

Amend Senate S2006, Assembly A3006, A BUDGET BILL, AN ACT to amend the education law, in relation to contracts for excellence, apportionment of school aid...

| Page | Line | Amendment |
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| Page 2, | Unnumbered lines 14 through 15 (AN ACT CLAUSE), | After "approvals" strike out "for SUNY and CUNY" |
| Page 3, | Unnumbered line 36 (AN ACT CLAUSE), | After "(Part P);" strike out "and" |
| Page 3, | Unnumbered line 38 (AN ACT CLAUSE), | After "(Part Q)" insert "; and to amend part U of chapter 57 of the laws of 2005, relating to the New York state higher education capital matching grant program for independent colleges, in relation to the New York state higher education matching grant program for independent colleges and the effectiveness thereof (Part R)" |
| Page 3, | Line 4, | After "through" strike out "Q" and insert "R" |
| Page 18, | Lines 33 through 54, | <p>Strike out "Section 1. Section 355 of the education law is amended by adding a new subdivision 20 to read as follows: <u>20. Notwithstanding any law, rule, or regulation to the contrary, any new curriculum or program of study offered by a four year college or community college that does not require board of regents approval of a master plan amendment and that is approved by the board of trustees shall be deemed registered with the department. The board of trustees shall notify the department within thirty days of any such approvals. Nothing in this subdivision shall be deemed to limit the department's existing authority to act on complaints concerning the institution, including the authority to de-register the program.</u></p> <p>§ 2. Section 6206 of the education law is amended by adding a new subdivision 18 to read as follows: <u>18. Notwithstanding any law, rule, or regulation to the contrary, any new curriculum or program of study offered by a four year college or community college that does not require board of regents approval of a master plan amendment and that is approved by the board of trustees shall be deemed registered with the department. The board of trustees shall notify the department within thirty days of</u></p> |

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| | | <p><u>any such approvals. Nothing in this subdivision shall be deemed to limit the department's existing authority to act on complaints concerning the institution, including the authority to de-register the program."</u> and insert "Section 1. The education law is amended by adding a new section 210-a to read as follows: <u>§210-a. Registration of curricula. Notwithstanding any law, rule, or regulation to the contrary, any new curriculum or program of study offered by any not-for-profit college or university chartered by the regents or incorporated by special act of the legislature that does not require a master plan amendment pursuant to section two hundred thirty-seven of this chapter, or charter amendment pursuant to section two hundred sixteen of this chapter, or lead to professional licensure and that is approved by the state university board of trustees, the city university board of trustees, or the trustees or governing body of any other not-for-profit college or university chartered by the regents which (1) has maintained a physical presence in New York State for the immediately preceding ten years and has been operated continuously by the same governing corporate entity during the same immediately preceding ten year period and (2) is accredited and has continued in accreditation by the Middle States Commission on Higher Education ("MSCHE") or the department for the immediately preceding ten years, shall be deemed registered with the department within thirty days of notification of approval. If the college or university is placed on probation or has its accreditation terminated by MSCHÉ, such college or university shall notify the regents in writing no later than thirty days after being formally informed of its probation or loss of accreditation by MSCHÉ. If a college or university has its accreditation placed on probation or terminated by MSCHÉ or the education department the college or university shall be subject to the commissioner's program approval process until it had been removed from probation or regained accreditation by MSCHÉ or the education department, and shall remain subject to such commissioner's program approval until it has continued in accreditation and without probation for a period of not less than six years. If a college or university subject to this section intends to offer or institute an additional degree or program which constitutes a "substantive change," as</u></p> |
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| | | <p><u>defined and determined by MSCHE, then the college or university shall provide the commissioner with copies of any reports or other documents filed with MSCHE as part of MSCHE's substantive change review process and shall inform the commissioner when the substantive change is approved. Any such college or university that does not satisfy all of the provisions of this paragraph shall comply with the procedures and criteria established by the regents and commissioner for academic program approval. Nothing in this section shall be deemed to limit the department's existing authority to act on complaints concerning the institution, including the authority to de-register the program."</u></p> |
| Page 19, | Line 1, | Before "This act" strike out "3." and insert "2." |
| Page 19, | Line 23, | Before " <u>the applicant's</u> " strike out ",," and insert " <u>and</u> " |
| Page 19, | Lines 23 and 24, | After " <u>spouse</u> " strike out " <u>and the applicant's parents as reported on the prior year's filed New York state income tax return</u> " and insert " <u>' if applicable</u> " |
| Page 67, | Line 45, | After "sixty-four hundred" strike out "forty-two" and insert "forty-one" |
| Page 67, | Line 45, | After ", sixty-four hundred" strike out "forty-four and" and insert "forty-three," |
| Page 67, | Line 46, | After "forty-five" insert ", and sixty-four hundred-six" |
| Page 67, | Line 49, | Before "and sixty-four" strike out "forty-one" and insert "forty-two" |
| Page 67, | Line 49, | After "sixty-four hundred" strike out "forty-six" and insert "forty-seven" |
| Page 67, | Line 52, | After "hundred" strike out "forty-three" and insert "forty-four" |
| Page 70, | Line 52, | After " <u>ordered</u> " insert " <u>removed</u> " |
| Page 71, | Line 7, | After "fourteen" insert "[" after "or" Insert "]," and after "fifteen" insert ", <u>or sixteen, or, commencing January 1, 2018, seventeen</u> " |
| Page 71, | Line 16, | After "fourteen" insert "[" after "or" Insert "]," |
| Page 71, | Line 17, | After "fifteen" insert ", <u>or sixteen, or, commencing January 1, 2018, seventeen</u> " |

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| Page 71, | Line 21, | After "fourteen" insert "[" and after "or" insert "]," and after "fifteen" insert ", <u>or sixteen, or, commencing January 1, 2018, seventeen"</u> |
| Page 71, | Line 34, | After "fourteen" insert "[" and after "or" insert "]," and after "fifteen" insert ", <u>or sixteen, or, commencing January 1, 2018, seventeen"</u> |
| Page 71, | Line 45, | After " <u>constitutes</u> " strike out " <u>a class A felony;</u> " |
| Page 71, | Line 46, | After " <u>in</u> " strike out " <u>subdivision one of</u> " |
| Page 71, | Line 46 through 48, | After " <u>law;</u> " strike out " <u>a felony offense defined in article one hundred twenty-five or four hundred ninety of the penal law"</u> and insert " <u>any crime in the penal law that is classified as a class A felony, excepting those which require, as an element of the offense, that the defendant be eighteen years of age or older"</u> |
| Page 71 and 72, | Line 52 through 1, | Strike out " <u>murder in the second degree as defined in subdivisions one and two of section 125.25 of the penal law and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; a specified offense defined in subdivision two of section 130.90 of the penal law when committed as a sexually motivated felony"</u> and insert " <u>criminally negligent homicide as defined in section 125.10 of the penal law; aggravated criminally negligent homicide as defined in section 125.11 of the penal law; vehicular manslaughter in the second degree as defined in section 125.12 of the penal law; vehicular manslaughter in the first degree as defined in section 125.13 of the penal law; aggravated vehicular homicide as defined in section 125.14 of the penal law; manslaughter in the second degree as defined in section 125.15 of the penal law; manslaughter in the first degree as defined in section 125.20 of the penal law; aggravated manslaughter in the second degree as defined in section 125.21; aggravated manslaughter in the first degree as defined in section 125.22 of the penal law"</u> |
| Page 72, | Line 2 through 7, | Strike out " <u>degree as defined by section 215.11, tampering with a witness in the second degree as defined by section 215.12, or tampering with a witness in the first degree as defined by section 215.13 of the</u> |

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| | | <p><u>penal law, provided such offense is committed in relation to a criminal proceeding for an offense or an attempt or conspiracy to commit an offense specified in this subdivision"</u></p> <p>and insert ", second, or first degree as defined under Article 215 of the penal law, <u>provided that the criminal proceeding in which the person is tampering is one for which such person is responsible"</u></p> |
| Page 72, | Line 8 through 10, | <p>After "law;" strike out "<u>or an attempt or conspiracy to commit an offense specified in this subdivision, provided such attempt or conspiracy is a felony"</u> and insert "<u>acts constituting a specified offense defined in section 130.91 of the penal law when committed as a sexually motivated felony; acts constituting a specified offense defined in subdivision three of section 490.05 of the penal law when committed as an act of terrorism; acts constituting a felony defined in article 490 of the penal law; and acts constituting a crime set forth in subdivision one of section 105.10 and section 105.15 of the penal law provided that the underlying crime for the conspiracy charge is one for which such person is criminally responsible"</u></p> |
| Page 72, | Line 47, | After "his" insert " <u>or her"</u> |
| Page 72, | Line 48, | After "he" insert " <u>or she"</u> |
| Page 73 | Line 28 | After "he" insert " <u>or she"</u> |
| Page 73 | Line 32 | After "him" insert " <u>or her"</u> |
| Page 74 | Line 2 | Before "parents" insert " <u>or her"</u> and before "care" insert " <u>or her"</u> |
| Page 74 | Line 4 | After "he" insert " <u>or she"</u> |
| Page 74 | Line 7 | After "his" insert " <u>or her"</u> |
| Page 74 | Line 8 | After "his" insert " <u>or her"</u> |
| Page 74 | Line 9 | After "he" insert " <u>or she"</u> |
| Page 74, | Line 25, | After " <u>physical"</u> strike out " <u>harm"</u> and insert " <u>injury as defined in subdivision nine of section 10.00 of the penal law"</u> |
| Page 74 | Line 32 | After "his" insert " <u>or her"</u> |
| Page 75 | Line 19 | Strike out " <u>youth"</u> insert " <u>child"</u> |
| Page 75, | Line 30, | Strike out " <u>youth"</u> insert " <u>child"</u> |
| Page 77, | Line 29, | After "physical" strike out "harm" and |

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| | | insert " <u>injury as defined in subdivision nine of section 10.00 of the penal law</u> " |
| Page 77, | Line 41, | After " <u>of</u> " insert " <u>such</u> " |
| Page 77, | Line 43, | After " <u>of</u> " insert " <u>such</u> " |
| Page 78, | Line 7, | After " <u>and</u> " insert " <u>persons with</u> " |
| Page 80, | Line 6, | After " <u>physical</u> " strike out " <u>harm</u> " and insert " <u>injury as defined in subdivision nine of section 10.00 of the penal law</u> " |
| Page 82, | Line 56, | After " <u>felony</u> " insert " <u>only</u> " |
| Page 83, | Line 28, | After " <u>consent</u> " insert " <u>for acts committed before the respondent's sixteenth birthday</u> " |
| Page 83, | Line 29, | After " <u>in</u> " strike out " <u>paragraph (d) of</u> " |
| Page 83, | Line 30, | After " <u>subdivision</u> " strike out " <u>two</u> " and insert " <u>four</u> " |
| Page 85, | Line 6, | After " <u>he</u> " insert " <u>or she</u> " |
| Page 85, | Line 8, | After " <u>his</u> " insert " <u>or her</u> " |
| Page 94, | Line 14, | After " <u>his</u> " insert " <u>or her</u> " |
| Page 97, | Line 23, | After " <u>of</u> " strike out "[" and after " <u>adjudicated</u> " insert "[" |
| Page 101, | Line 45 through 47, | After " <u>law</u> " strike out " <u>and shall be considered a person over the age of eighteen for the prosecution of acts constituting an offense set forth in the vehicle and traffic law</u> " |
| Page 103, | Line 31, | After " <u>imprisonment</u> " insert "[" and after ";" insert "]," |
| Page 103, | Line 36, | After " <u>was</u> " insert " <u>at least</u> " and after " <u>old</u> " insert " <u>but less than seventeen years old, and , commencing January 1, 2018, where the defendant was at least fourteen years old but less than eighteen years old</u> " |
| Page 103, | Line 38 through 41, | After " <u>years</u> " strike out " <u>; and (c) where the defendant was sixteen or seventeen years old at the time of such offense, the minimum period of imprisonment shall be at least ten years but shall but exceed fifteen years</u> " |
| Page 103, | Line 44 and 45, | After " <u>degree</u> " strike out " <u>where: (i) the defendant was fourteen or fifteen years old at the time of such offense</u> " |
| Page 103, | Line 47 | After " <u>years;</u> " strike out " <u>and (ii) the</u> " |

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| | through 49, | <u>defendant was sixteen or seventeen years old at the time of such offense, the determinate term shall be fixed by the court, and shall be at least four years but shall not exceed ten years;</u> " |
| Page 103, | Line 50 and 51, | After "felony," strike out " <u>where: (i) the defendant was fourteen or fifteen years old at the time of such offense,</u> " |
| Page 103, | Line 53 through 56, | After "years;" strike out " <u>and (ii) the defendant was sixteen or seventeen years old at the time of such offense, the determinate term shall be fixed by the court, and shall be at least one year but shall not exceed seven years;</u> " |
| Page 103, | Line 56, | After "defendant" insert " <u>was sixteen years old, and, commencing January 1, 2018, where the defendant was sixteen or seventeen years old at the time of the offense and the defendant</u> " |
| Page 104, | Line 6, | After "article" strike out ";" and insert " <u>. The defendant and the district attorney shall have an opportunity to present relevant information to assist the court in making this determination and the court may, in its discretion, conduct a hearing with respect to any issue bearing upon such determination. If the court determines it is appropriate to sentence the defendant pursuant to paragraph (a) of subdivision three of section 70.02 of this article, it shall make a statement on the record of the facts and circumstances upon which such determination is based;</u> " |
| Page 104, | Line 7 and 8, | After "felony," strike out " <u>where: (i) the defendant was fourteen or fifteen years old at the time of such offense,</u> " |
| Page 104, | Line 10 through 13, | After " <u>and</u> " strike out " <u>(ii) the defendant was sixteen or seventeen years old at the time of such offense, the determinate term shall be fixed by the court, and shall be at least one year but shall not exceed five years;</u> " |
| Page 104, | Line 14 and 15, | After "felony," strike out " <u>where: (i) the defendant was fourteen or fifteen years old at the time of such offense,</u> " |
| Page 104, | Line 17 through 20, | After " <u>and</u> " strike out " <u>(ii) the defendant was sixteen or seventeen years old at the time of such offense, the determinate term shall be fixed by the court, and shall be at least one year but shall not exceed three years; and</u> " |
| Page 104, | Line 21, | After " <u>sixteen</u> " insert " <u>years old, and commencing January 1, 2018, where the</u> " |

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| | | <u>defendant was sixteen or"</u> |
| Page 105, | Line 46, | After "indeterminate" insert " <u>, determinate"</u> |
| Page 105, | Line 53, | After "offender" insert "is convicted," then after "or" insert ", if the" |
| Page 106, | Line 2, | After "is" strike out " <u>convicted</u> " and insert " <u>sentenced to an indeterminate or determinate sentence"</u> |
| Page 106, | Line 2 through 3, | After " <u>crime</u> " strike out " <u>,other than a vehicle and traffic offense,"</u> |
| Page 106, | Line 51, | After " <u>(i)</u> " strike out " <u>The</u> " and insert " <u>If the</u> " |
| Page 107, | Line 1, | After " <u>sentences</u> " strike out " <u>shall, if it</u> " |
| Page 107, | Line 2-22, | After "years," strike out " <u>be deemed to be ten years, provided:</u> <u>(A) Where all of such consecutive sentences are determinate and the aggregate term exceeds ten years, the juvenile offender shall be deemed to be serving a determinate term of ten years; and (B) Where all of such consecutive sentences are indeterminate and the aggregate maximum term exceeds ten years, the juvenile offender shall be deemed to be serving an indeterminate sentence, the maximum term of which shall be deemed to be ten years and the aggregate minimum period of which, if it exceeds five years, shall be deemed to be five years; and</u> <u>(C) Where one or more of such consecutive sentences is a determinate sentence and one or more of which is an indeterminate sentence:</u> <u>(1) if the aggregate term of the determinate sentences is equal to or exceeds ten years, the juvenile offender shall be deemed to be serving a determinate term of ten years; and</u> <u>(2) if the term or aggregate term of the determinate sentence or sentences is less than ten years, the juvenile offender shall be deemed to be serving an indeterminate sentence, the maximum term of which shall be deemed to be ten years, and the minimum period of which shall be deemed to be five years or six-sevenths of the term or aggregate term of the determinate sentence or sentences, whichever is greater."</u> and insert " <u>the juvenile offender shall be deemed to be serving a determinate term of ten years."</u> |
| Page 107, | Line 23, | After " <u>(ii)</u> " strike out " <u>The</u> " and insert " <u>If the</u> ' |

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| Page 107, | Line 30 and 31, | After " <u>sentences</u> " strike out " <u>shall, if it</u> " |
| Page 107, | Line 31 through 52, | <p>After "years," strike out "<u>be deemed to be fifteen years, provided:</u></p> <p><u>(A) Where all of such consecutive sentences are determinate and the aggregate term exceeds fifteen years, the juvenile offender shall be deemed to be serving a determinate term of fifteen years; and (B) Where all of such consecutive sentences are indeterminate and the aggregate maximum term exceeds fifteen years, the juvenile offender shall be deemed to be serving an indeterminate sentence, the maximum term of which shall be deemed to be fifteen years and the aggregate minimum period of which, if it exceeds seven and one-half years, shall be deemed to be seven and one-half years; and</u></p> <p><u>(C) Where one or more of such consecutive sentences is a determinate sentence and one or more of which is an indeterminate sentence:</u></p> <p><u>(1) if the aggregate term of the determinate sentences is equal to or exceeds fifteen years, the juvenile offender shall be deemed to be serving a determinate term of fifteen years; and</u></p> <p><u>(2) if the term or aggregate term of the determinate sentence or sentences is less than fifteen years, the juvenile offender shall be deemed to be serving an indeterminate sentence, the maximum term of which shall be deemed to be fifteen years, and the minimum period of which shall be deemed to be seven and one-half years or six-sevenths of the term or aggregate term of the determinate sentence or sentences, whichever is greater." and insert "<u>the juvenile offender shall be deemed to be serving a determinate term of fifteen years.</u>"</u></p> |
| Page 110 | Between Lines 38 and 39 | <p>Insert</p> <p>"§63-a. The article heading of article 100 of the criminal procedure law, as added by chapter 996 of the laws of 1970, is amended to read as follows:</p> <p>Commencement of Action in Local Criminal Court or Youth Part of a Superior Court— [Local Criminal Court] Accusatory Instruments</p> <p>§63-b. The first undesignated paragraph of section 100.05 of the criminal procedure law, as added by chapter 996 of the laws of 1970, is amended to read as follows:</p> <p>A criminal action is commenced by the filing of an accusatory instrument with a</p> |

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| | <p>criminal court <u>or, in case of a juvenile offender, the youth part of the superior court</u>, and if more than one such instrument is filed in the course of the same criminal action, such action commences when the first of such instruments is filed. The only way in which a criminal action can be commenced in a superior court, <u>other than a criminal action against a juvenile offender</u>, is by the filing therewith by a grand jury of an indictment against a defendant who has never been held by a local criminal court for the action of such grand jury with respect to any charge contained in such indictment. Otherwise, a criminal action can be commenced only in a local criminal court, by the filing therewith of a local criminal court accusatory instrument, namely:</p> <p>§63-c. The section heading and subdivision 5 of section 100.10 of the criminal procedure law, as added by chapter 996 of the laws of 1970, are amended to read as follows: <u>§ 100.10 Local criminal court and youth part of the superior court accusatory instruments; definitions thereof.</u> 5. A "felony complaint" is a verified written accusation by a person, filed with a local criminal court <u>or youth part of the superior court</u>, charging one or more other persons with the commission of one or more felonies. It serves as a basis for the commencement of a criminal action, but not as a basis for prosecution thereof."</p> <p>§63-d. The section heading of section 100.40 of the criminal procedure law, as added by chapter 996 of the laws of 1970, is amended to read as follows: <u>§ 100.40 Local criminal court and youth part of the superior court accusatory instruments; sufficiency on face.</u></p> <p>§63-e. The criminal procedure law is amended by adding a new section 100.60 to read as follows: <u>§ 100.60 Youth part of the superior court accusatory instruments; in what courts filed.</u> <u>Any youth part of the superior court accusatory instrument may be filed with the youth part of the superior court of a particular county when an offense charged therein was allegedly committed in such county or that part thereof over which such court has jurisdiction.</u></p> <p>§63-f. The article heading of article 110 of the criminal procedure law, as added by</p> |
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| | | <p>chapter 996 of the laws of 1970, is amended to read as follows:</p> <p>Requiring Defendant's Appearance in Local Criminal Court <u>or Youth Part of Superior Court</u> for Arraignment</p> <p>§63-g. The section heading of section 110.10 of the criminal procedure law, as added by chapter 996 of the laws of 1970 and subdivision 1 and subdivision 2, are amended to read as follows: § 110.10 Methods of requiring defendant's appearance in local criminal court <u>or youth part of the superior court</u> for arraignment; in general.</p> <p>1. After a criminal action has been commenced in a local criminal court <u>or youth part of the superior court</u> by the filing of an accusatory instrument therewith, a defendant who has not been arraigned in the action and has not come under the control of the court may under certain circumstances be compelled or required to appear for arraignment upon such accusatory instrument by:</p> <p>(a) The issuance and execution of a warrant of arrest, as provided in article one hundred twenty; or</p> <p>(b) The issuance and service upon him of a summons, as provided in article one hundred thirty; or</p> <p>(c) Procedures provided in articles five hundred sixty, five hundred seventy, five hundred eighty, five hundred ninety and six hundred for securing attendance of defendants in criminal actions who are not at liberty within the state.</p> <p>2. Although no criminal action against a person has been commenced in any court, he may under certain circumstances be compelled or required to appear in a local criminal court <u>or youth part of a superior court</u> for arraignment upon an accusatory instrument to be filed therewith at or before the time of his appearance by:</p> <p>(a) An arrest made without a warrant, as provided in article one hundred forty; or</p> <p>(b) The issuance and service upon him of an appearance ticket, as provided in article one hundred fifty.</p> <p>Then insert new section 63-h:</p> |
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| | | <p>Section 110.20 of the criminal procedure law, as added by chapter 996 of the laws of 1970, is amended to read as follows:</p> <p>§ 110.20 Local criminal court <u>or youth part of the superior court</u> accusatory instruments; notice thereof to district attorney.</p> <p>When a criminal action in which a crime is charged is commenced in a local criminal court <u>or youth part of the superior court</u>, other than the criminal court of the city of New York, a copy of the accusatory instrument shall be promptly transmitted to the appropriate district attorney upon or prior to the arraignment of the defendant on the accusatory instrument. If a police officer or a peace officer is the complainant or the filer of a simplified information, or has arrested the defendant or brought him before the local criminal court <u>or youth part of the superior court</u> on behalf of an arresting person pursuant to subdivision one of section 140.20, such officer or his agency shall transmit the copy of the accusatory instrument to the appropriate district attorney. In all other cases, the clerk of the court in which the defendant is arraigned shall so transmit it.</p> <p>§63-i. The first undesignated paragraph of subdivision 1 of section 120.20 of the criminal procedure law, as added by chapter 996 of the laws of 1970, is amended to read as follows:</p> <p>1. When a criminal action has been commenced in a local criminal court <u>or youth part of the superior court</u> by the filing therewith of an accusatory instrument, other than a simplified traffic information, against a defendant who has not been arraigned upon such accusatory instrument and has not come under the control of the court with respect thereto:</p> <p>§63-j. Section 120.30 of the criminal procedure law, as added by chapter 996 of the laws of 1970, is amended to read as follows:</p> <p>1. A warrant of arrest may be issued only by the local criminal court <u>or youth part of the superior court</u> with which the underlying accusatory instrument has been filed, and it may be made returnable in such issuing court only.</p> <p>2. The particular local criminal court</p> |
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| | | <p>or courts <u>or youth part of the superior court</u> with which any particular local criminal court <u>or youth part of the superior court</u> accusatory instrument may be filed for the purpose of obtaining a warrant of arrest are determined, generally, by the provisions of section 100.55 <u>or</u> 100.60. If, however, a particular accusatory instrument may pursuant to said section 100.55 be filed with a particular town court and such town court is not available at the time such instrument is sought to be filed and a warrant obtained, such accusatory instrument may be filed with the town court of any adjoining town of the same county. If such instrument may be filed pursuant to said section 100.55 with a particular village court and such village court is not available at the time, it may be filed with the town court of the town embracing such village, or if such town court is not available either, with the town court of any adjoining town of the same county.</p> <p>§63-k. Section 120.55 of the criminal procedure law, as amended by chapter 62 of the laws of 2011, is amended to read as follows: If the defendant named within a warrant of arrest issued by a local criminal court <u>or youth part of the superior court</u> pursuant to the provisions of this article, or by a superior court issued pursuant to subdivision three of section 210.10 of this chapter, is under the supervision of the state department of corrections and community supervision or a local or state probation department, then a warrant for his or her arrest may be executed by a parole officer or probation officer, when authorized by his or her probation director, within his or her geographical area of employment. The execution of the warrant by a parole officer or probation officer shall be upon the same conditions and conducted in the same manner as provided for execution of a warrant by a police officer.</p> <p>§63-l. Subdivision 1 of section 120.70 of the criminal procedure law, as added by chapter 996 of the laws of 1970, is amended to read as follows: 1. A warrant of arrest issued by a district court, by the New York City criminal court, <u>the youth part of a superior court</u> or by a superior court judge sitting as a local criminal court may be executed anywhere in the state.</p> |
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| | | <p>§63-m. Section 120.90 of the criminal procedure law is amended by adding a new subdivision 5-a, and amending subdivisions 1 and 6, as added by chapter 996 of the laws of 1970, to read as follows:</p> <p>1. Upon arresting a defendant for any offense pursuant to a warrant of arrest in the county in which the warrant is returnable or in any adjoining county, or upon so arresting him for a felony in any other county, a police officer, if he be one to whom the warrant is addressed, must without unnecessary delay bring the defendant before the local criminal court <u>or youth part of the superior court</u> in which such warrant is returnable.</p> <p><u>5-a. Whenever a police officer is required pursuant to this section to bring an arrested defendant before a youth part of a superior court in which a warrant of arrest is returnable, and if such court is not available at the time, such officer must bring such defendant before the most accessible magistrate designated by the appellate division of the supreme court in the applicable department to act as a youth part.</u></p> <p>6. Before bringing a defendant arrested pursuant to a warrant before the local criminal court <u>or youth part of a superior court</u> in which such warrant is returnable, a police officer must without unnecessary delay perform all fingerprinting and other preliminary police duties required in the particular case. In any case in which the defendant is not brought by a police officer before such court but, following his arrest in another county for an offense specified in subdivision one of section 160.10, is released by a local criminal court of such other county on his own recognizance or on bail for his appearance on a specified date before the local criminal court before which the warrant is returnable, the latter court must, upon arraignment of the defendant before it, direct that he be fingerprinted by the appropriate officer or agency, and that he appear at an appropriate designated time and place for such purpose.</p> <p>§63-n. Subdivision 1 of section 130.10 of the criminal procedure law, as amended by chapter 446 of the laws of 1993, is amended to read as follows:</p> <p>1. A summons is a process issued by a local criminal court directing a defendant designated in an information, a prosecutor's information, a felony complaint or a misdemeanor complaint filed</p> |
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| | | <p>with such court, <u>or a youth part of a superior court directing a defendant designated in a felony complaint, or by a superior court directing a defendant designated in an indictment filed with such court, to appear before it at a designated future time in connection with such accusatory instrument. The sole function of a summons is to achieve a defendant's court appearance in a criminal action for the purpose of arraignment upon the accusatory instrument by which such action was commenced.</u></p> <p>§63-o. Section 130.30 of the criminal procedure law, as amended by chapter 506 of the laws of 2000, is amended to read as follows: A local criminal court <u>or youth part of the superior court</u> may issue a summons in any case in which, pursuant to section 120.20, it is authorized to issue a warrant of arrest based upon an information, a prosecutor's information, a felony complaint or a misdemeanor complaint. If such information, prosecutor's information, felony complaint or misdemeanor complaint is not sufficient on its face as prescribed in section 100.40, and if the court is satisfied that on the basis of the available facts or evidence it would be impossible to draw and file an authorized accusatory instrument that is sufficient on its face, the court must dismiss the accusatory instrument. A superior court may issue a summons in any case in which, pursuant to section 210.10, it is authorized to issue a warrant of arrest based upon an indictment.</p> <p>§63-p. Subdivision 1 of section 140.20 of the criminal procedure law is amended by adding a new paragraph (e) to read as follows: <u>(e) If the arrest is for a person under the age of seventeen or, commencing January first two thousand eighteen, a person under the age of eighteen, such person shall be brought before the youth part of the superior court. If the youth part is not in session, such person shall be brought before the most accessible magistrate designated by the appellate division of the supreme court in the applicable department to act as a youth part."</u></p> |
| Page 110, | Line 55, | Before " <u>shall</u> " strike out " <u>offender</u> " |
| Page 111, | Between Lines 14 and 15, | Insert "§64-a. Subdivision 2 of section 140.27 of the criminal procedure law, as |

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| | | <p>amended by chapter 843 of the laws of 1980, is amended to read as follows:</p> <p>2. Upon arresting a person without a warrant, a peace officer, except as otherwise provided in subdivision three <u>or three-a</u>, must without unnecessary delay bring him or cause him to be brought before a local criminal court, as provided in section 100.55 and subdivision one of section 140.20, and must without unnecessary delay file or cause to be filed therewith an appropriate accusatory instrument. If the offense which is the subject of the arrest is one of those specified in subdivision one of section 160.10, the arrested person must be fingerprinted and photographed as therein provided. In order to execute the required post-arrest functions, such arresting peace officer may perform such functions himself or he may enlist the aid of a police officer for the performance thereof in the manner provided in subdivision one of section 140.20.</p> <p>§64-b. Section 140.27 of the criminal procedure law is amended by adding a new subdivision 3-a to read as follows: <u>(3-a) If the arrest is for a person under the age of seventeen or, commencing January first two thousand eighteen, a person under the age of eighteen, such person shall be brought before the youth part of the superior court. If the youth part is not in session, such person shall be brought before the most accessible magistrate designated by the appellate division of the supreme court in the applicable department to act as a youth part."</u></p> |
| Page 111, | Line 30, | After " <u>juvenile</u> " strike out " <u>offender</u> " |
| Page 112, | Line 6, | After " <u>juvenile</u> " strike out " <u>offender</u> " |
| Page 112, | Line 46, | After " <u>determines</u> " strike out " <u>by a preponderance of the evidence</u> " |
| Page 113, | Line 33, | After " <u>supervision</u> " insert " <u>or the office of children and family services</u> " |
| Page 114, | Line 19, | After " <u>was</u> " strike out " <u>twenty-one</u> " and insert " <u>twenty</u> " |
| Page 114, | Line 42, | <p>After "law" strike out "is REPEALED." Then insert:</p> <p>", as amended by chapter 264 of the laws of 2003, is amended to read as follows: § 180.75 Proceedings upon felony complaint; juvenile offender.</p> |

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| | | <p>1. When <u>the youth part of a superior court is not in session and a juvenile offender is arraigned before [a local criminal court] the most accessible magistrate designated by the appellate division of the supreme court in the applicable department to act as a youth part</u>, the provisions of this section shall apply in lieu of the provisions of [sections 180.30, 180.50 and 180.70 of] this article.</p> <p>2. If the defendant waives a hearing upon the felony complaint, the court must [order that the defendant be held for the action of the grand jury of the appropriate superior court with respect to the charge or charges contained in the felony complaint] <u>transfer the action to the youth part of the superior court</u>. In such case the court must promptly transmit to such <u>youth part of the superior court</u> the order, the felony complaint, the supporting depositions and all other pertinent documents. Until such papers are received by the <u>youth part of the superior court</u>, the action is deemed to be still pending in the [local criminal court] <u>court designated by the appellate division of the supreme court in the applicable department to act as a youth part</u>.</p> <p>3. If there be a hearing, then at the conclusion of the hearing, the court must dispose of the felony complaint as follows:</p> <p>(a) If there is reasonable cause to believe that the defendant committed a crime for which a person under the age of [sixteen]<u>seventeen or, commencing January first two thousand eighteen, a person under the age of eighteen</u> is criminally responsible, the court must[order that the defendant be held for the action of a grand jury of the appropriate superior court] <u>transfer the action to the youth part of the superior court</u>, and it must promptly transmit to such superior court the order, the felony complaint, the supporting depositions and all other pertinent documents. Until such papers are received by the superior court, the action is deemed to be still pending in the [local criminal court]<u>court designated by the appellate division of the supreme court in the applicable department to act as a youth part; or</u></p> <p>(b) If there is not reasonable cause to believe that the defendant committed a crime for which a person under the age of [sixteen]<u>seventeen or, commencing January first two thousand eighteen, a person under the age of eighteen, is criminally responsible but there is reasonable cause</u></p> |
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| | | <p>to believe that the defendant is a "juvenile delinquent" as defined in subdivision one of section 301.2 of the family court act, the court must specify the act or acts it found reasonable cause to believe the defendant did and direct that the action be removed to the family court in accordance with the provisions of article seven hundred twenty-five of this chapter; or</p> <p>(c) If there is not reasonable cause to believe that the defendant committed any criminal act, the court must dismiss the felony complaint and discharge the defendant from custody if he is in custody, or if he is at liberty on bail, it must exonerate the bail.</p> <p>[4. Notwithstanding the provisions of subdivisions two and three of this section, a local criminal court shall, at the request of the district attorney, order removal of an action against a juvenile offender to the family court pursuant to the provisions of article seven hundred twenty-five of this chapter if, upon consideration of the criteria specified in subdivision two of section 210.43 of this chapter, it is determined that to do so would be in the interests of justice. Where, however, the felony complaint charges the juvenile offender with murder in the second degree as defined in section 125.25 of the penal law, rape in the first degree as defined in subdivision one of section 130.35 of the penal law, criminal sexual act in the first degree as defined in subdivision one of section 130.50 of the penal law, or an armed felony as defined in paragraph (a) of subdivision forty-one of section 1.20 of this chapter, a determination that such action be removed to the family court shall, in addition, be based upon a finding of one or more of the following factors: (i) mitigating circumstances that bear directly upon the manner in which the crime was committed; or (ii) where the defendant was not the sole participant in the crime, the defendant's participation was relatively minor although not so minor as to constitute a defense to the prosecution; or (iii) possible deficiencies in proof of the crime.</p> <p>5. Notwithstanding the provisions of subdivision two, three, or four, if a currently undetermined felony complaint against a juvenile offender is pending in a local criminal court, and the defendant has not waived a hearing pursuant to subdivision two and a hearing pursuant to subdivision three has not commenced, the defendant may move in the superior court</p> |
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| | | <p>which would exercise the trial jurisdiction of the offense or offenses charged were an indictment therefor to result, to remove the action to family court. The procedural rules of subdivisions one and two of section 210.45 of this chapter are applicable to a motion pursuant to this subdivision. Upon such motion, the superior court shall be authorized to sit as a local criminal court to exercise the preliminary jurisdiction specified in subdivisions two and three of this section, and shall proceed and determine the motion as provided in section 210.43 of this chapter; provided, however, that the exception provisions of paragraph (b) of subdivision one of such section 210.43 shall not apply when there is not reasonable cause to believe that the juvenile offender committed one or more of the crimes enumerated therein, and in such event the provisions of paragraph (a) thereof shall apply.</p> <p>6. (a) If the court orders removal of the action to family court, it shall state on the record the factor or factors upon which its determination is based, and the court shall give its reasons for removal in detail and not in conclusory terms.</p> <p>(b) the district attorney shall state upon the record the reasons for his consent to removal of the action to the family court where such consent is required. The reasons shall be stated in detail and not in conclusory terms.</p> <p>(c) For the purpose of making a determination pursuant to subdivision four or five, the court may make such inquiry as it deems necessary. Any evidence which is not legally privileged may be introduced. If the defendant testifies, his testimony may not be introduced against him in any future proceeding, except to impeach his testimony at such future proceeding as inconsistent prior testimony.</p> <p>(d) Where a motion for removal by the defendant pursuant to subdivision five has been denied, no further motion pursuant to this section or section 210.43 of this chapter may be made by the juvenile offender with respect to the same offense or offenses.</p> <p>(e) Except as provided by paragraph (f), this section shall not be construed to limit the powers of the grand jury.</p> <p>(f) Where a motion by the defendant pursuant to subdivision five has been granted, there shall be no further proceedings against the juvenile offender in any local or superior criminal court for the offense or offenses which were the</p> |
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| | | <p>subject of the removal order.]</p> <p>§68-a. The first undesignated paragraph of section 180.80 of the criminal procedure law, as amended by chapters 556 and 557 of the laws of 1982, are amended to read as follows:</p> <p>Upon application of a defendant against whom a felony complaint has been filed with a local criminal court <u>or the youth part of a superior court</u>, and who, since the time of his arrest or subsequent thereto, has been held in custody pending disposition of such felony complaint, and who has been confined in such custody for a period of more than one hundred twenty hours or, in the event that a Saturday, Sunday or legal holiday occurs during such custody, one hundred forty-four hours, without either a disposition of the felony complaint or commencement of a hearing thereon, the [local criminal] court must release him on his own recognizance unless:"</p> |
| Page 116, | Line 18, | After "he" insert " <u>or she</u> " |
| Page 117, | Between Line 46 Line 47, | <p>Insert "§72-a. Subdivision 2 of Section 410.40 of the criminal procedure law is amended to read as follows:</p> <p>(2). Warrant. (a) Where the probation officer has requested that a probation warrant be issued, the court shall, within seventy-two hours of its receipt of the request, issue or deny the warrant or take any other lawful action including issuance of a notice to appear pursuant to subdivision one of this section. If at any time during the period of a sentence of probation or of conditional discharge the court has reasonable grounds to believe that the defendant has violated a condition of the sentence, the court may issue a warrant to a police officer or to an appropriate peace officer directing him or her to take the defendant into custody and bring the defendant before the court without unnecessary delay; provided, however, if the court in which the warrant is returnable is a superior court, and such court is not available, and the warrant is addressed to a police officer or appropriate probation officer certified as a peace officer, such executing officer may <u>unless otherwise specified under paragraph (b) of this section</u> bring the defendant to the local correction facility of the court in which such court sits, to be detained there until not later than the commencement of the next session of such court occurring on the next business day;</p> |

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| | | <p>or if the court in which the warrant is returnable is a local criminal court, and such court is not available, and the warrant is addressed to a police officer or appropriate probation officer certified as a peace officer, such executing officer must without unnecessary delay bring the defendant before an alternate local criminal court, as provided in subdivision five of section 120.90 of this chapter. A court which issues such a warrant may attach thereto a summary of the basis for the warrant. In any case where a defendant arrested upon the warrant is brought before a local criminal court other than the court in which the warrant is returnable, such local criminal court shall consider such summary before issuing a securing order with respect to the defendant.</p> <p><u>(b) If the court in which the warrant is returnable is a superior court, and such court is not available, and the warrant is addressed to a police officer or appropriate probation officer certified as a peace officer, such executing officer shall, where a defendant is sixteen years of age or younger who allegedly commits an offense, or a violation of his or her probation or conditional discharge imposed for an offense on or after January 1, 2017, or where a defendant is seventeen years of age or younger who allegedly commits an offense or a violation of his or her probation or conditional discharge imposed for an offense on or after January 1, 2018, bring the defendant to a juvenile detention facility, to be detained there until not later than the commencement of the next session of such court occurring on the next business day."</u></p> |
| Page 118, | Line 32, | After "the" insert "[" and after "penal" insert "]" <u>criminal procedure"</u> |
| Page 118, | Line 44, | After "institution" insert " <u>or juvenile detention facility"</u> |
| Page 118, | Line 44, | After "section" insert " <u>410.40 or"</u> |
| Page 119, | Line 20, | After "is" insert " <u>(a)"</u> |
| Page 119, | Line 20, | After "of" strike out "[" and after "sixteen" strike out "]" <u>seventeen, or commencing January first, two thousand eighteen under the age of eighteen,"</u> and insert " <u>; or (b) commencing January 1, 2017, a principal who is under the age of seventeen; or (c) commencing January 1, 2018, a principal who is under the age of eighteen,"</u> |

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| Page 119, | Line 29, | After "principal" strike out "[" and after "age" insert "[" and after "sixteen" insert " <u>specified</u> " |
| Page 119, | Line 32, | After "crime" strike out "[" |
| Page 119, | Line 33, | After "the" insert "[" and after "youth" insert "]" and insert " <u>office of children and family services</u> " |
| Page 119, | Line 34, | After "therefor" strike out "]" |
| Page 120, | Line 40, | After "nine-" insert "[" and after "m" insert "]" and then insert " <u>mm</u> " |
| Page 121, | Line 6, | After " <u>Proceedings</u> " strike out " <u>upon a complaint</u> " and insert " <u>in a youth part of superior court</u> " |
| Page 121, | Line 10, | After " <u>bail</u> " strike out " <u>at or</u> " |
| Page 121, | Line 44, | After " <u>offenders</u> " insert " <u>,except as provided in section 180.75 of this article</u> " |
| Page 121, | Line 45, | After " <u>Proceedings</u> " strike out " <u>upon a complaint</u> " and insert " <u>in a youth part of superior court</u> " |
| Page 121, | Line 46, | After " <u>part</u> " insert " <u>or transferred to a youth part pursuant to section 180.75 of this chapter</u> " |
| Page 121 | Line 47-48, | After "apply" strike out " <u>in lieu of the provisions of sections 180.30, 180.50 and 180.70 of this chapter</u> " |
| Page 121, | Line 49, | After " <u>complaint</u> " strike out "." and insert " <u>unless the defendant waives a hearing. If the defendant waives a hearing the court must order that the defendant be held for action of the grand jury.</u> " |
| Page 121, | Line 53, | After "of" insert " <u>seventeen or, commencing January 1, 2018, a person under</u> " |
| Page 122, | Line 2, | After "of" insert " <u>seventeen or, commencing January first two thousand eighteen, a person under the age of</u> " |
| Page 122, | Line 13, | After " <u>two</u> " insert " <u>of</u> " |
| Page 122, | Line 17, | After " <u>in</u> " strike out " <u>subdivision one of</u> " |
| Page 122, | Line 25, | After " <u>if</u> " insert " <u>the district attorney proves, by a preponderance of the evidence, that</u> " |
| Page 123, | Line 18 through 25, | After " <u>4.</u> " strike out " <u>If an action involving a defendant who is sixteen or, commencing January first, two thousand</u> " |

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| | | <u>eighteen, seventeen years of age is removed to family court, the youth part shall retain concurrent jurisdiction with the family court. At any time that it is determined by the family court or the youth part that continuing the proceeding in family court is not appropriate, the case may be returned to the youth part. 5."</u> |
| Page 124, | Line 48, | After " <u>law</u> " insert " <u>commencing January 1, 2017,</u> " |
| Page 124, | Line 49, | After " <u>of</u> " strike out " <u>eighteen</u> " and insert " <u>seventeen who is sentenced for an offense on or after January 1, 2017, and, commencing January 1, 2018, no county jail shall be used for the confinement of any person under the age of eighteen who is sentenced for an offense on or after January 1, 2018</u> " |
| Page 124, | Line 50, | After " <u>person</u> " strike out " <u>under the age of eighteen</u> " and insert " <u>who may not be confined to a county jail pursuant to this subdivision</u> " |
| Page 125, | Between Lines 18 and 19, | Insert " <u>§87-a. Subdivision 6-a of section 3202 of the education law, as amended by part G of chapter 58 of the Laws of 2014, is amended to read as follows: 6-a. Notwithstanding subdivision six of this section or any other law to the contrary, the commissioner of the office of children and family services shall be responsible for the secular education of youth under the jurisdiction of the office and may contract for such education with the trustees or board of education of the school district wherein a facility for the residential care of such youth is located or with the board of cooperative educational services at which any such school district is a component district [for special education programs, related services and career and technical education services] in accordance with subparagraph (8) of paragraph (h) of subdivision four of section nineteen hundred and fifty of this chapter. A youth attending a local public school while in residence at such facility shall be deemed a resident of the school district where his parent or guardian resides at the commencement of each school year for the purpose of determining which school district shall be responsible for the youth's tuition pursuant to section five hundred four of the executive law."</u> |
| Page 127, | Line 1, | After " <u>4.</u> " insert " <u>a.</u> " |

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| Page 127, | Line 31, | <p>After "law." insert "<u>b. Commencing January first, two thousand seventeen, such additional state aid shall be made I n an amount necessary to pay one hundred percent of the expenditures for evidence-based practices and juvenile risk and evidence-based intervention services provided to youth aged sixteen years of age or older when such services would not otherwise have been provided absent the provisions of a chapter of the laws of two thousand fifteen that increased the age of juvenile jurisdiction.</u>"</p> |
| Page 127, | Between lines 31 and 32, | <p>Insert "<u>§91-a. The Executive Law is amended by adding a new section 259-p to read as follows:</u></p> <p><u>§259-p. Interstate detention. (1) (a) Notwithstanding any other provision of law, a defendant subject to section 259-mm of this chapter, may be detained as authorized by the interstate compact for adult offender supervision.</u></p> <p><u>(b) A defendant shall be detained at a local correctional facility, except as otherwise provided in paragraph (c) of this subdivision.</u></p> <p><u>(c) (i) A defendant sixteen years of age or younger, who allegedly commits a criminal act or violation of his or her supervision on or after January 1, 2017 or (ii) a defendant seventeen years of age or younger who allegedly commits a criminal act or violation of his or her supervision on or after January 1, 2018, shall be detained in a juvenile detention facility.</u></p> <p>§91-b. Subdivision 16 of section 296 of the executive law, as amended by chapter 56 of the laws of 2009, is amended to read as follows:</p> <p>16. It shall be an unlawful discriminatory practice, unless specifically required or permitted by statute, for any person, agency, bureau, corporation or association, including the state and any political subdivision thereof, to make any inquiry about, whether in any form of application or otherwise, or to act upon adversely to the individual involved, any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by a youthful offender adjudication, as</p> |

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| | | <p>defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law or by a conviction which is sealed pursuant to [section] <u>sections 160.56 or 160.58</u> of the criminal procedure law, in connection with the licensing, employment or providing of credit or insurance to such individual; provided, further, that no person shall be required to divulge information pertaining to any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to [section] <u>sections 160.56 or 160.58</u> of the criminal procedure law. The provisions of this subdivision shall not apply to the licensing activities of governmental bodies in relation to the regulation of guns, firearms and other deadly weapons or in relation to an application for employment as a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of the criminal procedure law; provided, further, that the provisions of this subdivision shall not apply to an application for employment or membership in any law enforcement agency with respect to any arrest or criminal accusation which was followed by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to [section] <u>sections 160.56 or 160.58</u> of the criminal procedure law.</p> |
| Page 128, | Line 36, | Before "director" strike out "[" and after "director" strike out "]" and insert " <u>of classification and compensation within the department of civil service in consultation with the</u> " |
| Page 132, | Line 1, | After " <u>All</u> " strike out " <u>juvenile</u> " |
| Page 132, | Line 20, | After "(c)" strike out 'All" and insert |

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| | | <p>2018 such provisions shall be deemed to apply to youth who have been alleged to have committed, adjudicated for, or convicted of, an offense that occurred on or after such effective date and who were 17 years of age at the time such offense occurred;</p> <p>2. sections 32 through 47, 51, 53, 89, 93 and 98 shall take effect January 1, 2018, provided, however, that:</p> <p>(a) when the applicability of such provisions is dependent on the age of a person, such provisions shall be deemed to apply to youth (i) who have been alleged to have committed, been adjudicated for or convicted of an offense that occurred on or after such effective date and who were at least 12 years of age but under the age of 18 at the time such offense occurred; provided, however, that (ii) such provisions shall be deemed to apply to youth at least 10 years of age but under the age of 18 if such youth is alleged to have committed, adjudicated for, or convicted of an act that would constitute a crime as defined in section 125.27 (murder in the first degree) or 125.25 (murder in the second degree) of the penal law if committed by an adult where such act occurred on or after the effective date; and</p> <p>(b) sections 32 through 47 shall be deemed to be applicable to petitions filed, or attempted to be filed pursuant to Article seven of the Family Court Act on or after such date;</p> <p>3. sections 58 and 60 shall take effect on December 1, 2015;</p> <p>4. sections 59 and 84 through 86 shall take effect January 1, 2019;</p> <p>5. sections 63-a through 63-p; sections 64-a and 64-b; and sections 68 and 68-a shall take effect on January 1, 2017.</p> <p>6. sections 67 and 91-b shall take effect 180 days after enactment; and</p> <p>7. section 91 shall take effect on April 1, 2016;</p> <p>"</p> |
| Page 140, | Line 34, | Before "the amendments" strike out "1" and insert "8" |
| Page 140, | Line 39, | Before "the amendments" strike out "2" and insert "9" |
| Page 140, | Line 42, | Before "the amendments" strike out "3" and insert "10" |
| Page 140, | Line 45, | Before "the amendments" strike out "4" and insert "11" |

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| Page 140, | Line 48, | Before "the amendments" strike out "5" and insert "12" |
| Page 140, | Line 52, | Before "the amendments" strike out "6" and insert "13" |
| Page 141, | Line 1, | Before "the amendments" strike out "7" and insert "14" |
| Page 141, | Line 5, | Before "the amendments" strike out "8" and insert "15" |
| Line 154, | Between lines 35 and 36, | <p>Insert "§ 2. The labor law is amended to add a new section 525 to read as follows:</p> <p><u>§ 525. High quarter threshold. For purposes of this article, "high quarter threshold" shall equal two hundred twenty-one times the minimum wage rate specified below rounded down to the nearest one hundred dollars. The minimum wage rate referenced above shall be a single hourly rate that: (i) is listed in subdivision one of section six hundred fifty-two of this chapter; (ii) is a general rate that is not restricted to specified localities, industries, occupations or employments and; (iii) was in effect 18 months before the Monday of the week that the claim was filed, as determined by the commissioner.</u></p> <p>§ 3. Subdivisions 1 and 2 of section 527 of the labor law, subdivision 1 as amended by section 2 of part 0 of chapter 57 of the laws of 2013 and subdivision 2 as amended by section 5 of chapter 589 of the laws of 1998, are amended to read as follows:</p> <p>1. Basic condition. "Valid original claim" is a claim filed by a claimant who meets the following qualifications: (a) is able to work, and available for work; (b) is not subject to any disqualification or suspension under this article; (c) his or her previously established benefit year, if any, has expired; (d) has been paid remuneration by employers liable for contributions or for payments in lieu of contributions under this article, other than employers from whom the claimant lost employment and for which the commissioner makes a determination disqualifying the claimant for misconduct pursuant to subdivisions three and six of section five hundred ninety-three of this article, for employment during at least two calendar quarters of the base period, with remuneration of one and one-half times the high calendar quarter remuneration within the base period and with <u>remuneration</u> during the high calendar quarter of no less</p> |

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| | | <p>than the high quarter threshold [at least two hundred twenty-one times the minimum wage established under subdivision one of section six hundred fifty-two of this chapter rounded down to the nearest one hundred dollars of such remuneration being paid during the high calendar quarter of such base period]. For purposes of this section, the remuneration in the high calendar quarter of the base period used in determining a valid original claim shall not exceed an amount equal to twenty-two times the maximum benefit rate as set forth in subdivision five of section five hundred ninety of this article for all individuals.</p> <p>2. Alternate condition. (a) An individual who is unable to file a valid original claim in accordance with subdivision one of this section, files a valid original claim by meeting the qualifications enumerated in paragraphs (a), (b) and (c) of subdivision one of this section and by having been paid remuneration by employers liable for contributions or for payments in lieu of contributions under this article, other than employers from whom the claimant lost employment and for which the commissioner makes a determination disqualifying the claimant for misconduct pursuant to subdivisions three and six of section five hundred ninety-three of this article, for employment during at least two calendar quarters of the base period, with remuneration of one and one-half times the high calendar quarter remuneration within the base period and with <u>remuneration during the high calendar quarter of no less than the high quarter threshold</u> [at least two hundred twenty-one times the minimum wage established under subdivision one of section six hundred fifty-two of this chapter rounded down to the nearest one hundred dollars of such remuneration being paid during the high calendar quarter of such base period]. For purposes of this section, the remuneration in the high calendar quarter of the base period used in determining a valid original claim shall not exceed an amount equal to twenty-two times the maximum benefit rate as set forth in subdivision five of section five hundred ninety of this article for all individuals."</p> |
| <p>Page 154,</p> | <p>Line 36,</p> | <p>Before "This" strike out "2." and insert "4." and after "immediately" insert ", provided, however, that sections two and three of this act shall take effect December 31, 2016"</p> |

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| Page 160, | Between lines 47 and 48, | Insert Part R (LBD #72027-02-5) |
| Page 161, | Line 4, | After "and" strike out "Q" and insert "R" |