

S T A T E O F N E W Y O R K

S. 2005--C

A. 3005--C

S E N A T E - A S S E M B L Y

January 23, 2017

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to the effectiveness thereof; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to the effectiveness thereof; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to the effectiveness thereof; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to the effectiveness thereof; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to the effectiveness thereof; to amend chapter 3 of the laws of 1995, amending the correction law and other

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

LBD12570-05-7

laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 62 of the laws of 2011, amending the correction law and the executive law, relating to merging the department of correctional services and division of parole into the department of corrections and community supervision, in relation to the effectiveness thereof; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law of such chapter; to amend chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the civil practice law and rules and general filing fee provision and inmate property claims exhaustion requirement of the court of claims act of such chapter; to amend chapter 222 of the laws of 1994 constituting the family protection and domestic violence intervention act of 1994, in relation to extending the expiration of certain provisions of the criminal procedure law requiring the arrest of certain persons engaged in family violence; to amend chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, in relation to extending the expiration thereof; to amend chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, in relation to the effectiveness thereof; to amend chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, in relation to the effectiveness of such chapter; to amend chapter 152 of the laws of 2001 amending the military law relating to military funds of the organized militia, in relation to the effectiveness thereof; to amend chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the

crime of absconding from the community treatment facility, in relation to the effectiveness thereof; and to amend chapter 503 of the laws of 2009 relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, in relation to the effectiveness thereof (Part A); intentionally omitted (Part B); intentionally omitted (Part C); intentionally omitted (Part D); to amend the correction law, in relation to the meaning of significant programmatic accomplishment (Part E); to amend the executive law, in relation to the establishment of a hate crime task force (Part F); to amend the executive law, in relation to expanding eligibility for awards to victims of certain crimes not resulting in physical injury (Part G); to amend the executive law, in relation to the reimbursement for loss of savings of a vulnerable elderly person or an incompetent or physically disabled person (Part H); to amend the executive law, in relation to additional duties of the commissioner of general services (Part I); intentionally omitted (Part J); intentionally omitted (Part K); to amend chapter 674 of the laws of 1993 amending the public buildings law relating to value limitations on contracts, in relation to extending the effectiveness thereof (Part L); intentionally omitted (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); intentionally omitted (Part U); intentionally omitted (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); intentionally omitted (Part AA); to amend the judiciary law, the family court act, the domestic relations law and the criminal procedure law, in relation to the translation of orders of protection and temporary orders of protection (Part BB); to amend chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, in relation to extending such provisions (Part CC); to amend the not-for-profit corporation law, in relation to increasing the number of authorized land banks in the state to 25 (Part DD); in relation to certain properties located in the village of Spring Valley (Part EE); regarding motor vehicles equipped with autonomous vehicle technology; and providing for the repeal of certain provisions upon expiration thereof (Part FF); and to amend the vehicle and traffic law and the state finance law, in relation to allocation of three million dollars of assessments from the city of New York to the general fund; and providing for the repeal of such provisions upon expiration thereof (Part GG)

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2017-2018
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through GG. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,

1 of this section and the consent of the county clerk of the county in
2 which such court presides.

3 Notwithstanding the foregoing provisions of this subparagraph, the
4 chief administrator shall not eliminate the requirement of consent to
5 participation in a county hereunder until he or she shall have provided
6 all persons and organizations, or their representative or represen-
7 tatives, who regularly appear in criminal actions or proceedings in the
8 superior court of such county with reasonable notice and opportunity to
9 submit comments with respect thereto and shall have given due consider-
10 ation to all such comments, nor until he or she shall have consulted
11 with the members of the advisory committee specified in subparagraph (v)
12 of paragraph [(t)] (U) of subdivision two of section two hundred twelve
13 of the judiciary law.

14 S 8. The chief administrator of the courts may promulgate rules and
15 regulations in order to effectuate the provisions of this act, and, to
16 the extent necessary and appropriate, exercise his or her authority
17 pursuant to paragraph (l) of subdivision 1 of section 212 of the judici-
18 ary law to the same end.

19 S 9. This act shall take effect on the ninetieth day after it shall
20 have become a law and shall apply to orders of protection issued on or
21 after such effective date; provided that the amendments to section 214
22 of the family court act, made by section six of this act, shall not
23 affect the expiration and reversion of such section, and shall expire
24 therewith; provided, further, that the amendments to subparagraph (ii)
25 of paragraph (b) of subdivision 2 of section 10.40 of the criminal
26 procedure law made by section seven of this act, shall not affect the
27 expiration and reversion of such section, and shall expire therewith.

28 PART CC ✓

29 Section 1. Section 13 of chapter 141 of the laws of 1994, amending
30 the legislative law and the state finance law relating to the operation
31 and administration of the legislature, as amended by section 2 of part S
32 of chapter 57 of the laws of 2016, is amended to read as follows:

33 S 13. This act shall take effect immediately and shall be deemed to
34 have been in full force and effect as of April 1, 1994, provided that,
35 the provisions of section 5-a of the legislative law as amended by
36 sections two and two-a of this act shall take effect on January 1, 1995,
37 and provided further that, the provisions of article 5-A of the legisla-
38 tive law as added by section eight of this act shall expire June 30,
39 [2017] 2018 when upon such date the provisions of such article shall be
40 deemed repealed; and provided further that section twelve of this act
41 shall be deemed to have been in full force and effect on and after April
42 10, 1994.

43 S 2. This act shall take effect immediately, provided, however, if
44 section one of this act shall take effect on or after June 30, 2017
45 section one of this act shall be deemed to have been in full force and
46 effect on and after June 30, 2017.

47 PART DD

48 Section 1. Paragraph (g) of section 1603 of the not-for-profit corpo-
49 ration law, as amended by chapter 106 of the laws of 2014, is amended to
50 read as follows:

51 (g) Nothing in this article shall be construed to authorize the exist-
52 ence of more than [twenty] TWENTY-FIVE land banks located in the state