, found or otherwise coming into their possession, to the state police pistol and revolver ballistic identification electronic databank; requires the law enforcement agencies to make a record thereof and submit within 30 days.

<b><u>BILL NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A3076B	Kavanagh	Broadens provisions relating to eligibility for a firearms license and establishes a safety course requirement for firearm license.
A3211A	Eddington	Bans the sale, use or possession of 50-caliber or larger weapons and directs the division of state police to embark on a program whereby persons currently in lawful possession of such weapons may be reimbursed for the fair market value thereof upon turning such weapons in to a designated officer.
A3515	Gianaris	Extends the time period in which a voluntary discontinuance of a civil action may be obtained without the need for a court order or stipulation of settlement; gives flexibility to parties who may want to settle claims early in the litigation process or before the lawsuit actually begins.
A3762	Zebrowski	Permits the transportation and possession of a slot machine for the purpose of product development, research, or additional manufacture or assembly.
A4320A	O'Donnell	Requires the judge in a criminal proceeding or in a family court proceeding, upon issuance of an order of protection, to inquire as to the ownership of a firearm by the defendant or respondent.
A4584	Weprin	Prohibits a third-party defendant from asserting an objection or defense that the summons and complaint, summons with notice or notice of petition and petition were not properly served.
A5012	Magnarelli	Relates to criminal mischief in the third degree.
A5019	Rivera P	Prohibits a court from denying class certification for purposes of class action lawsuits solely because the action involves governmental operations.
A5078	Lentol	Amends the definition of a "disguised gun" to include a weapon or device capable of being concealed on a person from which a shot can be discharged through the energy of an explosive which is designed and intended to appear to be a toy gun.
A5170	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 in certain cases in which the court would otherwise be required to

<b><u>BILL NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
		deny the motion.
A5197	Brodsky	Permits special proceedings against certain designated state officials to be commenced in a supreme court in the judicial district of the petitioner's residence or principal place of business; provides that a proceeding against the public service commission shall only be commenced in the supreme court, Albany county.
A5457	Titus	Provides that applicant for a search warrant must disclose all prior denials of the same or similar application, as well as any prior failure to issue such a warrant by a different judge, if known to the applicant.
A5516	John	Exempts parties liable for failure to obey or enforce certain child protective, domestic relations, or domestic violence orders of protection or temporary orders of protection from limited liability provisions pertaining to non-economic loss and providing for limitation of joint liability.
A5537A	O'Donnell	Clarifies provisions of the penal law describing when a person is guilty of loitering by removing subdivisions that have been declared unconstitutional.
A5542	Titus	Directs courts to exonerate bail and order recognizance when no grand jury action has occurred for 45 days from arraignment, unless the people show good cause otherwise.
A5705	Weinstein	Provides limits on the duration of orders of protection depending on the level of the conviction.
A5844	Weisenberg	Enacts the "children's weapon accident prevention act"; creates crimes of failure to store a weapon safely in the first and second degrees, aggravated failure to store a weapon, and criminally negligent storage of a weapon in the first and second degrees; provides affirmative defenses; directs the commissioner of education to develop a weapons safety program.

A6085	Aubry	Relates to drug law reform, drug treatment and crime reduction; relates further to sentencing proceedings; sentences of parole supervision; combined law enforcement and community strategy to eliminate street-level drug crime; determinate sentences for certain drug offenses and the creation of new offenses for criminal sale of a controlled substance to a child; trafficking through a controlled substance organization; criminal possession of a weapon while selling or attempting to sell a controlled substance; establishes the crime reduction fund and the school drug abuse prevention fund.
A6157	Titone	Amends the definition of assault weapon to include additional weapons; defines the terms "detachable magazine", "muzzle break" and "muzzle compensator"; authorizes the division of state police to promulgate rules and regulations for the addition of information identifying assault weapons lawfully possessed prior to January 1, 2010 to the pistol and revolver ballistic identification databank.
A6468B	Schimel	Requires semiautomatic pistols manufactured or delivered to any licensed dealer in this state to be capable of microstamping ammunition; establishes fines for violations of this requirement.
A6528	Lentol	Establishes the minimum period of time that forensic samples should be retained by investigating authorities; creates the state commission for the integrity of the criminal justice system, as an independent agency, and provides for such commission's powers and duties; relates to special fictitious name indictments; relates to requests for certain DNA test comparisons; relates to forensic DNA testing; relates to claims for unjust conviction and imprisonment; relates to DNA testing, data collection and record keeping; and relates to DNA testing in felony cases.
A6640	Brennan	Provides that when two certain acts of service have been attempted and one of the two acts has been validly affected, it shall be sufficient to sustain the service if it is shown that the defendant actually has received process.
A7574	Hoyt	Provides that collateral loan brokers shall store firearms in the same manner as gunsmiths and dealers in firearms are required to store them.

A7575A	Lancman	Relates to the definition of serious offense.
A7670	Gottfried	Permits motions to vacate judgment against victims of sex trafficking for certain prostitution offenses.
A7733A	Lupardo	Authorizes courts to revoke firearms license and seize the weapons of certain individuals.
A7957A	Lentol	Relates to peace officer training.
A7960	Perry	Relates to the speedy trial of certain traffic infractions.
A7961	O'Donnell	Relates to the filing of a probation report for certain misdemeanor cases.
A8316	Pretlow	Relates to disclosure in New York state in an action pending in another jurisdiction.
A8317	Schimminger	Relates to the determination of finality for the purposes of certain appeals to the court of appeals and to appellate review of an ex parte order or applications for provisional remedies.
A8318	Zebrowski	Relates to time of service, time in which defect in form must be raised, copy of proposed amended pleading, use of subpoenas duces tecum, time of voluntary discontinuances.
A8333A	Boyle	Grants uniform members of the bureau of fire prevention of the town of Islip peace officer status.
A8396	Gottfried	Relates to hypodermic syringes and the lawful possession of such syringes.
A8530C	DenDekker	Entitles defendants charged with an offense the ability to telephone any number located in the United States, its territories and outlying areas for the purpose of obtaining counsel and informing a relative or friend.
A8807	Paulin	Provides clarification to determine the expiration date of an order of protection issued in relation to a family offense.
A8924	Hoyt	Establishes the crime of aggravated interference with health care services in the first and second degrees.

**APPENDIX F - 2009 DUAL REFERENCED BILLS THAT PASSED THE ASSEMBLY**

<b><u>BILL NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A170	Jeffries	Prohibits home improvement contractors from also acting on behalf of mortgage brokers; prohibits a mortgage broker from paying a home improvement contractor directly unless they perform their own inspection of the completed work.
A204	Pheffer	Allows a municipality or community board to express an opinion before a license is granted to a person to sell liquor at retail for off-premises consumption.
A215	Latimer	Provides that the failure of a contractor or sub-contractor on a public works project to post a statement of wage rates and supplements shall be subject to prosecution as a misdemeanor and subject to a civil penalty of not less than five hundred nor more than one thousand dollars; provides for the maintenance and production on the job site of "sign-in" and "sign-out" sheets upon the request of the fiscal officer.
A225A	Jeffries	Provides that no person shall be a passenger in the back seat of a motor vehicle unless such person is restrained by a safety belt approved by the commissioner of motor vehicles.
A235	Greene	Tracks federal privacy act of 1974 with respect to the obligation of a person to disclose their social security number to another person, partnership, association or corporation; provides where there is no legal basis for request that a person may refuse to provide his or her social security number; provides for enforcement by attorney general.



A271A	Pheffer	Requires debt collectors to send consumers a written notice of their rights under state law along with their initial debt collection correspondence; such notice would contain information such as who and when a principal creditor may contact a debtor about the debt owed as well as the fact that a principal creditor cannot disclose information affecting a consumer debtor's reputation for creditworthiness if the principal creditor knows or has reason to know such information is false; applies to consumer rather than commercial debts.
A278A	Pheffer	Creates a private right to action for unlawful price gouging for injunctive relief and recovery of actual damages or \$1000 whichever is greater, or both, in addition to right of action granted to attorney general; permits the court to award a prevailing plaintiff an additional penalty of up to \$5,000 for a willful or knowing violation and reasonable attorney's fees.
A438B	John	Relates to the entitlement to unpaid leave of absence for victims of domestic violence; permits victims of domestic violence to take an unpaid leave of absence for ninety days from employment to address on-going domestic violence; defines "address on-going domestic violence"; contains provision to protect the individual's job position and benefits.
A470	John	Provides that every contract entered into by a state agency for the procurement of equipment, materials or supplies shall contain a statement in which the contractor attests that no foreign made equipment, materials or supplies furnished to the state pursuant to the contract have been produced in whole or in part by forced labor, convict labor or indentured servitude; provides sanctions for violations; provides waivers for good faith violations.
A473A	Kavanagh	Provides that an owner or lessor of a rent controlled or rent stabilized unit who commences an action in bad faith to recover possession on the grounds that it is not occupied as the tenant's primary residence shall be liable for the tenant's court costs and attorney's fees in addition to an amount which is three times the monthly rent or actual damages.

A488B	Destito	Permits brewers with a certain annual volume and with a certain percentage of sales to terminate an agreement with a beer wholesaler without having good cause; requires payment of fair market value of the applicable distribution rights lost; allows for the arbitration panel to review the fair market value; sets forth definitions.
A521	Destito	Establishes a crime victim's ombudsman and provides for such ombudsman's functions, powers and duties.
A529	Destito	Establishes a civil remedy for victims of bias-related violence or intimidation for deprivation of a civil liberty, property damage, injury or death motivated by race, religion, national origin, sex, disability, age or sexual orientation to recover actual damages, injunctive relief or other appropriate remedy; includes attorneys fees.
A535	Dinowitz	Requires persons or entities providing benefits in the event of disability to not impose "onerous or unreasonable conditions" for the payment or continued payment of benefits thereunder, and provides for the enforcement thereof including actual damages, interest and penalties, reasonable costs and attorney's fees, and in the court's discretion, exemplary damages; exempts worker's compensation and NYS disability insurance.
A536	Dinowitz	Establishes time restrictions for court issued consent orders for work performance to remove or remedy dangerous conditions or building code violations; permits sixty days for consent orders to be performed by an owner, mortgagee, or lienor of record and further restricts such person from using consent orders more than once.
A541	Dinowitz	Requires the commissioner of health to take action when high risk areas of lead poisoning are designated; the commissioner of health is also required to provide written notice instructing such condition be discontinued within a specified period of time.

A544	Hoyt	Directs the commissioner of health to require that access to retail sale of ipecac syrup shall not be unrestricted; requires placement behind the pharmacy or only accessible through the manager of a retail establishment.
A561A	Kavanagh	Imposes penalties upon a state agency, public authority or public benefit corporation, which fails to complete a remediation plan within the projected time schedule for such plan; provides that upon such failure such agency shall be subject to a public hearing and required to explain the failure to complete the plan; provides that an amended plan shall be imposed which provides for involvement by community groups; provides that subsequent failure to remediate shall result in a fine.
A600A	Cahill	Allows the release of any dog or cat to another pound, shelter, society for the prevention of cruelty to animals, duly incorporated humane society, or duly incorporated animal protective association for the sole purpose of placing such dog or cat in an adoptive home, when such action is reasonably believed to improve the opportunity for adoption.
A609	Dinowitz	Creates, in addition to the existing sanction of criminal contempt of court, the remedies of labor law civil penalties and employee right to bring civil action for unlawful discharge, penalty or discrimination on account of the exercise by an employee of a juror's right to be absent from employment by reason of jury service
A695A	Hoyt	Protects historic districts and landmarks from demolition by neglect by allowing regulations prohibiting improper or lack of maintenance.
A709	Kavanagh	Prohibits the outdoor release of 25 or more balloons inflated with a gas that is lighter than air within a 24 hour period in order to reduce litter and protect the marine environment; makes related provisions for enforcement and for certain exceptions.
A711	Cahill	Permits persons licensed to sell wine at retail for consumption on the premises to sell certain low alcohol beverages that contain not more than twenty-four per centum alcohol, by volume, and that are produced from agricultural products.

A762	Gantt	Expands the definition of bus to include those owned by public or governmental agency, pre-school, nursery school or private school or privately owned and operated for compensation for the transportation of children less than school age, teachers and other persons to and from a pre-school, nursery school or school activities.
A777A	Paulin	Establishes no person shall sell or offer for sale in this state any cigarette or any component part thereof which contains a natural or artificial additive that causes such cigarette or its smoke to have a characterizing flavor.
A806A	Paulin	Requires manufacturers of cigarettes sold or distributed in the state to disclose additives and product design characteristics used in the manufacture of cigarettes and to identify those substances and characteristics which have been determined to be toxic; provisions made for the health department to investigate the health risks associated with exposure to added constituents, toxic constituents and nicotine and shall develop standards to reduce risks; establishes civil penalty for violations; makes related provisions.
A841	Gunther	Sets forth procedures to be followed in the event a sex offender fails to mail a signed verification within twenty calendar days of mailing by the division of criminal justice services.
A859	Bing	Relates to the supervision of certain limited profit housing companies.
A872	Dinowitz	Provides that it shall be a defense to a charge of a traffic infraction for running a red light that the police manipulated such device with the purpose of assessing a ticket against an individual.
A1039	McEneny	Authorizes the city of Albany, by adoption of a local law or ordinance, to provide for a residential parking permit system in such city within a one mile radius of the Nelson A. Rockefeller Empire State Plaza.
A1046	Destito	Provides that in any action commenced under the state's anti-trust law, the court may direct that all or any part of a criminal fine or civil penalty imposed upon a violator may, in the court's discretion, be ordered to be deposited with the crime victims board.

A1055A	Destito	Prohibits certain discriminatory practices against victims of domestic violence relating to housing, including but not limited to, the purchase, rent, lease or housing accommodation; defines domestic violence victim to include victims of domestic violence pursuant to the social services law and victims of stalking offenses.
A1093	Paulin	Requires the creation and imposition of restrictive commercial practices and stringent recordkeeping and reporting to prevent gun sales to criminals; provides that such measures shall be promulgated by the superintendent of state police; requires liability insurance of at least one million dollars; restricts premises of sales; requires employee training; prohibits straw purchases; imposes additional license conditions.
A1119	Destito	Makes it a discriminatory practice for public employers to compensate employees of different sexes differently for work that is of comparable worth; makes exception for seniority system; prohibits reducing anyone's compensation to conform with this provision; provides three years for a compliance plan.
A1135	Dinowitz	Authorizes the department of health to establish a program for familial dysautonomia, Canavan's and Tay-Sachs disease screening and counseling and to provide grants and to enter into contracts with public and non-profit private entities to assist in such program; and provides that participation in such program shall be voluntary and all information shall be confidential.
A1137	Galef	Prohibits any person from smoking at a playground; provides a definition as to what constitutes a playground.
A1239A	Lancman	Enacts the "access to justice in lending act"; relates to a mortgagor's right to recover attorney's fees in actions or proceedings arising out of foreclosures of residential property; provides reciprocal attorney's fees.
A1242B	Lancman	Allows NYS resident to receive change or update in subdirectory of level 2 and 3 sex offenders by e-mail in specific locality at no charge.

A1319	Colton	Provides for source separation and disposal of recyclable materials and requires municipalities to adopt local laws providing therefor; prohibits transporters from commingling recyclables with other materials; prohibits incinerators and landfills from accepting recyclables.
A1380	Destito	Changes the reporting requirements relative to restitution and fair treatment standards for the Crime Victims Board from annual to every two years; consolidates reporting requirements regarding victims service programs; requires information collected by local and state probation departments relating to victim impact statements to be included in the biennial report.
A1470A	Wright	Relates to provisions regarding domestic workers and such workers' employment regulations concerning hours of labor and wages, employment restrictions and employment contracts.
A1477	Wright	Requires police officers who have discharged their weapon in the course of their employment to be tested for the presence of drugs and/or alcohol within three hours of such discharge; establishes procedures to protect the integrity of such process; applies to officers employed in cities with a population of 1,000,000 or more.
A1486	Wright	Grants the attorney general jurisdiction to investigate and prosecute police misconduct upon the request of the governor or the district attorney of the county wherein such misconduct was committed.
A1500	Wright	Provides that appearance enhancement businesses in the city of New York shall be maintained and operated in accordance with the provisions of the city health code.
A1558B	Gianaris	Requires energy services companies to provide customers with a consumer bill of rights; establishes civil cause of action and civil penalties for violations of such provisions.
A1567	Brodsky	Requires certain corporations to permit shareholders to attend meetings via remote communication and to be deemed present for voting purposes.

A1589	Englebright	Requires that signs posted for highway work zone traffic control, including but not limited to highway construction zones, maintenance work area, or restricted highways, to be promptly covered or removed whenever such sign or signs are not applicable.
A1685A	Lopez V.	Relates to recovery of certain housing accommodations by a landlord; limits a landlord's ability to take possession of units for their own primary residence, permit recovery of only one unit, and restrict such ability if the tenant has occupied the apartment for twenty or more years.
A1724	Gottfried	Requires incident reporting by home care services agencies, hospitals and adult care facilities to the department of health and the department of family assistance in a manner and time period specified by such departments; defines reportable incident.
A1730C	Brodsky	Specifies requirements for auctions; holds the auctioneer responsible for truth of statements in catalogues, announcements, etc.
A1742	Englebright	Provides for the protection of the air quality at licensed day care centers and head start day care centers funded pursuant to federal law; requires the office of children and family services to consult with the commissioners of environmental conservation and health regarding the air quality and environmental hazards that may be involved with any new day care center or head start day care center; requires such office to consult with the department of health if any new environmental or environmental health hazard arises.
A1833	Dinowitz	Relates to penalties for the illegal shipment of cigarettes and the authority of state and local authorities to bring actions to recover civil fines for such violations.

A1867	Nolan	Enacts the farmworkers fair labor practices act: grants collective bargaining rights to farm laborers; requires employers of farm laborers to allow at least 24 consecutive hours of rest each week; provides for an 8 hour work day for farm laborers; requires overtime rate at one and one-half times normal rate; makes provisions of unemployment insurance law applicable to farm laborers; defines "work agreement" and mandates use thereof; provides sanitary code shall apply to all farm and food processing labor camps intended to house migrant workers, regardless of the number of occupants; provides for eligibility of farm laborers for workers' compensation benefits; requires employers of farm laborers to provide such farm laborers with claim forms for workers' compensation claims under certain conditions; requires reporting of injuries to employers of farmworkers.
A1870A	Pheffer	Authorizes family courts to issue orders of protection for the protection of witnesses.
A2002	Silver	Amends the administrative code of the city of New York and the emergency tenant protection act of nineteen hundred seventy-four, in relation to civil penalties imposed for violation of administrative orders or for harassment of tenants to obtain vacancy of unit.
A2005	Rosenthal	Makes conforming technical changes to the New York City administrative code and the emergency tenant protection act relating to vacancy decontrol.
A2007B	Gottfried	Establishes the prescription drug discount program; establishes that the purpose of the program is to provide access to prescription drugs to participants at a discounted price and to allow for the negotiating of rebates that are exempt from the "best price" rule of the federal social security act; provides for the distribution of rebate funds and repeals a certain provision of the public health law relating thereto.
A2108	Benjamin	Requires division of criminal justice services to include within the sex offender registry additional information stating whether the offender is in violation of registration requirements.



A2132	John	Provides that an offender who fails to register or verify as a sex offender shall have the period of time of such failure to register or verify added to the duration of registration.
A2209C	Brodsky	Creates an authorities budget office; clarifies various points of the public authorities accountability act of 2005; establishes a whistleblower access and assistance program; adds provisions relating to public authorities lobbying contacts.
A2322	Magee	Authorizes wineries to engage in custom crush wine production allowing individuals to assist in the production of wine for sale for personal or family use.
A2323	Jeffries	Prohibits more than one increase in the price of motor fuel in any twenty-four hour period.
A2326A	Jaffee	Prohibits the selling, offering for sale or distribution of any electrical or extension cords with fraudulent seals for the Underwriters' Laboratory; authorizes local code enforcement entities to enforce the provisions of the section; provides that for the first of this section, a one hundred dollar fine shall be issued and such person shall attend a training seminar on how to identify false underwriters laboratory labels and increases fines for the second or more offenses of this section; provides that a training component shall be created and provided by the office of fire prevention and control and shall be made available on its website.
A2351	Lifton	Makes it a discriminatory practice to compensate employees of different sexes differently for work that is of comparable worth; specifically provides when differing compensation is permissible; provides for phase-in.
A2387	Cusick	Amends the dates for filing a claim and commencing an action on a bond; provides that no action on a payment bond after the expiration of one year from the date on which the public improvement has been completed and accepted by the public owner.

A2393	Gantt	Defines the term "electric assisted bicycle" for purposes of the applicability of the vehicle and traffic law; requires persons sixteen years of age or younger to wear a helmet when operating an electric assisted bicycle.
A2408	Gantt	Provides that a court may require the reexamination of certain drivers, including the administration of a road test, pursuant to section five hundred six of the vehicle and traffic law; provides for the court or the clerk to notify the commissioner of motor vehicles of an order for reexamination; requires for the expense of the reexamination to be the expense of the person required to be examined.
A2477	Pretlow	Requires the department of environmental conservation to establish guidelines relating to the disqualification of contractors applying to perform stand-by contracts relating to past performance, reasonableness of pricing, acts of negligence and convictions for certain crimes reflecting on honesty, integrity and capability of any contractor.
A2642B	Pheffer	Requires that subscription expiration notices for magazines be clearly disclosed in a conspicuous manner.
A2654	Cusick	Relates to requiring notice to neighboring landowners within one thousand feet of intention to develop in wetland areas; requires a public hearing on a wetland application.
A2692A	Sweeney	Provides reimbursement by the transporter of hazardous materials to fire companies for costs associated with responding to spills of hazardous materials; provides that the state fire administrator shall develop and make reimbursement forms to enable a fire company to bill a transporter of hazardous materials for costs incurred in responding to a release or threatened release of hazardous materials.
A2693	Sweeney	Requires all first-term members of boards of education to attend training sessions within one year of taking office to acquaint such member with the powers, functions and duties of boards of education and other administrative authorities affecting public education.

A2707	Gantt	Provides for the establishment of a task force on medical record confidentiality by the commissioner of health; such task force shall review issues related to the disposition or transference of medical records when a health care practitioner closes, sells or otherwise disposes of his or her practice or when a health care practitioner dies or abandons his or her practice; the task force shall report thereon to the legislature and the commissioner of health by April 1, 2011 and shall recommend appropriate regulatory or legislative action.
A2720A	Ortiz	Requires certain restaurants and food service establishments to post the caloric value of food items; provides exemptions.
A2874	Weinstein	Provides that for settlements that require a court order the order, or the judgment in a special proceeding, shall provide for the payment of interest on the settlement amount at the statutory interest rate on judgments.
A2933	Lopez V.	Relates to limited-profit housing companies; authorizes certain companies to pay dividends or interest in excess of six percent per annum; relates to the dissolution of certain rental housing companies.
A3074	Clark	Increases the penalty for the failure to comply with a notice and demand for the discontinuance of a paint condition conducive to lead poisoning from two thousand five hundred to five thousand dollars.
A3165	Bradley	Requires insurance providers to remove the names of any non-participating physicians from their website.
A3168	Bradley	Requires that individuals convicted of certain animal cruelty and animal fighting offenses reimburse the organizations caring for such animals.
A3233A	Clark	Establishes the office of child advocate to ensure the protection and promotion of legal rights for youth in programs and facilities under OCFS.

A3302	Cook	Requires persons selling or offering to sell weight loss services or weight loss products to provide consumers with a weight loss and dieting information notice; sets forth such notice which includes the dangers of rapid weight loss, dieting information, risks associated with certain medications used with weight loss programs; delineates deceptive practices; provides for penalties, including fines and injunctions; further provides for attorney general enforcement.
A3319	Pheffer	Provides that airbags (not required by federal law) sold and installed by motor vehicle dealers or manufacturers must be offered as standard with the model or as stand alone options; provides for civil penalties for violations; further provides certain exemptions; authorizes attorney general enforcement.
A3325	Pretlow	Provides that if it appears that a death may have resulted from the commission of a crime, the coroner or medical examiner in any county with geographic jurisdiction over the crime shall have concurrent jurisdiction and authority to investigate the death.
A3423	Bradley	Prevents individuals from being denied standing in private actions alleging violations of the environmental quality review provisions of the environmental conservation law solely on the basis that the injury alleged by such individual does not differ in kind or degree from the injury that would be suffered by the public at large.
A3514A	Gianaris	Provides for furnishing of a copy of the transcript of the trial of a defendant convicted of a homicide offense, or of the proceedings which resulted in such conviction, to a family member of the victim at no cost to the victim or survivors; provides that the expense thereof shall be chargeable to the county, or in the counties within the city of New York, a city charge, as the case may be.
A3532A	Gianaris	Creates a private right of action for improper debt collection procedures; allows plaintiffs to recover punitive damages and reasonable attorneys' fees.

A3645	Scarborough	Enacts the "SAFETY Act"; authorizes the office of children and family services to establish policies and procedures affording all children in OCFS facilities an environment free of harassment and discrimination based on actual or perceived race, national origin, ethnic group, religion, disability, sexual orientation, gender or sex; requires reporting harassment and discrimination.
A3661B	O'Donnell	Enacts the "Dignity For All Students Act"; authorizes the commissioner of education to establish policies and procedures affording all students in public schools an environment free of harassment and discrimination; requires reporting harassment and discrimination to such commission; makes exemptions.
A3724	Aubry	Provides for defense and indemnification of a duly elected officer of a parents' association in New York City community school districts in suits by community board members or superintendents or school principals.
A3765	Englebright	Authorizes the district attorney bringing animal abuse charges to petition for the posting of security for the care of the abused animal on behalf of the impounding organization; authorizes all such petitions to be filed at or after the arraignment on animal abuse charges.
A3824	Galef	Authorizes the removal of fire commissioners for dereliction of duties; such dereliction shall include excessive, unexcused absences from regularly scheduled meetings.
A3838	Lentol	Requires that within thirty days of termination of a residential tenancy, the landlord shall return security deposits and accrued interest; permits withholding of unpaid rent from security deposit; provides that if any portion thereof is withheld by the landlord for alleged damages, the landlord shall furnish a statement to the tenant containing an itemized description of the damages; provides damages to tenant upon landlord's failure to comply; requires interest bearing accounts for deposit for dwellings of three or more units.

A3871A	Rosenthal	Requires prior written notice upon hiring and once annually to all employees, informing them of the types of electronic monitoring which may occur; when an employer has reasonable grounds to believe that employees are engaged in conduct which (1) violates the law, (2) violates the legal rights of the employer or the employer's employees, or (3) creates a hostile workplace environment, and electronic monitoring may produce evidence of this misconduct, the employer may conduct monitoring without giving prior written notice.
A3911	John	Enacts the "New York State fair pay act"; provides that it shall be an unlawful employment practice for an employer to discriminate between employees on the basis of sex, race and/or national origin by paying different wages.
A3926C	Pheffer	Requires debt collection agencies to be licensed by the state, requires bonding and allows for penalties.
A3949	Kellner	Creates real property tax abatement for certain commercial properties located within the Second Avenue Subway project.
A4089A	Glick	Expands eligibility for those who receive awards under crime victims' compensation to include a domestic partner; defines domestic partner; further provides for out-of-pocket loss to include the cost of counseling for surviving family members of homicide victims.
A4101	Abbate	Provides for the use of binding arbitration for employee organizations represented by the Ninth judicial district negotiating unit, Nassau county negotiating unit, Suffolk county negotiating unit, New York city senior court officers negotiating unit, New York city court officers negotiating unit and New York city court clerks negotiating unit; the parties shall refer the dispute to a three member public arbitration panel; requires the arbitration panel to hold hearings on all matters within the scope of negotiations related to the dispute; determinations of the panel are final and binding on all parties.

A4110A	Brodsky	Requires applicants to the department of environmental conservation for permits to disclose information concerning other permits held and/or revoked, enforcement actions, criminal convictions, fees or fines owed, and other information relating to compliance by the applicant or any corporation of which he or she is an officer, director, or large stockholder with state, federal, or foreign environmental laws or regulations and certain other laws.
A4112	Brodsky	Prohibits the taking of striped bass from the Hudson river for commercial purposes; defines the pertinent portions of the Hudson river and "taking of striped bass for commercial purposes"; does not prohibit lawful taking of striped bass by angling for recreational purposes; provides for expiration and repeal of amendments on April 1, 2013.
A4181	Galef	Prohibits a person from operating a motor vehicle with children under the age of 7 in the front seat in most cases; makes limited exceptions.
A4272	Brodsky	Enacts "private environmental law enforcement act"; authorizes any private citizen who has an interest which is or may be adversely affected to commence civil judicial actions for injunctive or declaratory relief to remedy environmental harms under certain circumstances; provides that such action may be commenced against any person for any violation of an administrative or court order compelling an investigation or remediation of an inactive hazardous waste disposal site.
A4285A	Greene	Requires a warning instruction by a person, firm, corporation, or other legal entities which manufacture and assemble roller skates and skate boards; requires the warning to be contained on a label, hangtag, shield or plate or on the outside of the box which such pair of roller skates or skate boards are sold and in each instruction manual; sets forth penalties for violations; makes an exception for the sale of roller skates or skate boards sold or offered for sale by consumers for consumer use.

A4296B	Brodsky	Relates to public non-disclosure agreements; makes it unlawful for public authority to require a contract or agreement with an employee refusing to disclose any information received or learned in the course of employment except where it would be denied through published rules.
A4300	Canestrari	Provides that actions by the attorney general for unlawful practice of law shall be construed to include both civil and criminal actions; makes conforming changes.
A4324	Heastie	Includes pupils from school districts within a city having a population of one million or more within the definition of child for the purposes of their protection from abuse and maltreatment in educational settings.
A4367	Greene	Provides for the unlawful discriminatory practices in housing based on lawful source of income, including section eight, and provides for punitive damages of not less than \$2500 and not more than \$5000.
A4516C	Weinstein	Allows certain inmates to be granted a merit time allowance; allows inmates who are victims are able to prove that they were subjected to substantial physical, sexual or psychological abuse, that the abuse was inflicted by a member of their same family or household or a member of the person's immediate family, and that the abuse was a substantial factor in causing them to commit the crime to be eligible to earn merit time in the amount of one third off either their minimum sentence (if inmate has an indeterminate sentence) or their flat sentence; allows such inmates to be eligible for presumptive release; expands the criteria that a person in custody of the department of correctional services may meet in order to earn merit time.
A4555	Brennan	Creates a duty to reinspect and abate hazardous activities in violation of the New York city building code.
A4758A	Morelle	Allows court to compel the parties to submit to the appraisal process as set out in a standard fire policy regardless of any dispute raised concerning scope of coverage or scope of loss.



A4766A	Weinstein	Requires ATMs to use both audio and visual system of relaying messages to its customers; provides that this provision would enable those individuals that are visually impaired to access ATMs without the assistance of another person; requires the audio system to convey substantially the same information as the visual; provides for rules and regulations to be promulgated by the superintendent of banks.
A4807	Sweeney	Requires restoration of areas adjacent to wetlands by those persons who, following procedures set forth in law, have been directed to cease violation and to restore the affected wetlands.
A4824	Morelle	Authorizes issuance of limited licenses to self-service storage companies for sale of insurance coverage on personal property stored in self-service storage spaces.
A4888	Alessi	Prohibits ex parte communications with the public service commission by parties to pending adjudicatory proceedings.
A4908	Pheffer	Relates to the time period for sending out notice of the end of trial offers.
A4985	Brodsky	Prohibits the disclosure of highway, bridge, tunnel and other thoroughfare toll records, and commuter railroad and transit records to protect privacy, unless necessary to perform law enforcement functions of certain public officials and bodies or to further another public entities official functions.
A5180A	Pheffer	Enacts the "internet dating safety act"; requires internet dating services to provide safety awareness notification that includes, at minimum, a list and description of safety measures reasonably designed to increase awareness of safer dating practices.

A5220A	Magnarelli	Creates the missing vulnerable adults clearinghouse; provides for plan and implementation programs to ensure the most effective use of federal, state, and local resources in the investigation of missing vulnerable adults; disseminates a directory of resources to assist in locating missing vulnerable adults; provides for cooperation with the department of health, office of mental health, office of mental retardation and developmental disabilities, office for the aging, and other public and private organizations to develop education and prevention programs concerning the safety of vulnerable adults; provides for assistance from federal, state and local agencies in the investigation of cases involving missing vulnerable adults; utilizes available resources to duplicate photographs and posters of vulnerable adults reported as missing by police and disseminate this information throughout the state providing such posters indicate only that the adult is missing with no mention of vulnerability; provides assistance in returning missing vulnerable adults who are located out of state; develops a curriculum for the training of law enforcement personnel investigating cases involving missing vulnerable adults, including recognition and management of vulnerable adults; operates a toll-free twenty-four hour hotline for the public to use to relay information concerning missing vulnerable adults; maintains and makes available to appropriate state and local law enforcement agencies information concerning technological advances that may assist in facilitating the recovery of missing vulnerable adults; takes such other steps as necessary to assist in education, prevention, service provision, and investigation of cases involving missing vulnerable adults.
A5273A	Espaillat	Requires orders of protection and temporary orders of protection issued in family court or in cases of family offenses in criminal court to be translated by an interpreter into the native language of the parties.
A5316A	Silver	Relates to adjustment to the maximum allowable rent.
A5598	Aubry	Provides that the legislature may provide by law that prisoners may voluntarily perform work for nonprofit organizations; defines the term "nonprofit organization".

A5617	Errigo	Requires that in order to temporarily remove a child with the consent of the parent or responsible person, such parent or person shall be given certain information regarding such consent, and such consent must be obtained without coercion.
A5667A	Lopez V.	Includes certain buildings, structures or portions thereof occupied for residential purposes for a period of twelve consecutive months during the period commencing January 1, 2008 and ending December 31, 2009 as the residence or home of any three or more families living independently from one another as interim multiple dwellings; extends effectiveness of provisions of the loft law.
A5698	Lopez V.	Provides that certain multiple dwellings must be heated to a minimum temperature of sixty degrees Fahrenheit between the hours of 10 pm and 6 am, increasing such minimum temperature from the present requirement of fifty-five degrees Fahrenheit.
A5710	Gottfried	Prohibits discrimination based on gender identity or expression; defines "gender identity or expression" as having or being perceived as having a gender identity, self image, appearance, behavior or expression whether or not that gender identity, self image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth; further includes offenses regarding gender identity or expression within the list of offenses subject to treatment as hate crimes.
A5848	Brodsky	Provides for the phase-out on varying time schedules of state use of various categories of pesticides on state property; does not apply to certain antimicrobial pesticides; requires the department of environmental conservation to adopt a pest management plan for every state department, agency, and public benefit corporation; provides for waivers and exemptions.
A5902	Rivera P.	Provides that directors of in-patient facilities and hospitals shall designate safety officers to act as special policemen.
A6134	Weinstein	Provides for the payment of interest on prejudgment arrears child support and combined child and spousal support pursuant to a court order.

A6158A	Rosenthal	Creates an animal population control fund to fund the animal population control program which reduces the population of unwanted stray dogs and cats; encourages neutering of animals.
A6359	Ortiz	Prohibits certain restaurants and food establishments from serving foods containing artificial trans fat; repeals certain provisions.
A6367	Weisenberg	Requires sunscreen products to be labeled with expiration dates and storage recommendations; authorizes the attorney general to seek injunctive relief, restitution, and civil penalties in the case of violations; authorizes persons injured by a violation of this law to bring an action for injunctive relief and actual damages or two hundred and fifty dollars, whichever is greater; authorizes the court, in such an action, to increase the award of damages up to one thousand dollars and to award reasonable attorneys' fees to a prevailing plaintiff.
A6836	Rosenthal	Relates to the American Museum of Natural History Planetarium; establishes an independent board of directors and authorizes the Planetarium Authority to maintain the lease and operating agreement with the American Museum of Natural History.
A6919B	Englebright	Enacts the "bisphenol A-free children and babies act"; prohibits the manufacture, distribution and sale of child care products and toys containing bisphenol A; prohibits the manufacture, distribution and sale of beverage and food containers containing bisphenol A; requires product labeling.
A6921	Weinstein	Provides for the emergency relocation of court terms; permits the governor or the chief judge to temporarily relocate court terms where there are circumstances or the threat thereof which prevent the safe and practical holding of any term.
A6962	Latimer	Requires employers to give written notice of the rate of pay and the regular pay day upon hiring, and get written acknowledgment thereof from each employee; also requires notice of the rate of overtime pay.
A6964	John	Relates to unemployment benefits for innocent bystanders during industry controversy.

A7016	Eddington	Authorizes the county court, or supreme court in the city of New York, to issue a court order providing for the confidentiality of election registration records of a victim of domestic violence.
A7064	Fields	Establishes a mandatory surcharge for traffic offenses and infractions in Suffolk and Nassau counties; funds received by the counties as a result of the surcharge pay for additional patrolling by the state police on the Long Island expressway and portions of sunrise highway.
A7083	Jaffee	Creates the well water education act; requires the department of health to establish and maintain a public education program on the potential hazards of well water; requires home inspectors, licensed real estate agents and brokers to provide well water education materials to prospective buyers of property where such property is serviced by a private well.
A7131A	Morelle	Relates to the licensure of life settlement brokers; creates certain crimes relating to life settlement fraud; relates to premium finance agreements.
A7173	Abbate	Grants those assigned or employed as investigators and senior investigators in the bureau of criminal investigation or as a station commander, zone commander, zone sergeant, first sergeant, captain or major within the division of state police protection from removal or other disciplinary action except for removal or other disciplinary action which is founded on the incompetence or misconduct of such employee.
A7287	Rosenthal	Relates to online listing of real property for sale or rent; excludes such activities from regulation by the state real estate board; excludes such acts from the definition of an apartment information vendor.
A7364A	Millman	Relates to the siting of certain premises, located in counties with a population in excess of one million, licensed to sell liquor for consumption on the premises; provides that required distances from schools and places of worship and from existing licensed premises shall be measured from the closest boundary lines instead of from the center of the entrances of such premises.

A7508	Canestrari	Prohibits any person from attempting to or to in fact alter, deface, injure, knock down, cover, remove or otherwise interfere with any traffic control device or railroad sign or signal; provides an affirmative defense therefor that operator can show he or she was not aware of the device.
A7545B	Millman	Specifies what constitutes appropriate shelter for dogs restrained outdoors and maximum and minimum temperature range for exposure.
A7562	Pheffer	Requires greater disclosure by stores of their refund policies.
A7569	Weinstein	Provides for the payment of all counsel and expert fees in matrimonial actions by the more monied party to such action; adds actions to obtain maintenance or distribution of property after a foreign judgment of divorce to the actions for which such fees shall be awarded; directs the court to assure that each party is adequately represented; such actions shall also include actions to enforce a court order.
A7571	Sweeney	Enacts the "electronic equipment recycling and reuse act"; relates to the recycling, reuse and safe handling of electronic equipment sold in the state of New York; defines terms; directs manufacturers to develop an electronic waste management plan and submit a report; requires a manufacturer to visibly label such electronic equipment and provide a toll-free telephone number and internet website that consumers can access for information on how electronic equipment can be returned for recycling or reuse free of charge to the consumer; makes related provisions.
A7573	Sweeney	Restricts the use of decabromodiphenyl ether in certain products.
A7593A	Cahill	Relates to utility service call centers for gas, electric corporation or municipality and their subsidiaries furnishing utility services.
A7598	Jeffries	Relates to statutes of limitations based on notices of deregulation.

A7602A	Millman	Provides that any engine coolant or antifreeze that contains more than ten percent ethylene glycol shall only be sold if it contains at least thirty parts per million of denatonium benzoate as a bittering agent to render it unpalatable.
A7662A	Ortiz	Relates to the sale, delivery, dispensing and/or distribution of controlled substances.
A7748	Lopez V.	Requires the uniform fire prevention and building code to require the installation of operable portable fire extinguishers in certain R-3 residential occupancies in this state.
A7848	Latimer	Requires access aisles of handicapped parking spaces of certain off-street parking lots or parking garages be marked with a sign stating "No Parking Anytime", with diagonal stripes.
A7849	Lavine	Requires access aisles of handicapped accessible parking spaces to be at least eight feet wide.
A7852	Titus	Establishes emergency evacuation plan for individuals with disabilities; establishes \$500 fine for failure to comply with such plan within one year of the effective date.
A7889B	Rosenthal	Prohibits debt collectors from collecting or attempting to collect a debt owed by a deceased debtor that is known by such debt collector to be deceased.
A7899A	Jeffries	Relates to establishing inheritance by a non-marital child.
A7950D	Englebright	Prohibits the agents of an operator from selling tickets to secondary ticket resellers; extends from June 1, 2009 until May 15, 2010, the expiration of article 25 of the arts and cultural affairs law relating to the regulation of the sales of tickets to places of entertainment; directs the attorney general to review and report upon the effectiveness of such article on or before February 1, 2010.
A8049	Zebrowski	Authorizes the attorney general to bring an action for violation of the prohibitions concerning unlawful selling practices and specifies damages awardable.

A8060	Markey	Relates to awards of unreimbursed costs to child victims.
A8082	Scarborough	Relates to the treatment of sexually exploited children in the criminal justice system the provision of safe housing and other programs.
A8122	Jeffries	Increases from \$100 to \$400 the maximum liability of a creditor to a consumer for a billing error, plus actual damages, costs and reasonable attorney fees, provided that the consumer complies with the provisions of law relating thereto.
A8154	Kavanagh	Increases the safety of elevators in buildings owned by the New York city housing authority by requiring door zone restrictors, stricter inspections, sharing of information regarding elevator safety to the department of buildings and fire department, as well as to the public.
A8162B	Rosenthal	Provides for regulation of pet dealers by municipalities; relates to preemption of local laws and pet dealers.
A8172B	Magee	Allows a licensed winery or farm winery to sell wine for consumption upon the premises of a food festival.
A8181	DelMonte	Relates to the powers and duties of the racing and wagering board to impose certain fines; increases certain fines from five thousand to twenty-five thousand dollars.
A8182	Spano	Relates to the imposition of fines.
A8184	Dinowitz	Awards attorney fees and expert witness fees in employment discrimination cases.
A8281B	Robinson	Requires the prosecution of juveniles who commit family offenses against his or her parent or legal guardian under article seven of the family court act, rather than article eight of such act.
A8330	Abbate	Grants employees in labor class positions rights with regards to the suspension or demotion upon abolition or reduction of certain positions.



A8353D	Wright	Relates to financial contributions by recipients of temporary housing assistance; provides that in social services districts containing a city having a population of one million or more, all earned and unearned income for applicants and recipients of temporary housing assistance shall be disregarded in determining eligibility for public assistance in lieu of the disregards otherwise provided.
A8393	Weinstein	Provides that orders of protection shall not be denied, in support proceedings, paternity proceedings, termination of parental rights proceedings, person in need of supervision proceedings, family offense proceedings and child protective proceedings, solely on the basis that the events alleged are not contemporaneous with the application therefor or the conclusion of the action.
A8418	Scarborough	Relates to notification procedures for the transfer of a child from one foster home to another; permits transfer without prior notice in certain circumstances.
A8441	Sweeney	Authorizes the Long Island power authority to propose certain rate changes to the public service commission in the amount of two and one-half percent.
A8498A	Gottfried	Relates to persons who may register for the adoption information registry; relates to birth certificates of adopted children.
A8504	Scarborough	Relates to trial discharges of youth in foster care and voluntary re-placements of older adolescents in foster care; extends trial discharges at permanency hearings for successive periods of up to six months until youth reach the age of 21, and where the affected youth is over 18, any such trail discharge would require his or her consent; allows youth between 18-21 who have been discharged within 24 months to seek leave to return voluntarily to foster care.
A8507	Abbate	Allows employers to suspend a police officer without pay pending disciplinary charges.
A8519	Schimminger	Relates to making the provisions governing liquor licenses consistent with respect to public interest factors.

A8524	Scarborough	Provides a process for a petition to restore previously terminated parental rights under certain circumstances.
A8531A	Destito	Expands protection of technology assets used to maintain public information.
A8613	Peralta	Relates to certain persons sentenced to parole supervision.
A8623A	Englebright	Relates to the resale of tickets to places of entertainment; requires disclosure to purchaser if a ticket is for a seat with an obstructed view; requires consumer protection board to report on effectiveness of the regulation of the sale of tickets.
A8645A	Paulin	Relates to alcohol awareness training programs; bond revocation for civil penalties; training within 90 days.
A8696	Cahill	Relates to the siting of major electric generating facilities; relates to power plant emissions and performance standards.
A8698A	Englebright	Revives the repealed provisions of article 25 of the arts and cultural affairs law, relating to tickets to places of entertainment, which expired on June 1, 2009.
A8827	Scarborough	Relates to the enforcement of child day care safety and standards.
A8839A	Pheffer	Provides for enhanced consumer protection measures and enforcement of the do-not-call registry; limits telemarketing to 8 am to 9 pm local time unless given express permission by the consumer to contact at a different time.
A8840B	Pheffer	Relates to provisions concerning debt collection procedures.
A8917A	Weinstein	Relates to home mortgage loans, the crime of mortgage fraud and the filing of transfers and assignments of mortgages.
A8952	Weinstein	Relates to modifying child support orders, employer reporting of new hires and quarterly earnings, work experience programs and noncustodial earned income tax credit.

A9018	John	Defines "victim of domestic violence"; prohibits employers from discriminating against victims of domestic violence.
A9020	Destito	Prevents housing discrimination against victims of domestic violence.
A9032	Silver	Creates an executive ethics and compliance commission and a new legislative ethics and compliance commission.
A9049	Sweeney	Relates to establishing the recycling, reuse and safe handling of electronic equipment sold in the state of New York.

## **APPENDIX G - 2009 CODES BILLS VETOED BY GOVERNOR**

<b><u>BILL NUMBER</u></b>	<b><u>VETO NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A2534	31	Calhoun	Designates as peace officers, the uniformed court officers of the town court of the town of New Windsor.
A3939	33	Raia	Grants peace officer status to uniformed court officers employed by the village of Northport village justice court.
A4632A	34	Thiele	Relates to granting peace officer status to uniformed members of the fire marshal's office in the village of Southampton.
A4633A	35	Thiele	Designates employees of the village court of the village of Westhampton Beach serving as uniformed court officers as peace officers.
A5311A	36	Sayward	Designates the village of Lake George seasonal constables as peace officers.
A5709A	37	Conte	Designates uniformed officers of the fire marshal's office of the town of Huntington as peace officers.
A6506	38	Oaks	Grants animal abuse investigators of the county of Wayne peace officer status.
A7238	40	Finch	Authorizes uniformed marine patrol officers in Cayuga county to carry firearms.
A7868	41	O'Mara	Designates animal control officers employed by the county of Schuyler as peace officers.

A8354	42	Amedore	Designates federal Security and Safeguard Division personnel assigned to the United States Department of Energy Naval Reactors Laboratory Field Offices in New York state as peace officers.
A8637	43	Latimer	Designates employees of the village of Port Chester serving as court attendants at the village of Port Chester court facilities as peace officers.

**APPENDIX H - 2009 DUAL REFERENCED BILLS VETOED BY GOVERNOR**

<b><u>BILL NUMBER</u></b>	<b><u>VETO NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A695A	28	Hoyt	Protects historic districts and landmarks from demolition by neglect by allowing regulations prohibiting improper or lack of maintenance.
A2046A	3	John	Strengthens the open meetings law by providing two alternatives to court invalidation of an action taken when any aspect of a meeting is closed in violation of the law: first, a court may stay the implementation of an action taken at such a meeting and remand the action to the public body for reconsideration and second, a court may, upon finding a violation of law, impose a fine of up to five hundred dollars on the public body.
A2858A	8	Weinstein	Directs the secretary of state to accept service of process and mail on behalf of victims of domestic violence wishing to keep their location confidential, unless a court order directs disclosure for the purposes of a criminal or civil proceeding and to assure their continued safety.
A3483	2	Peoples	Authorizes the institution of a suit in any court of competent jurisdiction alleging a violation of the human rights law for a period of three years after the dismissal of a complaint for administrative convenience by the division of human rights.
A4629B	68	Weinstein	Requires police officers to receive training instruction for crimes involving sexual assaults; requires training for child protective services workers in certain instances.

A6349	69	Gordon	Establishes felony offenses relating to endangering the welfare of an incompetent or physically disabled person.
A6532B	18	Ortiz	Defines the term "necessary court appearance" for purposes of the determination of a crime victim's award to include any part of a proceeding from arraignment through sentencing, pre and post trial hearings and hearings before the parole board.
A7144A	72	Benedetto	Enacts provisions providing protection to employees from retaliatory actions by employers where such employees report illegal business activities or improper governmental actions.
A7581A	73	Kolb	Allows for rifle hunting in Ontario County.
A8555A	76	Espaillet	Enacts the New York State Service-Disabled, Veteran-Owned Business Enterprise Opportunity Act.
A8972A	44	Weisenberg	Relates to reporting of suspected abuse of adults in certain residential care facilities licensed or operated by the state; creates a hotline for reporting of suspected abuse.

## **APPENDIX I - 2009 COMMITTEE HEARINGS**

<b><u>TITLE</u></b>	<b><u>COMMITTEES</u></b>	<b><u>DATE/LOCATION</u></b>
Impact of the State Budget on Access to Justice	Joint with Correction; Governmental Operations; and Judiciary Committees	February 24, 2009 Albany, NY
Jury Pool Diversity	Joint with Judiciary Committee	April 30, 2009 New York City



## **APPENDIX J - 2009 COMMITTEE ROUNDTABLES**

<b><u>TITLE</u></b>	<b><u>COMMITTEES</u></b>	<b><u>DATE/LOCATION</u></b>
Street Gangs in New York	Joint with Children and Families Committee	April 20, 2009 Albany, NY